



## Jeffrey S. Galvin Partner

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### Practice Areas

Complex Business Litigation | Trust & Estate Litigation

Jeff Galvin advocates for clients in trust and estate litigation and other civil disputes. Based in Sacramento, he handles cases across Northern California and in Northern Nevada.

Drawing on his experience as a litigator, Jeff guides trustees, executors and other fiduciaries who are dealing with difficult situations, such as murky trust documents and challenging beneficiaries. He helps clients understand their duties and complete the administration process, seeking judicial rulings as necessary. Jeff also represents beneficiaries, including individuals and charities, who seek their rightful shares of trust and probate assets. Jeff pursues conservatorships in high conflict situations, as when siblings are in conflict over an elderly parent's care and/or finances.

Over the years, Jeff has prosecuted and defended many will and trust contests, which often arise from a late-in-life estate planning change that favors one person over another. Mental capacity, undue influence, and financial elder abuse are commonly at issue in such cases. Many of Jeff's cases involve seniors with dementia, usually attributed to Alzheimer's disease.

Jeff often works with clients who have little or no experience with legal disputes. He helps clients understand their rights and duties, looks for cost-effective solutions, uses mediation when appropriate, and takes matters to hearing or trial. Jeff brings an assertive, thoughtful and experienced approach to this emotionally-charged area of litigation.

Jeff created and edits **Trust on Trial**, a leading blog on California trust and estate litigation that is an educational resource for lawyers and members of the public. He serves in a statewide leadership position as a member of the **Executive Committee** of the Trusts and Estates Section of the California Lawyers Association. He speaks frequently on trust and estate disputes to audiences of lawyers and related professionals.

Having started his legal career at the Federal Trade Commission, Jeff handles complex business litigation and contract disputes in addition to trust and estate cases, with special interest in the areas of unfair competition and false advertising.

## Experience

Jeff has successfully resolved the following California trust and estate disputes:

- Represented a successor trustee who defended his father's trust and will against his step-mother's contest on a theory of undue influence. The judge ruled in favor of Jeff's client following a 25-day trial that featured testimony from forensic psychiatrists and other witnesses. Judgment affirmed on appeal with costs awarded to client.
- Represented co-trustees sued for terminating family members who were acting as property managers of a trust-owned shopping center. After a four-day hearing, the arbitrator ruled in favor of Jeff's clients and awarded them more than \$200,000 in legal expenses.
- Represented a trustee in a petition to settle an accounting. After a two-day trial, the judge overruled the objections of the trustee's siblings/beneficiaries.
- Appealed from an adverse ruling after a two-day trial and persuaded the Court of Appeal to overrule the judge's order removing and surcharging his trustee client.
- Represented an institutional fiduciary as beneficiary of a trust in a dispute over a general partner's handling of a limited partnership that owned a valuable property near Lake Tahoe. After two-day arbitration, the judge ruled in favor of Jeff's client.
- Represented family member in trust dispute involving historic cattle ranch. Client obtained favorable outcome in negotiated resolution.
- Represented claimant in \$15M conservatorship dispute regarding validity of holographic (handwritten) will. Case resolved successfully for client after trial began.
- Represented clients who alleged that family member breached his oral promises to keep assets in the family by executing will and trust favoring non-family members. Recovered valuable real estate asset for clients in settlement agreement.
- Represented clients in contested conservatorship proceeding and trust amendment contest involving their mother. Conservator appointed.

Jeff's other litigation experience includes the following:

- Represented national bank in trial against large insurance company. Pierced corporate veil to hold affiliated corporation liable. Prevailed on appeal and collected \$2.1M judgment for client.
- Represented truck manufacturer in administrative trial before California New Motor Vehicle Board regarding termination of dealer. Agency upheld termination.
- Represented Sacramento City Unified School District in challenge to charter school at Sacramento High campus. Case resolved favorably for client.
- Represented defendant accused of defamation in the context of political commentary. Won special motion to strike on First Amendment ground.
- Represented large grocery chain in successful appeal involving scope of state constitutional right to circulate petitions.
- Represented challengers to California's 2001 redistricting plan in trial court and on appeal.

- Represented delivery company in statewide class action involving status of individuals as independent contractors or employees. Limited scope of certified class.
- While working at the Federal Trade Commission in Washington, Jeff investigated and sued businesses engaged in deceptive practices in federal courts around the country.

Jeff also has substantial appellate experience, having argued five appeals before the California Court of Appeal and one appeal before the U.S. Ninth Circuit Court of Appeals.

## Professional & Community Service

- California Lawyers Association, Trusts and Estates Section, Executive Committee Member
- Sacramento Food Bank & Family Services, Director and Treasurer
- Anthony M. Kennedy American Inn of Court, Executive Committee and Master Member
- Capital Pro Bono Estate Planning Project, Lead Organizer
- Sacramento County Bar Association Pro Bono Committee, Chair, 2017-2020
- Sacramento Estate Planning Council, Various Leadership Positions, 2014-2021
- State Bar of California, Trusts and Estates Section, Litigation Subcommittee, 2012-2017
- Linking Education and Economic Development, Former Director
- Diogenes Youth Services, Former Director
- Legal Services of Northern California and the Voluntary Legal Services Program, Former Director
- Sacramento County Bar Association Judiciary Committee, Former Vice-Chair and Member
- Operation Protect and Defend, Volunteer Discussion Leader
- Downey Brand LLP, Pro Bono Coordinator, 2001-2008, 2011-2015
- Downey Brand LLP, Assistant General Counsel

## Education

- J.D., University of California at Los Angeles School of Law, 1993
- A.B., *cum laude*, Harvard College, Cambridge, Massachusetts, 1988

## Honors & Rankings

- AV Preeminent<sup>®</sup> Rating by Martindale-Hubbell<sup>®</sup>
- AVVO Rating 10 out of 10
- Best Lawyers<sup>®</sup> 2023 Litigation- Trusts and Estates “Lawyer of the Year” in Sacramento
- Best Lawyers in America<sup>®</sup>, Litigation-Trusts and Estates, 2021-2023

- *Super Lawyers*, Northern California Super Lawyer, Estate and Trust Litigation, 2021-2022
- *Sacramento Magazine*, Top Lawyer, Estate Planning & Probate, General Litigation, 2015-2022
- JD Supra Readers' Choice Awards, Top Author, Wealth Management, 2020-2021
- Recipient, Joe Ramsey Voice of Conscience Award, Anthony M. Kennedy Inn of Court, 2018
- Recipient, June Black Pro Bono Award, 2017
- *Sacramento Business Journal*, Best of the Bar, 2015, 2017-2019
- Attorney Delegate, United States District Court, Eastern District of California to United States Court of Appeals for the Ninth Circuit Judicial Conference
- Clerkship, Honorable John G. Davies, United States District Court, Central District of California
- Order of the Coif

## Speaking Engagements / Events

- *Assessing and Avoiding Estate Planner Liability*, Speakers, Placer County Bar Association MCLE Conference, September 9, 2022
- *Expanding Access to Estate Planning – A Conversation with Verleana Green-Telusca*, "Trust Me!" Podcast, August 29, 2022
- *Employing Caregivers and Advising Those Who Do – A Podcast with Bob King*, "Trust Me!" Podcast, June 27, 2022
- *Alzheimer's Disease and Other Dementias – What Do Planners and Litigators Need to Know?*, Moderator, California Lawyers Association Fourth Annual Financial Elder Abuse Symposium, May 20, 2022
- *When Family Friction Catches Fire: Practical Advice for Avoiding Interfamily Litigation*, Co-Presenter, Capital Region Family Business Center's 2022 Annual Generations Conference, May 13, 2022
- *"Predatory Marriage" Podcast*, "Trust Me!" Podcast, January 24, 2022
- *They Made Me Promises, Promises – Marvin and the Like as Administration Disruptors*, Sacramento County Bar Association Probate and Estate Planning Section, October 19, 2021
- *Trustee Removal Litigation and Mediation*, "Trust Me!" Podcast, August 30, 2021
- *Inheritance Forgery*, "Trust Me!" Podcast, July 26, 2021
- *Got Capacity? Selecting and Applying Mental Capacity Standards*, California Lawyers Association, Trusts and Estates Section, March 25, 2021
- *Sibling Rivalry in a (Maybe Virtual) Courtroom*, St. Paul's Towers, September 10, 2020
- *Business Not As Usual - The Impacts of COVID-19 on the Local Practice of Law*, Anthony M. Kennedy American Inn of Court Virtual Panel Discussion, August 25, 2020
- *Heir Turbulence Ahead - Sometimes You Can See It Coming*, Northern Nevada Estate Planning Council, March 19, 2019

- *Should I Step Into This Hot Mess? A Litigator's Take on Considerations for Successor Trustees*, Professional Fiduciary Association of California, Placer County Chapter, February 26, 2019
- *Dementia and Other Capacity Concerns*, Placer County Bar Association, April 27, 2018
- *Clients with Diminished Capacity*, Sacramento County Bar Association, Solo/Small Practice Division, December 5, 2017
- *On the Lookout for Undue Influence*, East Bay Planning Council, October 16, 2017
- *Heir Turbulence Ahead - Collecting Bequests Amidst Family Conduct*, Planned Giving Forum of Greater Sacramento, June 22, 2017
- *Mental Capacity and Undue Influence Issues in Trust and Estate Disputes*, Sacramento Legal Secretaries Association, November 18, 2016
- *Will and Trust Contests*, Sacramento County Bar Association, Probate/Trust Litigation Boot Camp, September 20, 2016
- *On the Lookout for Undue Influence*, South Placer Estate Planning Council, July 19, 2016
- *A Litigator's Take on How to Avoid or Reduce Estate Plan Combustion*, Placer County Bar Association, April 23, 2016
- *Mental Capacity Rules and Riddles After Andersen v. Hunt*, The Bar Association of San Francisco, December 3, 2013
- *How Do I Avoid a Fight Over My Estate Plan*, University Retirement Community, Davis, CA, November 6, 2013
- *Trapdoors for Trustees*, Professional Fiduciary Association of California, Northern California Region, March 22, 2013
- *Mental Capacity Rules and Riddles After Andersen v. Hunt*, Sacramento County Bar Association, Probate and Estate Planning Section, March 19, 2013
- *Competently Litigating Competency In Trust and Estates Matters*, State Bar of California, Annual Meeting, October 12, 2012
- *Sister Sue[d] Me! Trust and Estate Disputes and How to Avoid Them*, Placer County Bar Association, April 21, 2012
- *Wayward Trustees, Pushy Heirs and Other Threats to Charitable Gifts*, Planned Giving Forum of Sacramento, December 8, 2011
- *Trapdoors for Trustees: A Litigator's Take on the Perils of Trust Administration*, South Placer Estate Planning Council, October 18, 2011
- *The Rising Tide of Will and Trust Contests*, California Society of Certified Public Accountants, Sacramento Chapter, June 21, 2011

## Publications

- *Consumer Protection Law Developments (Second)*, American Bar Association, Section of Antitrust Law,

Nevada Sub-Chapter, May 2016

- *Yellow Light: Trustee May Follow Authorization to Defend Contested Amendment Until Enjoined by Probate Judge*, California Trusts and Estates Quarterly, Vol. 21, Issue 4, March 2016
- *The Andersen Twist in Trust Contests: Testamentary Capacity Standard Sometimes Applies When Document Resembles a Will*, California Trusts and Estates Quarterly, Vol. 17, Issue 2, Summer 2011
- *Trust and Estate Litigation in Sacramento - A Peek Into Department 129*, Sacramento Lawyer Magazine, November/December 2010
- *The Rising Tide of Will and Trust Contests*, San Francisco and Los Angeles Daily Journals, June 15, 2010
- *Stranger in a Strange Land: Entering Trust and Estate Litigation*, San Francisco and Los Angeles Daily Journals, May 12, 2010
- *Prospecting in the Silver State: Nevada Offers Plenty of Opportunity*, San Francisco and Los Angeles Daily Journals, February 6, 2008

## Legal Alerts

- *Small Adjustments to Estate Plans Can Save Income Tax Without Triggering Estate Tax*, July 27, 2015

## Blogs

- *Expanding Access to Estate Planning – a Conversation with Verleana Green-Telusca*, August 29, 2022
- *Court of Appeal Caps Pretrial Attachment in Financial Elder Abuse Cases*, August 22, 2022
- *Late Trust Contest May Trigger Enforcement of No Contest Clause*, August 4, 2022
- *And the Rocket's Red Glare – Trustee Removal Petitions May Be Costly to Those Who Launch Them*, July 5, 2022
- *Employing Caregivers and Advising Those Who Do – A Podcast with Bob King*, June 27, 2022
- *Who Protects the Interests of Children in Trust Disputes?*, May 16, 2022
- *Elder Abuse Restraining Orders May Prevent Estate Planning Changes*, March 29, 2022
- *Are an Estate Planner's Notes Protected by the Attorney Work Product Doctrine?*, February 28, 2022
- *Final Ethics Opinion Guides Lawyers on Clients with Diminished Capacity*, February 14, 2021
- *"Predatory Marriage" Podcast*, January 24, 2022
- *Blast from the Past – Trusts Subject to Medi-Cal Reimbursement*, January 18, 2022
- *Another Broad Reading of the Elder Abuse Act Protects Seniors*, December 28, 2021
- *Assembly Bill 1194 – How Will "Free Britney" Impact California Lawyers and Courts?*, November 29, 2021
- *Should "Dutiful Children" and "Dutiful Spouses" Be Exempt from the Undue Influence Presumption?*, November 15, 2021

- *Making Peace in Mediation – A Conversation with Daniel Spector*, October 4, 2021
- *Fraud Claims May Reopen Court-Approved Accountings*, September 28, 2021
- *Zach Young, Second Generation Fiduciary, Helps Families with Transitions*, September 21, 2021
- *California Court Reconciles Ownership Presumptions in Probate Disputes*, September 7, 2021
- *“California Trustee Removal Litigation and Mediation” Podcast*, August 31, 2021
- *“Inheritance Forgery” Podcast – Theft from Tigers Averted*, July 26, 2021
- *Will California SB 315 Improve Revocable Transfer on Death Deeds?*, July 20, 2021
- *Ethics Opinion Guides Lawyers on Counseling Clients with Diminished Capacity*, July 6, 2021
- *Steps to Follow with a Difficult Co-Trustee*, June 21, 2021
- *Immortal Right — Income Beneficiary’s Entitlement to Accounting Continues after Death*, May 3, 2021
- *California Appellate Courts Doubly Divided Over Probate Code Section 859*, April 19, 2021
- *“Mental Health Disorder” Must Be Proven Along with Delusion*, March 29, 2021
- *When Can California Trustees Use Trust Funds to Hire Lawyers?*, March 22, 2021
- *California Trusts Cannot Hold Title to Real Estate*, March 15, 2021
- *Is “Bad Faith” Needed for Double Damages Under Probate Code Section 859?*, March 1, 2021
- *Court May Compel Mediation of California Trust Disputes*, February 16, 2021
- *Judge Joginder Dhillon to Preside, by Zoom, in Sacramento County Probate Department*, January 19, 2021
- *Take a Fire Prevention Approach to Your Estate Plan*, December 28, 2020
- *What a Catch! California Courts Can Adjudicate Claims Against Nonresident Trustees*, December 14, 2020
- *When Do California Trust and Estate Cases Have Preference in Trial Setting or Appeal?*, November 30, 2020
- *Trust on Trial Celebrates a Fifth Anniversary*, November 16, 2020
- *Who Gets the Tahoe House and Other California Real Estate Inheritance Disputes*, October 26, 2020
- *Daughter Liable for Interfering with Stepmother’s Inheritance*, September 28, 2020
- *Temporary Conservators May Lack Authority to Sign Contracts for Conservatees*, September 8, 2020
- *Clear and Convincing Evidence Standard Continues to Apply in California Appeals*, August 4, 2020
- *Guardian of the Galaxy – What is the Role of a Guardian Ad Litem in Trust and Estate Disputes?*, July 13, 2020
- *How Does Amended California Emergency Rule 9 Affect Probate Proceedings?*, June 15, 2020
- *What California Trust and Estate Litigation Will Arise from the Economic Downturn?*, June 1, 2020
- *Helping Families and Solving Problems – A Conversation with Trust Officer Alysia Corell from Exchange*

*Bank, May 25, 2020*

- *California Court May Award Attorney's Fees to Financial Elder Abuse Plaintiff Who Does Not Prove Damages, May 18, 2020*
- *New California Statutes Change Spousal Undue Influence Presumptions, April 7, 2020*
- *California Estate Planning Disrupted by COVID-19 Virus and "Social Distancing", March 25, 2020*
- *Openness and Transparency Help Avoid Trust Disputes – An Interview with Tracy Potts, March 12, 2020*
- *Judge Culhane Shares Thoughts on Sacramento County Probate Department, February 24, 2020*
- *I'm Still Standing – California Supreme Court Allows Trust Amendment Contests in Probate Court, January 29, 2020*
- *Marvin Claims Between Unmarried Partners Will Abound in Post-Marriage California – A Conversation with Jeffrey Makoff, January 13, 2020*
- *California Assisted Living Residents Are Vulnerable to Financial Elder Abuse, January 6, 2020*
- *Your Slice of the Pizza – Only Directly Inherited Asset Qualifies as Separate Property, November 25, 2019*
- *Judge Kevin R. Culhane to Preside in Sacramento County Probate Department, November 18, 2019*
- *Beware of Dormant Creditor Claims in California Probate Cases, October 21, 2019*
- *California Legislature Cracks Down on Caregivers Who Marry Dependent Adults, September 16, 2019*
- *California Trustee Must Be Careful in Seeking Release from Beneficiary, September 3, 2019*
- *The Ninth Circuit Sounds A Wake Up Call – Federal Law Permits Class Action Claims Against Trustees, August 22, 2019*
- *Could "The Farewell" Approach to Hiding a Terminal Diagnosis Occur in California?, August 12, 2019*
- *How Do I Evaluate and Dispute a California Trustee's Fee?, July 23, 2019*
- *A Thin Blue Line: APS and the DA Have Few Resources to Combat Financial Elder Abuse, June 5, 2019*
- *The Uncertain Role of Court Appointed Counsel in California Conservatorship Cases, May 20, 2019*
- *Life Insurance Policy Benefits, Once Given Away, Cannot Be Redirected, May 7, 2019*
- *Probate Code Provides Ground Rules for Who Gets What from Wills and Trusts, March 25, 2019*
- *Trustees Must Terminate California Trust if Terms Compel Distribution, February 19, 2019*
- *Litigators Should Be Collaborators, Not Lone Rangers, January 30, 2019*
- *A Neuropsychologist's Take on Mental Capacity Evaluation, January 22, 2019*
- *Purple Rain Shower in California — Prince's Estate Chases Northern California Law Firm, January 7, 2019*
- *Trustee Fees in California – Tips for Family Member Trustees, December 10, 2018*
- *California Court Can Apply Impossibility Doctrine, November 26, 2018*
- *California Courts Can Excuse Trustee Who Acts in Good Faith, November 5, 2018*



- *Why Contingency Fee Representation Is Hard to Obtain in Trust and Will Contests*, August 6, 2018
- *Don't Let Time Run Out on Updating Your Life Insurance Beneficiaries*, July 2, 2018
- *Successor Trustee Gets Privileged Documents Even if Trust Says Otherwise*, June 25, 2018
- *Resolving California Trust and Estate Disputes - A Mediator's Perspective*, May 21, 2018
- *Mental Capacity Standards in California Civil Litigation*, May 14, 2018
- *Stepmother vs. Stepchild, Now Playing in a California Probate Court Near You*, April 23, 2018
- *Executor Can Swing Away at an Omitted Spouse Petition*, March 5, 2018
- *New Judge in Sacramento County Superior Court Probate Department*, January 30, 2018
- *Sacramento Court: Only a Health Care Agent Can Contract for Placement in an RCFE*, January 2, 2018
- *Doctors Who Disobey Health Care Agents in California May Be Liable for Elder Abuse*, December 4, 2017
- *Anti-SLAPP Case Features Arm Wrestling Siblings and a Prep School*, October 9, 2017
- *Look! Up in the Sky! It's Sibling Lawyer!*, September 5, 2017
- *California Professional Fiduciaries Help Elders and Resolve Conflicts*, August 1, 2017
- *Look for Mild Cognitive Impairment in California Trust and Estate Disputes*, July 10, 2017
- *Co-Trustee Conflict Fuels California Trust Litigation*, June 26, 2017
- *Courts Should Read Elder Abuse Act Broadly to Stop Wrongdoers*, June 14, 2017
- *Constructive Trusts Can Catch Wayward Trust Assets*, May 15, 2017
- *California Courts Must Examine Outgoing Trustee's Assertion of Attorney-Client Privilege*, April 30, 2017
- *Rapid Increase in Sacramento Conservatorship Cases*, April 17, 2017
- *Pro Bono Estate Planning Clinic Starts in Sacramento*, March 24, 2017
- *New Judges in Placer County and Yolo County Probate Departments*, March 6, 2017
- *California Wage and Hour Lawsuits Spreading to Mom's Living Room*, February 21, 2017
- *Watch Out for Tax Issues When Paying California Caregivers*, January 31, 2017
- *Sacramento Appellate Court Rejects Personal Liability for Legal Fees in Trust Disputes*, January 23, 2017
- *Sacramento Financial Elder Abuse - Next Steps for Victims and Their Advocates*, January 2, 2017
- *A Sacramento Estate Planner Shares Thoughts on Conflict Avoidance*, December 12, 2016
- *California Trust Conflict Avoidance - A Bank Trust Officer's Perspective*, November 28, 2016
- *New Guidance on Role of Mental Health Experts in California Undue Influence Cases*, October 31, 2016
- *Sacramento Court Limits Reach of Anti-SLAPP Law in Trust Disputes*, October 17, 2016
- *When Does Bad Behavior in Trust and Estate Disputes Become Criminal?*, October 3, 2016

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- *Sacramento Trust and Probate Litigation "Boot Camp" Program*, September 26, 2016
- *Court in California Trust Contest Invalidates Transfer to Drafting Attorney*, August 15, 2016
- *Watch Out for SLAPPs in California Trust and Estate Litigation*, July 11, 2016
- *Parent Custody Battles Leave Everyone Bruised*, June 27, 2016
- *"You Don't Have to Be Rich" to Need a Plan*, May 16, 2016
- *Alzheimer's Disease Requires a Close Look in California Trust Litigation*, May 9, 2016
- *Fund Your California Trust Now to Avoid the "Lost and Found" Later*, April 18, 2016
- *Undue Influence - A Titanic Challenge for Estate Planning Attorneys*, April 11, 2016
- *California Trust Litigation Update: Trust Assets May Be Used to Defend Contests ... Sometimes*, March 22, 2016
- *Opening the Curtains of Attorney-Client Privilege*, March 7, 2016
- *What Role Should Mental Health Experts Play in Undue Influence Cases?*, February 29, 2016
- *When Can You Remove a Problem Trustee?*, February 8, 2016
- *How Fictional Is John Grisham's Novel About a Will Contest?*, January 25, 2016
- *An Introduction to Department 129 of Sacramento County Superior Court*, January 18, 2016
- *You May Have to Challenge Mom's Trust Amendment Before She Dies*, January 11, 2016
- *Tick, Tock ... When Will I Get My Share of Mom and Dad's Trust?*, December 21, 2015
- *Put Up Your Dukes: Courts Can Fix Mistakes in Wills ... Sometimes*, December 14, 2015
- *The Rising Tide of Trust and Estate Litigation*, December 1, 2015