

Ellen McKissock

Shareholder

70 South First Street
San Jose, CA 95113
408.286.9800
emckissock@hopkinscarley.com

Practices

Trust & Estate Litigation
Litigation & Trial
Appellate

Industries

Financial Institutions

Bar Admissions

State Bar of California (1983)

Education

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



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 & 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.

Representative Experience

- Defended a \$400 million claim brought against trustees by beneficiary claiming they failed to properly diversify the trust.
- 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.

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
- "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), Former Chair, Executive Committee 2013 to present
- Incapacity Subcommittee of the Trusts & Estates Section Executive Committee of the State Bar, (TexCom), Chair, 2018-2019
- Litigation Subcommittee of the Trusts & Estates Section Executive Committee of the State Bar, (TexCom), Chair, 2017-2018
- The *Quarterly*, Trust & Estates Section of the California State Bar, past Editor in Chief, October 2016–October 2017
- Silicon Valley Bar Association, President, Board of Trustees, 2014-2015; Board of Trustees, 2011-2017; Chair Executive Committee, 2009-2011
- Silicon Valley Bar Association, Executive Committee Chair, 2009-2011; Education Subcommittee Chair, 2008-2009

Honors and Awards

- *Best Lawyers*, Trusts and Estates, 2018-2023, Northern California Lawyer of the Year, 2019
- Super Lawyers, 2008-present
- YMCA Twin Award, Tribute to Women, 2008
- Appreciation Award, Charter School of Morgan Hill, 2001
- Appreciation Award, Women Lawyer’s Committee, 1996