

JAIME B. HERREN

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ADMISSIONS

Bar Admissions:

- Supreme Court of California
- U.S. District Court for the Northern District of California
- U.S. District Court for the Central District of California
- U.S. District Court for the Eastern District of California
- U.S. Court of Appeals for the Ninth Circuit
- U.S. Patent and Trademark Office
- U.S. Tax Court

PHV Admissions: NY, DE, AZ, CO, IL, IN.

REPRESENTATIVE EXPERIENCE

Trust & Estate Litigation

- Represented widow regarding trustee's failure to fund marital trust with income producing assets following death of her spouse
- Represented widower in recovering inter vivos gifts made by incompetent spouse prior to her death.
- Developed procedures and knowledge base trainings to expand internal skills and procedures regarding virtual assets, blockchain and intellectual property for a cutting-edge trust company
- Represented a professional fiduciary as estate administrator in defense of a \$10 million civil action on a creditor's claim involving allegations against the decedent for contract breach, fraud, etc.; successfully demurred on statute of limitations, non-compliance with creditors' claims procedures and standing
- Represented a trust beneficiary in recovering sentimental tangible personal property of his deceased parent while successfully avoiding intrafamily litigation
- Represented an ultra-high-net-worth client to establish conservatorship and modify trust after spouse experienced a debilitating accident
- Represented a trust beneficiary against conspiracy claims made in federal court, including allegations of breach of fiduciary duty, elder abuse and unfair business practices
- Represented a claimant in breach of fiduciary duty action in multiyear litigation and a 20-day bench trial
- Represented a trust beneficiary seeking conveyance of his joint interest in his deceased mother's copyrights for the purposes of continuing to produce and offer for sale her famous collection of sculptures
- Represented a co-trustee and beneficiary in collecting his interest in his mother's estate and resigning as co-trustee, successfully avoiding intrafamily litigation
- Representing a claimant for oral promise to make a will in multiyear litigation involving multiple appeals to California's First District Court of Appeal and 10-day bench trial
- In the U.S. District Court for the Northern District of California (2013), represented client to favorable resolution, involving appeal of the issue of whether two claims asserted in a California probate action were preempted by the Employee Retirement Income Security Act of 1974 (ERISA)

Appeals

- Represented professional fiduciary defending order dismissing action against decedent, pending (2023)
- Represented a disinherited child in will and trust contest, writ contesting order for reference to private judge without party consent, second writ contesting denial of 170.6 motion as untimely, pending (2023)
- *Colvis v. Binswanger*, 96 Cal.App.5th 393 (2023), prevailed on appeal that interested corporation in beneficiary trust dispute has standing to respond or object in the trust proceeding
- Represented step-child re funding of mother's trust, appealed statement of decision and denial of motion for new trial on basis that opposing party produced 14 boxes of evidence after trial. Settled on appeal (2022)
- *Corrie v. East Bay Regional Park District*, No. A152305 (June 8, 2018), prevailed in defense of trial court's orders

- In the Court of Appeals of Arizona (2016), prevailed on appeal of a motion for summary judgment limiting the amount of damages that could be recovered from client in the underlying negligence lawsuit
- *Corrie v. Soloway*, 216 Cal.App.4th 436 (2013), prevailed in defense of fiduciary action to protect trust property against claims by non-beneficiary creditor asserting a right of first refusal to purchase trust property
- *Estate of Bilafer* No. A135675 (Aug 20, 2013), not reported, prevailed in multiyear litigation with two appeals and partial settlement, concerning family trusts created by the decedent, a revocable trust and two irrevocable trusts; prevailed in asserting release contained in settlement agreement against a beneficiary seeking enforcement of a promissory note after settlement

Intellectual Property Litigation

- Acting as general counsel and intellectual property asset manager for cutting-edge wildfire research company; acting as legal advisor for the company on all aspects of its business operations, including corporate governance, data privacy, licensing agreements, vendor contracts and protection of intellectual property
- Represented an heir in obtaining and clearing title on his deceased parent's copyright portfolio
- Represented an artist to secure copyrights for reproduction and sale of artistic works jointly created with and derived from a deceased famed San Francisco artist
- Acted as general counsel and lead litigation defense counsel for a multistate underground locating company; defended dozens of tort and contract claims, including pre-dispute resolution and developing a litigation defense strategy by fostering a business reputation in the industry; acted as legal advisor for the company on all aspects of its business operations, including corporate governance, data privacy, labor and employment issues, licensing agreements, vendor contracts, protection of intellectual property, on business combinations, on due diligence and on an asset sale of business assets in three states
- In the U.S. District Court for the Southern District of New York (2016), in a patent infringement and trade secret theft case, prevailed on appeal client's right to pursue state law counterclaims; in a second appeal, successfully vacated adverse ruling regarding method patent eligibility and passing muster under Alice
- In the U.S. District Court for the Eastern District of California (2013), obtained favorable resolution for co-inventor of therapy related to diabetes treatment
- In the U.S. District Court for the Central District of California (2010), defended claims of copyright and design patent infringement to business resolution involving asset purchase

Civil Litigation

- In Los Angeles Superior Court, represented an administrator of a decedent's estate in defending civil claims against the decedent for breach of contract, fraud, specific performance and declaratory relief; prevailed on dispositive demurrer finding defendant was a suspended entity at all relevant times
- Represented a third-party retained professional in multiple technical fact depositions occurring in a series of tort liability and negligence class action lawsuits
- Represented a California business client in updating their online privacy policy and procedures to be in compliance with new laws
- In the U.S. District Court for the Northern District of California, defended an individual client against a plethora of claims, including conspiracy to commit elder abuse, breach of fiduciary duty and unfair business practices
- Represented a nonprofit mental health support startup to develop and implement privacy policies and procedures to be in compliance with new laws
- Represented a prevailing party in a Texas-based arbitration trial to collect judgment in California
- In the U.S. Court of Appeals for the Seventh Circuit (2018), prevailed on dispositive motion for summary judgment defending SEC and RICO Act claims
- In the U.S. District Court for the District of South Dakota (2017), prevailed on dispositive motion for summary judgment defending counts of trespass, negligence and violation of state laws
- In the U.S. District Court for the Northern District of California (2014), prevailed in asserting an arbitration clause in a commercial-investment clause relating to sales and marketing of cannabis edibles

WORK EXPERIENCE

- Trial Attorney, Intellectual Property, Civil & Probate Litigation*, San Francisco Bay Area, CA 10/09-present
- Litigation boutique firm, 9 years; National law firm, 4 years
 - *Trust & Estate*: conduct multi-week trials for estates up to \$1B in value analyze multi-tiered wills and trusts, develop trial theory prosecute case, consult on drafting of estate and tax plans involving complex assets, intellectual property, blockchain assets or name-image-likeness;
 - *Litigation*: motion practice, trial and arbitration in state and federal venues; prepare witnesses for deposition and trial examination; research, draft and argue dispositive motions; manage and conduct discovery, including e-discovery, motions to compel and depositions; expert discovery; client management; research and draft appeals and emergency writs, including oral argument.
 - *Fiduciary Representation*: advise fiduciaries re estate/trust asset management, including IP assets and license agreements, valuation issues, incomplete trust funding; defense of trust in litigation with interested persons and representation pending litigation among beneficiaries; fee petitions and requests for extraordinary fees; trial.
 - *IP*: Patent, copyright, trademark and trade secret litigation; patent review and infringement analysis; negotiate and draft technology licenses and settlements; manage IP portfolios for businesses and fiduciaries; meet w/ clients, of counsel and potential licensees, manage discovery, including e-discovery; work with experts in drafting reports; advise patent prosecution strategy pending active litigation; draft provisional patent applications.
 - *In-House*: Receive and assess incoming claims/complaints; contract drafting, review and compliance; risk analysis; manage local counsel; handle all aspects of regulatory action by EEOC and NLRB; negotiate and draft settlement agreements; asset sales and financing.
- Westlaw Research Assistant, USF Law Library*, San Francisco, CA 8/08 – 5/10
- Train law students on most effective use of online legal resources.
 - Conduct legal research.
- 7/08 – 5/09
- Legal Assistant*, San Francisco, CA
- Perform legal research, develop legal theory, draft memos, motions, complaints & answers.
- 5/08 – 7/08
- Intellectual Property Legal Intern*, Bangalore, India
- Perform legal research, conduct patent search, draft memorandums of law, prepare and present firm-wide presentation.
- 5/06 – 8/06
- Combustion Devices Engineering Engineer, Flight and Test Support Engineer*, Canoga Park, CA
- Worked on thermal modelling and manufacture of the U.S. Space Shuttle main engines.
 - Planned hotfire tests and monitored control room for the last U.S. Space Shuttle launch before retirement, Mission STS-121 on July 4, 2006.

EDUCATION

UNIVERSITY OF SAN FRANCISCO, SCHOOL OF LAW, 2010

Juris Doctor, *cum laude*

- USF Law Review, Staff
- USF Intellectual Property Law Bulletin, Managing Editor (2010), Technical Editor (2009), Author
- Moot Court Team, Giles Sutherland Rich [I.P.] Competition, Quarter-Finalist 2009
- CALI Award for Excellence:IP Litigation & Construction Law; Honors: Appellate Advocacy

EDUCATION CONT'D

UNIVERSITY OF CALIFORNIA, BERKELEY, DEC. 2006

Master of Science, Mechanical Engineering: Thermal Sciences & Combustion

UC BERKELEY COMBUSTION LAB, Relative Motion Expanding Channel Micro-Pump

- Designed and tested planar micro-pump for a micro-combustion engine. Drafted patent application No.12/268,777.

UNIVERSITY OF CALIFORNIA, BERKELEY, 2004

Bachelor of Science, Mechanical Engineering

WORLD INTELLECTUAL PROPERTY ORGANIZATION (WIPO) UNIVERSITY, 2017

Certificate in International Intellectual Property Management

NATIONAL LAW SCHOOL OF INDIA UNIVERSITY, BANGALORE, INDIA, 2009

Certificate in Indian Law

INVOLVEMENT

CALIFORNIA LAWYERS ASSOCIATION

EXECUTIVE COMMITTEE MEMBER, Trust & Estates Executive Committee, 2023-present

CASE ALERT AUTHOR, Trust & Estates Section, 2020-2023

AMERICAN BAR ASSOCIATION

VICE-CHAIR, ADR Committee of the Real Property, Trust and Estate Section, 2023-present

JUDICIAL EVALUATION COMMITTEE

COMMITTEE MEMBER, CONTRA COSTA COUNTY, 2023-present

CONTRA COSTA COUNTY BAR ASSOCIATION, member 2012-present

PRESIDENT, Litigation Section of the CCCBA, 2018-2023

BOARD MEMBER, Litigation Section, 2016-2023

EAST BAY TRUST & ESTATE LAWYERS, member 2023-present

HAWAII TAX INSTITUTE, faculty 2022-present

PRO BONO SERVICE

BOARD MEMBER, Little Wishes, San Francisco, 2016-present

CCCBA CIVIL PRO PER WORKSHOP, Volunteer Attorney, 2019

NEWS AND ACCOLADES

- Northern California Super Lawyers magazine, July 19, 2023
- What Happens To Your Crypto When You Die? Techcrunch, In The Headlines, April 26, 2023
- What Happens To Your Nfts When You Die? Cointelegraph, In The Headlines, April 14, 2023
- Pro Bono Honor Roll, Contra Costa County Bar Association, 2020-2023
- Pro Bono All-Star, 2020-2022
- Rising Star, Northern California Super Lawyers magazine, 2016-2020
- Advanced Courses on Intellectual Property Management, Certification from WIPO Academy
- Arthur Ziff Junior Scholarship, USF Law, 2007-2010
- CALI Excellence for the Future Award, Intellectual Property Litigation, USF Law, 2009
- CALI Excellence for the Future Award, Construction Law, USF Law, 2009

ROUTINE PUBLICATIONS

Continuing Education of the Bar (CEB), Contributor Attorney, Chapter Editor, 2022-present

- California Trust and Probate Litigation, Chap. 2: Dispute Avoidance
- California Trust and Probate Litigation, Chap. 22: Actions By and Against Trustee

CLA Trust & Estate Section Case Alerts, Author, 2020-2023

- Estate of Sanchez, 8, 2023
- Conservatorship of Tedesco, May 19, 2023
- United States v. Paulson, May 17, 2023
- Estate Of Franco, February 8, 2023,
- Wehsener V. Jernigan, January 6, 2023
- Estate Of Douglas, September 21, 2022
- Meiri V. Shamtoubi, July 25, 2022
- K.R. V. Superior Court Of Napa County (Public Conservator), July 5, 2022
- Balisteri V. Balisteri, February 24, 2022
- Ring V. Harmon, December 15, 2021
- Haggerty V. Thornton, September 21, 2021
- Estate Of Wall, August 24, 2021
- Aghaian V. Minassian, June 17, 2021
- Dunlap V. Mayer, April 23, 2021
- Keading V. Keading, February 18, 2021
- Capra V. Capra, December 12, 2020
- Conservatorship Of O.B., December 2, 2020

PRESENTATIONS/PUBLICATIONS

- Estate Planning with IP, MyCLE Webinar, November 27, 2023
- Planning For Cryptocurrency Investors: Estate Planning, Asset Protection And Investments, Strafford Webinar, October 19, 2023
- Ethical Issues And Managing Conflicts, East Bay Trusts & Estates Lawyers (EBTEL) Litigation Boot Camp, September 8, 2023
- Digital Assets Killed The Paper Trail: A Primer On Digital Asset Administration, American Bar Association Section Of Real Property, Trust And Estate Law's 35th Annual National CLE Conference, May 11, 2023
- 5 Things To Know About 5 Digital Asset Topics, Whittier Trust, 2023 Trust Training Series, February 14, 2023
- CLA Trust & Estate Section Legislation Alert: Expansion Of Elder Abuse Restraining Order Statute, January 18, 2023
- Don't Forget IP Rights When Planning An Estate, Client Alert January 18, 2023
- Become An Expert On Experts, Contra Costa Bar Association MCLE Spectacular, Litigation Section, November 17, 2022
- Video Killed The Radio Star And Digital Assets Are Killing The Paper Trail: A Primer On Administering Digital Assets, 59th Annual Hawaii Tax Institute, November 9, 2022
- NFTs And Copyrights, American College Of Trust And Estate Council (ACTEC), Digital Property Committee, November 5, 2022
- Money Is Fungible. Nfts Are Not, Client Alert, October 13, 2022
- Best Practices For Probate Statements Of Decision, Litigation And Mediation Section, East Bay Trust And Estates Lawyers (EBTEL), October 12, 2022
- Money Is Fungible. Nfts Are Not, Holland & Knight's China Practice Newsletter: September-October 2022

PRESENTATIONS/PUBLICATIONS CONT'D

- Best Practices For Probate Statements Of Decision, Litigation And Mediation Section, East Bay Trust And Estates Lawyers (EBTEL), October 12, 2022
- Money Is Fungible. Nfts Are Not, Holland & Knight's China Practice Newsletter: September-October 2022
- Let's Talk Cryptocurrencies And "Digital Assets": A Primer For Trust And Estate Lawyers, Client Alert, June 24, 2022
- Estate Planning With Intellectual Property, American Bar Association Section of Real Property, Trust And Estate Law (RPTE), June 23, 2022
- Valuing Copyrights And Rights Of Publicity - It's Not Black Or White! American Bar Association Section of Real Property, Trust And Estate Law, January 20, 2022
- Wreslin' With Breslin: New Probate Mediation Rules, San Francisco Bar Association Trust And Estates Section, December 7, 2021
- Foreseeable Monetization Of Michael Jackson's Assets After Death: How To Value Copyrights Of Musical Compositions And Rights Of Publicity, CLA Trusts And Estates Quarterly Magazine, December 2021
- Death And Taxes: Even Celebrities Can't Avoid Them – An Analysis Of The Michael J. Jackson Estate Tax Ruling, CLA Webinar, November 2, 2021
- California Creates New "Anti-Isolation" Restraining Orders For Elders And Dependent Adults, Client Alert, October 12, 2021
- Social Media Management In Litigation, 2020 MCLE Spectacular: Elect To Learn Online With CCCBA, November 19, 2020
- Technology And Tips For Remote Depositions, Litigation Section, Contra County Bar Association, June 3, 2020
- Virtual Town Hall Meetings With Honorable Steve Austin, Litigation Section, Contra County Bar Association, April 22, 2020 And May 14, 2020
- Tricky Trust Administration: Navigating Cryptocurrency, Trademarks And Marijuana Trust Assets, Estate Planning Council Of Diablo Valley, May 20, 2020
- Don't Overlook The Estate's Interest In Intellectual Property! The Fundamentals Of Identifying And Marshaling Patents And Trademarks, Contra Costa Lawyer Magazine, October 2019
- Jury Trials For Probate Litigators, Estate Planning And Probate Section, Contra Costa Bar Association, April 2019
- Anatomy Of A Software License, Intellectual Property Section, Contra Costa Bar Association, March 2014
- Trips And Pharmaceutical Patents: The Pharmaceutical Industry Vs. The World, Intellectual Property Law Bulletin, Fall 2009
- Ormsby V. Barrett, Intellectual Property Law Bulletin, Spring 2008
- Relative Motion Expanding Channel Micro-Pump, U.C. Berkeley Department Of Mechanical Engineering, December 2006
- On The Derivation Of Polyurethane Kinetics Parameters Using Genetic Algorithms, 30th International Symposium On Combustion, July 2004