



TRUST AND ESTATE LITIGATION

Inheritance disputes are as old as the Book of Genesis (Jacob and Esau). Over the next 30 years it is estimated that \$30 trillion – yes, trillion – will pass under Wills and Trusts from Baby Boomers to their children, grandchildren, and charities. This means there will be ample incentive for descendants who have been disinherited, or believe they have not received their “fair share,” to litigate their grievances. Trustees too will face increased scrutiny and litigation concerning their investment decisions and trust administration.

The Trust and Estate attorneys at Burke, Warren, MacKay & Serritella are trial attorneys. They are familiar with the law, and the courts. Along with the assistance of our highly regarded estate planning and tax attorneys, we can successfully guide you through what is often a highly-charged situation due to family dynamics. Because we are trial attorneys, we prepare cases for trial, but we are also problem solvers. Being known for careful trial preparation, we are often able to obtain favorable settlements for our clients without going to trial, saving them time and money.

We have represented grantors, beneficiaries, trustees, and executors. Here are some of the matters we have litigated:

- Will contests
- Undue influence
- Breach of fiduciary duty
- Removal of trustee/transfer of trust assets
- Equitable deviation of trust terms
- Trust construction actions
- Reformation of Wills and Trusts
- Challenges to investment decisions and results
- Petitions for instructions regarding Wills and Trusts
- Disputes involving charitable trusts and foundations

PROFESSIONALS

Nicholas A. Gowen
Morgan M. Hess
Anna G. Kardaras
Alexander D. Marks
Mary Kruit McWilliams
Frederic A. Mendelsohn
Gerry D. Ring
Martin P. Ryan

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