



→ Jacqueline Gottlieb Luther

Partner

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Jacqueline Luther is a partner in the Business Trial and Finance and Bankruptcy Practice Groups in the firm's Orange County office. Jacqueline also serves on the firm's Diversity and Inclusion Committee, Women's Group Committee, and the firm's Recruiting Committee.

Areas of Practice

Jacqueline's practice consists of commercial and civil litigation matters, including securities litigation, creditors' rights litigation, contract disputes, real estate and property disputes, and business torts litigation. Jacqueline also specializes in trusts and estates and fiduciary litigation.

Jacqueline has trial experience and handles all aspects of litigation including, administrative, trial court, and appellate proceedings in both state and federal courts.

Commercial Litigation

Jacqueline represents a broad base of financial institutions and other clients in all state and federal courts and has experience enforcing secured and unsecured loan obligations, obtaining attachments, injunctions, restraining orders, receiverships, and other pre-judgment remedies. She is also experienced in handling real property and UCC foreclosures, defending clients against lender liability, sham guaranty, and unfair business practices and specializes in enforcing and collecting judgments at both the trial court and appellate court level.

Fiduciary Litigation

Jacqueline represents clients in trust and estates litigation in both prosecuting and defending disputes pertaining to breach of fiduciary duty/surcharge actions, interpretation issues, will/trust contests, entitlement claims, and other types of controversies, both in the court system and before alternative dispute resolution forums.

Honors

Southern California Rising Star, *Super Lawyers*, 2019-2020

Experience

Representative Trial Experience

November 2011 (Orange County Superior Court, Honorable Francisco Firmat)

Case: consolidated will and trust contest, testamentary capacity, undue influence, care custodian

Role: Second Chair

Verdict: Defense Verdict

Jacqueline second chaired as trial counsel in a consolidated will and trust contest where the firm represented the beneficiary of the decedent's will and trust. The suit was brought by the decedent's nephew, her only living heir at law, who alleged that the decedent lacked testamentary capacity and was subject to undue influence. Although the trial lasted nearly two weeks, the judge took only ten minutes after the conclusion of closing arguments to announce his decision rejecting all of the nephew's claims and upholding the validity of the will and trust documents.

December 2013 (Orange County Superior Court, Honorable Kirk Nakamura)

Case: trust contest, estate tax allocation and fiduciary accountings issues

Role: Second Chair

Verdict: Defense Verdict

Jacqueline second chaired as trial counsel in a trust case that concerned the correct methodology for distributing the residue of a multi-million dollar trust, which held valuable licensing agreements and trademarks. The case boiled down to whether, under California law, the so-called "fixed fraction method" or "changing fraction method" applied to determine how the trust residue was to be divided among three equal residuary shares, after taking major principal charges (including \$38 million in estate taxes) into account. While no California case had previously addressed this issue, after seven days of trial, the judge took only ten minutes after the conclusion of closing arguments to announce his decision in favor of our proposed "changing fraction method."

February 2015 (San Diego Superior Court, Honorable Linda Schall)

Case: contested conservatorship proceeding

Role: First Chair

Verdict: Defense Verdict

Jacqueline first chaired as trial counsel in a conservatorship proceeding regarding whether a conservatorship over an individual should be reinstated based upon a finding that the individual was gravely disabled pursuant to California Welfare and Institution Code section 5450 et seq. Jacqueline delivered the opening statement, examined the expert witnesses who testified at trial, both on direct and cross, cross-examined a percipient witness that was not disclosed prior to trial, and delivered the closing argument.

Representative Published Appellate Opinion

June 2011 (Court of Appeal, Second Appellate District, Division One)

Case: lender liability, Unruh Civil Rights Act, constitutional protection

Role: Managing Associate

Judgment: Defense Judgment

Citation: 196 Cal.App.4th 1380

Jacqueline represented a commercial lender in an action brought by a managing member of a limited liability company who alleged that the lender violated the Unruh Civil Rights Act by declining to make a loan to managing member's limited liability company based on managing member's prior felony convictions. The Court

of Appeal affirmed that lender had not violated the Act and the California Supreme Court denied managing member's petition for review.

Articles

Finance and Bankruptcy Law Blog Posts

- "Start Spreadin' the News: California Court Says No to New York, New York; Rejects Forum Selection Clause," November 8, 2019
- "Third Circuit Upholds The Enforceability Of Make-Whole Premiums In Post-Bankruptcy Context," November 22, 2016

Corporate and Securities Law Blog Posts

- "Start Spreadin' the News: California Court Says No to New York, New York; Rejects Forum Selection Clause," November 19, 2019

Labor & Employment Law Blog Posts

- "Ending Up On The Naughty List: Dismissal Of A Pending Appeal Under The Disentitlement Doctrine," December 20, 2019

Media Mentions

Imperial Toy Plans Sale to Ja-Ru
The Deal, 11.19.2019

Speaking Engagements

"Fundamentals of Taking Depositions," Mastering the Deposition in CA, *Bridgeport*, June 21, 2019

Events

The Mortgage Banking Industry – 2019 in Review and A Look Ahead Webinar
02.04.2020

Practices

Litigation

Appellate

Financial Services Litigation

Securities Litigation

Private Wealth and Fiduciary Litigation

Bankruptcy and Restructuring

Bankruptcy Litigation

Appellate

Private Equity

Industries

Financial Services

Mortgage Banking

Private Equity

Education

J.D., Loyola Law School, 2010, *cum laude*, *Order of the Coif*, St. Thomas More Law Honor Society, Roger J. Traynor Appellate Moot Court First Place Oralist and Best Overall Advocate for highest combined oral advocacy and appellate brief score, Honors Scott Moot Court Board Member, Note and Comment Editor of *Loyola of Los Angeles Entertainment Law Review*

B.A., University of California, Santa Barbara, 2006

Clerkships

Extern to the Honorable Judge Roy Paul, Los Angeles Superior Court

Admissions

California

U.S. Court of Appeal, Ninth Circuit

U.S. District Court for the Central, Eastern, Northern, and Southern District of California