

Trusts & Estates Litigation

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Trusts & Estates

Members of our team represent clients in a wide variety of disputes, including will and trust contests, will and trust interpretation cases, actions related to the appointment of and administration by fiduciaries, guardianship and conservatorship matters, estate and gift tax litigation, corporate trust/bond proceedings, and ancillary litigation matters against and on behalf of estates.

We pride ourselves on bringing a practical approach to our cases, using our talents to not only develop winning legal theories, but also to continually refine our position and strategy throughout the case with the assistance and input of our clients. We analyze all aspects of each matter to consider not only the legal implications of victory, but also the impact on our clients' financial and personal interests. Because of the personal nature of many trust and estate disputes, we collaborate with our clients to define the meaning of success for each client in each particular matter. We look for creative, yet effective, ways to resolve disputes when resolution makes sense for our clients. When resolution is not appropriate for our clients, our team vigorously pursues matters through trial.

Areas of Expertise

Will & Trust Contests

Our team has extensive experience contesting and defending the validity of wills, trusts, and other testamentary instruments due to lack of testamentary capacity, undue influence and breach of fiduciary duty.

Will & Trust Interpretation

A testator's intent is not always clear from the face of his or her will or trust. We have represented both fiduciaries and beneficiaries in obtaining guidance from the courts concerning how to construe and interpret provisions in testamentary instruments.

Appointment of & Administration by Fiduciaries

We have represented individuals and entities seeking appointment as fiduciaries, as well as parties opposing the appointment of a particular fiduciary. We regularly represent fiduciaries in executing their duties and in seeking guidance from the Court when needed on particular issues.

Guardianship & Conservatorship

When a client's friend or family member has become unable to independently manage his or her own affairs as a result of mental illness, physical injury or some other cause, our team has helped the client become appointed the person's guardian, conservator, or both. We have also represented individuals contesting whether a guardian or conservator should be appointed and contesting who the proper person is to be appointed. After a guardianship and conservatorship has been established, we provide ongoing counsel to the guardians, conservators and to the protected persons.

Estate & Gift Tax Litigation

The Internal Revenue Service (IRS) does not always agree with the values assigned to various assets for estate and gift tax purposes or the techniques used to derive those values. Our team provides a variety of assistance to those involved in such disputes with the Service, from advising fiduciaries "behind the scenes" for their own negotiations with the Service to representing fiduciaries in litigation before the United States Tax Court and other venues.

Corporate Trust Matters

We also represent parties in proceedings involving corporate trustees. This includes representation of corporate trustees as well as beneficiaries involved in disputes with trustees or other beneficiaries.

Ancillary Litigation Matters Involving Estates

Whether an estate is the plaintiff or defendant, we have experience pursuing claims on behalf of and against estates.

Experience

Representative Clients

- Beneficiaries under wills, trusts and other testamentary instruments
- Individual and corporate trustees
- Individual and corporate personal representatives and executors
- Individuals seeking or contesting the appointment of a guardian or conservator
- Guardians and conservators
- Bondholders
- Family offices