

# MacKenzie A. Hyde

## Member

**MacKenzie A. Hyde** is a Member in the Litigation Practice Group of Clark Hill's Chicago office. MacKenzie concentrates in contested guardianships, estates and trusts, as well as fiduciary litigation and estate administration.

### Areas of Practice:

Estate, Trust, and Fiduciary Controversy: MacKenzie represents corporations and individuals in their fiduciary capacities (i.e., trustee, executor, administrator) as well as estate and trust beneficiaries in matters involving claims of breach of fiduciary duty, undue influence, lack of capacity, fraud, duress, and negligence. More specifically, MacKenzie represents fiduciaries and beneficiaries in the following types of post-death estate and trust challenges:

- Breach of fiduciary duty
- Will contests
- Trust contests
- Tortious interference with an inheritance expectancy
- Citations to recover assets belonging to an estate or trust
- Claims against estates and trusts
- Statutory Custodial Claims

MacKenzie's extensive litigation experience in these areas allows her to effectively advise clients on estate planning techniques that will help their estate plans avoid being subject to such litigation during their lifetime or after their death.

MacKenzie also represents corporate and individual fiduciaries and beneficiaries in uncontested estate and trust administration.

**Guardianship and Power of Attorney Litigation and Administration:** MacKenzie prosecutes and defends actions involving powers of attorneys and petitions for guardianship for adults with disabilities. MacKenzie has extensive experience litigating whether someone is a disabled person under the law and, if so, who should be his or her guardian of the estate and person. In these matters, MacKenzie has represented both the petitioner and the alleged disabled person. MacKenzie also litigates matters involving the enforceability of powers of attorney for health care and property, as well as actions alleging wrongdoing by an agent under power of attorney, which are often brought in conjunction with a guardianship proceeding.

MacKenzie represents corporate and individual guardians and has extensive experience representing guardians in litigation that arises during the administration of the estate, such as:

- Requesting to create or amend a Disabled Person's estate plan, including changes to beneficiary designations
- Pursing causes of action on behalf of the Disabled Person, including financial exploitation
- Defending claims filed against the Disabled Person
- Petitioning to relocate a Disabled Person
- Petitioning for a Disabled Person to be restored or the guardianship modified

MacKenzie's extensive litigation experience in these areas allows her to effectively advise guardians, trustees, and agents under powers of attorney for health care and property as they manage the financial and personal affairs of a disabled person during the disabled person's life.

MacKenzie is frequently appointed by judges in the Probate Division of the Circuit Court of Cook County to serve as a Guardian Ad Litem in disabled estates as well as counsel for alleged disabled persons.

### Reported Cases:

- In re Estate of Nina L., A Minor, 2016 Ill.App. LEXIS 701 (September 16, 2015) (vacating the trial court's order and making the necessary findings of fact to allow client, Nina L., an undocumented immigrant, to file for Special Immigrant Juvenile Status, a case of first impression)
- In re Estate of Donald Howell, 2015 Ill.App. LEXIS 466 (June 19, 2015) (reversing to allow client, the



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### Education

J.D., Loyola University Chicago  
School of Law, Chicago, Illinois  
B.A., summa cum laude, University  
of Arizona, Tucson, Arizona

### State Bar Licenses

Illinois

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Guardian of the Estate, to propose an estate plan that deviates from intestacy for a disabled person who never had testamentary capacity in case of first impression)

- Pontarelli v. Pontarelli, 2015 Ill.App. LEXIS 191 (March 18, 2015) (affirming multiple interlocutory orders in favor of client)

#### **Unreported Case:**

- In re Estate of Joel Kaplan, 2018 IL App (1st) 170540-U (June 29, 2018) (affirming plenary adjudication of Respondent and appointment of clients as plenary Co-Guardians)

#### **Recognition:**

MacKenzie has been selected for the Super Lawyers' Illinois Rising Stars list from 2013 to present. Each year, no more than two and one-half percent of the lawyers in the state are selected by the research team at Super Lawyers to receive this honor.

In November 2016 MacKenzie was featured in *Emerging Lawyers Magazine*, a distinction earned by fewer than two percent of lawyers licensed to practice law in Illinois who are under 40 years of age or have been practicing for 10 years or less.

#### **Recent Presentations:**

June 2019: MacKenzie presented a program entitled "How to Handle Mental Health Issues of Clients and Beneficiaries" at The Center for Conflict Resolution's Elder Care and Probate Mediation Training

April 2019: MacKenzie presented a program entitled "How to Handle Mental Health Issues of Clients and Beneficiaries" at the DuPage County Estate Planning Council.

November 2018: MacKenzie presented a program entitled "Pleading in Probate Litigation" at The Chicago Bar Association's program on Contested Matters in Probate Estates.

October 2018: MacKenzie co-presented a program entitled "Discovery Issues in Guardianships" at the Illinois Institute of Continuing Legal Education's 14th Annual Elder Law Short Course.

July 2018: MacKenzie co-presented with her colleague Christopher Hopkins a program entitled "Will and Trust Contests: Drafting Techniques in Pleadings" at the American Law Institute's annual two day course titled Representing Estate and Trust Beneficiaries and Fiduciaries.

July 2018: MacKenzie presented an interactive program entitled "Dealing with Decision-Makers in a Health Care Setting: Identifying Red Flags and Avoiding Pitfalls" to social workers at the Jesse Brown VA Medical Center.

December 2017: MacKenzie co-presented a program entitled "Clinical Boot Camp: Common Psychiatric Diagnoses Facing Our Clients" at the Illinois Institute of Continuing Legal Education's 13th Annual Elder Law Short Course.

November 2017: MacKenzie presented a program entitled "The Illinois Power of Attorney Act and Guardianship," to students earning their Masters degrees at Loyola University Chicago School of Social Work.

May 2017: MacKenzie co-presented with Clark Hill partner, Ray J. Koenig III, an interactive program entitled "Dealing with Decision-Makers in a Health Care Setting: Identifying Red Flags and Avoiding Pitfalls" to students earning their Masters degrees at Loyola University's Summer Institute on Aging.

#### **Publications and Media:**

MacKenzie co-authored with Eric Dorkin, "Tips for Alleging Lack of Capacity and Undue Influence," Estate Planning, vol. 46/no. 7, July 2019.

MacKenzie was interviewed by CBS news regarding Adult Protective Services removing her client's husband, Temptations singer Dennis Edwards, from her care on unsubstantiated claims of abuse that resulted in the entry of an ex parte emergency Order of Protection which prohibited her from being with her husband during the last month of his life. To view the full interview, please [click here](#).

MacKenzie co-authored with Ray J. Koenig III, Member-in-Charge of Clark Hill's Chicago office, the update "Claims Against Decedent's Estate" to the Illinois Institute for Continuing Legal Education's 2017 publication of *Causes of Actions: Probate Action*.

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MacKenzie and Ryan Holmes, also of Clark Hill, updated the chapter “Roth Individual Retirement Arrangements” in the 2015 Update to the book Retirement Benefits Issues in Estate Planning published by the Illinois Institute for Continuing Legal Education (IICLE).

MacKenzie co-authored with Ray J. Koenig III an article in the October 2012 Illinois State Bar Journal titled, “Defending Your Principals: Suing Agents Under the Revised Illinois Power of Attorney Act.”

MacKenzie co-authored with Ray J. Koenig III an article in the Illinois State Bar Association publication titled, “Be Careful What you Wish For: Analyzing the “Five Wishes” Advanced Directive.” 2009.

**Education and Professional Background:**

MacKenzie graduated from Loyola University School of Law in where she participated in the Elder Law Clinic. In the clinic MacKenzie represented petitioners and respondents in guardianship proceedings and also served as a Guardian Ad Litem. Prior to law school, MacKenzie taught elementary school in North Lawndale, a neighborhood on Chicago’s west side, through the national teaching program, Teach for America. While teaching, MacKenzie earned a Masters of Arts in Teaching from Dominican University.

**Practices, Industries & Services**

Litigation  
Tax & Estate Planning

**Areas of Emphasis**

Elder Law  
Guardianship & Conservatorship Administration  
Guardianship & Conservatorship Litigation  
Trust Department Services  
Trust, Estate & Fiduciary Litigation

**Memberships**

- Chicago Bar Association
- Past Chair of the Chicago Bar Association's Continuing Legal Education Committee
- Past Chair of the Chicago Bar Association's Elder Law Committee