Dykema

Probate, Trust, and Fiduciary Litigation Practice

California | Illinois | Michigan | Minnesota | Texas | Washington, D.C.

www.dykema.com

Our Probate, Trust, and Fiduciary Litigation Practice

As a national law firm steeped in midwestern values, Dykema assists trustees, executors, guardians, fiduciaries, and beneficiaries in resolving a myriad of estate, trust, and fiduciary disputes involving complex and sophisticated legal and tax issues. The Dykema Probate, Trust, and Fiduciary Litigation Group is a dedicated and diverse group of nationally recognized attorneys with subject matter experience in all aspects of complex probate, trust, and fiduciary litigation. Our practice combines the firm's extensive knowledge and experience of its nationally renowned trusts and estates professionals with the outstanding courtroom talents, resourcefulness, and proven ability of its trial attorneys. Dykema's attorneys maintain the highest ethical standards when dealing with these sensitive and personal matters. With offices in California, Illinois, Michigan, Texas, and Washington, D.C., our attorneys have extensive knowledge and previous experience regarding a multitude of local courts, rules, practice codes, and procedures, and they are also able to navigate delicate situations that arise in disputed matters pertaining to all types of fiduciary relationships, including the following:

- Executors and Administrators
- Corporate and Individual Trustees
- Guardians and Conservators
- Individual and Corporate Fiduciaries
- Beneficiaries
- Shareholders
- Partners
- Members of Limited Liability Companies
- Family Partnerships and Limited Liability Companies
- Closely Held Businesses and Subchapter S Companies
- Public and Private Charities or Charitable Foundations
- Trusts

Our Litigation Approach

Dykema's practice goal is to approach each case individually and on a personal basis. Careful case assessment and precisely defined litigation plans allow for the optimization of case outcomes. We advise our clients in the most sensitive and cost-effective manner based on their individual situations. Our representation is driven by our clients' needs and best interests. To that end, we evaluate each case with our clients' goals in mind. In both amicable and adverse disputes, our attorneys are sensitive to each client's situation and prepare the most effective- and cost-effective strategy for positive and beneficial case outcome. We understand that business relationships, family connections, and productivity are impacted by the stress of litigation. As a result, we are comfortable litigating, but we also seek to resolve disputes through value-added settlements. To that end, we are knowledgeable about the tax consequences of estates and trusts and all manner of businesses, and we are well positioned to create unique and efficient settlements that meet the needs of our clients.

Our Clients

We represent clients in a broad range of disputed matters, including estate tax and administration issues, income and estate and gift tax disputes, suits to remove executors and trustees, closely held business disputes, and conflicts arising from all types of fiduciary relationships.

We prosecute and defend challenges to wills and trusts and frequently handle procedures necessary to reform, modify, or clarify trust instruments. Our attorneys handle matters involving guardianships and conservatorships, as well as contests involving the validity of cohabitation and prenuptial agreements.

We represent clients in regard to claims of undue influence, lack of testamentary capacity, tortious interference with inheritance and contract, and conflicts of interest against executors and agents acting under powers of attorney, as well as individual and corporate trustees. The group's experience also covers a spectrum of tax and other litigation, including closely held business disputes, business succession, valuation disputes, and income and estate tax disputes.

We represent corporate and individual trustees and income and remainder beneficiaries in cases involving trust interpretation, trust reformation, propriety of trust investments, asset allocation, and self-dealing. Trust disputes also can include questions as to the validity of the trust based on allegations of forgery, fraud, undue influence, and/or lack of testamentary capacity. Trust litigation also consists of the pursuit and defense of surcharge actions and petitions to remove trustees.

Dykema represents a wide array of clients, including individual and corporate fiduciaries, public and private charities and foundations, executors, administrators, trustees, beneficiaries, guardians, conservators, family partnerships, and other closely held family businesses involved in litigation.

Our Value-Added Services

Dykema provides focused legal assistance and professional consultant work to individuals, families, businesses, attorneys, and accountants. Practicing solely in the field of trusts, estates, and tax law, our practice area combines a comprehensive knowledge of estate planning, administration, and taxation with the use of state-of-the-art technology.

We work proactively to identify preventive measures that may assist and protect our clients' interests in the future. We represent clients in suits for declaratory relief, judicial termination, modification, and construction of trusts. Through the court system, we assist clients in clarifying and resolving tax consequences of prior trust modifications or constructions. We participate in proceedings to protect estates and trusts through the sealing of sensitive documents such as an estate inventories.

We work hard to protect the assets that you have accumulated and to ensure that your wishes for the future distribution of your estate are honored. We work closely with families and individuals to minimize estate taxes such as federal estate and gift taxes, federal generation-skipping transfer taxes, and federal and state fiduciary income taxes. We also address complex estate matters including:

- Estate Planning
- Trusts and Estate Administration
- Retirement Plan Distributions
- Planned Giving and Charitable Objectives
- Closely Held Businesses

Attorneys in Dykema's Fiduciary Litigation Practice assist individuals and families with multiple legal needs on a national basis, including in the areas of lifetime planning and wills, probate, and the administration of estates. These estate and tax planning professionals are a valuable resource and provide litigation support for the firm's trial lawyers when litigation is invoked or becomes necessary.

Our Areas of Experience in the Probate, Trust, and Fiduciary Litigation Practice

- Proceedings Involving Wills and Trusts
- Petitions for the Construction, Reformation, and Modification of Trusts
- Petitions for Trustee Instructions
- Proceedings Involving Breach of Fiduciary Duties
- Guardianship and Conservatorship Proceedings
- Proceedings for the Partition and Division of Trust Assets
- Proceedings to Clarify and Resolve Tax Controversies
- Proceedings for Charitable and Marital Estate Tax Deductions
- Proceedings Involving Charitable Trusts
- Proceedings to Enforce Joint and Mutual Wills
- Proceedings to Consolidate or Divide Trusts
- Proceedings to Change Situs or Venue of Fiduciary Litigation
- Trust and Estate Accounting Proceedings
- Proceedings to Determine Ownership of Assets
- Arbitration and Mediation Proceedings Involving Estates and Trusts
- Implementation of Non-Judicial Dispute Resolution Agreements
- Proceedings for Shareholder Succession and Suppression Disputes
- Cohabitation and Prenuptial Agreements

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