

Ellen McKissock

Shareholder

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Phone: 408.286.9800

- **Industries**
 - Banking & Financial Services
- **Services**
 - Litigation & Trial Practice
 - Trust & Estate Litigation
 - Appellate



Overview

Ellen McKissock is a trial lawyer and Co-chair of Hopkins & Carley's Trust & Estate Litigation Practice.

With more than 30 years of experience, Ellen has litigated hundreds of cases covering every aspect of trust and estate litigation, including:

- Financial elder abuse
- Invalidating marriages
- Will and trust contests
- Dissolution of partnerships
- Recovery of trust assets
- Removal of trustees
- Complex accountings

In addition to numerous trials, Ellen has represented clients at the appellate level and has three published opinions.

Ellen is currently a Fellow with the American College of Trusts & Estates Counsel (ACTEC). She sits on the Trusts & Estates Section

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Executive Committee of the California Lawyers Association (TexCom) and was Editor in Chief of the Quarterly. Ellen is also a respected speaker and author, giving several seminars a year throughout California.

Experience

Representative Experience

- Challenged and successfully voided a marriage after death. A financial predator had married an elder to secure his estate.
- Successfully defended a trustee from claims by a remainder beneficiary that elderly income beneficiary lacked mental capacity to manage funds distributed to him by the trustee.
- Obtained a swift decision protecting a client's interest in an estate where a third party claimed interference with his expected inheritance.
- Following extensive forensic accounting, secured multi-million dollar settlement for clients where trustee had funneled partnership and trust assets to himself through overpayments.

Awards

- YMCA Twin Award, Tribute to Women, 2008
- Appreciation Award, Charter School of Morgan Hill, 2001
- Appreciation Award, Women Lawyer's Committee, 1996

Insights

Publications

- "Marrying into Elder Abuse," California Trusts and Estates Quarterly, Spring 2016
- "If You Can't Swindle Them, Marry Them," Daily Journal, April 2014
- "Obliterating the Hasso Decision: New Legislation Protects Remainder Beneficiaries but Gives Income Beneficiaries a Run for Their Money," California Trusts and Estates Quarterly, Vol. 19, Issue 3, 2013

Speaking Engagements

- "Advanced Estate Planning, Litigation Issues," Pincus Professional Education, September 2016
- "Protecting Seniors From Abusive Marriages," February 2015, September 2014
- "Attorneys' Fees in Probates, Trusts and Conservatorships," May 2014
- "Marrying Into Elder Abuse," May 2014
- "He's in Love With Her! A Mock Trial," Petitioner's Attorney, October 2012

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- "Confidential Marriage: The Latest Tool for Elder Abuse," March 2012
- CEB: "Practical Problems in Trust Administration," January 2012
- "Matters that Hit the Wallet: A Comprehensive Overview of Attorney's Fees in Probate," October 2011
- "The Probate Process From Start to Finish (Litigating the Case in Probate Court)," March 2010
- "The Carrot and the Stick – The New No Contest Clause Statute," Fall 2009
- "Almost Everything You Wanted to Know About Nearly Every Statute of Limitations, in an Hour," May 2010, April 2009

Professional Activities

- American College of Trusts & Estates Counsel (ACTEC), Fellow
- California Lawyers Association, Trust & Estate Executive Committee, (TexCom)
- The Quarterly, Trust & Estates Section of the California State Bar, immediate past Editor in Chief, October 2016-October 2017
- Incapacity Subcommittee of the Trusts & Estates Section Executive Committee of the State Bar, (TexCom), Vice chair, 2015 2016
- Silicon Valley Bar Association, President, Board of Trustees, 2014 2016
- Trust & Estates Section Executive Committee for California State Bar, 2013 Present
- Silicon Valley Bar Association Board of Trustees, 2011 Present
- Silicon Valley Bar Association, Executive Committee Chair, 2009 2011
- Silicon Valley Bar Association, Education Subcommittee Chair, 2008 2009

Bar Admissions

- State Bar of California (1983)

Education

- J.D., University of California, Hastings
- B.A., Journalism (with honors), University of California, Berkeley
- B.A., Political Science (with honors), University of California, Berkeley

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