

Fiduciary, Trust & Probate Litigation

Litigation that arises out of trustee and fiduciary issues and relationships often leads to emotionally charged situations. Our attorneys guide clients through their legal obligations and rights in tough circumstances. We strategize with our clients and offer individualized, cost-effective solutions in business, commercial and family disputes. The best outcomes are often negotiated settlements that avoid the stress and expense of trial; however, not every case can be settled outside of court.

Our trust and fiduciary litigators are experienced trial attorneys who represent clients in disputes involving trusts, estates and conservatorships, and fiduciary matters. We routinely handle high-stakes trust, estate and fiduciary matters through mediation, arbitration and trial. We represent individuals, entities and institutional clients on both sides of the fiduciary relationship. We understand how fiduciary disputes originate and how to develop effective strategies to resolve them. We partner with clients to help them achieve the results identified at the onset of litigation.

We represent both businesses and individuals in a variety of matters, including:

- Removal and surcharge of fiduciaries, and defense of fiduciaries against such actions
- Claims for breach of fiduciary duty in the investment or administration of trusts or estate
- Actions to clarify ambiguous trust language
- Actions to remove trustees
- Challenges to trustee fees and commissions
- Creditor's rights concerning trust and estates
- Litigation involving the interpretation of a will or trust
- Actions to set aside wills, trusts or other transactions based on claims of undue influence
- Disputes that arise following the death or incompetency of a family member
- Guardianship issues and litigation, including initiating an action to have to have someone declared incapacitated, as well as defending against such claims on behalf of the alleged incapacitated person or any interested party
- Will and trust disputes, including claims of lack of testamentary capacity and undue influence

PROFESSIONALS

Lynn M. Gompper
Senior Paralegal & E-
Discovery Specialist

Aaron E. Hall
Partner

Susan Hornes
Paralegal

Christopher O. Miller
Partner

Kathy L. Nusslock
Partner

Daniel S. Peters
Partner

Jessica L. Puetz
Associate

Gary Zhao
Partner

- Litigation involving powers of attorney
- Representation of charitable entities related to their interests in estates and trusts
- Representation of officers and directors concerning fiduciary duties of care and loyalty
- Trustee-beneficiary disputes, including breach of fiduciary duty claims and challenges to fees and commissions

Experience

Successfully Defended a Client Against an Objection to Appointment as PR Based on Undue Influence and Incapacity of the Testator

Obtained a Favorable Settlement on Behalf of a Corporate Trustee Following the Unauthorized Transfer of Assets from the Trust

Served as Trustee to an Estate Where the Decedent Did Not Have Any Direct Descendants

Represented the Beneficiaries of a Trust in a Dispute Against the Trustee

Obtained a Favorable Settlement for a Trust Beneficiary in a Declaratory Judgment Action to Determine Whether an Email Amendment to the Trust was Valid and Enforceable

Defended a Trust in a Breach of Fiduciary Duty and Breach of Confidentiality Agreement Involving a Closely Held LLC

Defended a Client After the Plaintiff Alleged that our Client Induced Other Defendants to Commit Breach of an Alleged Fiduciary Duty

Firm News

Gary Zhao Selected as One of Crain's Chicago Business's Notable Litigators and Trial Attorneys for 2023
Firm News, *Crain's Chicago Business*, March 13, 2023

Amundsen Davis Attorneys Included in the 2023 Illinois Super Lawyers and Rising Stars List
Firm News, *Amundsen Davis*, January 23, 2023

41 Amundsen Davis Attorneys Recognized by *Best Lawyers in America*© 2023
Firm News, August 18, 2022

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