

## Jeremiah (Jeremy) Moffit

PARTNER | SAN DIEGO

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SECRETARY LAURA SPYCIA



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### Jeremy is a consultant in the trust and estate litigation team.

He focuses on trust, estate, conservatorship and fiduciary related litigation. He represents clients in litigation and administration matters, including trust administrations, probate administrations, wills and trust contests, accountings, fiduciary representation, creditor's claims proceedings, conservatorships, and elder abuse matters.

Jeremy devotes his practice to the representation of private clients, fiduciaries, charities, and their related trusts and entities. He has served as the lead attorney on hundreds of contested matters in Probate Court, including trust disputes and contests, administration issues, conservatorships, fiduciary duty compliance, accountings, elder abuse, tax issues, appeals, and attorney malpractice in the trust and estates field. As a result, Jeremy has tried several cases to the Superior Court in California and via private arbitration.

Jeremy speaks and writes regularly on trust and estate topics and is a fellow of the American College of Trust and Estate Counsel (ACTEC). Through his experience, his service as a court appointed counsel, and by serving the Court and the bar in various leadership roles and speaking engagements, Jeremy has built a reputation for effective but ethical advocacy amongst the Probate Court and his colleagues who practice there.

Jeremy has been recognized in the Chambers High Net Worth Guide in the area of Private Wealth Disputes - California since 2021. He was named "Lawyer of the Year" by Best Lawyers in 2021 for Trust and Estates Litigation, "Top Lawyer", "Super Lawyer" and "Super Lawyers Rising Star" by San Diego Magazine, and "Top Young Attorney" two times by San Diego Daily Transcript. Jeremy holds a Martindale-Hubbell® AV Rating.

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# Track record

## Successful trust arbitration defence work

As lead counsel for a trust beneficiary in a dispute against the trustee, compelled and tried a contested trust administration issue related to the California Principal and Income Act to a three-panel arbitration and secured over US \$700k for the client.

## Breach of fiduciary duty

Served as lead trial attorney in successful bench trial, representing trust beneficiary against co-trustees for breach of fiduciary duty resulting in \$6.4 million judgment.

## Probate action against executor

Served as lead trial attorney for beneficiaries in successful bench trial, awarding more than \$300,000 in surcharge damages against the executor in a probate action and denying hundreds of thousands of counter claims brought by the executor against the estate.

## Breach of fiduciary duty

Served as lead trial attorney for trustee in successful arbitration defense against millions of dollars in claimed damages for breach of fiduciary duty and obtained \$300,000 attorney's fee and cost award against the plaintiff, individually.

## Disputed trust administration

Obtained series of successful results in arbitrated matters involving disputed trust administration.

## California Court of Appeals

Helped obtain California Court of Appeals reversal of trial court's determination on standing in *Bilafer v Bilafer* (2008) 161 Cal.App.4th 363.

## Conservatorship for elderly parents

Routinely help families obtain conservatorship for their elderly parents to ensure their finances, healthcare, and wellbeing are provided for

## Establishment of trust

Helped spouse provide financial security for her uncooperative husband suffering from schizophrenia by establishing a trust and appointing a professional fiduciary as trustee

## Conservatorship

Represented children of elderly disabled man to successfully obtain a conservatorship and the return of millions of dollars of assets wrongfully transferred from the elderly man by his second spouse

## Estate plan

For an elder who did not have an established estate plan and became incapacitated, obtained court approval to create an estate plan that ensured an efficient transition of the elder's assets in accordance with the elder's known wishes

## Preventing financial abuse of an elderly client

Obtained restraining order on behalf of an elder to stop ongoing financial abuse by one of the elder's children and appointed a support team to protect the elder and ensure the elder had financial assistance

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## Talks

- *'Recent Updates on Cases, Statutes and Fiduciary Regulations in Trust and Estate Law,'* Professional Fiduciary Association of California (PFAC) - May 6, 2022, co-presenter
- *'What's Sacramento Up To? 2021 Legislation and its Impact on Fiduciaries,'* PFAC - San Diego Region - March 23, 2022, co-presenter
- *'Recent Developments in Estate, Trust, and Probate Law,'* Probate Attorneys of San Diego (PASD) - March 16, 2022, co-presenter
- *'Case and Statutory Updates in Estate, Trust and Probate Law and California Fiduciary Regulations,'* The 26th Annual PFAC Educational Conference - August 26, 2021, co-presenter
- *'Estate Planning, Trust & Probate Law: 2020 Year in Review,'* Trust & Estate Section of the San Diego Bar Association webinar - April 1, 2021, co-presenter
- *'Estate Planning, Trust & Probate Law: 2020 Year in Review,'* Estate Planning, Trust & Probate Law Section of the La Jolla Bar Association webinar - March 11, 2021, co-presenter
- *'Estate Planning, Trust & Probate Law: 2019 Year in Review,'* Estate Planning, Trust & Probate Law Section of the San Diego County Bar Association webinar - July 15, 2020
- *'Probate One Day Evidentiary Hearings for Non-Litigators,'* CLA Summer Trusts and Estates Education Conference - June 28, 2019
- *'Estate Planning, Trust & Probate Law: 2018 Year in Review,'* San Diego County Bar Association - March 14, 2019
- *'Estate Planning, Trust & Probate Law: 2018 Year in Review,'* County Counsel Association Conference - March 7, 2019
- *'Wine Not? California's New Decanting Act,'* First American Trust - January 28, 2019
- *'Court Appointed Attorney Training,'* Probate Attorneys of San Diego, December 7, 2018

- 'Estate Planning, Trust and Probate Law - 2017: A Year in Review', San Diego County Bar Association - March 1, 2018
- 'One Day Evidentiary & Prove-Up Hearings for Non-Litigators', Probate Attorneys of San Diego - September 20, 2017
- 'Estate Planning, Trust and Probate Law - 2016: A Year in Review', San Diego County Bar Association - February 2017
- 'Annual Court-Appointed Attorney Training', Probate Attorneys of San Diego - December 2, 2016
- 'Estate Planning, Trust and Probate Law - 2015: A Year in Review', San Diego County Bar Association - February 2016
- 'Capacity Issues in Conservatorship Representations, 2015 Probate Court', Appointed Attorney Training Program - December 2015
- '101-Recent Developments in Trust and Estates Law', 88th Annual Meeting of the State Bar of California - October 2015
- 'Estate Planning, Trust and Probate Law - 2014: A Year in Review', San Diego County Bar Association - February 2015

## External publications

'Thomson and West's California Civil Practice', Probate and Trust Proceedings - 2009-present, co-author

'Litigation Alert', Trusts and Estates Quarterly - 2018-present, co-author

'Exploring the Welsh Inn', San Diego Lawyer - May/June 2011, co-author

'Lessons Learned from Mentors of the Past', The Benchers - January/February 2011, co-author

'What About the Children? Family Allowances in the Age of the Revocable Trust', Trusts and Estates Quarterly - Winter 2010

## Admissions

State of Iowa, 2023

State of California, 2004

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## Education

University of Virginia School of Law, J.D.

Iowa State University, B.A.

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## Languages

English

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## Memberships

American College of Trust and Estate Counsel (ACTEC) Fellow

Probate Attorneys of San Diego, Former Board Member and Education Subcommittee Chair

San Diego County Bar Association, Trusts and Estates Section

TEXCOM Litigation Subcommittee (2013-2017)

Chollas Lake Little League, Volunteer Coach and Former Vice President

South Page Education Foundation, Vice President and former President

Salvation Army Kroc Center Advisory Board (2013 - 2017) (Volunteer of the Year 2014)

Iowa State University Alumni Association

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## Key dates

Year joined: 2015

Year became partner: 2015-2023

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