



Thomas (Tom) A. Rodriguez

Partner

he/him/his

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Tom Rodriguez brings over 20 years of experience to the firm's Private Client Services practice group. He focuses his practice on probate litigation, including contested guardianships and conservatorships, fiduciary representation, and other will and trust litigation.

Tom has lectured on topics such as probate litigation and ethics before the Colorado Bar Association, the Boulder County Bar Association and other groups. Early in his career, Tom worked for the Aurora Public Defender's Office, where he tried more than 50 jury trials.

Tom enjoys the challenge of dealing with clients and families in crises. He believes the term "counselor at law" is particularly apt to this working in this area. Tom takes great satisfaction in assisting his clients in navigating through these oft troubled waters of conflict towards finding solutions that allow his clients to find peace and justice. Tom will often say that the most important job of any litigator is to keep a client out of court, although, if efforts at settlement should fail, he also has the skill, ability and determination to take a matter through trial. Throughout the entire process, he believes it is imperative to treat everyone involved in the process with professionalism, respect and dignity as attorneys should all strive to do in the practice of law.

In his free time, Tom enjoys golf, fantasy football, live music, and cheering on his beloved San Francisco 49ers football team.

Areas of Focus

Services

[Trust & Estate Litigation](#)

[Private Client Services](#)

Experience

Will Contests

- Represented one child of a decedent in a will contest brought by the decedent's other child after the decedent made a last-minute beneficiary change in his estate plan.
- Represented children of a decedent in challenging will execution near their father's death, resulting in the bulk of his estate passing to a second spouse, including the business the sons built with their father. After a two-week jury trial that ended in a hung jury, we successfully represented our clients in a settlement negotiation to retain control of the business.

Trust Disputes

- Represented trust beneficiaries in contested trustee removal proceedings, securing emergency removal of trustee and an order freezing the trustee's personal accounts and assets pending development of surcharge claims.
- Represented three children challenging their mother's trust on the grounds of undue influence.

Fiduciary Duty Matters

- Represented a fiduciary who administered a probate estate and trust, who was later accused of breaching her fiduciary duty by skewing a tax allocation towards her ultimate benefit in distributions, eventually resulting in a dismissal of the action and recovering many of her attorney fees associated with defense thereof.
- Represented a professional fiduciary in marshaling complicated intellectual property assets and then defending said assets against a creditor.

Protective Proceedings

- Represented a child of an incapacitated person and helped to discover that assets were being misappropriated by an employee for the conservator who negligently managed the estate, resulting in a surcharge.
- Represented adult children of an elderly parent with dementia who was being neglected and exploited by another family member in getting protections for the elderly parent and removal of the exploiter.
- Represented a professional guardian in furtherance of the guardian's duties to a ward amid significant family conflict over placement at home vs. a facility.
- Acted as a Guardian Ad Litem in a matter involving an incapacitated respondent in a guardianship proceeding, making recommendations that were eventually adopted by the court and agreement of the other family members.
- Acted as Guardian Ad Litem for minor beneficiaries in the middle of a will contest battle between other family members.

Litigation Avoidance

- Ongoing representation of professional and institutional trustees in addressing issues relating to trust administration in order to avoid litigation with beneficiaries before it happens.
- Ongoing representation of beneficiaries to work with their trustees to obtain information to which they are entitled in order to avoid litigation.

Reported Cases

- *In Re: Katherine E. Reece Trust*, 541 P.3d 37 (Colo. App. 2023) – Successfully defended a trial court’s order affirming that a surviving spouse beneficiary’s standard of living for purposes of a professional trustee making distributions should encompass the time period the surviving spouse was separated from the decedent before his death.

Credentials

Education

- Emory University School of Law, J.D., 1998
- Hardin-Simmons University, B.A., 1995

Bar Admissions

- Colorado

Recognition

- Selected among *The Best Lawyers in America*®, 2016-2021, 2024-2025
- *Chambers High Net Worth Guide*, “Leading Practitioner of Private Wealth Law,” 2024
- *Thomson Reuters*, “Colorado Super Lawyers,” 2015-2024
- *5280 Magazine*, “Top Lawyer,” 2016-2024

Presentations

- Co-presenter, “Fiduciary Bootcamp: Session 1,” Lathrop GPM Webinar, September 17, 2024
- Co-presenter, “Conservator-Created Wills,” 15th Annual Rocky Mountain Regional Elder Law Retreat, August 25, 2023
- Panelist, “Side Bar: Principles of Professionalism,” Boulder County Bar Association CLE, February 9, 2023

- Co-presenter, "How to Reduce the Likelihood of Estate and Trust Litigation in the Planning and Administration Phases," Denver Estate Planning Council Virtual Meeting, March 17, 2022
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Professional Activities

- American College of Trust & Estate Counsel (ACTEC), Fellow
- Boulder County Bar Association, Professionalism Committee Member, Former Elder Law Section Co-Chair
- Boulder County Estate Planning Council
- Colorado Bar Association Elder Law Section, Former Chair, Executive Council