Service

Probate, Trust and Fiduciary Litigation



Probate, Trust, and Fiduciary Disputes

Very often, the transfer of assets through wills and trusts creates confusion, ambiguity and complex interpersonal dynamics that have significant financial and emotional consequences for both beneficiaries and fiduciaries. Family changes create a myriad of legal issues that test relationships, challenge assumptions, and bring out the worst and best in people.

At the core of most probate, trust and fiduciary disputes is honoring the intent of someone who may no longer be living. Solving inheritance controversies requires interpretation of key documents, understanding of how to administer estates and trusts with integrity, and predicting how a court may or may not view a situation.

The Right Counsel Can Make All the Difference

While probate, trust and fiduciary disputes are quite common, few lawyers have both the tenacious litigation skills and the experience to solve family feuds practically and comprehensively. Mirick's team of skilled probate, trust and fiduciary litigators has the requisite experience to understand the issues and devise problem-solving options, including using litigation, to advance client objectives.

We recognize that it is our responsibility to help clients understand their rights and responsibilities, as well as substantive and procedural issues. We also take care to understand the often-complex emotional and psychological challenges of probate, trust and fiduciary litigation. We are trusted advocates who understand your point of view as well as how to

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Related Services

Litigation

Probate and Trust Administration

Trusts and Estates

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leverage litigation to achieve appropriate outcomes.

How We Can Help

Mirick lawyers regularly resolve:

- Will contests, including claims of undue influence and lack of capacity;
- Estate and trust administration disputes;
- Probate and trust accounting disputes;
- Breach of fiduciary claims;
- Real estate disputes, including petitions to partition and claims to quiet title;
- Conservatorship and guardianship issues; and
- Any controversies concerning the transfer of assets.

Experience

- Persuaded the Appeals Court to reverse a judgment and find that the defendant trustees, stockholders, officers and directors breached their fiduciary duties and engaged in self-dealing by committing trust assets to unauthorized business ventures
- Negotiated the resolution of a long-term dispute among siblings by forcing the sale of real estate through a petition to partition
- Successfully defended beneficiaries who were sued by the decedent's sister in an action to determine title to real estate
- After commencement of trial, favorably settled a case in which the will was executed by an individual suffering from Alzheimer's disease who was vulnerable to undue influence
- Successfully opened a guardian's three accounts by showing fraud and manifest error against the guardian in which the guardian mismanaged the ward's estate
- Prevented a co-executor's attempt to gain sole control of an estate after the co-executor forged our client's name, misappropriated estate assets and violated an injunction
- Successfully petitioned the Supreme Judicial Court to reform trusts so that the reformation would be recognized for federal transfer tax

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purposes

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