

## Private Wealth Services

# Proactive, integrated solutions



### When you need

- advice on individual tax and estate planning matters such as a will, revocable trust, advanced directives, life insurance trust, pass-through entities, and private foundations
- succession planning for a closely held or family business
- onshore asset-protection strategies or advice on cross-border tax issues
- gift and estate tax preparation and compliance, including representation in tax law controversies, such as audits of gift and estate tax returns
- prenuptial or postnuptial agreements
- sophisticated charitable planning
- litigation counsel in estate administration disputes or other trust and probate litigation matters, including will or trust challenges and fiduciary controversies such as surcharge proceedings and document interpretation and reformation

we can help.

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### Estate planning and probate from an experienced, highly responsive multidisciplinary team

- Experienced trust and estate-planning attorneys with domestic and international experience
- Integrated representation that provides access to a broad spectrum of legal services, tailored to meet clients' needs
- Attorneys experienced in will contests, intentional interference with inheritance claims, challenges to capacity, undue influence, fraud, and related claims
- Lead counsel with experience in both defending fiduciaries against damages claims and pursuing fiduciaries for breaches of duties
- Tax attorneys involved in developing local and national legislation and regulations
- Solution-minded litigation attorneys with local and nationally recognized experience in trial and appellate courts in matters between trust and/or estate fiduciaries, beneficiaries, and governmental entities

### Related Practice Areas

[Appellate Practice & Legal Strategies](#)

[Business Services](#)

[Litigation](#)

[Private Equity](#)

[Probate Litigation](#)

[Real Estate Investment Trusts](#)

[Tax Controversy](#)

[Tax Planning & Consulting](#)

[Trusts & Estate Planning](#)

### Related Industries

[Banking & Financial Services](#)

- Attorneys with alternative dispute resolution experience to avoid litigation among beneficiaries and fiduciaries

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#### **Our clients include individuals from many backgrounds and varying needs**

- CEOs and business executives
- Tax-exempt organizations
- Small and large business owners
- Financial institutions and trust departments
- Professional service providers
- Multiple generations of families
- Personal representatives
- Trustees
- Trust protectors
- Special administrators
- Trust administrators
- Beneficiaries
- Professional advisors
- Attorneys-in-fact (holder of power of attorney)
- Other fiduciaries

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#### **Understanding your needs and goals in estate planning, probate, or related dispute resolution**

Through knowledge and experience, Nelson Mullins listens to your story and crafts a plan designed to protect and preserve your wealth, efficiently transfer assets to your desired beneficiaries, and minimize the cost of estate administration. When the inevitable happens, Nelson Mullins provides trusted and steady advice to help your representatives navigate the probate process. If the estate-planning and probate process results in disputes, our experienced litigators will help you resolve disputes before they turn into litigation or, alternatively, guide you through the litigation and alternative dispute resolution process.

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#### **Our services help you to**

- **Plan for the future** – to give peace of mind that you and your family/company are protected
- **Protect your assets** – with asset protection planning
- **Minimize taxes** – with tax-effective techniques to transfer of wealth to the next generation
- **Smoothly transition control of the family business** – to avoid disruptions and loss of value

- **Ensure that your assets will be distributed to the appropriate beneficiaries** – by guiding your representatives through the process
  - **Keep up with changes** – in state and federal laws that may impact your family or business interest
  - **Rest easier** – knowing that your assets and beneficiaries are protected
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#### **While having tools available when things don't go as planned**

- **Litigation readiness** – experienced litigation counsel in many state and federal jurisdictions ready to protect your rights when needed
  - **Consultation with fiduciaries** – such as trustees, trust protectors, attorneys-in-fact, general partners, or others concerning whether conduct complies with applicable law
  - **Fiduciary litigation** – over alleged misconduct or breaches of duties to beneficiaries
  - **Professional liability defense** – when attorneys, accountants, and other professionals are accused of potential liability to a trust or estate for malpractice or other claims
  - **Multidisciplinary team approach and perspectives from Nelson Mullins attorneys** – in related practice areas such as tax, estate-planning, fiduciary duties, corporations, partnerships, real estate, and probate
  - **Network of other counsel** – with needed skills in various jurisdictions where multi-state disputes arise or when particular experience, such as IRS litigation, is necessary
  - **Experience with key expert witnesses** – to be prepared to address accounting, tax, mental capacity, undue influence, fiduciary responsibilities, and other issues
  - **Coordination among multiple parties** – when client interests are aligned with those of others, we are able to represent multiple parties effectively to achieve a common solution
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#### **Nelson Mullins brings a thoughtful, balanced approach to trust and estate conflicts, which can be personal and complicated**

Unfortunately, disputes over trusts and estates are often bitter conflicts with the family's wealth—no matter how large or small that might be—at risk. With an aging baby boomer population and ever-evolving estate-planning tools and options, families are increasingly at risk of conflict over how assets are to be shared or distributed. In addition, professional advisers are often drawn into trust and estate conflicts. Our commitment is to provide the highest level of professionalism in these difficult times, never forgetting that the livelihoods of real people, and sometimes even generations of people, are at stake.

Our attorneys have handled complex disputes involving hundreds of millions of dollars and also simple probate court actions with more modest assets in the balance. Our litigators are accomplished trial counsel in state and federal courts who have created new legal precedents in litigation over novel challenges to estate plans. Whether major assets are at risk or questions of interpretation of a will or trust arise, our team brings the same skills as would be required by Fortune 500 corporations in their major commercial disputes. But when the better course is to make peace, we are adept at tailoring cost-effective solutions.

## Why Nelson Mullins?

- Knowledge and experience representing clients like you
- Integrated team approach that includes your other professionals involved in your estate planning
- Experience in planning, administering, and litigating trust and estate matters
- Team includes attorneys board certified as specialists in estate planning, elder law, and taxation
- Trial ready, but settlement savvy on litigation matters
- Precedent-setting experience in litigating the most complex, high-wealth trust and estate conflicts
- Substantial trial and appellate experience locally, regionally, and across the country on behalf of people and institutions over trust and estate issues
- Multijurisdictional representation to address your other legal needs by a motivated team

## Experience

Following is a selected sampling of matters and is provided for informational purposes only. Past success does not indicate the likelihood of success in any future matter.

- Represented individuals with a net worth of \$2 million to in excess of \$100 million as estate-planning counsel
- Provided complex planning for high net worth clients including the use of revocable trusts, irrevocable trusts, grantor trusts, pass-through entities, qualified residence trusts, and charitable trusts
- Represented fiduciaries and beneficiaries in estate litigation in state and federal courts
- Assisted in estate and gift tax litigation with the Internal Revenue Service
- Represented institutions and individuals in administration and litigation related to probate, trusts, guardianships, and conservatorships
- Provided asset protection advice or business succession advice
- Counseled beneficiaries through avoidance of potential liabilities that could have been incurred through inheritance of real estate
- Represented family seeking efficient transfer of a significant family owned business from one generation to the next
- Defended trustee accused of breaches of fiduciary duty arising from investment of funds from family trust, resulting in a settlement
- Defended family against allegations of breaches of duty and fraud and seeking to void a complex estate plan conveying hundreds of millions of dollars of family wealth
- Defended trustees in litigation brought by trust protector and co-trustee over distributions from irrevocable grantor trust, including substantial counterclaims
- Counseled family concerning options for recovery of damages from a trustee who misappropriated funds, resulting in a favorable resolution and removal of trustee
- Represented family members suing other family members over undue influence, intentional interference with

inheritance, defamation, and other allegations in a substantial estate dispute

- Handled litigation concerning enforceability of "no contest" clauses