

# Sacks Glazier Franklin & Lodise <sup>LLP</sup>

Specializing in Litigation Regarding Trusts and Estates



*Delivering the Skills of a Large Firm With Small Firm Focus*

## Welcome to Our Newsletter

Welcome to the [Sacks, Glazier, Franklin & Lodise](#) newsletter. We are committed to keeping our clients apprised of the latest industry happenings. If you have any questions, please contact us at [info@trustlitigation.la](mailto:info@trustlitigation.la).

### ◆ Application of the Harmless Error Doctrine in California and Beyond

By: [Jessica A. Uzcategui](#)

The traditional definition of a "will" is changing. Historically, courts insisted on strict compliance with will formalities. Over time, strict compliance was relaxed to consider whether the document in question was executed in substantial compliance with will formalities.



The harmless error doctrine is a further departure that focuses on the decedent's intent. Some version of the harmless error doctrine has been adopted in ten states, and this article reviews the application of harmless error in Ohio, New Jersey, and California, where courts have admitted an electronic will drafted on a Samsung Galaxy tablet, an unsigned will prepared by an estate planning lawyer on his office stationary, and wills witnessed by fewer than two witnesses.

Courts strive to strike a prudent balance between the benefits of harmless error - namely, the execution of the decedent's intent - and the perceived harms, in the potential for fraud and abuse. Time will tell how the courts continue to interpret this evolving doctrine.

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## ◆ Intentional Interference with Expected Inheritance

By: [Robert N. Sacks](#) and [Terrence M. Franklin](#)



Over the years, a tort claim has been created and used in situations where a person believes that someone has gotten them disinherited or otherwise interfered with an expectancy to inherit from another. This tort is not properly used to address the identical claims that arise in a traditional will or a trust contest on lack of capacity, fraud or undue influence grounds. Rather, the tort is intended to address unique fact patterns that do not fall within a traditional contest. This tort has gone by various names, and was recently recognized in California in *Beckwith v. Dahl* (2012) 205 Cal.App.4th 1039 under the title of intentional interference with expected inheritance.

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## ◆ Sacks, Glazier, Franklin & Lodise Attorneys Selected for Inclusion on Legal Rankings



Partners [Robert Sacks](#), [Kenneth Glazier](#), [Terrence Franklin](#), [Margaret Lodise](#), [Jessica Uzcategui](#) and [Matthew McMurtrey](#) were selected by their peers for inclusion in *The Best Lawyers in America*© 2016 list for their litigation work in trusts and estates. A special congratulations to Mr. Franklin for being selected as the 2016 Lawyer of the Year!



RISING STARS 2015

Partner [Jessica A. Uzcategui](#), Of Counsel [G. Lisa Wick](#), and Associate [Katherine G. McKeon](#) were all selected for inclusion on the 2015 Southern California Super Lawyers Rising Stars list.

## ◆ Margaret Lodise Appointed Chair of ACTEC's Fiduciary Litigation Committee

Partner **Margaret G. Lodise** was appointed as Chair of the **American College of Trust and Estate Counsel's** (ACTEC) Fiduciary Litigation Committee. As Chair of the Fiduciary Litigation Committee, Ms. Lodise will continue the committee's long-standing tradition of providing quality discussion of relevant legal issues and educational programs on all aspects of fiduciary litigation to the committee and to ACTEC at large to enhance members' ability to provide quality services to clients.



ACTEC is a nonprofit association of lawyers consisting of members elected by demonstrating the highest level of integrity, commitment, competence and experience as trust and estate counselors.

## Contact Us

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