

Probate, Trust & Guardianship Litigation

Our team of attorneys provides comprehensive representation for individuals and corporations in all aspects of trust and estate administration litigation. We address challenges to the validity and interpretation of estate planning documents, defend executors and trustees against various claims, and protect the interests of beneficiaries. By seamlessly combining the expertise of our litigators, estate planners, and tax attorneys, we deliver cost-effective and financially advantageous solutions for our clients.



We strive to resolve disputes efficiently, often avoiding litigation through skilled negotiation. Our attorneys draft and negotiate a variety of settlement agreements, including global, private, and fiduciary indemnification agreements, to safeguard our clients' rights. Whether in mediation or in court, we leverage our extensive drafting and advocacy skills to help us achieve the best possible outcomes. Additionally, we establish and administer contested guardianships, protecting vulnerable individuals from neglect or financial exploitation.

What We Do

- Defend and prosecute the validity and construction of wills
- Defend executors and trustees against claims of breach, including alleged mismanagement, failure to inform and report, mismanagement, and self-dealing
- Bring actions to determine and enforce rights under wills and trust agreements
- Draft and negotiate global and private settlement agreements among those interested in estates and trusts
- Represent fiduciaries and beneficiaries in the drafting and negotiating of releases and distribution of assets upon the termination of trusts
- Represent beneficiaries in the removal and replacement of executors or trustees
- Represent creditors enforcing claims against estate or trust assets
- Bring actions to invalidate documents for undue influence or incapacity and for tortious interference with expectancy of inheritance
- Handle elder exploitation claims and asset recovery
- Manage guardianship appointments, administration and contest actions

Our Experience

- Represented corporate executor in an action to invalidate a trust, beneficiary designation, and financial power of attorney obtained by undue influence that were used to transfer assets to an extended family member
- Represented a surviving spouse in a challenge to the validity of a marriage and elective share rights
- Defended a corporate trustee in a declaratory judgment action seeking to determine rights in multi-generational trusts of decedent's children who were adopted as adults
- Represented the daughter of a decedent in defense of a constructive trust claim involving the decedent's former residence
- Represented a son against a daughter in recovery of multiple pre-death transfers by their mother
- Represented a trustee, as the residuary beneficiary of an estate, to defeat the claim that a holographic will allegedly signed days before a testator's death diverted estate assets to another individual
- Successfully defended corporate trustees against beneficiaries' claims of misconduct
- Drafted and negotiated beneficiary waivers and releases on behalf of corporate fiduciaries at the termination of trusts or upon the removal or resignation of the fiduciaries as trustees of trusts

- Represented trust beneficiaries in actions removing trustees and appointing successor trustees
- Filed multiple complaints for declaratory judgment seeking court guidance on the interpretation of trust agreements
- Filed motions for *cy pres* incases involving charitable interests
- Represented beneficiaries and fiduciaries in actions to reform trust agreements
- Drafted a private settlement agreement among trustee and beneficiaries to modify trust terms without seeking a court order
- Participated in mediations involving actions concerning the validity of a will, the removal of the first-named executor, breaches of fiduciary duty, and mismanagement of trust assets
- Represented a professional guardian in the defense of final accounting challenges to various expenditures on behalf of ward
- Represented the children of grantor to compel distribution from the trustee of grantor's trust
- Defended executor against objections to estate account
- Represented a disinherited daughter in a challenge to a will procured by her brother
- Represented intestate heirs in defense of action to establish a lost will and later surcharge case against removed personal representative
- Represented the children of an incompetent parent in obtaining appointment as guardian and thereafter conducting significant tax planning
- Advised disinherited widow in claiming her elective share rights