McCarter & English

Trusts, Estates & Private Clients

McCarter has a "hugely impressive group," says a market source. "They know their stuff, are always very helpful, and have the right mix of technical skills and client service." Another comments on the firm's "great reputation and long history in the trust and estates area." ☐—*Chambers High Net Worth*

Our Trusts, Estates & Private Clients practice advises high net worth individuals, closely held businesses, and financial institutions, among others, on a broad range of matters, including estate and personal tax planning; charitable giving; estate administration; and estate, trust, and fiduciary litigation.

Estate and Personal Tax Planning

There is more to estate and personal tax planning than simply drafting a will. Careful planning strategies can minimize exposure to income, estate, gift, and generation-skipping taxes. Our attorneys have years of experience in working one-on-one with clients to develop an estate plan that fits the unique needs of each client. Our team uses its knowledge of the laws governing asset transfer to create a plan that achieves the client's goals for the disposition of his or her property—and does so in the most tax-efficient manner. This careful planning may involve implementation of a program of tax-effective giving to family members, the establishment of a plan of succession for a family business, or use of charitable giving techniques, such as charitable trusts or private foundations. Through its understanding of estate, retirement, and business planning, we assist clients planning for estates of all sizes and levels of complexity.

Charitable Giving

We apply years of experience in the area of charitable giving to craft inventive strategies for the transfer of assets to charities. Through the use of charitable trusts and private foundations, we work together to accomplish the client's goals in a tax-efficient manner.

Estate Administration

Our attorneys work as a team to ensure that estate plans are implemented as the client intended. We have considerable experience administering estates and trusts, from the relatively simple to the most complex, and offer a full range of support services to executors, administrators, and trustees. We work to facilitate the administration of trusts and estates and to distribute assets as promptly as possible.

Estate, Trust, and Fiduciary Litigation

Our team offers extensive experience representing individuals and institutions, both as beneficiaries and fiduciaries, in all aspects of dispute resolution regarding trusts, estates, or related family entities. We advise on contested matters regarding guardianships, powers of attorney, lifetime trusts, and pre-death agreements. Other matters, such as claims regarding the validity of wills, trusts, or other estate planning instruments that typically arise shortly after death. We frequently handle other issues, such as disputes involving estate or trust accountings, interpretation of wills or trusts, the performance of fiduciary duties, or the management of trust or charitable assets.

We help clients navigate these and myriad other complex matters, which have included litigation over estates valued in excess of $1 billion. Both before and after disputes arise, we counsel fiduciaries and beneficiaries on all aspects of dispute resolution or avoidance, including prudent tax, trust, or estate administration and beneficiary relationship issues. We will help you identify the most effective approach to achieve the best result, whether through litigation, negotiation, or alternative dispute mechanisms. Sometimes creative approaches are required to balance difficult family dynamics, complex tax issues, and challenging estate planning. Whatever the approach, we welcome the opportunity to help find the right solution for you.

Representative Matters

Religious institution—Trust planning

Created a trust for the benefit of retired and elderly members of a religious order to protect the proceeds of the sale of the order's real estate, coordinating with a specialist to comply with canon law.

Family business—Estate planning

Developed a sophisticated estate plan that transferred shares of the family business to the next generation in a tax-effective manner, using trusts to preserve the family wealth for succeeding generations.

Business owner—Estate administration

Administered the multimillion-dollar estate of a deceased business owner, preparing federal and state estate and inheritance tax returns and overseeing the distribution of assets to charitable and individual beneficiaries and continuing trusts.

Private client—Historic family trust

Reformed a historic family trust to adapt the trust terms and its trustee appointments to the current needs of the family.

Articles

Who's the Boss? Fiduciary Liability and Directed Trusts, American Bar Association Real Property, Trust and Estate Law Journal, Volume 57, Number 3, Fall/Winter 2022, 3.27.2023

Ancillary Probate in New Jersey, Thomson Reuters Practical Law, 3.31.2022

Planning for the Risk of Trust Litigation with Trust Situs or Governing Law Selection, New Jersey Law Journal, 3.17.2021

Taxpayers That Paid the Net Investment Income Tax or the Additional Medicare Tax Should Consider Filing Protective Claims for Refund, Westlaw Journal, August 17.2020

Estate Planning and Administration in the Digital Age, CCH's Taxes – The Tax Magazine, Volume 96, No. 11, 11.1.2018

A Commentary Regarding the Section's Technology Task Force, ABA Probate & Property Magazine, Volume 32, No. 4, 7.2.2018

A Dichotomy of Fiduciary Duties: Which Hat Does a Trustee Wear While Managing the Trust's Business?, ABA Probate & Property Magazine, Volume 32, No. 4, 7.2.2018

Commentary of ABA RPTE Taskforce on Do-It-Yourself Estate Planning, ABA Probate & Property Magazine, 12.1.2016

NJ's Trust Code: Litigation and Other Issues, New Jersey Law Journal, Volume 222, 5.27.2016

Prenuptial Agreements: Beyond the Basics, New Jersey Law Journal, 5.17.2016

NJ's Trust Code: The Major New Substantive Features, New Jersey Law Journal, 5.30.2016

Trust Beneficiaries and Virtual Representation Under the New Trust Code, New Jersey Law Journal, 5.2.2016

New Jersey's Trust Code: Creation, Validity and Types of Trusts, New Jersey Law Journal, 4.11.2016

New Jersey Adopts the Uniform Trust Code: Something Old, Something New, Something Borrowed, But What Does it Mean for You?, New Jersey Law Journal, 3.21.2016

Assessing the Conduct of Trustees Who Act as Business Managers, New Jersey Law Journal, 12.17.2015

In the Red: Decedent's Creditors and Non-Probate Assets, New York State Bar Association Trusts and Estates Law Section Newsletter, 7.9.2015

Understanding and Using Trusts: Chapter 16, Trust Termination, 3rd Edition, Massachusetts Institute of Continuing Legal Education , 1.1.2014

Speaking Engagements

Will Drafting Fundamentals Post Pandemic, New Jersey Institute for Continuing Legal Education, 3.26.2024

Trust Drafting Fundamentals That Stand the Test of Time, New Jersey Institute for Continuing Legal Education, 3.26.2024

Evidence in New York Trust and Estate Litigation, New York State Bar Association, 3.21.2024

New York vs. New Jersey: Trust and Estate Planning, Administration, and Litigation on Both Sides of the Hudson, New Jersey Institute for Continuing Legal Education, 1.30.2024

Making Inflexible Trusts Flexible: The Modification, Division, Termination and Decanting of Irrevocable Trusts, NJICLE's First Annual Ultra High Net Worth Planning Forum, 10.11.2023

2023 Fiduciary Litigation Update, New Jersey Institute for Continuing Legal Education, 9.26.2023

2023 Trust and Estate Litigation Update, American College of Trust and Estate Counsel, 9.19.2023

Evidence in New Jersey Trust and Estate Litigation, New Jersey Institute for Continuing Legal Education, August 23.2023

Who is the Fiduciary? Traditional and Non-Traditional Roles in the Administration of Directed Trusts, American Bar Association Real Property, Trust and Estate Law Section, 7.26.2023

State Death Taxes and Fiduciary Income Taxes: Who Said Your Estate or Trust Wasn't Taxable?, NYU School of Professional Studies , 7.19.2023

Generation Skipping Tax Administration Issues, NJICLE's Estate Planning Summer Institute, 7.13.2023

Creditor Claims in the Administration of Estates, NJICLE's Estate Planning Summer Institute, 7.13.2023

Estate, Gift Tax and Fiduciary Litigation Update, New Jersey State Bar Association, 5.18.2023

New Jersey's Trust Code, New Jersey Institute for Continuing Legal Education, 3.28.2023

New York vs. New Jersey: Trust and Estate Planning, Administration, and Litigation on Both Sides of the Hudson, New Jersey Institute for Continuing Legal Education, 1.12.2023

2022 Fiduciary Litigation Update, New Jersey Institute for Continuing Legal Education, 9.22.2022

Evidence in Trust and Estate Litigation, New Jersey Institute for Continuing Legal Education, August 30.2022

New Jersey Directed Trusts: Nontraditional Fiduciary and Non-Fiduciary Roles, New Jersey Institute for Continuing Legal Education - 2022 Estate Planning Summer Institute, 7.29.2022

State Taxes and Estate Planning: Who Said Your Estate or Trust Was Non-Taxable?, New York University School of Professional Studies, 7.13.2022

Fiduciary Litigation Update, New Jersey State Bar Association, 5.19.2022

Who Is the Fiduciary? Traditional and Non-Traditional Roles in the Administration of Directed Trusts, American Bar Association, Trust & Estate Law Section, 4.27.2022

Trust Drafting Fundamentals that Stand the Test of Time, NJICLE, 3.9.2022

New York vs. New Jersey: Trust and Estate Planning, Administration, and Litigation on Both Sides of the Hudson, NJICLE, 1.12.2022

Evidence in Trust and Estate Litigation, New Jersey Institute for Continuing Legal Education , 08.24.2021

New Fiduciary Roles in New Jersey Directed Trustees, Trust Protectors and Others, NJICLE 2021 Estate Planning Summer Institute, 7.30.2021

New Jersey’s Trust Code, New Jersey Institute for Continuing Legal Education, 3.23.2021

New York vs. New Jersey: Trust and Estate Planning, Administration, and Litigation on Both Sides of the Hudson, New Jersey Institute for Continuing Legal Education, 1.23.2021

New Jersey Directed Trusts: Nontraditional Fiduciary and Non-Fiduciary Roles, 2020 Estate Planning Summer Institute, 7.24.2020

Trust Drafting Fundamentals that Stand the Test of Time, New Jersey Institute for Continuing Legal Education, 3.30.2020

Estate Planners Day 2019, Estate Planning Council of Bergen County, 10.24.2019

Trusts 101, National Business Institute, August 26.2019

New Jersey Directed Trusts: Nontraditional Fiduciary and Non-Fiduciary Roles, 2019 Estate Planning Summer Institute, 7.26.2019

Will Strategies to Prevent Conflict and Confusion, National Business Institute, 12.13.2018

Your Ethical Duty to Be Technologically Competent: Understanding the Technological Risks of Your Practice, McCarter & English CLE Program, 12.5.2018

New Tax Basis Consistency Requirements, National Business Institute, 11.7.2018

Funding Marital and Charitable Trusts—Tax and Non-Tax Considerations, Advanced Estate Administration Program - New Jersey Institute of Continuing Legal Education, 10.10.2018

Fiduciary Litigation Update: Planning & Administration Techniques that Stand the Test of Time, New Jersey Law Center, New Brunswick, NJ, 9.20.2018

New Jersey Directed Trusts: Nontraditional Fiduciary and Non-Fiduciary Roles, 2018 Estate Planning Summer Institute, 7.20.2018

Communicating the Wealth Plan: How, When and Why to Lift the Veil on Your Estate Plan, 30th Annual American Bar Association Real Property, Trust & Estate Law Section Spring Symposia, 5.11.2018

It's a World of Tears and a World of Fears: Crisis Management of Estates, 30th Annual American Bar Association Real Property, Trust & Estate Law Section Spring Symposium, 5.10.2018

Your Ethical Duty to Be Technologically Competent: Understanding the Technological Risks of Your Practice, McCarter & English CLE Program, 5.9.2018

Tax Reform: What Does it Mean for Estates and Trusts?, CPA Academy, 2.12.2018

Decedents' Accounts: A Review of the NJ Estate Tax Lien, Waiver Documentation Requirements, Procedures for Closing a Decedent's Account, and Powers of Attorney, New Jersey Bankers Association, 3.30.2017

Uniform Trust Code, New Jersey Bankers Association, 5.1.2016

Trends in Estates and Trusts: Planning, Administration and Litigation, New Jersey State Bar Association – Real Property, Trust and Estate Law Section, 11.19.2015

Annual Estate, Trust and Fiduciary Litigation Update on Issues Involving Estate and Trusts, New Jersey State Bar Association Annual Meeting, 5.15.2014

The Future of Estate and Trust Practice, American Bar Association Real Property Trust & Estate Section Spring Symposium, 5.2.2014

National Fiduciary Risk and Recent Developments Seminar, American Bankers Association, 5.1.2014

Estate Planning Update, New Jersey Senior Lawyers Conference, 4.29.2014

Webinars

Retool Your Practice – Will Drafting Fundamentals, NJICLE, 11.9.2023

Estate Planning Primer, NJICLE, 5.5.2023

Will Drafting Fundamentals, NJICLE, 2.6.2023

Estate Planning College, ICLE, 4.22.2022

Will Drafting Fundamentals for the Covid Crisis and After, NJICLE, 2.22.2022

Will Drafting Fundamentals Post Pandemic, NJICLE, 9.27.2021

Estate Planning Primer, NJICLE, 4.19.2021

Ethics and Professionalism in Today's Society: How to Discuss, Address and Promote Diversity, Equity and Inclusion in Your Estates Practice and With Your Clients, The American College of Trust and Estate Counsel, 2.2.2021

Trusts and Divorce: What Family Lawyers Must Know About Accessing Trust Assets in Divorce, New Jersey Chapter of the American Academy of Matrimonial Lawyers , 5.2.2020

Quoted

Paying It Forward: How Good Communication, Planning Amongst Kin Can Help to Minimize Tax Bite on Family Businesses, NJBIZ, 10.22.2018

Dueling News Conferences, but Signs of Compromise in Trenton Budget Battle, ROI-NJ, 5.27.2018

When New Jerseyans Die, What Becomes of E-assets?, ROI-NJ, 1.17.2018

Why You Should Get Around to Drawing Up a Will, The New York Times, 2.8.2017

Windfall Recipients May Need Lawyers to Help Protect Them From Themselves, ABA Journal, 12.1.2016

Wills & Estates: Control How Your Assets Will Be Distributed, New Jersey Business Magazine, 2.8.2016