

TRUST AND ESTATE LITIGATION

WHEN TIME DOES NOT HEAL FAMILY WOUNDS

WHAT WE DO:
All aspects of complex trust and estate litigation matters and risk management counseling to decrease the risk of litigation

WHO WE SERVE:
Individual and corporate fiduciaries, and individual or charitable beneficiaries or heirs

WHAT WE OFFER:
A diverse group of litigators with extensive trust and estate backgrounds who are well versed in the courtroom, specifically in the context of probate and trust litigation

WHEN WE CAN HELP:

Risk Mitigation

Advice to limit exposure to potential liabilities for those serving in a fiduciary capacity, in an attempt to avoid costly and contentious litigation. Includes counseling on:

- ▷ Trustee's fiduciary duties
- ▷ Managing complex beneficiary relationships to minimize litigation risk
- ▷ Fiduciary accounting advice and review
- ▷ Advice regarding discretionary distributions
- ▷ Advice regarding "best practices" approach to exercising fiduciary duties

Trust Litigation

Litigation that arises from an individual or corporate fiduciary's role as a trustee, beneficiary or other interested party in the administration, construction or reformation of a trust instrument, including:

- ▷ Breach of trustee's duties
- ▷ Disputes among class of beneficiaries
- ▷ Disputes over discretionary distributions
- ▷ Selection of successor trustee
- ▷ Trust reformation and trust termination actions
- ▷ Disputes involving charitable trusts and foundations

Probate Litigation

Will contest actions and other causes of action that arise from an individual or corporate fiduciary's role as a personal representative, beneficiary or other interested party in the administration of a decedent's estate, including:

- ▷ Ambiguities that arise in drafting and/or interpreting the will
- ▷ Disputes over the appointment of a personal representative
- ▷ Fiduciary fee disputes
- ▷ Spousal elective share disputes
- ▷ Accounting disputes

When will contest litigation usually arises:

- ▷ Lack of capacity
- ▷ Undue influence
- ▷ Improper execution or drafting of document

Family Succession Planning Litigation

Litigation involving personal and business transitions within a family, usually occurring as a family member ages. Disputes may involve the decisions made by aging family member or decisions made on behalf of a family member, including:

- ▷ Contested guardianships
- ▷ Business succession plan disputes
- ▷ Conservatorship planning and litigation
- ▷ Special needs planning
- ▷ Interfamily relations and governance
- ▷ Lifetime gift transfers

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