



Tyson E. Hubbard Partner

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Practice Areas

Complex Business Litigation | Trust & Estate Litigation

Tyson Hubbard is an experienced litigator who focuses on trust and estate disputes. Tyson's clients rely upon him to steer an efficient and effective path. He draws from more than a decade of litigation experience across a wide range of matters, as well as from his personal experience as a trustee of a family trust.

Many of the trust and estate disputes in which Tyson has been involved raise questions of fairness and emotions run high. Tyson is a zealous advocate who helps clients navigate the unfamiliar and occasionally rough waters of trust and estate litigation. He works to maximize each client's objectives by developing a customized litigation strategy, generally culminating in negotiated resolution, mediation, or trial.

Before joining Downey Brand, Tyson practiced in Boston, Massachusetts, where he advised individuals, small-to-midsized businesses, and multinational corporations.

Experience

- Represented client in contesting invalid third amendment to father's trust, on the basis of undue influence. Proved during examination of estate planner at trial that the amendment was also the product of fraud.
- Represented rice farming son in dispute with sister concerning future operations of family farm. Negotiated client's purchase of family farm after three day trial in Colusa County.
- Prevailed in three day trial in San Joaquin County Superior Court on behalf of trustees in matter involving modification of trust over objection of several beneficiaries.
- Represented co-trustee daughter in dispute with co-trustee step-mother. Completed successful early termination of trust and allocations of \$7 million in trust assets.
- Worked with long-lost heir to recover more than \$1.6 million in assets wrongfully held by successor trustee to uncle's trust.
- Represented siblings in Stanislaus County Superior Court against their stepmother who had attempted to

claim their deceased father's interest in approximately \$1.2 million worth of stocks. Obtained settlement in which clients received vast majority of stock.

- Represented client in Contra Costa County Superior Court action against deceased sister's estate after discovering that sister had taken thousands of dollars from parent's trust to further her gambling addiction. Met client's goals through settlement prior to active litigation.
- Resolved trust dispute filed against surviving spouse client by her step-children who alleged that deceased husband had mismanaged trust assets. The matter was settled at mediation with a cash payment and real property paid over to the surviving spouse.
- Represented group of siblings in Yolo County against aunt's domestic partner with claims based on financial elder abuse, fraud, and Family Code section 257. The matter resolved in a court-ordered settlement conference.
- Settled dispute among sisters in Sacramento County concerning administration of their mother's trust related to cash accounts and real property.
- Represented client in dispute with her sister concerning administration of mother's trust, which included real property in San Joaquin and Calaveras County, as well as mineral and gas leases in West Virginia.
- Represented healthcare company in dispute with spouse of deceased former employee concerning payment of decedent's wages.
- Represented beneficiary of an annuity in connection with claim by competing beneficiary.
- Defended trustee in Placer County Superior Court action filed by sibling-beneficiaries of parents' trust. Resolved action involving alleged fiduciary abuse with no out of pocket payment by trustee.
- Represented university in successfully claiming surplus proceeds of foreclosure sale against disinherited heirs where university was beneficiary under decedent's trust agreement.
- Represented life insurance company in suit filed by consumer alleging wrongful termination of life insurance policy. Resolved matter with no payment by client.
- Represented brother in contract dispute with his other siblings and nephews related to inheritance of an apple orchard. Negotiated resolution in client's favor whereby client received free and clear deed to land.

Professional & Community Service

- Leadership Sacramento, Sacramento Metro Chamber of Commerce, 2020
- City of Davis Recreation and Park Commission, Commissioner, 2017-present
- Sunrise Rotary Club of Davis, 2017-present, Board of Directors, 2020
- Sacramento County Bar Association Probate and Estate Planning Section, Executive Committee, 2016-2019
- Sacramento Estate Planning Council, 2015-present
- Trusts and Estates Section of the State Bar of California
- Lab Instructor, Lawyering Process, U.C. Davis School of Law, 2018-2020

- Social Venture Partners of Sacramento, Partner and Fast Pitch Committee, 2015-2019
- Syracuse University College of Law Alumni Association, Board of Directors, 2013-2018
- Harvard Club of Sacramento

Education

- J.D., *magna cum laude*, Syracuse University College of Law, 2008
- Graduate Certificate, Sports Business, New York University, 2005
- A.B., History, Harvard University, 2004

Honors & Rankings

- *Sacramento Business Journal*, 40 Under 40, 2018
- *Sacramento Magazine*, 100 Notable Business Leaders, 2021
- *Super Lawyers*, Northern California Rising Star, Estate & Trust Litigation, 2015-2020
- *Sacramento Magazine*, Top Lawyer, Estate Planning & Probate, General Litigation, 2016-2020
- *Super Lawyers*, Massachusetts Rising Star, 2013-2014
- Order of the Coif
- Justinian Law Honor Society

Speaking Engagements / Events

- *Duct Tape & Bubble Gum: Practical Tools to Repair Broken Trusts and Charitable Gifts*, Philanthropic Advisors' Forum of Greater Sacramento, May 9th, 2019
- *Dementia and Other Capacity Concerns*, Placer County Bar Association, April 27, 2018
- *Heir Turbulence Ahead - Collecting Bequests Amidst Family Conduct*, Planned Giving Forum of Greater Sacramento, June 22, 2017

Publications

- *Transfer on Death Deeds Provide a New Estate Planning Tool*, Daily Journal, August 11, 2016
- *Automatic License Plate Recognition: An Exciting New Law Enforcement Tool with Potentially Scary Consequences*, Syracuse Journal of Science and Technology Law, March 13, 2008
- *For the Public's Use? Eminent Domain in Stadium Construction*, Sports Lawyers Journal, March 2008

Legal Alerts

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

Blogs

- *Play It Again: No Contest Clauses Must Be Referenced In Each California Trust Amendment*, November 19, 2017
- *When Is a Will Valid in California?*, September 26, 2017
- *Take It or Leave It: The Perilous Decision of Whether to Violate a No Contest Clause*, August 21, 2017
- *Standing Up to Your Siblings: Who Can Bring a Financial Elder Abuse Claim?*, April 24, 2017
- *Just the FAQs: California Trust and Estate Litigation's Greatest Hits, Part 1*, March 20, 2017
- *California Trust Litigation 20,000 Leagues Under the Sea*, February 27, 2017
- *A Friend Request From The Beyond: California's New Post-Death Digital Assets Law*, January 10, 2017
- *Notice of Proposed Action May Quiet Back Seat Driving Beneficiaries*, December 6, 2016
- *It's Rigged: How Our California Trust and Estate Litigation Blog Was Dragged into Election 2016*, November 7, 2016
- *Red Alert: California Trust and Estate Litigation on an Ex Parte Basis*, September 12, 2016
- *Til Death Do Us Part: California's New Transfer on Death Deeds*, July 5, 2016
- *Where Credit Is Due - California Creditor Claims Against An Estate*, June 13, 2016
- *Stepmother Prevails on Accounting Issues at Court of Appeal*, May 2, 2016
- *California Trust Litigation - A Primer on Preparing For Trial*, April 4, 2016
- *Double Damages, Even In Death*, March 14, 2016
- *An Accountant and a Lawyer Walk Into a Bar...*, February 2, 2016
- *Fee Fi Fo Fum: Trustee Fees Can Be a Giant Issue in Trust Administration*, January 4, 2016
- *Court of Appeal Clips Sterling*, December 7, 2015