



HON. MARSHALL WHITLEY

Alameda County Superior Court, Ret.



Hon. Marshall Whitley served as a California Superior Court Judge in Alameda County for over 20 years. For many years he was the Supervising Judge at Alameda, Oakland, and Berkeley courthouses, and for 10 years was Presiding Judge in departments handling Probate, direct calendar Civil, and long cause Probate trials. He has been the trial judge for a number of complex and high profile civil and criminal cases.

Judge Whitley retired from the bench in 2013 and began working with ADR Services, Inc. as a mediator, arbitrator, special master and discovery referee. He has extensive experience and expertise in the areas of trusts, estates, conservatorships, taxation, malpractice, contracts, real estate, and business disputes. His flexible approach, technical expertise, and patience have enabled him to achieve an exceptionally high success rate in more than one thousand mediations and court settlement conferences. His 20 years managing all types of civil and criminal trials have made him a very fair, efficient, and decisive arbitrator, court appointed special master, and private judge.

Judge Whitley has been a law professor, either adjunct or full time, since 1985 teaching lawyers and law students in the above subject areas. Since leaving the bench he has trained hundreds of lawyers on mediation and dispute resolution and currently teaches a course he designed entitled “Mediating Trust and Estate Disputes” for the LL.M. program at Golden Gate University School of Law.

Prior to his judicial appointment, Judge Whitley, for 19 years, was a DC legislative counsel, a US Justice Department trial attorney, and a San Francisco private practitioner handling estate planning, tax and business litigation matters.

JUDICIAL EXPERIENCE

Judge, Superior Court, County of Alameda, 1999-2013

Judge, Municipal Court, County of Alameda, 1993-1998

Probate

- Presided over Long Cause Probate Trials, 2007-2013
- Supervising Probate Judge, 2003-2007
- Chair, Superior Court Probate Committee, 2003-2008

Civil

- Presided in Civil Trial and Civil Direct Calendar departments, 2007-2013
- Included case management, motions, settlement conferences, and trial of all types of civil cases including: asbestos; commercial; collection; contract; copyright; labor; employment; environmental; malpractice and other tort; real property; and trade secrets

Administrative

- Supervising Judge of George McDonald Courthouse, 2009-2010
- Supervising Judge of Berkeley Courthouse, 2007-2008
- Supervising Judge of Wiley Manuel Courthouse, 1999-2000

Committees

- Judicial Council Probate and Mental Health Advisory Committee, 2010-2013
Chair, Subcommittees on Trusts and on Rules & Forms.
- Judicial Education & Research Division of the Administrative Office of the Courts (CJER), 2005-2008 Chair, Committee on Probate and Mental Health.
- California Judges Association Probate and Mental Health Committee, 2006-2008

ATTORNEY EXPERIENCE

Managing Partner and Co-Managing Partner, Law Offices of Marshall Whitley and Tierney Walden & Whitley (San Francisco), 1985-1993

Law practices focused on federal and state tax controversies, business transactions and tax planning, estate planning, ERISA, and commercial litigation

Tax Supervisor, Coopers & Lybrand (San Francisco), 1983-1985

Tax compliance for clients, coordinated with Washington, DC office regarding pending and proposed tax legislation, and provided internal counsel regarding IRS practice and procedure

Trial Attorney, US Department of Justice, Tax Division (Washington, D.C.), 1979-1982

Represented the US Government in complex tax litigation and related civil matters in US District and Bankruptcy Courts throughout the western region of the United States.

Special Tax Counsel and Legislative Counsel, Washington, D.C. Finance & Revenue Department and Council of the District of Columbia, 1974-1979

Directed implementation of recently enacted real property tax measures, drafted proposed income and estate tax legislation, and coordinated with Congressional staff of Ways & Means and Finance Committees regarding D.C. finances and revenues.

ACADEMIC EXPERIENCE

Professor and Director of LL.M. Programs in Taxation and Estate Planning, 2013-Present; Adjunct Professor, 1985-2013; Golden Gate University School of Law

Directs the administration of two LL.M. programs including selecting curricula, identifying and employing adjunct professors and all aspects of student admissions, matriculation, graduation and career placement.

Courses taught: Wills, Trusts & Estates; Mediating Trust and Estate Disputes; Probate Procedure and Litigation; IRS Practice and Procedure; Federal Tax Litigation; Standards of Tax Practice; IRS Collection Procedures.

MEMBERSHIPS & AWARDS

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| 2016 | Recipient of "Joanne M. Garvey Lifetime Achievement Award", California State Bar Taxation Section |
| 2013 | Certificate in Mediation & Conflict Resolution, University of California, Berkeley Extension |
| 2013 | Member, San Francisco Mediation Society |
| 1995-2012 | Outstanding CJER Faculty commendations, Supreme Court Chief Justices & AOC |
| 1993 | Recipient of "V. Judson Klein Outstanding Tax Attorney Award," California State Bar Tax Section |
| 1991 | Recipient of "Outstanding Faculty Award," Golden Gate University School of Law |
| 1989-1993 | Executive Committee Taxation Section of State Bar of California, Chair-Elect 1992-1993 |
| 1985-1992 | President, Vice President and Treasurer, San Francisco Tax Litigation Club |

EDUCATION

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| 1976 | LL.M. (Taxation), Georgetown University Law School |
| 1973 | J.D., University of Connecticut School of Law (with awards) |
| 1970 | B.A., Bowie State University (Business and Accounting with honors) |