Maryland Fiduciary Litigation Attorneys

Personal Representatives, Trustees, and beneficiaries of trusts and estates seek out JGL for advice or representation to ensure that a trust or estate is handled according to the terms of the will or trust or according to the law.

Whether there is an issue about whether an elderly person lacked testamentary capacity at the time a trust or will was signed, whether the will or trust was the product of undue influence, or whether a person has misused a financial power of attorney, JGL is experienced in addressing these problems. We handle fiduciary litigation both at trial and on appeal.

What is Fiduciary Litigation?

A fiduciary is a person who owes a duty of loyalty and care to others based on the responsibilities the fiduciary has to handle the property or assets of others. These may arise from a will, a trust, or a court appointment as a personal representative. Fiduciary litigation refers to lawsuits that arise out of breaches or alleged breaches of these duties and responsibilities.

Types of Fiduciary Litigation Matters We Handle in Maryland

- **Will Contests** – We contest wills or other documents (such as financial power of attorney) that were not signed in accordance with the law, the documents were the result of undue influence, or the individual lacked testamentary capacity.
- **Misuse of a Financial Power of Attorney** – We represent individuals when a financial power of attorney has been misused.
- **Protecting the Rights of Beneficiaries of Wills and Trusts** – We represent beneficiaries of wills and trusts to ensure estate or trust property is handled in accordance with the law.
- **Defending Personal Representatives and Trustees From Allegations of Breach of Fiduciary Duties** – We represent personal representatives and trustees who are alleged to have breached their fiduciary duties.
- **Suing Personal Representative** – We represent beneficiaries when a personal representative breaches his or her fiduciary duties.
- **Preventing Financial Exploitation of the Elderly** – We represent individuals seeking to prevent financial exploitation of elderly individuals such as by filing a lawsuit under the SAFE (Statute Against Financial Exploitation) Act.

Who We Represent in Fiduciary Litigation Cases

- JGL represents **Personal Representatives** who have been sued by beneficiaries of an estate.
- JGL represents **Trustees** who have been sued by beneficiaries of a trust.
- JGL represents **potential beneficiaries** who want to challenge a will and believe a will was either executed when a person lacked testamentary capacity to sign the will or it was not signed in accordance with Maryland law.
- JGL represents **beneficiaries of trusts and wills** who believe the personal representative or trustee is mishandling trust or estate property.

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Speak With an Experienced Maryland Fiduciary Litigation Attorney

Our firm has extensive experience in fiduciary litigation, which has impacted the development of the law in Maryland:

- Represented an heir to an estate that prevented a woman who married an elderly gentleman near the end of his life and prevented his new wife from making a claim based on a marital share due to the fact that she obtained the marriage by undue influence. The Appellate Court of Maryland's decision is here (PDF).
- Filed a lawsuit under the SAFE Act against a "friend" who financially exploited an elderly woman with cognitive problems and obtained a judgment in the amount of $395,310.00 against the "friend" arising from his misuse of the elderly woman's assets.
- Represented Successor Personal Representative at trial and successfully defended the judgment on appeal against one of the decedent's children who forged signatures on bank signature cards. The decision is available here (PDF).
- Successfully obtained a judgment at the conclusion of a bench trial against a former trustee for $757,070.04 based on the trustee's failure to account for his use of trust property and successfully defended the judgment on appeal. The appellate decision is available here (PDF).
- Successfully persuaded a trial judge to grant a motion for judgment and dismiss a will challenge brought by a disinherited heir who unsuccessfully attempted to invalidate the decedent's will.
- Successfully obtained a judgment in a bench trial in the amount of $233,500.00 on behalf of a Personal Representative to an estate where the decedent's estranged step-daughter wrote herself a check in the amount of $230,000 from the decedent's account using a power of attorney the day before the decedent passed.

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