



Hartog Baer Zabronsky

TRUST AND ESTATE LAW

A Professional Corporation



ANDREW ZABRONSKY

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After more than 25 years litigating trust and estates cases at Evans, Latham & Campisi in San Francisco, Andrew Zabronsky joined Hartog, Baer & Zabronsky, APC (formerly Hartog, Baer & Hand, APC) in July 2020. Mr. Zabronsky represents the full range of clients, including individual beneficiaries and trustees, professional fiduciaries, financial institutions, closely-held businesses, charities and charitable foundations. One of the emphases of his practice is breach of fiduciary duty litigation; he is the author of the Breach of Trust chapter in California Trust and Probate Litigation, CEB's two-volume practice guide. But his practice runs the gamut: he has prosecuted and defended innumerable contests, breach of trust claims, elder abuse actions, accounting proceedings and all manner of trust

administration petitions, as well as defended institutional trustees in national class actions and represented trustees and beneficiaries of billion-dollar trusts in both litigation and administration matters.

Mr. Zabronsky has a proven record of success in the trial and appellate courts. He is not afraid to push the envelope. Despite a widespread view that a new law rendered no contest clauses unenforceable in all but the most extreme cases, Mr. Zabronsky persuaded the San Francisco Probate Court to hold that two beneficiaries of a \$10-million bequest were disinherited for contesting a trust without probable cause.

Mr. Zabronsky's interest and experience in trust and estate litigation extends beyond the courtroom. He was invited to address a statewide conference of probate judges and probate court staff to debate growing trend among California probate courts of disallowing demurrers in probate proceedings with the probate judge who was the chief proponent of the trend. It is believed that no probate courts in California currently prohibit demurrers. Similarly, an article by Mr. Zabronsky led to Legislative changes to the Trust Law tracking Mr. Zabronsky's suggestions.

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PROFESSIONAL EXPERIENCE

- **Hartog, Baer, Zabronsky & Verriere, APC**, Orinda, CA
Principal
- **Evans, Latham & Campisi**, San Francisco, CA
Shareholder

EDUCATION

- J.D., University of California, College of Law, San Francisco (1984)
- B.A., Union College, *cum laude* (1980)

PRACTICE GUIDES AUTHORED

- Chapter 21: Breach of Trust, California Trust and Probate Litigation (CEB 1999 - 2020).
- Chapter 5: No-Contest Clauses and Other Obstacles to Litigation, California Trust and Probate Litigation (CEB 1999 - 2020).

PROFESSIONAL RECOGNITION

- Fellow, American College of Trust and Estate Counsel (ACTEC).
- Past Member, Executive Committee of the Trusts and Estates Section of the California Lawyers Association (TEXCOM).
- Past Chair, Litigation Committee, TEXCOM.
- Past Editor and Executive Editor, California Trusts and Estates Quarterly.
- Super Lawyers® (2010 – 2023).
- A “Best Lawyer in America” (2021 – 2023).
- San Francisco Superior Court Probate Department Mediation Panel.

PUBLICATIONS

- “Reports of Their Death Are Greatly Exaggerated: The Viability of No Contest Clauses Against Direct Contests Brought Without Probable Cause,” California Trust and Estate Quarterly (2017).
- “A Square Peg in a Round Hole? Civil Law and Motion Pleadings in Probate Proceedings,” California Trust and Estate Quarterly (Spring 2009).
- “From the Ashes: Can No Contest Clauses Be Resurrected By Conditional Gifts,” California Trust and Estate Quarterly (Fall 2008).
- “The New Alchemy: Hasso v. Hasso and Converting Principal to Income Under the Revised UPIA,” California Trust and Estate Quarterly (Spring 2008).
- “The Trouble With Bennett,” Editor’s Column, California Trust and Estate Quarterly (2008).
- “Of Delegating and Double Dipping,” Trust & Estates Magazine (2004).
- “State Bar Committee Can’t Justify Repeal of No-Contest Clauses,” San Francisco Daily Journal (2004).
- “Out-of-State Practitioners in Our Midst? The Impact of Birbrower and Estate of Condon,” California Trust and Estate Quarterly (Winter 1998).

SELECTED PRESENTATIONS

- “Probate and Trust Litigation Year in Review,” Bar Association of San Francisco (2018-2019).
- “Viability of No Contest Clauses Under Current Law,” Bar Association of San Francisco (2017).
- “Challenges to the Validity of Trusts and Estates,” CEB (2016).

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- “Enforcement of Judgment Against Trust Beneficiary's Interest,” Southern California Trust and Estate Planning Forum (2015).
- “Litigating Financial Elder Abuse Claims,” Legal Assistance for Seniors (2014).
- “Trust Litigation 2.0,” Southern California Trust and Estate Planning Forum (2014).
- CEB panelist in programs in San Francisco, Sacramento and San Jose on Estate and Trust Litigation and on Will Contests (2001, 2002, 2004, 2009 2011 and 2012)
- “A Square Peg in a Round Hole? Civil Law and Motion Pleadings in Probate Proceedings” with the Hon. William A. McKinstry (ret.) Probate and Mental Health Institute of the Administrative Office of the Courts, Education Division (2009).
- “Drafting No-Contest Clauses Under the New Law,” ACBA Trusts & Estates Section’s Ninth Annual Estate Planning Symposium (2009).
- “Diversification Issues: A Litigator’s Perspective,” Sonora Annual Trust & Tax Forum (2005).
- “Closely Held Businesses and Real Estate in Trusts,” National Trust Real Estate Association Conference (2004).
- “Immunizing Yourself from the Class Action Virus,” California Bankers Association’s 2002 Trust and Investment Conference (2002).

PUBLISHED DECISIONS

- *Bradley v. Gilbert* (2009) 172 Cal.App.4th 1058 (no contest clause inapplicable to trustee under a duty to bring action)
- *Estate of Herold* (2008) 162 Cal.App.4th 983 (no contest clause in will inapplicable to testamentary trust)
- *Estate of Condon* (1998) 65 Cal.App.4th 1138 (out-of-state counsel entitled to fees from California probate estate)
- *Conservatorship of Coombs* (1998) 67 Cal.App.4th 1395 (motion to dismiss appeal granted).

ADMISSIONS AND COURTS

- State of Bar California, 1984
- U.S. District Court, Northern District of California, 1985
- U.S. Court of Appeals, Ninth Circuit, 1994