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EXTRA

Trials, transactions
and the insider's guide
to the practice of law.



The Sure Thing

Those who think the only givens in life are death and taxes haven't met Loeb & Loeb's Adam Streisand, who helps celebrities avoid both by battling those who make large claims on their estates.

Death Becomes Him

If you're a celebrity or the on-the-side paramour of one, you may want to consider putting Adam Streisand's name in your rolodex, particularly if you desire a serene afterlife. The Loeb & Loeb partner has made a business of helping celebrities like Barry White truly rest in peace.

By Tina Spee

In the late '90s, top brass at Los Angeles' Loeb & Loeb came to junior partner Adam Streisand with a proposition that initially sounded like the kiss of death for his budding, star-freckled entertainment litigation career.

It was just a few years after a slightly-terrified Streisand had landed his first big break in Hollywood, settling copyright infringement claims against soul singer Diana Ross, when senior partner Andy Garb approached the 30-something self-starter and asked him to consider taking on a probate matter.

"Here I was, trying to become a serious entertainment litigator and wondering when I was going to get my Bert Fields or Patty Glaser notoriety," Streisand says from his Century City office at Loeb & Loeb, a decade later.

Stacked on the desk of the now-42-year-old are court pleadings from disputes over the Ray Charles estate and the will of soul phenomenon Barry White.

From Streisand's chair, he faces a framed promotional poster of the 1957 film "Sweet Smell of Success," which he says he likes just because the film is "dark [and] quirky."

"I had absolutely no interest at all," he says of Garb's proposal. "The word probate just sounded, I don't know, it seemed ... just dead people and family fighting. It just sounded yuck."

But it didn't take much for Garb and firm co-chair John Frankenheimer to convince Streisand that there was more to trusts and estates law than drafting wills and consoling gray-haired widows.

The firm, Frankenheimer said, needed someone to carry on its "nationally recognized"

trusts and estates litigation group.

The team possesses a special blend, opposing counsel say, of litigation skills and a sharp knowledge of trusts and estates law, which, with its unique set of rules and procedures, sometimes seems cryptic to outsiders.

At Garb's request, and as Streisand had done since joining the firm in 1993, the eager though skeptical young partner rose to the occasion and joined the group.

The practice niche, which Loeb & Loeb staffs with a six-attorney, Los Angeles-based department of litigators, is expected to grow considerably as the rich get richer and live longer and a wave of baby boomers approaches retirement, experts predict.

"Adam's intellectual abilities and analytical abilities were evident to everyone," Frankenheimer says, explaining why the firm tapped Streisand for its trusts and estates practice. "It was also very clear to me that he was someone who really wanted to be part of the partnership."

But Garb and Frankenheimer also saw something special in Streisand. The ambitious young attorney knew the law. But he also knew how to "foster trust" in people enduring emotionally stressful situations, Frankenheimer says.

That unique combination of skills made Streisand particularly qualified for trusts and estates litigation, the co-chairman adds.

"Adam is someone who has tremendous capabilities in those areas," Frankenheimer says.

Despite its unexpected turn to the world of probate law, Streisand's legal career has placed

him at the forefront of his practice area, according to colleagues and opposing counsel.

Some of his recent cases, like disputes over the multimillion-dollar estates of legendary singers Barry White and Ray Charles, have even caught the attention of Hollywood tabloids.

"My kids actually think I've really made it because I'm in Star magazine," Streisand says with a laugh.

His polished yet sympathetic way with clients served him well in the late 1990s when he took on his first estate case, a starless dispute in which he represented Brana Sisenwein, an elderly woman whose brother died and left her in charge of a charitable foundation funded by his entire estate.

Things had turned a little ugly for Sisenwein because her brother's four once-beloved daughters had been left completely out of their father's will.

Geraldine Wyle, a partner at Holland & Knight in Los Angeles who represented the disinherited daughters in their legal battle for a stake in the estate, says that tensions mounted between Sisenwein and one of her nieces during a deposition in the case.

During the deposition, Sisenwein recounted a completely fabricated story in which one of her estranged nieces hid out on the balcony of Sisenwein's Palm Springs home, spying on her aunt until suddenly bursting through the living room curtains, Wyle says.

The pressure that built up during the deposition as Sisenwein told her strange story finally erupted into laughter, as the witnesses,

Wyle and Streisand fought to contain their composure.

Streisand, attempting as best he could to conceal his shocked amusement from his client, bolted up from his chair and grabbed the tongs in a nearby ice bucket, churning away with his face turned from view until his laughter subsided, according to Wyle's account.

"He pulled it off with great style," Wyle says. "He handled [Sisenwein] with aplomb. She adored him."

"We settled it very amicably, and we established a very good relationship," Wyle adds. "He's a fine lawyer. If we could just clone him."

The daughters, Streisand admits, did get some of their father's estate from their confidential settlement with Sisenwein. But he walked away spellbound by his first post-mortem family feud.

"I was just really fascinated, because ... I wanted to dig deeper. What really happened between these people? What really was going on in these relationships?" Streisand wondered. "That's the great thing about these cases — this mystery about real people and relationships that we can all identify with. I've just been absolutely riveted ever since."

"In Hollywood," actress and comedian Rita Rudner once quipped, "a marriage is a success if it outlasts milk."

That adage can mean big bucks for high-profile divorce attorneys. But it also generates messy arguments among the various lovers and offspring who vie for the coffers of the rich and famous who die.

White, who died in 2003 of kidney failure after an illustrious rhythm-and-blues career, left behind at least eight children and one longtime girlfriend, Katherine Denton.

Despite having spent the last 14 years of his life with Denton, White left his entire estate in his 1980 will to his estranged wife, Glodean White, whom he hadn't lived with for a decade.

"What was going through his mind?" Streisand wonders. "Why didn't he do a new will? Maybe he thought he was going to live forever. Believe me, he wouldn't have been the only celebrity who thought he was going to live forever."

As counsel for the singer's multimillion-dollar estate, Streisand had to contend with Denton's claims that wealth White acquired during the couple's relationship should be treated essentially as community property and doled out to her in the form of palimony payments.

Denton also demanded inheritance rights for her daughter, Barriana Icy White, a child she claimed White fathered less than a year before his death.

Streisand ordered DNA testing on Barriana, which revealed a zero percent chance that she belonged to the deceased singer, according to court documents.

"Which sort of affected the credibility of her palimony claims," Streisand says.

Denton walked away from the case winning only the couple's \$2 million Encino home, he says.



Photo by Hugh Williams

"I was just really fascinated, because ... I wanted to dig deeper. What really happened between these people? What really was going on in these relationships?" Adam Streisand of Loeb & Loeb wondered after his first estate dispute. "That's the great thing about these cases - this mystery about real people and relationships that we can all identify with. I've just been absolutely riveted ever since."

Gregory Bordo, a Los Angeles-based Freeman, Freeman & Smiley partner who represented Denton in the dispute, could not be reached for comment.

Streisand scored another victory this spring on behalf of White when he negotiated a settlement in which millions of dollars in White's intellectual property, including his songs and albums, were handed over to the singer's estate.

Three of the documents that authorized White's intellectual property to be exploited by limited-liability companies controlled by longtime business manager Abby Schroeder had been stamped with a facsimile of White's signature rather than the singer's handwritten autograph, Streisand says.

According to Streisand, on the date and time the documents were notarized, White had been performing in Australia.

Barry G. West, a name partner at Los Angeles' Gains, Weil, West & Epstein, represented Schroeder in the dispute.

West says that, for 35 years, his client served as White's music publisher, business manager and close personal friend and confidant.

The documents in question, which were prepared by White's lawyers and accountants three years before his death, had never been disputed before by any party, including Barry White, according to West.

White signed the "most important" document, which authorized Schroeder to exploit White's intellectual property, and White explicitly

authorized the facsimile stamping of the other agreements, West says.

"All of the evidence of which I am aware reflects that at all times Abby Schroeder did everything in the best interests of Barry White," West says.

Sometimes, Streisand does find himself on the other side of an estate dispute. In the estate of soul singer Ray Charles, Streisand represents Corey Robinson Den Bok, a minor son among the musician's 10-plus offspring.

This spring, Streisand opposed the executor's petition to compel genetic testing of Corey, and the court denied the petition, Streisand says.

He declines to say how much his client has at stake in the estate because the parties in the case have yet to settle further disputes over whether Corey is entitled to a "family allowance" until he receives the trust established for him by Charles.

"Corey Robinson is the child of Ray Charles and therefore is fully entitled to his rights in the estate," Streisand says.

Manley Freid, the name partner at Los Angeles' Freid and Goldsman who represents the Charles estate, could not be reached for comment.

Streisand was born in Brooklyn, N.Y., on June 9, 1963. When the U.S. Air Force drafted his father, a heart surgeon, into service in the mid-1970s, Streisand and his family moved to Dayton, Ohio, where he joined the military branch's juvenile judo team.

After traveling across the country for competitions, Streisand was headed for the 1980 Summer Olympics in Moscow, he says.

But President Carter ordered U.S. athletes to protest the games when Soviet invasion forces refused his request to withdraw from Afghanistan.

Streisand returned to New York after his father's service, living in the New York City suburb of Chappaqua until leaving for Trinity College in Hartford, Conn., where he graduated with a history degree in 1985.

After college, Streisand embarked on a stint as a legislative aide to Barbara Mikulski, a Maryland congresswoman running for the first Senate seat to be held by a woman who didn't inherit the position from her dead husband, Streisand says.

"It just felt like there was the force of history behind us," says Streisand, who spent Mikulski's 1986 campaign stuffing doorways with leaflets and posting signs until the early morning hours with current Baltimore Mayor Martin O'Malley.

Streisand also knows the legendary singer Barbra Streisand, his second cousin.

"But I have no contact with her," Streisand says. "She's very private."

Continuing as Mikulski's congressional assistant after her successful Senate campaign, Streisand was seduced by the power and influence of the legislative process and went to the American University Washington College of Law to follow in the footsteps of an old champion of justice from Streisand's teenage years: Atticus Finch, the lawyer-character from Harper Lee's novel "To Kill a Mockingbird."

"I guess I was really impressed that, even though [Finch] lost" his courtroom battle on behalf of a black man wrongfully accused of rape, "he was so heroic and did the right thing," Streisand says.

Eventually, he tired of the uniform "blue suit and red tie," worn by Washington, D.C.,'s bureaucrats and government workers and left his post on Capitol Hill in the late 1980s to live in the antithesis to New York's skyscrapers, the wide open expanses of Southern California, where he became a litigation associate for three years at Los Angeles' Richards, Watson & Gershon before joining Loeb & Loeb.

"I just sort of loved that about L.A., the openness, the weather, the way of life," Streisand says, as he gazes down through the window of his 19th-floor office at Loeb & Loeb, through the leafy tree-tops of Century City's Rancho Park Golf Club, his beige tie flecked with gold. "Although I loved New York, it felt so confining."

After Loeb & Loeb asked Streisand to work for its trusts and estates litigation department, Garb says Streisand took off with an ambition as big as all outdoors.

As the practice area's senior partner, Garb describes how mentoring Streisand became a lot

like teaching a young child to ski, then looking up one day, after 30 years of personal practice, to see the pupil speeding past down the mountainside, Garb says.

"I kind of blinked and, bingo, here he is trying cases, speaking, writing articles," the Los Angeles attorney says of Streisand's professional initiative. "He is extremely active in the State Bar activities, to an extent even greater than I might have expected he could possible do."

Indeed, Streisand's résumé reads like a lawyer's extracurricular engagement calendar on steroids. He's on the executive committee of the State Bar section on trusts and estates, holds a seat on the editorial board of the California Trusts & Estates Quarterly, serves on the advisory committee of the UCLA/CEB Estate Planning Institute and is an invited fellow of the American College of Trust and Estate Counsel.

Streisand also serves as head of Loeb & Loeb's pro bono committee. In one of Streisand's most recent cases for charity, he obtained a six-figure settlement for a man who, at 18, became paralyzed after diving off a balcony into a swimming pool while drunk.

The skilled-nursing facility and defendant in the case paid a six-figure settlement to plaintiff David Yates after allegedly denying him care and subjecting him to a weeks-long mental-ward stay, because of his rowdy behavior.

"We committed a lot to that case, and it was incredible to me," Streisand says.

The State Bar, in turn, honored Streisand with its Wiley W. Manuel Award for Pro Bono Legal Services in 2004.

"He's just doing it all," Garb says.

When Leah Bishop first served three years ago as co-counsel with Streisand on a trust mismanagement case against a corporate fiduciary, the partner at Los Angeles' O'Melveny & Myers wasn't so convinced about the quality of Streisand's character.

"I took an immediate dislike to him because I thought he was conceited," Bishop admits.

But, when Bishop discovered Streisand's creative and thoughtful yet "appropriately aggressive" way of handling disputes, she says she realized Streisand deserved to think highly of himself.

"He's really a rising star. He's a brilliant young lawyer," she says. "When you first meet him, you wonder if his self-confidence is conceit, and then you realize that it is completely justified, because he's brilliant."

Precocious or not, Streisand's skills seemed to have paid off for client Catherine Crowe, whom Streisand represented in her sister-brother feud with former Farmer Bros. Co. Chief Executive Officer Roy F. Farmer.

The siblings inherited stock in the multimillion-dollar coffee company when their father, Farmer Bros. founder Roy E. Farmer, died and left Roy F. Farmer as trustee of the 12.5 percent stake his sister's family held in the business.

But, as trustee, Farmer also controlled the company voting rights of Crowe and her two children and, according to Streisand, was attempting to "squeeze out" the Crowe family by reincorporating in Delaware, where state laws would give minority stock owners less control over corporate decisions.

"The Crowes were extremely concerned about their inheritance," Streisand says, because it consisted of nothing but stock, and they worried that Roy F. Farmer was hoarding company cash rather than investing the money in competitive measures against fast-growing coffee companies like Seattle's Starbucks Corp.

After Streisand filed a petition to appoint a temporary trustee to replace Roy F. Farmer, the lawyer says, the executive agreed to settle the dispute by giving the Crowe family \$113 million instead of their stock in the trust.

Marshal Oldman, the name partner at Encino's Oldman, Cooley, Leighton, Sallus, Gold & Birnberg who represented Roy F. Farmer, says that his client bought out Crowe's shares at a discount because the Crowes accepted an offer that amounted to less than what the stocks could garner on the market.

And once Catherine Crowe died, her children's rightful inheritance would be turned over to them, anyway, Oldman adds.

Nine months before the dispute was settled in December 2003, 86-year-old Roy F. Farmer died. Roy F. Farmer's son, who shared a name with company founder Roy E. Farmer, succeeded his dead father as chief executive but died of a self-inflicted bullet wound to the head in January. Stock prices surged 28 percent, to \$28.70 after his death.

"Nature would take its course, and we would lose control, anyway," Oldman says of how the Crowe children eventually would have received their inheritance. "The tragedy of the whole thing is that Roy E. Farmer committed suicide."

Despite contentious, blood-fueled legal battles, insiders say that members of the tight-knit trusts and estates bar enjoy exceptionally cordial and often even friendly relationships with one another.

Oldman says he and Loeb & Loeb's partners in the field, Streisand, Garb and David C. Nelson, hold one another in "very high regard."

Bishop feels equally high respect for Loeb & Loeb's trusts and estates litigation group.

"I refer a lot of my litigation to them, because they're so good," Bishop says.