

TRUST, ESTATE & FIDUCIARY

Greater wealth combined with an aging population has led to an increase in the frequency and the types of disputes among beneficiaries and the executors and trustees who serve in a fiduciary role. In response, Moore & Van Allen has assembled a team of accomplished litigators and wealth transfer professionals to assist our clients with the challenging demands of resolving their fiduciary-related problems. Our firm's multi-disciplinary approach to this highly technical area of the law provides a comprehensive solution to a common dilemma in retaining counsel: hiring a litigator with little substantive trusts and estates experience versus using an estate planner who lacks courtroom experience.

Our fiduciary litigation team regularly handles matters ranging from the routine to the most complex:

- Risk management/preventive counseling
- Pre-litigation resolutions, including mediated and non-mediated negotiations and arbitrated results
- Matters before the Clerk of Court and in the Superior Court
- Matters involving institutional and individual fiduciaries, such as executors and other personal representatives, trustees, and attorneys-in-fact
- Will and trust contests/caveats, including competency and undue influence issues
- Judicial interpretation of trusts, wills and other instruments, including declaratory judgment actions
- Matters involving breach of fiduciary duty, self-dealing, conflicts of interest, constructive fraud and unfair and deceptive trade practices
- Petitions to remove or disqualify fiduciaries
- Tax and estate planning malpractice
- Commission and fee petitions
- Family settlement agreements
- Petitions for special fiduciaries

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- Trust modification actions
- Cy pres actions
- Trust and estate accounting matters
- Guardian ad litem/virtual representation
- Trust administration/investment disputes involving securities, real estate and non-traditional assets
- Elective share claims and spousal claims arising under prenuptial and separation agreements
- Wrongful death
- Disputes involving life insurance and annuities