Checklist: What to Expect During Your First Meeting with a Probate, Trust, and Estate Attorney

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Whether you’re facing a will contest, dealing with trustee disputes, or concerned about potential estate issues, seeking the guidance of an experienced probate and trust litigation attorney is crucial for protecting your rights and interests. We understand that probate disputes and trust conflicts can be emotionally challenging, especially when they involve family members. At Rosen Hagood, we strive to make the legal process as straightforward as possible while vigorously advocating for your interests.

This guide will walk you through what to expect during your first meeting with a probate and trust litigation attorney, helping to prepare you for this important step in resolving your dispute.

Frequently Asked Questions

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Why should I meet with a probate and trust litigation attorney?

A probate and trust litigation attorney can help you navigate complex disputes involving wills, trusts, and estates. Common issues include:

- Contesting a will or trust
- Challenging the actions of a personal representative or trustee
- Resolving disputes between beneficiaries
- Handling claims of undue influence or lack of capacity
- Dealing with estate or trust accounting issues
- Disputes regarding distributions of assets
- Disputes over guardianship or conservatorship appointments and actions

What documents should I bring to my first meeting?

It's helpful to come to your first meeting prepared with relevant documents. Below is a list of items you may need to provide:

- Copy of the will or trust in question
- Previous versions of wills or trusts
- Death certificate (if applicable)
- Any correspondence related to the dispute
- Estate or trust accounting documents
- Bank statements or financial records showing concerning transactions
- Evidence of suspected misconduct or undue influence
- Court documents you've received
- Medical records (if capacity is at issue)
- Other legal documents, such as powers of attorney

What information will the attorney need from me?

To help evaluate your case, be prepared to discuss:

- Specific concerns about the will, trust, or estate administration
- Detailed timeline of events leading to the dispute
- Key parties involved and their relationships
- History of family dynamics relevant to the dispute
- Any evidence of improper influence or misconduct
- Evidence of the testator or settlor's incapacity (if capacity is at issue)
- Prior communications about inheritance expectations
- Attempts made to resolve the dispute
- Deadline concerns

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- Your goals for the litigation

How long will the first meeting take?

Initial consultations typically last between 45 to 90 minutes. The complexity of your dispute will determine the exact duration.

What questions should I ask the attorney?

Consider asking these important questions during your first meeting:

- What is your experience with similar cases?
- How strong is my case?
- What are the potential outcomes?
- What is the likely timeline for resolution?
- What are the costs involved in litigation?
- What evidence will be needed to support my position?
- Are there alternatives to litigation?
- What potential challenges do you foresee?

What will the attorney do after our first meeting?

Following the consultation, the attorney will:

- Review all provided documentation
- If relevant, request probate records directly from the court
- If necessary, research applicable laws and precedents
- Develop an initial litigation strategy
- Prepare a fee agreement
- Draft any urgent court filings
- Begin gathering additional evidence
- Contact relevant parties or their attorneys
- Schedule follow-up meetings as needed

How should I prepare for the meeting?

To maximize the value of your consultation:

- Organize all relevant documents chronologically
- Write down a timeline of important events
- Prepare a list of questions and concerns
- Gather contact information for all involved parties
- Consider the outcome you're seeking

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- Bring a notepad to take notes
- Be prepared to discuss sensitive family matters
- Consider bringing a trusted friend or family member

What if I'm not sure I want to pursue litigation?

Initial consultations carry no obligation to proceed with litigation. This meeting is an opportunity to:

- Understand your legal rights and options
- Learn about the strength of your case
- Explore alternatives to litigation
- Understand potential costs and timelines
- Make an informed decision about moving forward

How much will probate or trust litigation cost?

Fee structures for litigation can vary:

- Cases are generally handled on an hourly basis
- Contingency fees may be available in certain cases
- Court costs and filing fees are additional
- Expert witness fees may be necessary
- Mediation or arbitration costs might apply

Before proceeding, carefully review:

- Fee structure and payment terms
- Estimated total costs, although estimates cannot be guaranteed
- Court costs and filing fees
- Potential for recovery of attorney fees
- Impact of early settlement

Charleston Probate, Trust, and Estate Litigation Attorneys

Contact our office to schedule a consultation with a probate, trust, and estate litigation lawyer.

Disclaimer

This guide provides general information and is not legal advice. Each dispute is unique, and consulting with a qualified probate and trust litigation attorney is the best way to understand your specific situation and legal options.

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