

H|B|Z

Hartog Baer Zabronsky
TRUST AND ESTATE LAW

A Professional Corporation



KEVIN P. O'BRIEN

Email: kobrien@hbzlawyers.com

Kevin P. O'Brien joined Hartog, Baer, Zabronsky's (formerly Hartog, Baer, Zabronsky, and Verriere) litigation team in March 2016 as a Senior Counsel. Kevin represents individuals, non-profits, charities and financial institutions in all matters heard in Probate Court, including will and trust contests, breach of fiduciary duty claims, trustee removal, estate distribution disputes, estate planning malpractice and financial elder abuse. Kevin is an effective and energetic advocate who works closely with clients to develop reasonable objectives and implement cost-effective strategies to achieve those objectives.

Prior to joining Hartog, Baer, Zabronsky, Kevin served as a litigation associate at a prominent Bay Area litigation boutique firm and a large, international law firm. Mr. O'Brien represented large and small businesses, public entities and individuals in a wide range of legal disputes in a variety of forums and successfully resolved complicated and vigorously contested cases through settlement, dispositive motions, trial and appeal. Mr. O'Brien has worked under and learned from several of the most revered litigators in the state.

Mr. O'Brien graduated from University of California, Hastings College of Law, and obtained his B.A. from San Francisco State University. He previously worked as an extern to Judge Ronald M. Whyte of the United States District Court, Northern District of California and as Senior Counsel at a nationwide law firm in San Francisco.

Mr. O'Brien has litigated complex cases on both sides of the aisle in a broad range of fields, including trusts and estates, labor and employment, real estate, mass torts, consumer class actions, intellectual property and insurance coverage. Mr. O'Brien's research and writing has played a central role in countless successful motions, mediation briefs and appeals.

PROFESSIONAL EXPERIENCE

- **Hartog, Baer & Hand APC, Orinda, CA**
Represented trustee in action to recover real property transferred from trust prior to trustor's death; second chaired five-day bench trial on undue influence claims asserted against trustor's former caregiver; obtained order compelling trustee to account to beneficiaries of irrevocable trust; prevailed on appeal of order finding exculpatory provisions of trust unenforceable; represented

KEVIN P. O'BRIEN

kobrien@hbzlawyers.com

charitable organization in dispute over interpretation of holographic will; defended trustee against petition for removal; resolved dispute between trustee and beneficiary over ownership of decedent's joint bank account; defended former trustee against breach of trust claims asserted by trust beneficiaries

- **Cotchett, Pitre & McCarthy**, San Francisco, CA
Defended hospitality industry client in wage and hour class action involving claims for unpaid regular and overtime wages, meal and rest break violations and unreimbursed uniform expenses; represented guarantors in breach of contract action arising from purchase option for hotel development; drafted successful motion to dismiss in negligence and breach of fiduciary duty action brought against former president and CEO of a mutual fund company
- **Tingley Law Group, P.C.**, San Jose, CA
Defended clients against copyright and trademark infringement claims in Federal Court; represented computer cable wholesale company in trademark infringement action arising from alleged use of competitor's trademark in Google AdWords campaign; defended former employees of cleaning service business against trade secret misappropriation and breach of contract claims
- **Crowell & Moring LLP**, San Francisco, CA
Defended University of California and its officials in connection with investigations and public records act requests filed following "Occupy" protests at Berkeley and Davis; represented energy industry clients in appeals filed in the Ninth and Fifth Circuits in connections with novel, "global warming" actions filed in Federal Court in California and Mississippi; defended officials of UCSF in high-profile whistleblower filed by former dean of UCSF Medical School; litigated trade secret misappropriation claims against former employees of optoelectronic semiconductor manufacturer; served as first chair in binding arbitration between developer and general contractor; served as second chair in three-day bench trial in dispute over validity of twelve-year commercial lease; represented the City of Lodi in legal actions in State and Federal Court, including legal malpractice action, insurance coverage dispute and complex breach of contract action.
- **Hon. Ronald M. Whyte, U.S. District Court, Northern District of California**, San Francisco CA, Law Clerk

AWARDS

- Lawyers' Committee for Civil Rights Father Cuchulain Moriarty Award, January 2014

ADMISSIONS AND COURTS

- State Bar of California, November 2001
- California Supreme Court
- Ninth District Court of Appeals
- United States District Courts for the Northern, Central, Eastern and Southern Districts of California

PUBLICATIONS

- *"In Trust Litigation, It's Best to Take the 'Appeal Now' Approach,"*
The Recorder (ALM), August 21, 2019

KEVIN P. O'BRIEN

kobrien@hbzlawyers.com

PRESENTATIONS

- *2019 – Year in Review Estate Planning & Administration, Recent Developments*
Easts Bay Trusts & Estate Lawyers, February 11, 2020
- *The Revised Rules of Professional Conduct: What You Need to Know*
East Bay Trust & Estate Lawyers., August 3, 2018

EDUCATION

- **UC Law San Francisco (formerly UC Hastings Law);** J.D. *magna cum laude* (2001)
Thurston Society; Order of the Coif, Hastings Law Journal; Senior Symposium Editor; AmJur Award; Civil Procedure; Witkin Award; Consumer Protection and Administrative Law
- **San Francisco State University;** B.A. English *cum laude* (1994)