CARTER LEDYARD

# fiduciary litigation

## practice chairs

Michael I. Frankel / Partner
Daniel J. McSwiggan / Partner
Gary D. Sesser / Partner

Alison Powers Herman / Partner
Charles G. Berry / Partner
Edmund J. Behan / Partner
Jerome J. Caulfield / Partner
Judith Wallace / Partner
Karen T. Schiele / Partner
Pamela A. Mann / Partner
Matthew D. Dunn / Partner
Kevin M. Simpson / Associate

Our lawyers bring deep, diverse experience and first-rate skills in crafting practical solutions to resolve often contentious trusts and estates issues. Fiduciary litigation involves complex legal and financial matters, and we are adept at catering our representation to the individual needs of the client, whether a corporate fiduciary, financial institution, or individuals and groups of family members. We maintain an understanding that many disputes in this area involve family dynamics among relatives which often evoke strong emotions. Our lawyers keep their focus on the client's goals while also navigating sensitive issues and treating people and families with empathy and compassion. We work hard to objectively evaluate and sort out conflicts as quickly and cost-effectively as possible.

Our team represents trust companies, financial institutions, charitable organizations, family members involved in closely held companies, and individuals, as executors, trustees, and beneficiaries. We provide clients with strategic counsel in litigation of all sizes and complexities, including disputes over will execution and undue influence, ownership of property, the administration and distribution of assets, fiduciary obligations of executors and trustees, and many others. Our lawyers devise smart and creative litigation blueprints that we implement with vigorous advocacy, helping clients resolve their problems and achieve their goals while honoring the human element that's present in trusts and estates cases.

Fiduciary and trust and estates litigation frequently includes ancillary matters involving other areas of law. Clients who turn to our team to shepherd them through their disputes also benefit as needed from the talents of the firm's lawyers in both corporate and litigation areas including tax, tax-exempt organizations, art, real estate, and securities law.

### Why Our Experience is the Right Fit

Drawing on a long and deep familiarity with regional venues that hear fiduciary cases, we counsel clients on matters in New York Surrogate's Court and Supreme Court, as well as other jurisdictions where our team brings a combination of institutional knowledge and cutting-edge ideas about operations, procedures, and personalities. When clients prefer to handle their family legal conflicts behind closed doors, our lawyers adeptly oversee confidential methods of dispute resolution, including private negotiation and mediation.

Some of our lawyers bring highly relevant experience working in fiduciary banking capacities, which enhances our ability to advise clients. The teams' extensive experience representing trust companies and professional fiduciaries serves us well in handling recurrent issues. Our collaboration with the firm's highly regarded trusts and estates department, coupled with our in-depth understanding of substantive law, creates very favorable circumstances for us to procure optimal outcomes for those we serve.

## Our Innovative Approach

Facilitating the Great Transfer: As the Silent and Baby Boomer generations undergo the process of transferring a massive and historically unprecedented amount of wealth to younger family members and charities, our team facilitates these distributions, often employing cutting-edge approaches by anticipating problems and disputes before they arise, unraveling and resolving complications caused by inadequate estate planning, and minimizing risk and uncertainty in the future.

Ready for the Tax Rebound: Foreseeing an eventual reversal of the current record high exemption levels and low taxation rates, we're preparing our clients for these changes as we walk them through wealth-transfer issues.

Family Feuds: The last few decades have seen a great deal of reconfiguration in families, and high levels of divorces and remarriages, which have resulted in more intense conflicts in the trusts and estates arena. Our lawyers are highly adroit in helping resolve such disputes.

Competence with Complexity: Our team capably handles very complicated and unusually large cases, such as a recent matter for which we deposed 50 witnesses. We occasionally represent clients in trusts and estates matters that are components of much larger litigations, such as the court battles connected to the fraud committed by notorious investment advisor Bernie Madoff and financial industry disputes flowing from the 2008 financial crisis.

## Proven Strengths

We represent clients in the following types of conflicts and litigations:

- Will contests
- Disputes over ownership of property
- Contested accountings
- Disputes regarding the fiduciary obligations of executors and trustees
- Disputes about the proper administration of trusts and estates
- Interpretation of will and trust provisions
- Guardianship matters
- Tax disputes