

# Estate & Trust Litigation

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## RELATED SERVICES

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## CONTACTS

**Carol P. Schaner**

Partner

**William W. Sleeth III**

Partner

**Joseph A. Sacher**

Partner

## OVERVIEW

GRSM's Estate & Trust Litigation team is composed of experienced attorneys who focus their practices on disputes involving wills, trusts, guardianships, conservatorships, and elder law matters. Members of the team have represented a wide array of clients, including both fiduciaries and beneficiaries, in some of the largest estate disputes throughout the country and have a long track record of trial victories and successfully resolving longstanding and highly contentious disputes through creative and complex settlements. We counsel clients on all aspects of estate disputes, including investigating potential claims, evaluating the merits of bringing a claim, filing or defending claims, and litigating claims through trial, settlement, and/or appeals.

## WILL DISPUTES

Our attorneys have extensive experience representing clients in challenges to wills – and also defending executors and personal representatives against challenges to wills – on the grounds of undue influence, lack of testamentary capacity of the testator, fraud, and lack of compliance with proper will formalities. We also regularly represent clients in will interpretation disputes, and motions for aid and direction. Our clients range from sophisticated individuals, celebrity estates, and large charitable entities, and we have litigated

will disputes involving estates ranging from six figures to over \$50 million.

## TRUST DISPUTES

We regularly represent trustees, co-trustees, successor trustees, and also beneficiaries in disputes involving simple and complex trusts, including varied claims such as, theft, breach of fiduciary duty, failure to inform and report or account to beneficiaries, violation of prudent investor acts, trustee removal actions, and related conflicts that also extend into corporate derivative actions, family court disputes, and appeals. We have deep experience litigating claims under the Uniform Trust Code, and the various modified versions adopted by different states, as well as litigating trust disputes in jurisdictions that have not adopted the Uniform Trust Code. Our team also provides pre-suit advice involving the administering of trusts and crisis management and avoidance. Whether providing seasoned litigation counsel or assisting in the avoidance and resolution of complex intra-family and related business and financial disputes, our team offers extensive experience focused on our client's ultimate goals.

## GUARDIANSHIP & CONSERVATORSHIP DISPUTES

Our attorneys have litigated dozens of guardianship and conservatorship matters. As the nation's population ages, guardianship and conservatorship disputes are becoming increasingly common, particularly because such disputes can at times serve as a precursor to a later will or trust dispute. We regularly counsel family and friends on the best strategic approach to such disputes and also have extensive experience in asserting and defending against claims of abuse of authority under a power of attorney, in connection with guardianship and conservatorship proceedings. Moreover, we regularly represent guardians and conservators in seeking court approval for various estate planning actions.

## ELDER LAW DISPUTES

Members of our team frequently counsel families and friends in circumstances involving elder law disputes and the exploitation of elderly persons. We are frequently called on to represent clients in instances of elderly persons being pressured to change their estate planning documents or make gifts, exploitation of elderly persons, and parent-napping.

## LITIGATION AVOIDANCE

Our team does more than just litigation. Our team provides guidance during estate planning and trust administration engagements to minimize potential litigation when disputes first arise. Additional information about estate planning and trust administration is provided on the Wealth Management page of our website.

## OUR TEAM

While many large, national firms rarely take cases to trial, we approach matters differently. Promoting the client's best interests is always our first priority, and our team recognizes that this can frequently be best done through negotiating a successful settlement. However, we also know that some disputes cannot be effectively resolved through settlement and therefore, we prepare for and regularly try estate disputes throughout the country, through trial and appeal. Most of our team members have tried dozens of cases, including multi-day jury trials.

A number of our attorneys were also mentored by or worked with the late Paul Cullum, who co-authored one of the leading treatises on estate litigation. Our accolades in the field of estate and trust litigation include recognition from leading industry publications such as *Best Lawyers* and *Super Lawyers*.