

McNees Orphans' Court Litigation Group

The McNees Orphans' Court Litigation Group represents corporate and individual fiduciaries as well as beneficiaries and other stakeholders in resolving disputes regarding trusts, estates, guardianships and powers of attorney. The group assists clients in all types of matters pending before Pennsylvania's Orphans' Courts. We regularly serve clients in disputes concerning the interpretation and reformation of trust agreements and wills, the administration and distribution of trust and estate assets, private foundation rules (and issues surrounding required mandatory distributions), surcharge demands, cy pres proceedings, guardianships, will contests, and fee and commission challenges. Although our lawyers serve as counselors, advisors, and negotiators, when disputes cannot be resolved by agreement and formal litigation is required, we are ready and able to litigate. We have the legal resources, both in depth and breadth of experience, to handle a matter successfully from beginning to end.

Where needed, we can also coordinate seamlessly with other practice groups to address our clients' needs in particular cases. For example, we can assemble a team of lawyers drawing on our Litigation group, our Asset Planning & Federal Taxation group, our Real Estate group, our Business group, and our Appellate practice. This team approach across various legal disciplines allows us to represent our clients' interests fully and efficiently throughout the litigation process and to achieve, with professionalism and dedication, the best outcome for our clients.

Representative examples of specific complex matters handled by our Orphans' Court litigators include:

- Representation of corporate fiduciary in complex trust matter regarding historic trust assets, involving modification of trust, private foundation issues, and master's proceeding;
- Representation of corporate fiduciary in multiple trusts, defending against surcharge and removal action, including a mediated resolution;
- Representation of the decedent's child in a complex will contest involving alleged undue influence of a companion/caregiver and reformation of the will through the settlement process;
- Reformation of a will to address scrivener error, including absence of a residue clause;
- Defense of trustees in a surcharge action involving stock of a closely held corporation and issues regarding valuation and transfer of stock to family members;
- Representation of trustees in petitions seeking termination of a charitable endowment trust and a spendthrift trust;
- Defense of the trustee of reversionary trusts in actions seeking a surcharge and trust modification;
- Defense of an agent/co-trustee in multiple actions arising from an inter vivos trust, including a guardianship hearing and a civil action, and involving allegations of conflict of the agent, improper formation of the trust, undue influence, conversion, and intentional interference with contract;
- Representation of a surviving spouse subject to an antenuptial agreement in a large estate involving unique and valuable assets, in which the validity and terms of the antenuptial agreement were litigated;
- Representation of an elderly client who was the object of undue influence by a daughter, including actions in different states and involving alleged trust amendments, addition of trustees, and change of situs;
- Representation of remainder beneficiary siblings in a family trust matter involving removal of a trustee, sale of commercial real property to create trust liquidity, motions for contempt, and a motion to enforce a settlement agreement;
- Defense of the decedent's son in complex family litigation alleging undue influence, challenging the formation and validity of his partnership with the decedent and a related inter vivos transfer of real property to the partnership, and seeking conveyance of assets to an inter vivos trust benefitting the decedent's other children.



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