

Court of Appeals Unanimously Upholds Elder Abuse Jury Verdict in Favor of CPM Client

12.16.2015

In an opinion issued December 16, 2015, the California Court of Appeals unanimously upheld the April 2014 jury verdict in *Shook v. LaFarre*. CPM represented a family in a dispute about the estate of long time San Francisco resident Rudolph R. Cook. CPM alleged that the defendant Cyrus LaFarre, a neighbor of Mr. Cook's, had duped Mr. Cook into amending his estate plan and giving his money to Mr. LaFarre. After Mr. Cook passed away in March 2013, the family learned that Mr. LaFarre claimed that he had been left the majority of Mr. Cook's estate and had been named as the trustee of Mr. Cook's trust. The amendment to Mr. Cook's long time estate plan was procured in August 2012, and purported to give most of Mr. Cook's estate to the defendant. The case was difficult as Mr. Cook had passed away and much of the financial records and other documents had been destroyed. Despite that difficulty, the jury unanimously determined that Mr. LaFarre had committed financial elder abuse. The Court of Appeals catalogued the evidence presented at trial. The Court found that "[t]he jury had every right to disbelieve LaFarre's testimony." The Court of Appeal also found that "under the totality of circumstances in this case, there is simply no basis for disturbing the trier of fact's well-supported verdicts in favor of Plaintiffs and against LaFarre." The decision touches upon a number of important points of law – including that people who put themselves in the role of being care custodians for elders can be found to owe the elder a fiduciary duty. The decision also reiterates the presumption of undue influence when a trust instrument is changed to the benefit of a non-relative care custodian.

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Practice Areas

Elder Abuse