

Fiduciary Litigation

Winstead has a long tradition of excellence in service to bank trust departments and private or corporate trustees. The firm's roster includes attorneys who have gained national prominence in matters involving wills, trusts and estates. Over the years, Winstead's experience on the transactional side of that area of practice has been matched periodically by the involvement of many of its attorneys on the controversy side of practice: will contests, suits by beneficiaries or third parties against bank trust departments or corporate trustees, and suits brought by trustees on a variety of civil actions, including controversies, tax matters, and trust modifications.

Recognizing that this area of law is likely to increase, perhaps geometrically, in the next several years (with the accumulated wealth of "baby boomers," technology entrepreneurs and others who are targets of litigation), Winstead has set about to coalesce its efforts on behalf of its many clients by establishing its Fiduciary Litigation Practice Group.

The Fiduciary Litigation Practice Group is comprised of individuals who over time have been involved in an impressive array of sophisticated and challenging matters, both on the transactional and controversy sides of practice. Reference to the resumes of the members of the Fiduciary Litigation Practice Group also makes readily apparent the scope, depth and breadth of our experience.

The handling of transactional and controversy matters is only part of our mission. In an effort to assist fiduciaries in avoiding the controversy that oftentimes leads to expensive, time-consuming and wasteful litigation, Winstead offers a menu of presentations on topics of interest to clients. Most of the presentations qualify for continuing legal education credit and can be presented in a "Lunch & Learn" format. These offerings are in recognition of the fact that ours is a litigious society, and sophisticated clientele handling financial transactions in a fiduciary capacity are frequently viewed as "targets of opportunity" by third parties. In short, Winstead's Fiduciary Litigation Practice Group is as interested in preventing problems for our clients as we are in handling the problems if trouble beckons.

In addition to our experience in handling (or preventing) fiduciary litigation that involves bank or corporate trust departments and trustees, Winstead has also developed experience in another type of fiduciary litigation: the handling of claims of legal malpractice. Among our active practice group members are attorneys who have served on local and State Bar Grievance Committees, Texas Supreme Court–Legal Ethics and Professionalism Boards, and as general counsels to law firms. That experience, combined with well-recognized trial skills, allows the firm to serve two distinct yet complementary areas of practice.