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Michael Jackson's will surfaces

By Harriet Ryan July 1, 2009

An entertainment attorney who had worked for Jackson produced a 7-year-old will that named him and a music executive as executors. Lawyers for Jackson's mother, who had asked a court for control of his affairs a day before, said they were evaluating the validity of the document.

Meanwhile, reports about funeral arrangements swirled, with a source close to family discussions telling The Times that one potential plan involved a memorial at Staples Center followed by a procession to Jackson's Neverland Ranch, where a more intimate service for family, friends and the music industry would occur.

Law enforcement agencies strategized, school officials near the ranch mulled traffic congestion and broadcast outlets, anticipating one of the largest media events in years, began talking about how to share helicopters, satellite coordinates, video feeds and other resources. There was just one thing missing: official information.

"We don't know the details of what any movement would be," said California Highway Patrol Sgt. Mark Garrett. "We've heard rumors just like the media and the public."

An attorney for Jackson's parents, Katherine and Joe Jackson, declined to comment on the funeral planning and said the couple's legal team was focused on evaluating the July 2002 will.

"I just saw the will for the first time this morning. We are in the process of reviewing it. We did not see it prior to the filing. We wish we had known about it earlier," said attorney L. Londell McMillan.

The document was produced by John Branca, a lawyer who began representing Jackson in 1980. Branca and Jackson parted ways in 2006 in a disagreement over other advisors, but on June 17 -- eight days before his death -- Jackson signed a letter once again retaining Branca as his lawyer, according to a source familiar with the relationship.

The source, like many connected to the Jackson case, spoke on the condition of anonymity, citing the sensitivity of the situation.

The 2002 will named Jackson's 79-year-old mother as guardian of his three children and ordered that all his assets be moved into an entity known as the Michael Jackson Family Trust, a source with knowledge of the will said. It appointed as executors Branca and John McClain, a founder of Interscope Records and an associate of Jackson since his youth, the source said.

McMillan declined to comment on a Wall Street Journal report that the will splits Jackson's assets among his mother, children and one or more charities. The lawyer said it was "a good thing" and "part of the process" for those who had worked with the performer to produce documents related to his estate.

"Mr. Jackson had a series of lawyers over time, and part of our challenge is to make contact with each and every one of those advisors to review their files," he said.

In an appearance on "Larry King Live," a probate attorney said Branca "may not have the full picture" of Jackson's estate planning.

"Things were in transition often in Michael's life," said lawyer Burt Levitch.

Katherine Jackson has temporary custody of Michael Jackson's two sons and his daughter and temporary control of his estate with limited powers, including the right to secure his tangible assets. In court filings requesting those powers Monday, her lawyers checked a box indicating that the singer died without a will, but they acknowledged elsewhere in the documents that they had heard of a will but not seen it.

"It was important for Mrs. Jackson to proactively take legal action and protect the well-being of the children and the personal property and belongings" of her son, McMillan said.

He said he represented Jackson in the 3 1/2 years leading up to his death. McMillan said the entertainer never told him that he had rehired Branca but, he said, "It's possible."

A statement issued Tuesday on behalf of Branca and Joel Katz, an Atlanta attorney who had been helping Jackson negotiate new record deals, said they "are now carrying out his wishes and desires as expressed in the last will and testament. It is their sincere desire that Michael's affairs be handled with dignity and respect."

Branca, whose clients include Santana and Aerosmith, advised Jackson on what is acknowledged as Jackson's smartest business decision: Buying half of the Beatles' catalog in 1985 for \$47.5 million. The catalog, supplemented over the years by the work of many other artists, is estimated to be worth at least \$1 billion.

In a May interview with The Times, Branca said he stopped working with Jackson because the entertainer brought into his inner circle "people who really didn't have his best interests at heart."

"The paradox is that Michael is one of the brightest and most talented people I've ever known," he added. "At the same time, he has made some of the worst choices in advisors in the history of music."

The other executor named in the will, McClain, worked with Michael Jackson, his sister Janet, and the Jackson 5 as well as with rappers Ice Cube and Dr. Dre. He is best known for his work at Interscope Records, where he was responsible for bringing the controversial yet lucrative gangsta rap label Death Row Records into its corporate fold.

An executor role would give Branca and McClain power to manage Jackson's finances while the court is settling his affairs, a process that could take years. Jackson, 50, died with more than \$400 million in debt, but his assets -- including his musical catalog and his partial ownership of the Sony-ATV catalog -- outweigh his debts by hundreds of millions of dollars.

"That is going to be a very important responsibility considering the size of the debts and the projected size of the estate. . . . There is also going to be a responsibility during that time to monetize the assets. The judge is going to want to make sure a responsible person is admitted," said Lawrence Heller, a veteran L.A. probate attorney who has handled estate planning for Sammy Davis Jr. and other celebrities.

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