



Hon. Melinda A. Johnson (Ret.)

Case Manager

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Estates/Probate/Trusts Biography

Hon. Melinda A. Johnson (Ret.) tried and settled complex probate cases over the 20 years she served on the Ventura Superior Court. Since joining JAMS, she has mediated the complex and emotional issues that dominate probate and trust law.

- Presided over the probate calendar, handled *ex partes*, initial petitions, and contests in all aspects of decedents' estates, trusts, and conservatorships, including LPS conservatorships and guardianships
- Served as a member of the Judicial Council task force that created a separate Probate Advisory Committee to the Judicial Council
- Conducted Continuing Legal Education for the Probate Bar in topics of interest such as Gerontology Pharmacology
- Oversaw the redrafting of local Probate rules of court

Representative Matters

- \$9 million estate dispute involving whether certain writing constituted a will; whether stepchildren had been effectively, if not legally, adopted; whether decedent and third spouse were legally married at the time of death
- Contest involving a will that was handwritten in a Slavic language and a substantial portion of the estate's corpus that was foreign real property. Competing handwriting experts, missing witnesses to the will, an adult child who claimed to be a pretermitted heir, and real property law in an Eastern European nation were involved
- Contested accounting for five years of trustee's oversight, including running two businesses, conducting litigation, and providing round-the-clock care for the trustor
- Contested conservatorship in which five adult children of conservatee had all participated in having title to three pieces of real property transferred multiple times among them. Dispute involved how to provide liquid funds for conservatee's care during life and what estate plan to create on her behalf
- Contested conservatorship in which two adult sons and the conservatee's spouse each wished to be decision-

makers and each wanted conservatee to reside in a different location and have a different treatment regimen for dementia

- Contested estate in which caregiver-beneficiary was alleged to be precluded from inheriting due to the fiduciary relationship that led to creation of a will in her favor. She thereafter filed a creditor's claim for nearly the entire value of the estate, alleging she had not been paid for care giving services
- Contested intestate estate in which original owner spouse had left wife a life estate in all his assets with the remainder to his adult children. Wife then treated the assets as her own for the 20 years until her death, at which time she left everything to her children, and sole heirs were litigating with his children and sole heirs
- Contested trust from which the widower-trustee had removed substantial sums from principal, though decedent's adult children alleged he was only entitled to income. His only means of repayment was by an assignment of interest in another trust of which he was a beneficiary
- Contested trust in which co-trustee's widow and son had failed to allocate into sub-trusts upon death of first trustor 15 years earlier. Siblings alleged commingling and self-dealing. Substantial property of the trust was outside the United States
- Contested trust in which decedent specifically intended wife to have \$120,000 per year to come solely from income for her expenses. A huge market drop left her with only \$65,000 per month. Dispute with decedent's adult children regarding widow's ability to invade corpus
- Contested trust in which widow-trustee had failed to allocate to sub-trusts. Also, three children, each living in different states, were to co-own a primary asset, but one was to be allowed to live in it for life. The conflict among the siblings was too great for this to be manageable
- Interpretation and accounting of a multi-generation trust, which involved very large pieces of undeveloped land. Various beneficiaries had used the property without accounting for decades, encumbering it, attempting to develop it, and precluding use by other beneficiaries. Because at least one trustee had been murdered, it was difficult to obtain a neutral successor trustee
- Intestate estate consisting of several pieces of real property and a large investment account. Decedent's only biological child, whom she had relinquished for adoption in World War II England and with whom she had been reunited for three years, claimed based on adoption laws at the time
- Trust accounting in which one of three children had served as trustee for years before trustor's death. It was alleged trustee converted hundreds of thousands of dollars to her own use. The trust was also a significant creditor of another child who ran a business in which the trust had a majority interest
- Trust contest in which a trust contained both community and separate property and rents and dividends from both community and separate property. Without itemizing the property, certain portions of "separate" and "community" property were left to widow and adult children of a prior marriage
- Trust contest in which all property was left to two children to divide equally despite the same property being held in joint tenancy with decedent and one of the children
- Trust contest in which two of four siblings were allowed by the terms of the trust to live for life in the house that was the trust's primary asset. Despite this, the trust was ordered to be divided equally immediately. Other assets could not be liquidated for religious, tribal reasons
- Will contest in which one daughter allegedly obtained the bulk of the estate by exerting undue influence over the testator. Additionally, the contesting daughter sought to recover money from a separate estate allegedly obtained by undue influence exerted against the testator's brother. Recovery would increase her mother's estate by several million dollars but would also involve dozens of extended family members who would take from the brother by intestacy
- Will contest in which three separate and conflicting wills were offered by three different family members; corpus of the estate was several pieces of real estate in several counties with competing claims of ownership outside the probate estate

Honors, Memberships, and Professional Activities

- Judge of the Year Award, Ventura County Trial Lawyers, 1990
- Public Safety Award, Knights of Columbus, 1988
- Salute to Women Award, Ventura County Commission for Women, 1987
- Member, Executive Committee of the Judicial Council, 1996-2000
- Member, Executive Committee of the Coordinated Municipal and Superior Courts, 1995
- Chairman, Court Consolidation Committee, 1993

- Frequently requested speaker before a wide variety of organizations including judicial and bar association conferences
- "Sixth-Sense Negotiator," ADR Profile, *Daily Journal*, March 18, 2011

Background and Education

- Judge, Ventura Superior Court, December 1982-2002; (Presiding Judge, 1994-1995; Assistant Presiding Judge, 1992-1993)
- Justice, District Court of Appeal (on assignment), March-April 1985
- Judge, Ventura Municipal Court, February-December, 1982
- Sole private practitioner, (emphasis in personal injury, wrongful death, domestic, probate proceedings), 1977-February 1982
- Instructor in criminal law and evidence and juvenile law and procedure at Ventura Community College and the Ventura County Police and Sheriff's Academy, 1976-1979
- Deputy District Attorney, Ventura County, 1972-1976
- J.D., Order of the Coif, University of Southern California Law Center, 1972
- University of California Hastings College of the Law
- A.B., Stanford University, 1969

General Biography

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