

## Trusts & Estates

# Leading clients through complexities of trusts & estates disputes



### When a trust or estate fiduciary or beneficiary needs

- an evaluation of its trusts, wills, or other estate planning documents to analyze options and strategies
- advice to fiduciaries regarding duties and potential liabilities and, when appropriate, defense from attacks by adverse parties
- help for beneficiaries to protect their rights from being overlooked or violated by fiduciaries
- navigation through the court system as either plaintiffs or defendants aggressively but efficiently

we can help.

### Interdisciplinary team

- Trial counsel in probate, state, and federal courts in litigation between trust and/or estate fiduciaries, beneficiaries, and governmental entities
- Attorneys experienced in will contests, intentional interference with inheritance claims, challenges to capacity, undue influence, fraud, and related claims
- Lead counsel both defending fiduciaries against damages claims and pursuing fiduciaries for breaches of duties
- Attorneys experienced in handling multi-state and multi-jurisdictional disputes
- Trust, estate, tax, real estate, and corporate counsel to assess all aspects of disputes
- Appellate counsel
- Attorneys with alternative dispute resolution experience to avoid litigation amongst beneficiaries and fiduciaries
- Leadership in litigation planning, budgeting, communication planning, and project management to control costs

### Related Practice Areas

[Appellate Practice & Legal Strategies](#)

[E-Discovery - Encompass](#)

[E-Discovery & Information Governance](#)

[Family](#)

[Tax](#)

[Tax Planning & Consulting](#)

### Related Industries

[Banking & Financial Services](#)

[Real Estate](#)

**We are trusted to advise and advocate in trust/estate disputes from all angles**

Understanding the issues which commonly arise in trust and estate disputes enables us to guide clients through these personal and high-stakes disputes, whether plaintiff or defendant, fiduciary or beneficiary. We provide trusted advice to

- Personal representatives
  - Trustees
  - Trust protectors
  - Special administrators
  - Trust administrators
  - Beneficiaries
  - Professional advisors
  - Attorneys-in-fact (holder of Power of Attorney)
  - Other fiduciaries
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**Nelson Mullins brings a thoughtful, balanced approach to trust and estate conflicts, which can be personal and complicated**

Unfortunately, disputes over trusts and estates are often bitter conflicts with the family's wealth—no matter how large or small that might be—at risk. With an aging baby boomer population and ever-evolving estate planning tools and options, families are increasingly at risk of conflict over how assets are to be shared or distributed. In addition, professional advisers are often drawn into trust and estate conflicts. Our commitment is to provide the highest level of professionalism in these difficult times, never forgetting that the livelihoods of real people, and sometimes even generations of people, are at stake.

Our trust and estate litigators have handled complex matters involving hundreds of millions of dollars, and also simple probate court actions with more modest assets in the balance. Our lawyers are accomplished trial counsel in state and federal courts who have created new legal precedents in litigation over novel challenges to estate plans. When major assets are at risk, they bring the same skills as would be required by Fortune 50 corporations in their major commercial disputes. But when the better course is to make peace, they are adept at finding creating, cost-effective solutions.

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**Our trust and estate lawyers are ready to help you avoid a fight when we can or, when necessary, to battle passionately for your interests**

- **Litigation readiness** - to help ensure that you are prepared when the case must go to court
- **Consultation with fiduciaries** - such as trustees, trust protectors, attorneys-in-fact, general partners, or others concerning whether conduct complies with applicable law
- **Fiduciary litigation** - over alleged misconduct or breaches of duties to beneficiaries

- **Professional liability defense** - when attorneys, accountants, and other professionals are accused of potential liability to a trust or estate for malpractice or other claims
- **Multidisciplinary team approach and perspectives from Nelson Mullins attorneys** - in related practice areas such as tax, estate planning, fiduciary duties, corporations, partnerships, real estate, and probate
- **Network of other counsel** with needed skills in various jurisdictions where multi-state disputes arise or when particular experience, such as IRS litigation, is necessary
- **Investigators** - assisting with hiring external investigators to discreetly and thoroughly document and assess the facts and potential liability
- **Experience with key expert witnesses** - to be prepared to address accounting, tax, mental capacity, undue influence, fiduciary responsibilities, and other issues
- **Coordination among multiple parties** - when client interests are aligned with those of others, we are able to represent multiple parties effectively to achieve a common solution
- **Litigation plans and budgets** - providing strategic litigation plans and budgets to help "right size" the defense of matters and to provide effective project management
- **Estate counseling and representation** with respect to defending, pursuing, or avoiding potential litigation with third parties
- **Complex document discovery management** - to ensure that clients avoid dangerous traps and that opposing parties fully disclose relevant materials in litigation. This includes harvesting and producing electronically stored documents, as well as audio and video recordings.
- **Witness depositions** - preparing witnesses for, and defending depositions of, litigants and other related parties and conducting depositions of adverse and non-party witnesses
- **Providing billing alternatives** - to allow clients to maximize corporate certainties regarding the costs of mass litigation

## Why Nelson Mullins?

- Precedent-setting experience in litigating the most complex, high-wealth trust and estate conflicts
- Ability to draw upon a wide range and deep knowledge in related areas when needed
- Flexibility to pursue or defend claims relating to trusts and estates, including representation of estates, beneficiaries, trustees, trust protectors, professional advisors, and others
- Track record of achieving positive results through trial, mediation, or negotiation.
- Substantial trial and appellate experience locally, regionally, and across the country on behalf of people and institutions over trust and estate issues
- Established relationships with expert witnesses in core disciplines of estate accounting, asset valuation, state and federal estate and gift taxes, fiduciary duties, and testamentary capacity or undue influence

## Experience

Following is a selected sampling of matters and is provided for informational purposes only. Past success does not indicate the likelihood of success in any future matter.

- Defended family against allegations of breaches of duty and fraud and seeking to void a complex estate plan conveying hundreds of millions of dollars of family wealth
- Defended trustees in litigation brought by trust protector and co-trustee over distributions from irrevocable grantor trust, including substantial counterclaims
- Represented family members suing other family members over undue influence, intentional interference with inheritance, defamation, and other allegations in a substantial estate dispute
- Defended family members in will contest over alleged violations of "no contest" clause
- Counseled family concerning options for recovery of damages from a trustee who misappropriated funds, resulting in a favorable resolution and removal of trustee
- Defended trustee accused of breaches of duty arising from investment of funds from family trust, resulting in a settlement
- Counseled beneficiary through avoidance of potential liabilities which could have been incurred through inheritance of real estate
- Defended large, international law firm in defense of claims brought by estate of a deceased entertainer over legal advice provided to the decedent
- Represented beneficiaries of substantial estate in litigation over various lawsuits with third parties and fiduciaries arising from decedent's businesses in multiple jurisdictions
- Represented guardian of "protected person" who is heir to extensive estate
- Advised surviving spouse in contested claim for spousal share
- Obtained a court order removing a personal representative who was not performing his duties in a timely manner
- Handled litigation concerning enforceability of "no contest" clauses