



Erika J. Gasaway

Partner

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Erika Gasaway represents and advises professional fiduciaries, trustees, beneficiaries, high-net-worth individuals and family offices on a range of trust and estate litigation matters. Erika has also litigated matters relating to real estate, financial institutions, corporations and other business entities, providing her clients a unique breadth and depth of knowledge necessary for complex disputes. Erika works closely with our premier trust administration and estate planning attorneys to bring full high-level experience to clients.

Erika represents clients in trust and estate disputes involving the following:

- Trust contests including undue influence, lack of capacity, forgery and lack of due execution
- Disputes over trustee accountings, fiduciary duties, breach of trust and actions for suspending or removing trustees
- Disputes over ownership of trust property pursuant Probate Code section 850
- Financial elder abuse
- Real estate matters including unlawful detainers, quiet title actions, partitions and easements
- Corporate matters including fiduciary and shareholder duties and bequests of ownership interests

Areas of Focus

Services

[Litigation](#)

[Trust & Estate Litigation](#)

[Real Estate & Development](#)

[Financial Services](#)

[Private Client Services](#)

Sectors

[Financial Institutions](#)

Experience

- Prevailed in a trial on undue influence claims brought against beneficiaries who received millions of dollars worth of inter vivos and testamentary gifts of real property and business assets from the decedents.
 - First chaired a bench trial in which dispositive motions in limine were granted, resulting in a multi million dollar judgment for the Plaintiff.
 - Successfully obtained a permanent restraining order and a full award of attorney's fees after an evidentiary hearing that spanned several months on behalf of an ailing elderly client who was being targeted for elder abuse.
 - Obtained a judgment after trial for millions of dollars in mesne profits generated by a commercial property after the trustee was found to have breached his fiduciary duty and unduly influenced the settlors of the trust, which also resulted in quieting title in favor of clients.
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Credentials

Education

- Santa Clara University School of Law, J.D., magna cum laude
- University of California - Davis, B.A.

Bar Admissions

- California (2009)

Court Admissions

- U.S. Court of Appeals for the Ninth Circuit
- U.S. District Court for the Northern District of California
- U.S. District Court for the Eastern District of California
- U.S. District Court for the Southern District of California

Recognition

- Selected among *The Best Lawyers in America*® Litigation – Trust & Estates, 2023-2024
- Thomson Reuters, "Northern California Super Lawyers®", Rising Star" 2021-2022

Presentations

- Co-presenter, "Planners Plan and Litigators Laugh: How Will a Court Interpret Your Well-Intended Plan?" Santa Clara County Estate Planning Council Event, March 18, 2025
 - Co-presenter, "Third Time's a Charm? Key v. Tyler and No Contest Clauses," California Lawyers Association's 2025 Estate and Gift Tax Conference, March 6, 2025
 - Speaker, "Planners Plan and Litigators Laugh," Sacramento Estate Planning Council Forum, May 30, 2024
 - Speaker, "Taking the 'Ick' Out of Litigation," Professional Fiduciaries Association of California annual state conference, May 17, 2024
 - Speaker, "Taking the 'Ick' Out of Litigation," Placer County Chapter of the Professional Fiduciaries Association of California, March 26, 2024
 - Podcast Guest, "[Season 3, Episode 12: What to Count on in an Accounting](#)," The "Trust Me!" Podcast of the Trusts and Estates Section of the California Lawyers Association, December 21, 2023
 - Speaker, "Honing Your Spidey Senses: Navigating the Web of Fiduciary Duties," Society of Financial Service Professionals – Silicon Valley Chapter, August 11, 2022
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Publications

- [Trusts and Estates Section of the California Lawyers Association Case Alert on *Key v. Tyler*](#)
- [Trusts and Estates Section of the California Lawyers Association Case Alert on *Hamilton v. Green*](#)
- [Trusts and Estates Section of the California Lawyers Association Case Alert on *Zahnleuter v. Mueller*](#)
- [Trusts and Estates Section of the California Lawyers Association Case Alert on *Starr v. Ashbrook*](#)
- [Trusts and Estates Section of the California Lawyers Association Case Alert on *Tedesco v. White*](#)
- [Trusts and Estates Section of the California Lawyers Association Case Alert on *Städel Art Museum v. Mulviill*](#)
- [Trusts and Estates Section of the California Lawyers Association Legislative Alert on AB 1663 regarding supported decision making as an alternative to the probate conservatorship system](#)
- [Money Matters video on trustee notifications pursuant to Probate Code section 16061.7 and 16061.7](#)
- [Trusts and Estates Section of the California Lawyers Association Case Alert on *White v. Davis*](#)
- [Trusts and Estates Section of the California Lawyers Association Case Alert on *Parker v. Schwarcz*](#)

Professional Activities

- Professional Fiduciary Association of California, Affiliate member, 2023-present
- California Lawyers Association's Trusts and Estate Section, Executive Committee Volunteer, 2021-present; *Trusts and Estates Quarterly* Editorial Board Member, 2024-present
- Silicon Valley Bar Association, Member, 2021-present
- San Mateo County Bar Association, Member, 2021-present

Community Involvement

- Rotary Club of San Jose, Member, 2022 – Present