Trust and Estate Controversy

Litigation involving Trust and Estate controversies frequently includes the intersection of several complex issues in emotionally-charged settings. Clark Hill's National Trust and Estates Controversy team features probate and trust litigators who work with our clients and colleagues across all practice groups to find solutions for a wide range of clients, prior to or during litigation. We prefer to resolve controversies outside of court when possible, but also provide strong, winning representation in litigation.

We represent individual and institutional trustees, executors, personal representatives, guardians, conservators, beneficiaries of trusts and estates, and the trust departments of banks and financial institutions. Our attorneys are frequently appointed by the court as counsel for alleged disabled adults and as Guardians Ad Litem.

Clients rely on our counsel in the following areas:

- Will and trust contests
- Will and trust construction
- Citations to recover
- Probate and trust litigation
- Charitable entity litigation
- Trust reformation
- Breach of fiduciary duty claims
- Fiduciary litigation
- Claims for fiduciary and legal fees
- Probate, trust, and estate administration
- Expert witness services

In guardianship and conservatorship cases, our litigators have a wide variety of experiences, including the following situations:

- The validity of advance directives, including powers of attorney and, designations of patient advocates
- Whether the alleged disabled person needs a guardian or conservator
- The most appropriate guardian or conservator for an alleged disabled person
- Breach of fiduciary duty claims
- Removal of fiduciaries
- Elder abuse and financial exploitation
- Citations to recover assets.

Our team also provides advice on wealth preservation and estate planning techniques. Our attorneys analyze and resolve difficult tax issues linked to estates, trusts, estate and inheritance tax, gift tax, and income tax, with a focus on the resolution of issues presented by complicated family and business dynamics.

Tax & Estate Planning Leaders

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Tax & Estate Planning Areas of Practice

Elder Law

Estate Planning & Probate

General Tax Planning

Guardianship & Conservatorship Administration

International Tax

State & Local Tax

Tax Controversy & Litigation

Tax Exempt and Charitable Organizations

Wealth Transfer & Business Succession Planning

