Cullen | Dykman

Wills, Trusts and Estate Litigation

At Cullen and Dykman, we use sophisticated defensive planning techniques to avoid litigation for our clients. However, we also understand that litigation may, in many cases, be unavoidable. We have extensive experience representing clients in will contests proceedings and other disputes arising out of trust and estate administration processes.

Experienced Representation for Disputes Involving Wills, Trusts and Estates

We represent clients on both sides of will contests, as well as, proceedings to construe and reform wills, contested accounting proceedings, tax proceedings, and other types of disputes. Our wills, trusts, and estate litigation attorneys have substantial experience in New York and New Jersey Surrogate's Courts, where our firm enjoys a reputation for providing sound advice and achieving efficient and practical solutions. In all cases, our primary goal is always to achieve the best possible result for our clients, and in many cases, we can favorably settle our clients' disputes without the need for a trial.

We routinely represent clients in matters including:

- Probate litigation involving challenges to the validity of wills on the basis of incapacity, undue influence, defective execution of the will, forgery and other defects.
- Will construction proceedings on behalf of fiduciaries or beneficiaries to clarify ambiguity in a will.
- Fiduciary litigation to challenge the actions of an executor or trustee in managing the financial affairs of the estate or trust.
- Accounting proceedings to challenge and defend the management of an estate or trust.
- Fiduciary removal proceedings to remove a trustee, executor or guardian on the basis of misconduct or incompetence.
- Spousal rights proceedings to question or establish the rights of a spouse to inherit, and to analyze the validity of prenuptial and antenuptial agreements.
- Kinship proceedings to dispute or establish the inheritance rights of distant relatives.
- Claims proceedings to dispute or establish claims to assets of an estate filed by business partners, creditors, and other third parties.

Trusts and Estate Mediation

Estate litigation can be time-consuming, expensive, and emotionally challenging. The issues litigated in often Surrogate's Court involve complex legal questions combined with long-standing family problems. While our

attorneys are thoroughly familiar with the demands of litigation, we also have a large reservoir of experience to draw from when attempting to resolve disputes out of court.

On occasion, the parties to litigation are interested in facilitated mediation as an alternative to trial. Essentially a formalized settlement process, mediation involves the selection of a neutral mediator to facilitate negotiations between the parties to a dispute. In many cases, mediation can be used to keep disputes among family members out of court. Our attorneys represent clients in mediation and serve as mediators assisting in the resolution of estate and trust-related disputes. The benefits of mediating trust and estate disputes include:

- Avoiding the stress and delays of court battles
- Preserving family relationships
- Protecting confidentiality
- Scheduling convenient meetings without waiting for the court
- Working in a neutral environment facilitated by an experienced attorney
- Achieving a mutually-agreeable outcome rather than a court-imposed ruling
- Saving time and money