

CURRICULUM VITAE

MICHAEL G. DESMARAIS

Law Office of Michael G. Desmarais
16450 Los Gatos Boulevard, Suite 208
Los Gatos, California 95032
Tel: (408) 356-6886
Email: mgd@desmaraislaw.com

- Practice:** Estate Planning, Estate Administration and Estate Litigation.
- Education:** 1970, University of California at Davis (A.B., Economics); 1973, Hastings College of Law, University of California (J.D.), Order of the Coif, Thurston Society, Hastings Law Review, American Jurisprudence Estate Planning Award.
- Admission:** 1973 California Supreme Court, U.S. District Court, Northern and Eastern Districts of California, and U.S. Court of Appeals, Ninth Circuit; 1975, U.S. Claims Court; 1984, U.S. Tax Court.
- Certification:** Certified Specialist - Probate, Estate Planning and Trust Law - The California Board of Legal Specialization of the State Bar of California.
- Member:** Past President, Silicon Valley Bar Association; Past Commissioner, State Bar of California, Board of Legal Specialization, Estate Planning, Trust and Probate Advisory Commission; Fellow, American College of Trust and Estate Counsel; Executive Committee, Estate Planning, Trust and Probate Law Section of the State Bar of California; Past Chairman, Litigation Subcommittee of the Executive Committee, Estate Planning, Trust and Probate Law Section of the State Bar of California; Executive Committee, Estate Planning, Trust and Probate Law Section of the Santa Clara County Bar Association; State Bar of California; American Bar Association; Top 100 Attorneys - Super Lawyers Magazine; Past President, St. Thomas More Society; Advocate - Child Advocates of Santa Clara and San Mateo Counties; Past Member, Board of Directors - Eastfield Ming Quong.
- Honors:** Selected as a 2010 Super Lawyer by *Law & Politics*; Selected for inclusion in 2011 edition of *The Best Lawyers in America* in the specialty of Trusts and Estates
- Author:** "Why an Intestate Heir Should Think Twice Before Petitioning to Admit a Will to Probate", Silicon Valley Bar Association, "The Scrivener", Trust & Estates Quarterly, First Quarter, 2006; "Who Has the Burden of Proof?", Silicon Valley Bar Association, "The Scrivener", Trust & Estates Quarterly, Third Quarter, 2005; "California Trust and Probate Litigation - Litigation

Tools", CEB 2011; "Moeller v. Superior Court: Attorney-Client Privilege Belongs to Person Who 'Currently' Occupies Office of Trustee", Vol. 19, No. 3, December 1997, CEB Estate Planning & California Probate Reporter; "The Fiduciary, His Counsel And The Attorney-Client Privilege", Vol. 136, No. 6, May 1997, Trusts & Estates; Litigation Alert, Estate Planning, Trust and Probate News, State Bar of California; "Legal Malpractice in Estate Planning and Administration and How to Avoid It," Vol. 5, No. 5, Winter/Spring, 1983, Estate Planning Trust and Probate News, State Bar of California; "Excessive Bail and Penal Code Section 13521," 23 Hastings Law Journal, 697, 1972.

Lecturer:

Monterey Trust Management & CPE Forum of the Central Coast "Year in Review - Tax & Law Update" (January 2019); San Mateo County Bar Association "Trump Updated It All - What Can We Say" (January 2019); Bar Association of San Francisco "Recent Developments in Estate Planning and Administration" (January 2019); Santa Cruz County Bar Association Estate Planning Section "The Year in Review" (December 2018); Silicon Valley Bar Association "Trump Updated It All - What Can We Say" (December 2018); Silicon Valley Bar Association "Caring for the Person" (September 2018); Silicon Valley Bar Association "Attorney's Fees" (February 2018); Silicon Valley Bar Association "'First Thing - Stop the Bleeding'" Provisional Remedies in Probate (February 2018); San Mateo County Bar Association "Déjà Vu All Over Again: Tax Reform Equals Lawyer's Full Employment - Remember 2001" (January 2018); Monterey Trust and Estates Study Group "Déjà Vu All Over Again: Tax Reform Equals Lawyer's Full Employment - Remember 2001" (January 2018); Santa Cruz Estate Planning Counsel "Déjà Vu All Over Again: Tax Reform Equals Lawyer's Full Employment - Remember 2001" (December 2017); Silicon Valley Bar Association "Déjà Vu All Over Again: Tax Reform Equals Lawyer's Full Employment - Remember 2001" (December 2017); Monterey Trust and Estates Study Group "Is There a Silver Lining in Every Dark Cloud?" (February 2017); San Francisco County Bar Association "Is There a Silver Lining in Every Dark Cloud?" (February 2017); San Mateo County Bar Association "Is There a Silver Lining in Every Dark Cloud?" (January 2017); Silicon Valley Bar Association "Is There a Silver Lining in Every Dark Cloud?" (December 2016); The Santa Cruz County Estate Planning Council "Is There a Silver Lining in Every Dark Cloud?" (December 2016); Monterey Trust and Estates Study Group "Does Luke Skywalker Go To The Dark Side and Become a T&E Litigator?" (February 2016); San Mateo County Bar Association "Does Luke Skywalker Go To The Dark Side and Become a T&E Litigator?" (January 2016); Silicon Valley Bar Association "Does Luke Skywalker Go To The Dark Side and Become a T&E Litigator?" (December 2015); The Santa Cruz County Estate Planning Council "Does Luke Skywalker Go To The Dark Side and Become a T&E Litigator?" (December 2015); PFAC 20th Annual Educational Conference 2015, "Licensed? Now What? A Roadmap for Various Types of Cases" (April 2015); Silicon Valley Bar Association, Moderator, "Appellate Review of Judgments and Orders" (April 2015);

Financial Insider Weekly “Your Rights as a Beneficiary of an Estate of Trust” (April 2015); San Mateo County Bar Association “The Giants Win Again and Other Excitement in the T&E World” (January 2015); The Santa Cruz County Estate Planning Council “The Giants Win Again and Other Excitement in the T&E World” (December 2014); Silicon Valley Bar Association “The Giants Win Again and Other Excitement in the T&E World” (December 2014); Silicon Valley Bar Association “Fiduciary War Stories” (October 2014); East Bay Trusts and Estates Lawyers “The Metrics for Determining the Amount of Attorneys’ Fees in Probate” (October 2014); Silicon Valley Bar Association, Moderator, “Marrying Into Elder Abuse” (May 2014); Financial Insider Weekly “Your Rights as a Beneficiary” (April 2014); Silicon Valley Bar Association “The Metrics for Determining the Amount of Attorneys’ Fees in Probate” (April 2014); The Santa Cruz County Estate Planning Council “The Metrics of Determining the Amount of Attorneys’ Fees in Probate (February 2014); San Mateo County Bar Association “Vetoes, Taxes and Marriage for All” (January 2014); The Santa Cruz County Estate Planning Council “Vetoes, Taxes, and Marriage for All” (December 2013); “Silicon Valley Bar Association “Vetoes, Taxes, and Marriage for All” (December 2013); CEB “Ethics & Malpractice Issues: Protection Tips for Estate and Trusts Attorneys” (December 2013); Monterey Estate Planning Study Group “The Metrics of Determining the Amount of Attorneys’ Fees in Probate (October 2013); San Mateo County Bar Association, Estate Planning & Probate Section, “Attorney Fee Petitions: What They Must and Should Include” (August 2013); San Mateo County Bar Association, “How Much Uncertainty Can We Tolerate—Planning from the Precipice (January 2013); Santa Cruz County Estate Planning Council, “How Much Uncertainty Can We Tolerate—Planning from the Precipice (December 2012); Silicon Valley Bar Association, “How Much Uncertainty Can We Tolerate—Planning from the Precipice (December 2012); Silicon Valley Bar Association, “He’s in Love With Her! *A Mock Trial*” (October 2012); San Mateo County Estate Planning Council, “Matters That Hit the Wallet—A Comprehensive Overview of Attorney’s Fees in Probate” (May 2012); PFAC Northern California Region Dinner, “When and Under What Circumstances Should a Professional Fiduciary Agree to Mediation, Trial by a Referee or Both?” (January 2012); San Mateo County Estate Planning Council, “Congress is Run by Lawyers. A Lawyer is Trained for Two Things, and Two Things Only: To Clarify and to Confuse. Welcome To Tax Planning 2012” (January 2012); Santa Cruz County Estate Planning Council, “Congress is Run by Lawyers. A Lawyer is Trained for Two Things, and Two Things Only: To Clarify and to Confuse. Welcome To Tax Planning 2012” (December 2011); Silicon Valley Bar Association, “Congress is Run by Lawyers. A Lawyer is Trained for Two Things, and Two Things Only: To Clarify and to Confuse. Welcome To Tax Planning 2012” (December 2011); State Bar of California, Taxation Section, 2011 Annual Meeting “Death, Taxes & Malpractice Traps—Avoiding the Top Ten Mistakes in Estate and Tax Planning” (November 2011); Silicon Valley Bar Association, “Matters That Hit the Wallet—A Comprehensive Overview of

Attorney's Fees in Probate" (October 2011); The Southern California Tax & Estate Planning Forum, "Estate and Trust Litigation" (October 2011); PFAC 2011 Conference, "The Ethical Conundrum: Damned if you Do . . . Damned if you Don't" (May 2011); Monterey Estate Planning Study Group and CPE Forum, "The Giants Won the World Series and How Much Quack Can You Get From a Lame Duck" (February 2011); San Mateo County Estate Planning Council, "The Giants Won the World Series and How Much Quack Can You Get From a Lame Duck" (January 2011); Silicon Valley Bar Association and Santa Cruz County Estate Planning Council, "The Giants Won the World Series and How Much Quack Can You Get From a Lame Duck" (December 2010); Professional Fiduciary Association of California, "Litigation, Tax Challenges, Asset & Client Control" (October 2010); The Southern California Tax & Estate Planning Forum, "Damages, Fees and Costs in Estate Litigation" (October 2010); Create TV, Financial Insider Weekly, "Your Rights as a Beneficiary" (October 2010); Create TV, Financial Insider Weekly, "Second Marriage Estate Planning" (June 2010); Silicon Valley Bar Association, "Expert Witnesses in Probate Litigation" (May 2010); Silicon Valley Bar Association, "Pigs Fly, Cubs Win World Series, Hell Freezes Over and Three Blind Men Will Guide Your T & E Practice in 2010" (December 2009); Financial Insider Weekly, "Your Rights as a Beneficiary" (October 2009); Silicon Valley Bar Association, "Estate Planning in the Brave (And Poorer) New World" (December 2008); Continuing Education of the Bar, "Elder Law: Remedies for Financial Abuse" (July/August 2008); Professional Fiduciary Association of California, Silicon Valley Chapter, "Professional Fiduciary and Conflicts of Interest" (June 2008); Professional Fiduciary Association of California Annual Conference, "Litigation and the Fiduciary" (May 2008); Silicon Valley Bar Association, "Probate Trials and Tribulations" (May 2008); Continuing Education of the Bar, "Ethics and Malpractice Issues—Protection Tips for Trust & Estate Attorneys" (January 2008); Silicon Valley Bar Association, "Changing our Plans in 2008: New Laws, New Interpretations, and How to Handle the Transition" (December 2007); Santa Cruz Estate Planning Council, "Probate Code Sections 850 and 17000(b): (October 2007); Paralegal Association of Santa Clara County, "Leading Your Client Through a Trust Allocation" (October 2007); Continuing Education of the Bar, "Estate Planning Scams, Botched Trusts & Other Disasters (July/August 2007); Santa Clara University Law School, Guest Lecturer, "Elder Abuse—The Civil Perspective" (February 2007); Silicon Valley Bar Association, "Changing Our Plans in 2007: New Laws, New Interpretations and How to Handle the Transition" (December 2006); Silicon Valley Bar Association, "Probate Code Sections 850 and 17200" (September 2006); Continuing Education of the Bar, "Ethics and Malpractice Issues—Protection Tips for Trust & Estate Attorneys" (January and March 2006); Estate Planning Council of Diablo Valley, "Why You Can't Estate Plan Around Estate Litigation" (January 2006); Silicon Valley Bar Association, "Taxes, Trusts and Planning in Disastrous Times (December 2005); Silicon Valley Bar Association, "Provisional Remedies in Probate Litigation" (June 2005); Current Issues Regarding the Duties of Fiduciaries and Those Who Serve

Them (May 2005 San Francisco); Continuing Education of the Bar, Elder Law Litigation: Remedies for Financial Abuse (February 2005 San Francisco, March 2005 Sacramento); Silicon Valley Bar Association, The Trusts & Estates Section, "The Continuing Search for WMD (Ways to Manage Death, Disability and Dissolution)" (December 2004); National Business Institute, "Elder Care in California" (September 2004); Trusts Commission of Alameda County Bar Association, "The Trust and Probate Attorney as a Trial Lawyer" (May 2004); Silicon Valley Bar Association, The Trusts & Estates Section, Moderator, "The Mother of All Will Contests" (April 2004); West Valley Bar Association, "Why Can't We Do It Like They Do in England?" (April 2004); Silicon Valley Bar Association, The Trusts & Estates Section, "The Good, The Bad and The Ugly—Recent Developments in Estate Planning, Administration and Litigation" (December 2003); Santa Cruz County Bar Association, "The Good, The Bad and The Ugly—Recent Developments in Estate Planning, Administration and Litigation" (December 2003); Silicon Valley Bar Association, The Trusts & Estates Section, "No Contest Clauses—The Disaster Waiting to Happen" (November 2003); Continuing Education of the Bar, Antidotes for Estate Planning Scams, Botched Trusts & Other Disasters (November 2003 San Francisco, October 2003 Sacramento); Santa Clara County Estate Planning Council, "Elder Abuse: Estate and Trust Litigation" (March 2003); Silicon Valley Bar Association, The Estate of Kouba- Due Execution, Exercise of a Power of Appointment and the "Substantial Compliance" Rule (February 2003); San Mateo County Bar Association, "Update in Down Times—When The Bills Arrive" (February 2003); Santa Cruz Bar Association, "Update in Down Times—When The Bills Arrive" (December 2002); Silicon Valley Bar Association, Estate Planning, Probate & Trust Section, "Update in Down Times—When The Bills Arrive" (December 2002); Silicon Valley Bar Association, Estate Planning, Probate & Trust Section "Serving as a Referee Appointed by the Probate Court" (April, 2002); San Mateo County Bar Association, Estate Planning, Probate & Trust Section "The Traditional Family Values Elimination Act" (February, 2002); Continuing Education of the Bar, "Estate Planning, Malpractice & Legal Ethics" (January, 2002); Santa Cruz County Bar Association, Estate Planning, Probate & Trust Section "The Traditional Family Values Elimination Act" (December, 2001); Santa Clara County Bar Association, Estate Planning, Probate & Trust Section "The Traditional Family Values Elimination Act" (December 2001); Continuing Education of the Bar, "Antidotes for Estate Planning Scams, Botched Trusts, and Other Disasters" (July, 2001); The State Bar of California, "A Mock Trial Program: Demonstration of a Disputed Will and Trust Matter" (June, 2001); California Center for Judicial Education and Research, "Will Contests" (February, 2001); Santa Cruz County Estate Planning Council, "Legislative Chads and Estate Tax Repeal: Down To The Count?" (December, 2000); Santa Clara County Bar Association, Estate Planning, Probate & Trust Section, "Legislative Chads and Estate Tax Repeal: Down To The Count?" (December, 2000); California Center for Judicial Education and Research, "Probate 201: Complex Litigation" and "Probate 101: Basic Contested Litigation" (February, 2000); The Paralegal

Association of Santa Clara County, Trusts and Estates Section, "Estate Planning and Administration Recent Developments - 2000" (February, 2000); Santa Cruz County Estate Planning Council, "Vaccine for Millennium Bugs: New Laws in 2000" (January, 2000); Santa Clara County Bar Association, Estate Planning, Probate & Trust Section, "Vaccine for Millennium Bugs: New Laws in 2000" (December, 1999); Santa Clara County Bar Association, Estate Planning, Probate & Trust Section, "Guardians Ad Litem in Litigation" (June, 1999); Eleventh Annual William F. Fratcher Trusts & Estates Symposium (University of Missouri-Columbia School of Law), "Antidotes for Estate Planning Scams and Botched Trusts and Other Disasters" (June, 1999); The State Bar of California, Estate Planning, Trust and Probate Law Section, "A Mock Trial Program: Demonstration of a Disputed Will and Trust Matter" (May, 1999); Professional Fiduciary Association of California, "Fiduciary Liability" (May, 1999); Santa Clara County Bar Association, Estate Planning, Probate & Trust Section, "New Probate Laws: Tweaks and Twinges Before The Millennium" (December, 1998); Continuing Education of the Bar, "Antidotes for Estate Planning Scams, Botched Trusts and Other Disasters" (November, 1998); Ronald McDonald House at Stanford, "Advanced Estate Planning" (November, 1998); Northern California Trust Companies Association, "Seventh Annual Educational Program" (October, 1998); Contra Costa County Bar Association, "Anatomy of a Trial" (September, 1998); Santa Clara County Bar Association, Estate Planning, Trust & Probate Section, "Provisional Remedies In Estate Proceedings" (July, 1998); The Mid-Peninsula Trust Forum, Northern Trust Bank, "Anatomy of a Trust" (June, 1998); State Bar of California, Fall Section Education Institute, "Evidentiary Issues That Should Be Considered During the Estate Planning Process" (October, 1997); Santa Clara County Bar Association, Estate Planning, Probate & Trust Section, "Anatomy of a Trial" (September, 1997); The Institute of Certified Financial Planners, "Professional Negligence In Estate Planning" (August, 1997); Sonoma County Bar Probate Section and Redwood Empire Estate Planning Council, "The Estate Planner/Litigator's View: Emerging Patterns In Trust Litigation" (May, 1997); National Business Institute, "California Probate: Beyond the Basics" (April, 1997); California Center For Judicial Education, "Probate Litigation" (February, 1997); State Bar of California, Continuing Education of the Bar, "The Guiding Hand: Ethical Issues in Estate Planning" (1996); Santa Clara County Bar Association, Estate Planning, Probate & Trust Section, "Due Unto Others" (December, 1995); CPA-Law Forum of San Francisco, "Professional Ethics and Liability in Estate Planning" (June, 1995); State Bar of California, Section Education Institute, "Estate Planning and Probate" (June, 1995); Financial Planning Forum, "Estate, Trust & Professional Liability Litigation; Anxiety Stories I Have Not Been Able to Forget" (April, 1995); Santa Clara County Bar Association, "Estate Planning, Probate and Trust Law Update" (December, 1994); Alameda County Bar Association, Estate Planning Trust and Probate Law Section, "Burch v. George - The No Contest Clause Re-Energized" (November, 1994); Diablo Valley-Tri-Valley Estate Planning Council, "Estate Planning

Practices That Lead to Litigation" (October, 1994); State Bar of California, Continuing Education of the Bar, "Estates and Trusts: Dispute Resolution and Litigation" (June/July, 1994); Santa Cruz County Estate Planning Council, "Estate Planning" (May, 1994); Contra Costa County Bar Association and the Mechanics Bank, "The First Annual Contra Costa County Estate Planning Symposium" (March, 1994); Santa Clara County Bar Association, "Estate Planning, Probate and Trust Law Update" (December, 1993); Santa Clara County Bar Association, "References in Contested Estate Proceedings Under Code of Civil Procedure sections 639 and 639" (November, 1993); State Bar of California, Estate Planning, Trust and Probate Law Section, "Recent Developments: Statutes, Cases and Taxation" (November, 1993); National Business Institute, "California Elder Law: Taking Control of the Planning Process" (November, 1993); Attorneys Probate Association, "Will Contests: Do's and Don'ts" (October, 1993); Northern Trust Bank of California, "The Santa Clara County Trust Forum - Fiduciaries & Estate Litigation" (September, 1993); National Business Institute, "A Practical Guide to Estate Administration in California" (August, 1993); National Business Institute, "Planning Opportunities With Living Trusts in California" (February, 1993); State Bar of California, Section Education Institute, "Ethical Issues in Estate Planning/Administration" (March, 1992); Center for Judicial Education and Research, "Selected Programs in Decedent's Estates" (March, 1992); State Bar of California, Continuing Education of the Bar, "Estate and Trusts: Dispute Resolution and Litigation" (September, 1991); New York University School of Continuing Education, "Malpractice Issues in Estate Administration" (May, 1991)