Moore&VanAllen

TRUST, ESTATE, TAX & FIDUCIARY DISPUTES

Wealth transfer and inheritance disputes are often a complex collision of emotions and finances. We have decades of experience helping our clients avoid, or, if necessary, navigate these challenges.

We regularly help individuals achieve their goals across a broad range of will caveats, fiduciary duty claims, and other trust disputes. We are trusted by institutions, family offices, attorneys, and professionals to bring seasoned judgment and our comprehensive, analytic approach to the trust, estate, tax, and fiduciary duty issues they must solve daily.

Wealth transfer disputes often arise in closely-held businesses and transition within one generation or to the next generation causes conflict. We understand both corporate and inheritance issues and deploy a multi-disciplinary team to drive quickly, discretely, and efficiently to a solution. We work seamlessly with our clients' entire team—accountants, financial advisors, and lawyers. Our experience crosses borders both from state to state and outside the U.S. to offshore jurisdictions like the Channel Islands, the Cayman Islands, and other islands in the Caribbean.

Many disputes can be resolved through mediation or other alternative dispute resolutions, but when necessary we are aggressive and trial-ready to see cases to conclusion at trial.

Representative experience includes:

As examples, our fiduciary litigation team regularly handles the following 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 agents under powers of attorney
- 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
- 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