

## Michael Brophy

PARTNER | LOS ANGELES

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MICHAEL.BROPHY@WITHERSWORLDWIDE.COM



+1 310 277 9918

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SECRETARY BRIANA KRESS



BRIANA.KRESS@WITHERSWORLDWIDE.COM



+1 619 329 6460

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Michael is a partner in the trust, estate and inheritance disputes team and is the regional division leader of the US private client and tax team.

Michael has extensive experience representing individuals, families, charities, corporate trustees, private professional fiduciaries and creditors in litigation involving complex trusts and estates. Michael's diverse practice includes will and trust contests, accounting disputes, breach of duty actions, elder abuse and conservatorship disputes, document interpretation matters, and other contested probate and fiduciary-related matters.

Michael also has experience in business and commercial litigation, including contract, real estate, copyright, Lanham Act, trade secret, and unfair competition matters.

In addition to litigation and trial work, his practice includes risk assessment and counseling, alternative dispute resolution, and administrative proceedings. Michael frequently writes and speaks on trust and estate litigation topics and is active in bar leadership and committee work.

Michael has been recognized in the Chambers High Net Worth Guide in the area of Private Wealth Disputes - California since 2021. He is recognized as a "standout individual" by the Legal 500 US in 2021. He has also been selected as a "Minority Leader of Influence" by the Los Angeles Business Journal since 2020.

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## Track record

## Trustee of dynasty trust

Represented trustee of dynasty trust in a child support matter in a family court bench trial, successfully defeating all claims against the trust.

## Trust matter

Represented an elderly widow in a complex contentious trust matter spanning four years to rescind an ineffective and unwanted estate plan, defeating efforts by her child to impose a medical exam on the client, successfully opposing a petition to have a guardian appointed for the client, successfully persuading the court to dismiss certain cross-claims for which the adverse child lacked standing, defending against derivative lawsuits filed by the trust held companies, preparing for trial and favorably settling in mediation with the client's daughter.

## Trustee bench trial

Represented an individual trustee in a bench trial obtaining a complete and decisive verdict in favor of the fiduciary. Defeated allegations of breach of duty and requests for surcharge.

## Deceased celebrity's trust

Represented the co-trustees of the living trust of a deceased celebrity in defeating fraud claims in arbitration. Also represented the co-trustees in resolving untimely claims, including arguing and winning an appeal of a judge's decision dismissing the barred claims.

## Creditor and contract claims

Represented the co-executors of the estate of a deceased celebrity in defeating and resolving creditor and contract claims.

## Trust-owned partnership

Advised a trust-owned partnership and assisted it in successfully retrieving misappropriated funds.

## Charitable trust

Represented charity in a challenge to a charitable trust, successfully resolving the matter in mediation. Involved allegations of elder abuse and undue influence.

## Art fraud

Obtained and enforced a default judgment for a major auction house in an art fraud matter, seizing known California assets.

## Trust administration disputes

Advised a trust beneficiary regarding certain trust administration disputes and successfully used litigation to compel an uncooperative trustee to take steps to distribute the assets according to the trust's terms.

## Fashion industry

Represented members of a limited liability company in the fashion industry defeating breach of fiduciary duty claims at trial.

## Film finance dispute

Advised foreign entertainment client and successfully resolved a film finance dispute with a production company.

## Music dispute

Advised an advertising agency in a dispute with a rock music group regarding music used in a commercial.

## Television studio risk management

Counseled major television studio regarding risk management in non-scripted programming.

## Real estate dispute

Represented family business in real estate dispute, prevailing before the California Court of Appeal.

## Trade dress infringement

Represented importer of book lights in defeating a request for a temporary restraining order and preliminary injunction regarding claims of trade dress infringement regarding product design.

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## Talks

- *'Resting Easy: Proactively Addressing One's Care Both Approaching and Following End of Life,'* San Francisco Estate Planning Council Meeting - January 17, 2024, speaker
- *'I have the power! Tricky Issues with Directives, Powers and Agencies,'* ACTEC California Fellows Meeting - August 12, 2023, speaker
- *'Settlements! Part Deux,'* Cambridge Forum on Private Wealth Litigation - April 28, 2023, speaker
- *'But Grandma Promised Me the Blue Ceramic Pig! - Litigation and Liability Risks Involving Tangible Personal Property and Other Distributions,'* USC Gould School of Law 47th Annual Trust and Estate Conference - November 19, 2021
- *Trust and estate litigation guest lecturer,* UCLA School of Law - November 17, 2021

- *Trust and estate litigation guest lecturer*, UCLA School of Law - October 21, 2019
- *'Help! The Gardener is Stealing My Inheritance,'* San Fernando Valley Bar Association, Probate and Estate Planning Section
- *'Help! The Gardener is Stealing My Inheritance,'* South Bay Association, Trust and Estate Section
- *'The Kids Are Not Alright: Drafting Estate Plans to Prevent Future Public Family Disputes,'* Conejo Valley Estate Planning Council
- *'Help! The Gardener is Stealing My Inheritance!'* Beverly Hills Bar Association, Trusts & Estates Section
- *'What Every Future Lawyer Needs to Know About Serving as the Family Fiduciary,'* UCLA Tax and Estate Planning Law Association
- *'Navigating Legal Issues in the Electronic Age,'* Association of Corporate Counsel of America, Southern California Chapter
- *'Perspectives on Trustee Fees: Evaluating 'Reasonableness' in Trust Planning, Administration and Litigation,'* Beverly Hills Bar Association
- *'Privacy Protection: What Every In-House Counsel Needs to Know About: Managing and Protecting Private Employee, Consumer and Company Information,'* Association Of Corporate Counsel of America, Southern California Chapter

## External publications

- 'Evolving Families in California: The changing shape of families,'* Withers Video - November 28, 2023, featured
- 'Withers Expands Office Footprint in LA, San Diego, San Francisco,'* Daily Journal (subscription required) - June 30, 2022, quoted
- 'Global Law Firm Withers is Exhibit A in Legal Profession's Case for Return to Office,'* CoStar News - June 16, 2022, quoted
- 'Withers Moves Into New Offices in LA, SF, and San Diego,'* Law360 Pulse (subscription required) - June 15, 2022, quoted
- 'Withers' Bet on Private Clients in California Is Powering US Growth,'* The Recorder (subscription required) - June 14, 2022, quoted
- 'Leaders of Influence: Minority Attorneys,'* Los Angeles Business Journal - January 24, 2022, featured
- 'As Her Conservatorship Remains in Place, Britney Spears' Lawyer Samuel Ingham III Resigns,'* Forbes - July 6, 2021, quoted
- 'What being a 'minority leader of influence' means to me,'* Withers Insight - January 29, 2021, co-author
- 'Minority Leaders of Influence: Attorneys,'* Los Angeles Business Journal - January 25, 2021, featured
- 'Children Supporting Themselves? How Sparring Parties in Support Disputes Seek to Use the Family Code to Bypass Trust Protections for Beneficiaries,'* Family Law News Issue 3, 2020, Volume 42, No. 3 - September 16, 2020, co-author
- 'Protecting trustees from blame (and liability) in COVID-19's new world order,'* Daily Journal's "Wealth with Withers" column - July 21, 2020, co-author
- 'Withersworldwide Expands LA Outpost with 3 New Attorneys,'* Daily Journal - February 18, 2020, quoted
- 'Minority Leaders of Influence: Attorneys,'* Los Angeles Business Journal - February 3, 2020, featured
- 'Withers Partner Michael Brophy Named a Most Influential Minority Attorney,'* Withers Insight - January 2020
- International Trust and Divorce Litigation Third edition: Indispensable practical guide for offshore lawyers, trust companies, private bankers and matrimonial lawyers* - October 28, 2019, contributor
- 'Property Report,'* Wall Street Journal - August 6, 2019, quoted
- 'Animal Capital,'* Family Capital - February 27, 2019, quoted
- 'Withers Adds Trust, Int'l Tax Attys From Mitchell Silberberg,'* February 2019, quoted
- 'Withers Expands LA Practice as 3 Local Attorneys Seek Global Reach,'* The Recorder, February 2019, quoted

*'Preventing and Avoiding Costly Conflicts,'* Trusts & Estates - July 25, 2018, co-author

*'Zobele Mexico alleges Auto Expressions, Kraco Enterprises owes more than \$800,000,'* Northern California Record - July 3, 2018, featured

*'Uber to Pay Waymo \$245 Million to Settle Blockbuster Self-Driving Secrets Case,'* SF Gate and San Francisco Chronicle - February 9, 2018, quoted

*'Four Days, \$245 million: How Waymo v. Uber Came to an End,'* CNET and \_\_ iTruck.news - February 9, 2018, quoted

*'Waymo Will Get Driverless Car Due Diligence Report, but Little Time to Use It,'* The Recorder - September 14 2017, quoted

*'Parse the Issues Involving Guardians in Legal Proceedings,'* Estate Planning, July 2017, co-author

*'Car Exec Sacked in Uber Stoush,'* The Australian, June 2017, quoted

*'Silicon Valley DNA vs. NDAs,'* The Street - May 21, 2017, quoted

*'Silicon Valley DNA vs. NDAs,'* The Deal - May 19, 2017, quoted

*'Alphabet gets Access to Uber's Secrets,'* The Australian - May 17, 2017, quoted

*'Uber Takes Hit in Car-Tech Fight,'* Wall Street Journal, Fox Business, and 4-Traders - May 16, 2017, quoted

*'Uber's Self-Driving Car Ambitions Live Another Day,'* AZ Central, Springfield News Leader, Detroit Free Press, Cincinnati.com and USA TODAY - May 3, 2017, quoted

*'Uber Says it's Not "Hiding Anything" in Waymo Case,'* CNET - May 3, 2017, quoted

*'Injunction Against Uber? No Decision Yet,'* Uncova - May 3, 2017, quoted

*'Uber to Waymo: We Aren't Using Your Self-Driving Car Tech,'* CNET - April 8, 2017, quoted

*'Uber Denies Using Waymo LiDAR In Google Tech Theft Case, Says It Has Its Own,'* Forbes - April 7, 2017, quoted

*'Facing A Self-Driving Smackdown, Uber Opts For Damage Control,'* WIRED - April 7, 2017, quoted

*'Arbitration: Beware of the Unintended Risks,'* Los Angeles Daily Journal, co-author

*'Privacy Protection: What Every In-House Counsel Needs to Know About: Managing and Protecting Private Employee, Consumer and Company Information,'* Association Of Corporate Counsel of America, Southern California Chapter, contributor

*'Largest Firm's Split Decisions,'* Los Angeles Business Journal, referenced

## Admissions

State of California, 1998

9th Circuit Court of Appeals, 2000

U.S. District Court for the Central District of California, 2000

U.S. District Court for the Southern District of California, 2003

U.S. District Court for the Eastern District of California, 2008

U.S. District Court for the Eastern District of Texas, 2010

Federal Circuit Court of Appeals, 2011

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## Education

American University, magna cum laude, B.A.

Harvard Law School, cum laude, J.D.

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## Languages

English

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## Memberships

Los Angeles County Superior Court Civil Bench-Bar Liaison Committee

Los Angeles County Superior Court Temporary Judge Program (Judge Pro Temp)

LGBT Bar Association of Los Angeles Board of Governors, Executive Committee

Los Angeles County Bar Association Diversity in the Profession Section, Executive Committee

LACBA Diversity in the Profession Section, Subcommittee on the Diversity Summit

Los Angeles County Bar Association (LACBA)

Beverly Hills Bar Association

Human Rights Campaign

Lambda Legal

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## Key dates

Year joined: 2015

Year became partner: 2015

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