Buchalter

Danielle F. Diebert

Sacramento, California
Senior Counsel

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Areas of Practice & Industry Specialties
Litigation; Tax, Benefits and Estate Planning

Danielle Diebert is a Senior Counsel in the Firm's Sacramento office and a member of the Litigation and Tax, Benefits and Estate Planning practice groups. She is certified by the State Bar of California Board of Legal Specialization as a Specialist in Estate Planning, Trust and Probate Law. Ms. Diebert 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.

Ms. Diebert 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. Ms. Diebert'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.

Ms. Diebert listens to her clients with an understanding that these disputes can be challenging to navigate not only because of the nature of litigation but also due to the issues inherent 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.

Awards and Honors

- Northern California Super Lawyers, 2023
- Northern California Super Lawyers – Rising Star, 2018 – 2022
- Best Lawyers in America®, "Ones to Watch", 2022-2024 Litigation – Trusts and Estates, and Trusts and Estates
- Sacramento Magazine, Top Lawyer, 2023.

Professional Involvement

- Member, State Bar of California, Trust and Estates Section
- Member, Sacramento County Bar Association, Probate and Estate Planning Section
- Probate and Estate Planning Chair (2023)
- Probate and Estate Planning Section Vice Chair (2022)
- Probate and Estate Planning Section Secretary (2021)
- Probate and Estate Planning Section Treasurer (2020)
- State Bar of California Board of Legal Specialization

- Estate Planning, Trust and Probate Law Certified Specialist
- Member, Sacramento Estate Planning Council
- Estate Planning Forum Committee (2023-2024)
- Programs Committee (2022-2023)
- Education Chair (2021-2022)

Representative Matters

- 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.

Presentations

- Speakers , "Practical Insights on Navigating Trust Contests," Placer Countys Bar Association, September 8, 2023
- Speaker, "Recent and Proposed Developments in Conservatorship Law," Professional Fiduciary Association's Sacramento Chapter, March 17, 2022
- Speaker, "Best Practices for Fiduciaries," Professional Fiduciary Association's Sacramento Chapter, October 28, 2021
- Presenter, "Here Today, Gone Tomorrow: A Fiduciary's Guide to the Attorney-Client Privilege," Weintraub Tobin, March 6, 2018

- Presenter, "Pleadings and Procedures in Probate Litigation," Sacramento Bar Association , September 20, 2016

Education
Ms. Diebert earned her J.D. with distinction from the University of the Pacific, McGeorge School of Law. She earned her B.S. in Economics with a concentration in Real Estate and a Minor in Business Administration from Cal Poly, San Luis Obispo.

Bar Admissions

- California

Court Admissions

- United States District Court, Eastern District of California