

## Trust & Estate Litigation

Our Trust & Estate Litigation team brings together the knowledge, experience, and attention to detail that are necessary to provide you with effective representation and solutions to disputes involving trusts, estates, fiduciary responsibilities, tax, and related matters. When disputes arise, we listen to the parties involved and provide options to address the issues, working to guide the process toward resolution. If a dispute cannot be resolved in this manner, our experience includes litigation in state and federal courts, as well as alternative dispute resolution, such as mediation and arbitration. Some of the trust and estate dispute areas in which we advise our clients:

- Claims regarding fiduciary duties or obligations (personal representative, trustee, guardian, conservator, agents under power of attorney)
- Disputes concerning the validity of a will, trust, or other estate planning document, including but not limited to powers of attorney, beneficiary designations, or deeds.
- Removal or change of a personal representative or trustee
- The need for a guardian and/or conservator or disputes concerning these proceedings.
- Testamentary or other capacity issues
- Undue influence claims
- Modification of trust or will provisions
- Valuation of business or other assets

### **Will and Trust Disputes**

Disputes involving a trust or an estate can involve more than just money or assets. They often include emotional issues that can divide families or even interfere with a personal representative or trustee's ability to administer the estate or trust. Our attorneys have a proven track record in the courtroom and at the negotiation table. Whether you are a trustee, personal representative, beneficiary, or interested third-party, we can help you find a creative solution that may help avoid

litigation, excessive costs and, where possible, preserve family relationships. While out of court resolutions are always a consideration, when proceedings turn adversarial, we work vigorously as your trusted advocate to protect and advance your interests, leveraging our extensive experience in litigating and resolving estate or trust disputes.

### **Protected Proceedings (Guardianships and Conservatorships)**

Our elder law practice includes contested and uncontested guardianship and conservatorship proceedings. Placing a person under a guardianship or conservatorship removes many of the civil liberties that our citizens enjoy. Because these rights are so significant, court proceedings can be complicated and overwhelming. In the event of an insufficient power of attorney document, the absence of a power of attorney document, or exploitation of an elderly person, our attorneys will work closely with you to initiate or engage in a guardianship and/or conservatorship proceeding. We have the skill and extensive experience these sensitive cases demand.

### **Court Appointments**

Our attorneys are often appointed by the court to serve as a fiduciary. These roles include: guardian ad litem, respondent's counsel, conservator, personal representative, trustee, or trust protector.