



Sean G. McKissick

Partner

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Practice Areas

Appellate & Writ Practice | Complex Business Litigation | Employment Litigation | Trust & Estate Litigation

Sean McKissick provides strong and effective legal assistance throughout all stages of trust and estate disputes. Sean has extensive experience across a wide variety of litigation areas and industries in addition to trust and estate work, including healthcare, real estate, civil rights, and white-collar criminal defense.

Sean has argued before federal and state court judges, arbitrators, and mediators throughout California. He relies on a strong attention to detail, a keen grasp of legal nuance, and a sharp understanding of the ins-and-outs of litigation strategy. Sean's clients know they can rely on him to aggressively take all steps necessary to secure the most favorable outcome available, whether that be a verdict in their favor or an appropriate settlement.

Sean is fluent in Spanish, and was featured on Univision in connection with his pro bono immigration work, in which he has represented clients from throughout the world, including Mexico, Guatemala, Honduras, Eritrea, and Japan.

Prior to joining Downey Brand, Sean practiced for over ten years in Los Angeles, California, where he represented a widely varied subset of clients from both the private and public sectors. While in law school, he worked as a research assistant at the UCLA School of Law for Professor Sharon Dolovich, where he researched legal ethics and civil rights issues in prisons and jails.

Experience

Trust and Estates

- Represented the largest synagogue in San Diego in litigation concerning the distribution of a wealthy donor's trust.
- Secured a favorable settlement in a dispute over the disposition of a family home.
- Defended the validity of several contested trust amendments while also countersuing and obtaining a sizeable judgment against the challenging party for financial elder abuse, including penalties and attorneys' fees.

fees, over a two-day trial.

- Argued before the California Court of Appeal and defeated a fiduciary duty challenge seeking the award of \$500,000 in attorneys' fees.
- Successfully obtained the resignation of an unneeded trust advisory company from a special needs trust.
- Successfully affirmed at trial the removal of a negligent trustee that challenged his removal on grounds of improper notice.
- Secured the dismissal on demurrer of multiple frivolous fiduciary duty claims from a disgruntled former trustee.
- Ensured the recovery of a family home from a daughter that had fraudulently deeded it to herself.
- Defeated an attempt at trial by two trustees to obtain trust property for themselves at below-market prices using a forced interpretation of the trust terms.

Commercial Litigation

- Represented a luxury Beverly Hills hotel in claims of trade secret misappropriation and breaches of fiduciary duty brought against a competitor and a former employee.
- Defended former employees of wealth management firm that left to form their own business against breach of contract claims, ultimately securing a ruling voiding the employees' unlawful non-compete contracts.
- Represented the former employees of a successful tech start-up company in an action seeking the return of their promised stock options.
- Secured a favorable settlement for a skilled nursing facility against a vendor that engaged in negligence and breach of contract.

White Collar

- Represented an executive of a Japanese auto parts company in connection with a criminal investigation into antitrust allegations.
- Defended a major automotive parts distributor in connection with a felony complaint asserting alleged willful violations of state OSHA regulations. After a five-day preliminary hearing involving nearly a dozen fact and expert witnesses, criminal charges against the client were dismissed in their entirety.

Employment

- Advised clients on employment issues, including harassment and discrimination, FLSA claims, FMLA issues, non-compete agreements, and more.
- Obtained a successful arbitration ruling on behalf of a large hospital on contract and employment claims brought by a former resident.

Civil Rights

- Secured a favorable ruling from the Ninth Circuit Court of Appeals against the City of San Diego in a case concerning excessive force police shooting.
- Defended the County of Los Angeles in multiple suits alleging violations of Fourth Amendment rights.

Healthcare

- Defended two separate *qui tam* actions filed against a northwest hospital system involving allegations of Medicare fraud and abuse, as well as state and federal claims of unlawful retaliation, culminating in favorable settlements.
- Advised large hospital chain regarding potential Stark Law violations.
- Secured a favorable settlement in a dispute between a large medical group and former employees on breach of contract and unlawful solicitation claims.

Pro Bono

- Obtained a favorable settlement on behalf of twenty-three plaintiffs seeking redress against landlords for uninhabitable living conditions in a *pro bono* civil action.
- Represented multiple *pro bono* clients in asylum proceedings, including appeals before the Board of Immigration Appeals and the Ninth Circuit, securing awards of asylum, U-Visa status, and administrative closure.

Professional & Community Service

- Sacramento County Bar Association, Trust and Estates Section, Secretary, 2023; Treasurer, 2022
- California Lawyers Association, Trust and Estates Section
- J. Reuben Clark Law Society – Los Angeles Chapter, Board Member, 2017-2021

Education

- J.D., University of California at Los Angeles School of Law, 2008
- B.A., *cum laude*, Brigham Young University, 2005

Honors & Rankings

- Recipient of the 2016 Outstanding Young Lawyer Award, J. Reuben Clark Law Society – Los Angeles Chapter

Speaking Engagements / Events

- *Assessing and Avoiding Estate Planner Liability*, Speakers, Placer County Bar Association MCLE Conference, September 9, 2022

Blogs

- *Haggerty v. Thornton Overcomes a Four-on-One Advantage and Scores a Slam Dunk for Trust Settlers*
- *The Roadrunner Always Wins: Hamilton v. Green and the Limits of Creativity*, January 31, 2024
- *Experts Beware: Estate of Martino and a Zen Buddhist Approach to Intestate Succession*, November 20, 2023
- *Spooked By Conflict: A Trustee's Discretion Can Be the Scariest Thing of All*, October 31, 2023
- *A Risky Game: Can An Estate Representative Be Their Own Lawyer?*, October 2, 2023
- *Armor Up! Protecting Your Estate Plan with a Human Touch*, July 24, 2023
- *Another Trust Modification Decision Adds to the Logjam*, June 13, 2023
- *Trustees Beware: The Line Between Protected and Wasteful Litigation Is Thinner Than You Think*, February 27, 2023
- *When a Health Care Directive Isn't Enough – California Court Shreds Another Arbitration Agreement*, September 20, 2022
- *RCFEs Can't Get Out of the Rain – California Court Finds Another Arbitration Agreement Unenforceable*, May 24, 2022
- *California Court Gives RCFEs More To Keep Them Up At Night*, February 2, 2022
- *Look Before Leaping Into an Anti-SLAPP Motion*, November 8, 2021
- *Fog Warning – Has One Bad Actor Made It Harder to Get Evidentiary Hearings?*, August 16, 2021
- *No Bad Faith Required – Trustee of Spendthrift Trust May Be Compelled to Pay Attorney Fees Under Family Code Section 2030*, May 17, 2021