

Matthew R. Owens

PARTNER | SAN DIEGO, SAN FRANCISCO

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Matt is a partner in the trust and estate litigation team.

Matt focuses his practice on trust, estate, and inheritance disputes. He has prosecuted and defended a wide range of matters in probate court, including trust contests, elder abuse actions, accountings, contested conservatorships and claims involving breach of fiduciary duty. His clients include high net worth individuals and families, corporate trustees, and private professional fiduciaries.

Matt has successfully handled numerous trials and arbitrations of trust and estate disputes. He has also handled many appeals, including the following cases that resulted in published opinions:

Funsten v. Wells Fargo Bank, N.A. (2016) 2 Cal.App.5th 959

Dunlap v. Mayer (2021) 63 Cal.App.5th 419

Matt is a certified specialist in estate planning, trust, and probate law by the State Bar of California Board of Legal Specialization. He frequently speaks and writes on trust and estate litigation topics, is a member of the Executive Committee of the Trusts and Estates Section of the California Lawyers Association (TEXCOM), and serves as Chair of the Executive Committee of the San Diego County Bar Association's Estate Planning, Trust, and Probate Law Section. He was recognized as a Best Lawyers "Ones to Watch" for 2021, has been a Super Lawyers Rising Star each year since 2013, and has been on Legal Week's Private Client "Ones to Watch" list each year since 2017. Matt is also a registered foreign lawyer in the UK.

SECRETARY **AMY MALENSEK**

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TRACK RECORD

Obtained US \$2 million judgment against trustee in San Francisco County Probate Court for trust beneficiary following a multi-week bench trial. Trustee was surcharged for breaches of fiduciary duty in connection with sub-trust funding and trust administration.

Obtained summary judgment in favor of the beneficiary of a life insurance policy, defeating claims of other family members who had petitioned the San Mateo County Probate Court to treat the policy as a trust asset.

Complete defense and award of attorney's fees on behalf of an estate's executor following a three-day bench trial in Los Angeles County Probate Court. Defeated allegations the personal representative had stolen US \$2 million of assets from the estate.

Represented charity beneficiaries in a removal action in San Diego County Probate Court and successfully had the estate's executor removed and a private professional fiduciary appointed.

Represented estate's administrator and forced the turnover of US \$1 million in assets to a receiver appointed in San Mateo County Superior Court pending adjudication of the estate's claim to ownership in a disputed business.

Obtained dismissal of a negligence action filed against an enrolled agent in Napa County Superior Court.

Successfully defended a private professional fiduciary against a removal claim filed by the conservatee's child in a conservatorship proceeding, and maintained the favorable outcome through argument before the First District Court of Appeal.

Defended a corporate trustee against claims of breach of fiduciary duty concerning trust administration and the sale of a multi-million dollar real estate portfolio. Case settled on favorable terms after three days of trial in San Diego County Superior Court in what was projected to be a three-week trial.

Obtained multiple favorable pre-trial rulings in Orange County Probate Court that resulted in favorable settlement of a dispute concerning management of a multi-million dollar family business owned by an irrevocable trust.

Represented a co-owner of a comedy club in a dispute in Los Angeles County Probate Court concerning ownership and management of the comedy club under the terms of a family trust.

Represented a co-trustee in an action brought against other co-trustees for breach of terms of a settlement agreement and the trust, and obtained an award of surcharge damages and attorney's fees following arbitration.

Admitted pro hac vice in Alaska to represent personal representative of an estate and obtained favorable settlement through mediation of creditor's claims asserted against the decedent's estate. Before he passed, the decedent was listed in *Forbes* as the wealthiest person in Alaska.

As 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-person arbitration panel and secured over US \$700k in damages for the client.

Obtained numerous elder abuse restraining orders in various courts restraining family members and caregivers from contacting victims of financial elder abuse.

ADMISSIONS

- State of California, 2011

PUBLICATIONS

'Let's Get Digital! ESI in Trust and Estate Litigation, Part 1' California Lawyer's Association's California Trusts and Estates Quarterly, Volume 27, Issue 2, co-author

'Contested Nonprobate Transfers: When the Estate Plan Trumps' California Trusts & Estates Quarterly 2020, Vol. 26, Issue 3, October 2020, author

'Litigation Alert', California Trusts & Estates Quarterly, co-author

'New Case Alerts', California Lawyers Association – Trusts and Estates Section, co-author

'CEB – Chapter 29', Actions by and Against Personal Representative, update editor

MEMBERSHIPS

- San Diego Probate Bench-Bar Committee, 2021 Named Chair
- California Lawyers Association, Trusts and Estates Section, Member of Executive Committee (TEXCOM)
- San Diego County Bar Association, 2020 Chair of Estate Planning, Trust and Probate Law Section Executive Committee
- San Diego Probate Bench-Bar Committee, 2020 Secretary
- California Lawyers Association, Litigation Section

■ American Inns of Court, Louis M. Welsh Chapter

■ Probate Attorneys of San Diego

TALKS

'E-Discovery in Trust and Estate Litigation,' California Lawyers Association, Trust & Estate section 'Trust Me' podcast - May 6, 2021, speaker

'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

'Contested Nonprobate Transfers – When the Estate Plan Trumps,' California Lawyers Association - February 26, 2021, 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, co-presenter

'Contested Nonprobate Transfers: When the Estate Plan Trumps,' Professional Fiduciary Association of California PFAC 2020 Annual Conference - June 4, 2020, presenter

'Wine Not? California's New Decanting Act,' San Mateo County Bar Association Estate Planning & Probate Section - October 10, 2019, co-presenter

'Probate Court: New Attorney Fundamentals,' San Diego County Bar Association - September 13, 2019, co-presented with Hon. Julia C. Kelety

'Estate Planning, Trust & Probate Law: 2018 Year in Review,' San Diego County Bar Association – March 14, 2019

'Wine Not? California's New Decanting Act,' First American Trust – February 4 and 6, 2019

'Estate Planning, Trust and Probate Law: 2017 Year in Review,' San Diego County Bar Association - March 1, 2018

'Incapacity & Undue Influence,' PCT Associate Training - Estate Planning Series, December 14, 2017

EDUCATION

Santa Clara University, J.D.
University of Mississippi, Honors College, cum laude, B.A.

LANGUAGES

ENGLISH

DATES

JOINED: 2015

RECOGNITION

2021 Super Lawyers US Rising Star Matthew Owens

2021 Best Lawyers Ones to Watch Matthew Owens

2020-21 Private Client Global Elite Ones to Watch Recognized Matthew Owens

2020 Super Lawyers US Rising Star Matthew Owens

2019 Super Lawyers US Rising
Star Matthew Owens

2019 Private Client Global
Elite Ones to Watch
Recognized Matthew Owens

2018 Super Lawyers US Rising
Star Matthew Owens

2017 Super Lawyers
US Rising Star
Matthew Owens

2017 Legal Week US Private
Client Global Elite Recognized
Matthew Owens

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