

Danielle F. Diebert

Senior Attorney



Sacramento

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EXPERIENCE

Danielle is a senior attorney in the Firm's Trusts and Estates practice group.

She is certified by the State Bar of California Board of Legal Specialization as a Certified Specialist in Estate Planning, Trust and Probate Law. She represents individuals, corporate fiduciaries, and professional fiduciaries throughout the State of California in all aspects of trust and estate administration, with a special focus on trust and estate litigation.

Danielle has successfully defended fiduciaries from claims of breach of fiduciary duty and removed fiduciaries for breach of fiduciary duty. She has experience in both defending and challenging fiduciary accountings all the way through trial. Danielle's litigation experience often relates to nuanced areas of the law, and she particularly enjoys strategizing with clients on complex trust and estate matters to obtain the best results. Danielle has handled a myriad of cases relating to the interpretation of complex wills, trusts, and other testamentary instruments that have resulted in successful resolutions both in court and via settlement.

Danielle listens to her clients with an understanding that these disputes can be challenging to navigate not only because of litigation but also in dealing with the death or incapacity of a family member. She serves as a strong advocate for her clients through trial, while at the same time, she is adept at finding common ground for resolution.

Danielle earned her J.D. with distinction from the University of the Pacific McGeorge School of Law, and graduated as a member of the Roger J. Traynor Honor Society for academic achievement. During law school, Danielle was active in the Phi Delta Phi Honor Society and served in multiple officer positions including as Magister of Shields Inn.

Representative Matters:

PRACTICE AREAS

Alternative Dispute
Resolution

Fiduciary Representation

Probate, Trust, &
Conservatorship

Administration

Trusts & Estates

Trusts & Estates Litigation

BAR ADMISSIONS

California

COURT ADMISSIONS

U.S. District Court, Eastern
District of California

EDUCATION

J.D. with Distinction,
University of the Pacific,
McGeorge School of Law,
2012

B.S. in Economics,
Concentration: Real Estate,
Minor in Business
Administration, Cal Poly San
Luis Obispo, 2009

- Summarily disposed of trust contest via demurrer which was sustained without leave to amend.
- Summarily disposed of contract to make a will claims via demurrers which were sustained without leave to amend.
- Summarily disposed of trust contest via motion for summary adjudication.
- Summarily disposed of motion to enforce settlement agreement via demurrer which was sustained without leave to amend.
- Recovered numerous trust properties pursuant to Probate Code section 850.
- Obtained judgments awarding double damages and attorneys' fees under Probate Code section 859.
- Obtained a judgment of financial abuse of an elder on behalf of a conservator of the estate, including damages for bad faith.
- Successfully defended trustees with respect to accounting disputes.
- Successfully defended trustees with respect to breach of fiduciary duty claims.
- Successfully compelled trustees to provide accountings and additional information on behalf of beneficiaries.
- Negotiated settlements regarding trust contests, distribution disputes, and fiduciary removal.
- Negotiated settlements regarding fiduciary removal, modification or termination of irrevocable trusts, and accounting disputes.
- Successfully defended exercise of an option to purchase real property.
- Aided in multiple trials regarding defense to accountings of trustees and actions for surcharge.
- Defended litigation opposing client's appointment as conservator and seeking to remove client as an agent under power of attorney.
- Obtained an order enforcing a settlement agreement under Code of Civil Procedure section 664.6.
- Obtained elder abuse restraining orders on behalf of a conservator and a conservatee.
- Obtained substituted judgment for a conservatee who was judicially determined to have been financially abused by her son.

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AFFILIATIONS & AWARDS

State Bar of California, Trust and Estates Section

Member

Sacramento County Bar Association, Probate and Estate Planning Section

Member

Probate and Estate Planning Section Treasurer (2020)

Probate and Estate Planning Section Secretary (2021)

State Bar of California Board of Legal Specialization

Estate Planning, Trust and Probate Law Certified Specialist

Probate and Estate Planning section for SCBA

Probate and Estate Planning Section Vice Chair (2022)

Sacramento Estate Planning Council

Board Member

Phi Delta Phi Honor Society

Member and Former Magister of Shields Inn

Awards

Northern California *Super Lawyers* – Rising Star, 2018 – 2022

Best Lawyers in America®, “Ones to Watch”, 2022, 2023, Litigation – Trusts and Estates, Trusts and Estates

PRESENTATIONS

Webinar: Recent and Proposed Developments in Conservatorship Law

On March 17, 2022, the Professional Fiduciary Association's Sacramento Chapter held a meeting titled "Recent and Proposed Developments in Conservatorship Law," led by Weintraub attorneys Mary deLeo and Danielle Diebert. The presentation covered proposed developments in conservatorship law, including updates to the disposition of property, care plans, and sale of personal...

- **When:** Mar 17, 2022
- **Where:** Webinar

Webinar: Best Practices for Fiduciaries

On October 28, 2021, the Professional Fiduciary Association's Sacramento Chapter held a meeting titled "Best Practices for Fiduciaries," led by Weintraub attorney Mary deLeo. Attorneys Carlena Tapella and Danielle Diebert were co-presenters. The presentation covered the best practices for fiduciaries to follow in fulfilling fiduciary obligations as trustees, conservators, and agents....

- **When:** Oct 28, 2021
- **Where:** Sacramento, CA

Here Today, Gone Tomorrow: A Fiduciary's Guide to the Attorney-Client Privilege

Summary of Program As a fiduciary, you may think that all of your communications with your attorney are confidential. While communications between an attorney and his or her client are generally protected by the attorney-client privilege, in the trustee context, it is the office of the trustee, not the individual...

- **When:** Mar 6, 2018

Seminar: Sacramento Trust and Probate Litigation "Boot Camp"

The Sacramento County Bar Association's Probate and Estate Planning Section hosted a trust and estate litigation 'Boot Camp' on September 20,

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2016. The six-hour-long seminar featured a panel of speakers who discussed will and trust contests in California Superior Court, trial advocacy, and setting up success in mediation. Danielle Diebert co-presented with...

- When: