

Trust and Estates

Murphy Austin's Trust and Estates Practice Team provides a full range of client services involving trusts and probate estates. Our experienced group of dedicated attorneys are well-known for the skill and attention they bring to Trust and Estate Litigation, Trust and Probate Administration, and Estate Planning, including:

Will and Trust Contests

Our Trusts and Estates team has extensive experience representing trustees, executors, beneficiaries, and heirs in claims challenging the validity of wills, trust, or other testamentary documents. While we advocate diligently for the result that clients want, we are also mindful that many trust and estate disputes take place within the family context. With that in mind, we work not only to address the legal issues involved, but also to understand the family dynamic to help ensure we arrive at a result that is truly in our clients' best interest.

Breach of Trust

Unfortunately, trustees and executors do not always administer a trust or estate in strict accordance to the law. In that event, or if there are other concerns related to a client's case, our team of experienced Trusts and Estates attorneys are well-equipped to provide the necessary legal advice and strategies to redress the breach of trust.

Fiduciary Removal

When the interests of the beneficiaries or heirs are at risk, of paramount concern is the suspension or removal of the incumbent trustee, executor, or other fiduciary. Our team has successfully obtained interim court orders suspending or removing fiduciaries in numerous cases and counties across California.

Contested Accountings

Often, the success or failure of a trust or probate administration hinges on the fiduciary's presentation and beneficiary's response to an accounting. While these documents can be complicated, our Trusts and Estates attorneys are particularly skilled at evaluating financial data, identifying suspect transactions, and taking the necessary steps to investigate and resolve questionable transactions. We also advise trustees and executors on the preparation and presentation of fiduciary accountings, with an eye toward mitigating risk and personal liability.

Financial Elder Abuse

With an aging population, financial elder abuse has become increasingly prevalent. Thankfully, California has explicit laws designed to help identify and redress financial elder abuse. Here, our trial attorneys have recovered millions of dollars on behalf of families who loved ones were exploited by care givers, neighbors, and even other family members.

Interpretation, Modification, Reformation

Occasionally, an ambiguity may appear in a trust or will, a document may include an outright mistake, or circumstances may have changed that make particular provisions in a will or trust unnecessary or even harmful. Our attorneys understand that each situation is unique and are highly skilled at presenting issues to the court in the most



effective manner possible to help ensure a successful outcome. Our Trusts and Estates Team has successfully modified irrevocable trusts and wills, obtained court interpretation of vague or ambiguous provisions, and reformed documents with drafting errors.

Trust Administration

A successful trust administration requires proactive strategies and sound legal advice. Our attorneys have advised hundreds of clients regarding their duties and rights within trust administrations, including marshalling assets, creditor claims, liquidation of assets, accounting, and distribution.

Probate Administration

Our team provides full support to clients throughout the probate administration process. We pride ourselves on our ability to shepherd our clients through the court process quickly and efficiently.

Return of Estate Assets

When assets are missing from an estate or trust, our trial attorneys help reclaim those funds for clients. We have successfully recovered tens of millions of dollars on behalf of clients, and advocate diligently for the just outcome.

Conservatorships

If an individual does not have a functioning estate plan but needs assistance managing his or her personal affairs or finances, a court-supervised protective proceeding called a "conservatorship" may be necessary. Whether the family is in agreement or there is a dispute about how to care for an incapacitated family member, our attorneys help achieve clients' preferred outcome and protect the interests of the family member.

Mediation

When legal issues or family dynamics impact or impede the proper administration of a trust or probate estate, often the most efficient way to move the administration forward is through mediation. In mediation, the parties voluntarily work with one of our skilled attorneys to identify the issues in dispute, evaluate the legal and practical realities of the situation, and develop solutions that are agreeable to all parties. Beyond acting as simply a communications vehicle between parties, we work to ensure that families are afforded the best chance possible of breaking the deadlock and moving the administration forward.

Estate Planning

Our attorneys understand that estate planning involves more than generating a stack of documents. It is a process that entails deeply understanding our client's unique and particular situation, developing strategies to achieve his or her specific goals, identifying opportunities to promote family harmony (or discourage disunity), and minimizing the impact of various taxes. In addition to preparing and administering the necessary documents, our attorneys provide a life-long professional relationship that offers our clients peace of mind.