HARDIE ALCOZER

Litigation Overview

Most of our clients are either fiduciaries themselves (trustee, executor, administrator, agent under a power of attorney, partner, spouse, child of elderly adult, guardian), are seeking to become a fiduciary, or are owed fiduciary duties by another. Ourmatters run the gamut from getting a beneficiary information from a fiduciary with no mention of litigation to substituting in as lead counsel in a hotly contested litigation matter. We are proud that many of our matters are resolved before litigation has even begun. Some common situations we encounter include:

- A Trustee has been managing a family trust for many years and suddenly starts receiving requests from a family member / beneficiary for information and financial records for the trust. The Trustee is wondering what, if any, information to provide and is concerned about how the family member may use this information in the future.
- A daughter suddenly loses her mother and thinks that she may be a beneficiary in her mother's will. However, her step-father has possession of all the mother's documents (and presumably the original copy of the will) and is suddenly resistant to providing any information to the daughter about the will, starting a probate of the estate, or providing the mother's personal possessions to the daughter.
- Grandmother and grandfather execute joint will leaving property to each other and then their three kids. Grandfather dies, and grandmother purportedly executes a new will leaving her property to two of the three kids. Clients are the children of the excluded kid, who predeceased grandmother. Clients believe that grandmother did not have capacity to execute a new will, and title to grandparents' property is still in grandparents' names. Clients want to sort out both grandparents' estates and challenge grandmother's will.
- A client is next-of-kin and legal heir of a family member but finds out after family member's death that family member created a new will days before his death and left his property to non-family members who are unknown by the next-of-kin. The circumstances of the family member's death are suspicious as is the will itself. Client wants to challenge the will on the basis of undue influence and lack of capacity.
- A client started a small business three years ago with a friend. They formed an LLC for the business with themselves as the two managers. Because of their personal relationship, they never executed an Operating Agreement for the LLC. The relationship has deteriorated over the years and the former friends no longer agree on how to continue the business. The client wants to know how to exit this never-ending nightmare but does not want to end the business.
- A son is the appointed guardian for his mother with Alzheimers, but his brother convinced their mother to move in with him. The brother has filed an application with the court to become the appointed guardian, but the client has received financial statements that show that the brother is quickly depleting all of the mother's financial resources.

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Elderly mom's new husband claims he is mom's agent under a durable power of attorney and medical power of attorney, and he refuses to let mom's kids know where he's relocated mom or any medical updates, and to allow mom to communicate with her kids. He thinks the powers of attorney allow him to control every aspect of mom's life.

We don't think of ourselves as "bulldogs" who fight for the sake of fighting; rather, we are smart, thoughtful, strategic, strong, and creative in solving our clients' issues as soon and as best as we can. Our interest lies in finding a thoughtful, strategic, and cost-efficient way to ensure a favorable outcome for our clients. The way we see it, litigation should be the final resort when resolving estate-related disputes. But if settlement isn't possible, plausible, economic, or right, we're fully prepared to go to court and advocate for our clients.