

Sacks Glazier Franklin & Lodise LLP

Litigation for Substantial Trusts and Estates



September 2016

Welcome to the [Sacks, Glazier, Franklin & Lodise](#) newsletter. We are committed to keeping our clients apprised of the latest industry happenings. We welcome your questions and comments. Please contact us at info@trustlitigation.la.

FEATURED ARTICLE

It's Time to Exempt No-Contest Clause Enforcement Proceedings from the Reach of the Anti-SLAPP Statute



By Douglas Lawson and Eunice Lim



Consider the following scenario: A beneficiary has filed a will contest alleging undue influence and lack of capacity. The will contains a no-contest clause. The proposed executor files a petition to disinherit the beneficiary because the proposed executor claims the beneficiary lacked probable cause to bring the contest. The beneficiary responds to the petition to disinherit by filing a special motion to strike under California's anti-SLAPP statute. Given the definition of the strategic lawsuit against public participation ("SLAPP"), the petition to disinherit will almost certainly be deemed a SLAPP.



In the *California Trust and Estate Quarterly* article "It's Time to Exempt No-Contest Clause Enforcement Proceedings from the Reach of the Anti-SLAPP Statute," [Douglas Lawson](#) and [Eunice Lim](#) further explain the law and what it means for will contests in this second of a two-part series on the Anti-SLAPP statute.

Read *California Trusts and Estate Quarterly* article [here](#).

FIRM SUCCESSES

Meg Lodise and Katherine McKeon Affirm Sanctions Order of More Than \$75,000 in a Conservatorship Action

In April 2016, a two-year battle came to an end after Partner **Meg Lodise** and Associate **Katherine McKeon** argued in support of an award of sanctions in a conservatorship case before the Second District Court of Appeal, and the appellate court affirmed the sanctions order. Lodise and McKeon represented the respondent defending against imposition of a conservatorship in 2014, and filed a motion seeking to dismiss the conservatorship petition on the grounds that it was improperly filed to gain leverage in a pending family law case, and for sanctions.

The conservatorship action was dismissed, and the Court then granted the motion, awarding the full amount of the requested fees, which totaled more than \$75,000. The petitioners appealed the sanctions order, McKeon argued before the Second District Court of Appeal, and in April 2016, the order was affirmed.



All Six Partners Listed in The Best Lawyers in America© 2017



**Robert
Sacks**

**Kenneth
Glazier**

**Terrence
Franklin**

**Meg
Lodise**

**Matthew
McMurtrey**

**Jessica
Uzcategui**

All six Sacks, Glazier, Franklin & Lodise Partners, **Robert Sacks**, **Kenneth Glazier**, **Terrence Franklin**, **Meg Lodise**, **Matthew McMurtrey** and **Jessica Uzcategui** were selected by their peers for inclusion in The Best Lawyers in America© 2017 for their litigation work in trusts and estates.

For more than three decades, Best Lawyers® has become regarded as the definitive guide to legal professionalism and excellence around the globe. Best Lawyers® is based on an exhaustive peer-review survey. More than 52,000 leading attorneys cast 5.5 million votes on the legal abilities of other lawyers in more than 130 practice areas.

Super Lawyers

Ryan Houck and Katherine McKeon Named on 2016 Super Lawyer Southern California Rising Stars List



Ryan Houck and **Katherine McKeon** were selected for inclusion on the 2016 Southern California Super Lawyers Rising Stars. This marks Houck's first year and McKeon's second consecutive year as a Rising Star. The selection process is multi-phased and includes independent research, peer nominations and peer evaluations. The Rising Stars list selects the top 2.5 percent of lawyers in Southern California who are under 40 years of age, or who have been practicing for 10 years or less.



Matthew McMurtrey Named Chair of the Executive Committee of the Los Angeles County Bar Trusts and Estates Law Section

Matthew McMurtrey was selected as the Chair of the Executive Committee of the Los Angeles County Bar Trust and Estates Law Section. "I am honored to serve in this position," McMurtrey said. "I look forward to continuing the mission of serving the public beyond the courthouse, board room and law office."

Founded in 1878, LACBA is one of the largest voluntary metropolitan bar associations in the country, with nearly 24,000 members, serving judges, attorneys and other legal professionals.

RECENT SPEAKING ENGAGEMENTS

Hot Topics In Estate, Trust and Conservatorship Litigation

Partners **Robert Sacks** and **Terrence Franklin** presented "Hot Issues in Estate, Trust, and Conservatorship Litigation" at the University of Wisconsin's annual Estate Planning In Depth program on June 27, 2016.

The session covered a broad range of issues in contested estate, trust, and conservatorship matters that are highly relevant to litigators and estate planners. The panel also addressed the



various types of contested matters that arise in these areas, such as traditional contests, intentional interference with expected inheritance, pre-death contests including substituted judgment proceedings, and ways for estate planners prevent them.

Contact Us

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