



# Fiduciary Litigation

Chapman has a long history of corporate fiduciary representation, counseling trustees, executors, guardians, and beneficiaries on myriad estate and trust controversies and dilemmas, many of which involve sophisticated legal and tax issues.

**Trust or Estate Claims.** Our fiduciary group attorneys advise clients in trust construction suits, petitions for trustee instructions, trust reformation proceedings, breach of fiduciary duty claims, will and trust contents, and controversies that arise during guardianship proceedings.

**ERISA Claims.** Chapman represents fiduciaries, including employers and investment managers, in allegations arising as a result of ERISA-based duties to plan beneficiaries.

**Risk Management.** In addition to responding to litigation claims, our fiduciary group advises clients on how to prevent unnecessary and costly litigation, and how to avoid future claims. When appropriate, we recommend mediation or arbitration.

## REPRESENTATIVE MATTERS

- Obtained a substantial breach of fiduciary duty arbitration award against successor general partner on behalf of limited partner clients who had invested in a medical device R&D limited partnership in the early 1980s, but who had failed to receive their promised equity award upon termination of the partnership.
- Secured large breach of fiduciary duty judgment against our bank client's former officer who had surreptitiously forwarded loan files to his new employer. In the same matter, Chapman also secured summary judgment dismissal of the former officer's claim for ERISA change-in-control benefits.
- Defended an institutional client against breach of fiduciary duty allegations relating to administration of trust at trial and appellate court levels.

## Attorneys

David T.B. Audley  
Michael T. Benz  
Daniel F. Flores  
Bryan E. Jacobson  
Joseph P. Lombardo  
John C. Luchristt  
David A. Lullo  
Eric Silvestri  
James P. Sullivan  
Rebecca Wallenfelsz

## Related Practices

Bank Defense  
Commercial Foreclosure and Real Estate Litigation  
Commercial Litigation and Alternative Dispute Resolution  
Consumer Finance Litigation  
Employment Law  
Environmental Advice and Litigation  
Merchant Bank Credit Card Processing Claims  
Securities Litigation and Arbitration

- Defended several substantial claims against corporate fiduciaries for losses arising in connection with their investment management.
- Defended corporate trustees from claims related to their handling of individual retirement accounts in decedents' estates.
- Prosecuted a trust construction suit where a client bank's interpretation of certain language in a trust agreement was challenged by a trust beneficiary.
- Obtained summary judgment for a bank that it had acted reasonably in its heir search in a suit brought by the rightful (but previously undiscovered) heir to an inheritance, even though the bank distributed the inheritance to the wrong parties.