

HOGE ■ FENTON



DENISE E. CHAMBLISS

SHAREHOLDER, CHAIR - TRUST & ESTATE LITIGATION

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PRACTICE OVERVIEW

Denise Chambliss, Chair of Hoge Fenton's Trust and Estate Litigation group and a member of the Estates & Trusts and Litigation & Dispute Resolution practice groups, is based primarily in the firm's Tri-Valley office. Denise was named a "Northern California Super Lawyer" from 2015-2021. Each year, no more than five percent of the lawyers in the state are selected by the research team at Super Lawyers to receive this honor.

Denise is an experienced trial lawyer who maintains a general civil and business trial practice, with a focus on trust and estate litigation representing individual and corporate trustees, as well as executors and beneficiaries. She has had numerous successful trials as well as many successful mediations on behalf of her clients in cases. In trust and estate matters, Denise has extensive experience in cases involving demand for trust accounting, trustee mismanagement, breach of fiduciary duties, removal of trustees, surcharge claims, challenges to estate planning documents based on lack of capacity or undue influence, and financial elder abuse. In her business civil litigation practice, she handles contract disputes, business fraud and tort claims, corporate and partnership disputes, unfair competition and trade secret misappropriation claims, and commercial real estate disputes.

RECENT REPRESENTATIVE MATTERS

- Successful trial against ownership of real property allegedly acquired by an "asset protection" irrevocable trust in quiet title case, with a subsequent negotiated settlement to resolve eight years of related litigation in three separate legal proceedings. Reported at *Foust v. Foust*, 2015 Verdicts Lexis 7891
- Negotiated settlement of beneficiary disputes with their step father over community property and separate property to resolve a four-year-long probate
- Negotiated settlement of judicial foreclosure on commercial parcels, with full recovery on amount lent
- Successfully negotiated settlement of disputes between co-trustees involving allegations of self-dealing over eight rental properties
- Successful pre-litigation settlement in favor of trustee against beneficiary's claim on breach of fiduciary duties claims and failure to account
- Obtained default judgment against corporation and, by post-judgment motion, its alter ego shareholder on fraud claims arising from business purchase; judgment affirmed by the Court of Appeal; review denied by the California Supreme Court, *Guo v. Luminary Spa, Inc.* (2010)
- Successfully negotiated settlement of financial elder abuse claim against predatory lender

PROFESSIONAL ACTIVITIES

Denise is an active member of the Litigation Section and the Trust and Estate Section of the State Bar of California, and a member of the East Bay Trust and Estate Lawyers. She is a past President of the Tri-Valley Estate Planning Council, a past President of the Eastern Alameda County Bar Association, a past Director of the Alameda County Bar Association, a past Chair of the Trial Practice Section of the Alameda County Bar Association, and a past Treasurer and Director of The Law Center of Contra Costa County.

SPEAKING ENGAGEMENTS AND PUBLICATIONS

- *Speaker, Attorney Fee Awards to Trust Beneficiaries: Substantial Benefit Doctrine, Orange County Bar Association, May 21, 2021*
- *Co-Author, When is Enough, Enough? Judicial Trustee Removal and Trolan v. Trolan (2019) 31 Cal.App.5th 939, California Trust and Estates Quarterly, Vol. 27, Issue 1, 2021*
- *Co-Speaker, [Documenting Trust Distributions](#), Hoge Fenton, March 30, 2021*
- *Speaker, [Lessons Learned from Lawyers: Trust Dept. Risk Reduction Strategies](#), Hoge Fenton, July 23, 2020*
- *Speaker, [Notarization Alternatives for California Estate Plans](#), Hoge Fenton, May 28, 2020*
- *Author, Smith v. Szeyller: Probate Court Authority for Attorney's Fee Award under the Substantial Benefit Doctrine for Successful Beneficiaries, California Trust and Estates Quarterly, Vol. 26, Issue 2, 2020*
- *Speaker, If You Love Me ... Studies in Undue Influence and Financial Elder Abuse, Estate Planning and Probate Section of the San Mateo County Bar Association, San Mateo, Calif., April 26, 2020*
- *Author, Seeing Triple under Probate Code 859 "Double Damages", Daily Journal, April 10, 2020*
- *Author, "Tell Me What You Want, What You Really Really Want": Placencia v. Strazicich, Daily Journal, February 10, 2020*
- *Speaker, Where There's a Will, There's a Way, Eastern Alameda County Bar Association, Dublin, Calif., January 16, 2020*
- *Speaker, Drafting and Functions of Wills, C.E.B. Basics of Estate Planning, Continuing Education of the Bar, Oakland, Calif., November 5, 2019*
- *Co-Author, Judicial Reformation of a Will, Like Running Through a Minefield, Eastern Alameda County Bar Association Newsletter, Vol. 20, No. 1, Summer 2019*
- *Co-Author, [Probate Court Closed to Disinherited Trust Beneficiaries](#), Daily Journal, September 27, 2018*
- *Speaker, Drafting Petitions and Responses, East Bay Trust and Estates Lawyers Litigation Boot Camp, September 12, 2018*
- *Guest Speaker, [See Something, Say Something – Elder Abuse](#), Absolute Trust Talk Episode 9, June 5, 2018*
- *Author, [How to Discuss the Dreaded No Contest Clause](#), 2018*
- *Speaker, Undue Influence and Financial Elder Abuse in Will and Trust Litigation, Tri-Valley Estate Planning Council, Pleasanton, California, March 1, 2018*
- *Speaker, Basics 101: Drafting a Will v. a Pour-over Will, C.E.B. Basics of Estate Planning Seminar, Monterey, California, October 9, 2017*
- *Speaker, Undue Influence in Will and Trust Contests Under Probate Code §86, Marin County Estate Planning Council, San Rafael, California, September 13, 2017*
- *Speaker, Undue Influence Contest in Will and Trust Litigation PROBATE CODE §86 AND FAMILY CODE §721, Eastern Alameda County Bar Association, Pleasanton, California, March 16, 2017*
- *Speaker, Dealing with Difficult Trust Beneficiaries: Legal Issues and Reasonable Responses, Santa Clara County Estate Planning Council, Santa Clara, California, November 16, 2015*
- *Speaker, Drafting a Pour-Over Will and Uses in Post-Death Administration, C.E.B. Basics of Estate Planning Seminar, Monterey, California, September 25, 2015*
- *Speaker, More Than Normal Reckless and Wanton Spousal Spending: Case of Undue Influence and Financial Abuse Held to Void Testamentary Instruments Favoring Third Wife, in the recent case of Lintz v. Lintz, Eastern Alameda County Bar Association, November 21, 2014*
- *Speaker, Dealing with Difficult Trust Beneficiaries, Professional Fiduciary Association of California, San Francisco Chapter, October 22, 2014*
- *Speaker, Master Class: Will Drafting, Continuing Education of the Bar, San Francisco, Calif., October 30, 2013*
- *Author, Standing to Sue Expands in Revocable Trust Disputes, San Francisco Daily Journal, February 26, 2013*
- *Speaker, Assessment & Litigation of Capacity in Trust and Estate Cases: Medical & Legal Perspectives, The Santa Clara County Estate Planning Council, November 12, 2012*
- *Speaker, Case Study in Trust and Will Contest Litigation: Capacity and Undue Influence, Hoge, Fenton, Jones & Appel Brown Bag, August 15, 2012*
- *Speaker, "Lost Your Marbles?": Updates on Judicial Determination of Testamentary Capacity, Hoge Fenton Jones & Appel Litigation Group, 2012*
- *Author, [Capacity and Undue Influence Challenges in Trust and Estate Litigation](#), Eastern Alameda County Bar Association Newsletter; June/July 2012*

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SPEAKING ENGAGEMENTS AND PUBLICATIONS CONT.

- Author, [A Successor Trustee's Accounting Obligations – An Overview](#), Eastern Alameda County Bar Association Newsletter, January/February 2012
- Author, [The 'Treat 'Em Like They're Dead' Remedy: Inheritance Forfeiture and Elder Abuse](#), Daily Journal, October 6, 2011
- Author, Addition of Alter Ego to Default Judgment, Alameda County Bar Association Bulletin, 2011

PRACTICE AREAS

Estates and Trusts
Trust and Estate Litigation
Litigation and Dispute Resolution

EDUCATION

J.D., South Texas College of Law, Houston
B.A., University of Houston

ADMISSIONS

California
U.S. District Court, Northern District of California
U.S. Court of Appeals, Ninth Circuit

AWARDS

Super Lawyer, Northern California, Trust and Estate Litigation, 2015-2021
Best Lawyers in America 2021, Litigation – Trusts and Estates