Probate and Guardianship Litigation

Trenam Law's Probate and Guardianship Litigation attorneys combine extensive trial experience with an in-depth knowledge of trust and probate law and procedures.

Working hand-in-hand with our *Private Client Services Group* (one of the largest and most experienced groups focused primarily on individuals and families with estate, tax and wealth transfer planning needs in the Tampa Bay area), our practice encompasses the full range of trust and probate controversies to handle all phases of litigation: discovery, motion practice, settlement negotiations, trials, and appeals.

We understand estate planning, administration, and litigation are oftentimes sensitive and trying matters. Therefore, a close attorney-client relationship is crucial when it comes to such legally complex and uniquely personal matters. This is where our Trenam Code of Client Commitment is most effective. Through frequent communication, timely and responsive interactions, and by taking the time to understand our clients' concerns and goals, we are better able to offer efficient and sophisticated counsel, anticipate legal pitfalls, design settlement strategies, and prevail in litigation if needed.

Our team has a keen understanding of the critical issues involving both the defense of executors and trustees, as well as representing plaintiffs in will and trust contests. We also have significant experience representing parties in guardianship controversies, including many complicated will and trust construction suits, charitable and exempt-entity qualification problems, and estate and fiduciary tax-related litigation.

Additionally, many nonprofit organizations named as beneficiaries often turn to our lawyers when there are challenges to donors' bequests, breaches of trust in the administration of the trust or estate, or protracted delays in distributions. This is principally a result of our deep knowledge regarding the nonprofit landscape in the community we serve as lawyers, acquired through our service on over 100 boards and committees of Tampa Bay area and national nonprofit charities. We ensure donors' intentions are carried out whether via settlement or in court.

Probate issues frequently intersect with other legal disciplines such as tax, real estate, corporate/securities, and insurance practice areas, among others. Our combination of experienced estate planning attorneys and litigators, together with their colleagues from these practice groups within the firm, allows us to fully evaluate issues in each case (such as tax liabilities and other consequences) to provide wholly integrated solutions, and advise our clients in a manner to both protect their interests and preserve the assets of the estate or trust.

This experience includes litigating trusts and probate disputes involving: claims for breach of fiduciary duty, claims for breach of duty of loyalty, investment claims, beneficiary disputes, contested heirship, pretermitted and adopted heirs, charitable pledge disputes, disputed creditor claims, judicial construction and modification of wills and trusts, will and trust contests, will and trust validity, capacity, undue influence, elder abuse, contested powers of attorney, contested accountings, fraudulent transfers, partition actions, spousal right of election, wrongful death recovery, family and estate management disputes, conservatorships and guardianships, among other issues.