TRUST & PROBATE LITIGATION

Berger Singerman's Trust and Probate Litigation Group represents corporate and individual fiduciaries, including trustees, receivers, executors and guardians in complex fiduciary litigation. The firm also represents officers, directors, shareholders and other entities and individuals holding fiduciary responsibilities, including bankruptcy trustees, receivers and restructuring officers who are often tasked with recovering monies that are the subject of fraudulent transfers. Berger Singerman recognizes that our role in representing these fiduciary clients is critical to the role they play in representing each of their clients, and the Firm is familiar with the issues these fiduciaries encounter on a daily basis and in litigation.

Our attorneys in the Trust and Probate Litigation Group are well equipped to address the business aspects at the heart of fiduciary litigation, including business succession and transfer issues. They have represented both trustees in defending and beneficiaries in pursuing various breach of fiduciary duty claims, including challenges to investment management decisions, challenges to discretionary decisions, claims of self-dealing and conflict of interest, removal claims and claims for accounting. Members in the group have also litigated novel issues regarding the scope of creditor protection that certain trusts afford beneficiaries.

The group has experience in the often emotionally-charged will contest and will construction matters, including determination of heirs, undue influence and lack of capacity matters. They recognize that when disputes between family members arise over family businesses, property, and trusts and estates, the stakes are often very high and, if not skillfully handled, the consequences can be irreparable. In these cases, Berger Singerman combines the extensive experience of its Dispute Resolution Team attorneys with the expansive knowledge of its Wealth Preservation and Tax Group and its real estate and corporate attorneys to develop creative solutions that best suit our clients' interests.

Berger Singerman is equipped to handle these cases in Florida probate, civil and federal courts at the trial level and through all appellate review. And when the cases require creative solutions that cannot be achieved in court, the group has the experience to handle them in negotiation, mediation or arbitration. In some cases, resolving intra-family issues outside of the courts in these alternative forums removes the matter from public scrutiny to the clients' benefit.

Berger Singerman also recognizes that the most effective defense is often a good offense. To that end, the Trust and Probate Litigation Group regularly collaborates with the firm's Wealth Preservation and Tax Group to develop preemptive strategies intended to reduce the likelihood of fiduciary litigation.