

## 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 of the American College of Trust & Estate Counsel (ACTEC). She is a past Chair of TEXCOM, the Trusts &

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Estates Section of the California Lawyers Association, and assisted in drafting AB 328 which amended Probate Code Sections 21380, 21382, and 21611 to protect elders from predatory marriages. She 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

- "Care Custodians and Spouses: New Legislation Affecting Their Rights," CLA Webinar, March 2020
- "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

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- "Marrying Into Elder Abuse," May 2014
- "He's in Love With Her! A Mock Trial," Petitioner's Attorney, October 2012
- "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 Trust & Estate Counsel (ACTEC), Fellow
- Trusts & Estates Section of the California Lawyers Association (TEXCOM), Current Chair, Executive Committee 2013 to present
- 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

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

**Hopkins & Carley**

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