Foster Garvey

Trusts & Estates Litigation

Trusted representation for *life's important transitions*

Understanding that disputes among loved ones can be some of the most challenging moments for families, we provide compassionate and trusted support while working through your complex trusts and estate issues.

We bring deep experience in cases involving will contests, trust disputes and guardianship challenges. Our firm has handled landmark cases, including one that led to a 9-0 Washington Supreme Court decision confirming the invalidation of a marriage and will based on severe fraud and undue influence, respectively. Our tax law acumen allows us to navigate the complex financial aspects of these cases with unparalleled precision.

Will Contests

When it comes to will disputes, our team represents individuals and organizations who need to ensure their rights and intentions are protected. We assist beneficiaries in challenging a will's validity and work with fiduciaries to defend testamentary documents when disputes arise. These cases can be intricate, involving analysis of financial histories, medical records and insights from forensic experts and medical professionals. Our attorneys are highly skilled in cases of incapacity and undue influence and have substantial experience both in trials and in appeals. We are here to help you navigate these challenges with legal know-how and clarity, so you can feel secure in the outcome.

Trust Disputes

Trust disputes often involve sensitive issues around fiduciary responsibilities, finances and sometimes family dynamics. Our team has helped many clients recover assets when trustees have breached their duties. We're well-versed in the nuances of tax and technical issues, and understand that emotions often run high in these situations. Our team has a long and successful track record of using mediation and arbitration - often faster, less costly paths to resolution than litigation - to achieve favorable results on behalf of clients. One of our legacy firm founders, Kenneth Schubert, Jr., led the committee responsible for drafting Washington's Trust and Estate Dispute Resolution Act, which grants parties the right to mediate or arbitrate their trust disputes.

Contested Guardianships/Vulnerable Adult Protection Actions

When it comes to Vulnerable Adult Protection Actions (VAPA) and contested guardianships, time is often of the essence. Our team moves quickly to secure emergency court procedures if necessary, safeguarding resources and ensuring proper care. We have extensive experience handling petitions for restraining

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orders and the hearings or trials that follow, and our experience with the court system and various professionals, including social services, guardians, physicians and caregivers, enables us to find efficient solutions that prioritize our clients' needs.

Guardianship disputes and VAPA are often the precursor to other trust and estate disputes. Handled appropriately, however, these pre-death disputes can short-circuit future litigation over the ultimate distribution of an alleged incapacitated person's estate. Our team has prevented numerous trust and estate lawsuits by disposing of the dispute in a pre-death proceeding. Labor has delegated immigration-related responsibilities.

Contacts

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