Morgan Wiener

Of Counsel

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Morgan Wiener advises her clients on a variety of matters involving probate and fiduciary litigation, including disputes involving trusts, estates, and protective proceedings. She also assists clients with estate planning and administration.

Morgan's clients include individual and corporate fiduciaries, beneficiaries, heirs, and creditors. She represents her clients in complex trust, estate, and probate proceedings, including both contested and uncontested matters. Morgan regularly appears in court and advises her clients on all aspects of the litigation process – from initial filings to discovery, depositions, and working with expert witnesses to motions practice to obtaining positive outcomes at hearings and trial. In addition, she helps her clients obtain favorable results through alternative dispute resolution.

Morgan is an active speaker on trust and estate matters and blogs about these and related issues at Fiduciary Law Blog (www.fiduciarylawblog.com).

PRACTICES

Trust and Estate Litigation
Estate Planning, Trust Administration, and Wealth Transfer
Commercial Litigation
Tax and Benefits
Private Client

EDUCATION

University of Texas School of Law, J.D., 2007
Order of the Coif
Texas Law Review

Vanderbilt University, B.A., 2003
magna cum laude
Phi Beta Kappa
Honors in Economics

BAR ADMISSIONS

Colorado
New York

EXPERIENCE

Fiduciary Litigation Experience

Morgan assists her clients with matters of trust, estate, and probate proceedings, including:

- Breach of fiduciary duty
- Removal and appointment
- Surcharge and disgorgement
- Accountings
- Will and trust contests
- Undue influence and lack of capacity claims
- Compensation disputes
- Will and trust interpretation
- Probate of wills
- Spousal rights
- Mediation
- Appeals of probate and fiduciary related issues

Estate Planning and Administration Experience

Morgan assists her clients with their estate planning and administration legal needs, including:

- Advising individual and corporate fiduciaries
- Advising beneficiaries, heirs, and creditors
- Fiduciary duty issues and avoidance of conflicts of interest
- Trust construction and reformation
- Complex estate administration
- Interpretation and validity of wills and trusts
- Preparation of wills, trusts, and other estate planning documents
- Trust management
- Family dispute resolution
- Anticipating, avoiding, and resolving complex tax and fiduciary legal issues

CLIENT RESULTS

Member of litigation team that obtained a multi-million dollar settlement for a charitable beneficiary of a trust. This complex dispute spanned many years and involved claims of undue influence, lack of capacity, breach of fiduciary duty, removal and surcharge, and the defense of fraud claims. Litigation team obtained successful results at all stages of dispute.

Assisted a beneficiary in resolving multiple disputes involving a complex family wealth transfer plan, which included trustees also serving as officers in a family business, multi-state discovery disputes, claims for removal of trustees and surcharge, and claims for division and modification of trusts.

Second-chaired a trial at which beneficiary clients prevailed on directed verdict on multiple claims and successfully enforced a no-contest clause against will contestant.

Assisted corporate trustee in complex dispute involving appointment of conservator and administration of conservatorship for minor children.

Obtained emergency removals of fiduciaries.

Successfully argued motions on a variety of evidentiary issues and summary judgment, including motion in limine to exclude expert witness for opining on impermissible legal conclusions.

Obtained a favorable settlement in a multi-state dispute between siblings involving claims of breach of fiduciary duty and undue influence.

PUBLICATIONS

"Holding Closely Held Business Assets in Trust," *Colorado Lawyer*, Co-Author, March 2020

"Is the Irrevocable Trust Really Irrevocable?," *Colorado Lawyer*, October 2018

"Fiduciary Litigation Trends," *Council Notes*, Winter 2017

"To Contest or Not: Drafting and Litigating No-Contest Clauses," *The Colorado Lawyer*, January 2017

"Holland & Hart Fiduciary Law Blog," *Contributing author*, Co-Author

SPEAKING ENGAGEMENTS

"Standing Under the Uniform Power of Attorney Act," *Holland & Hart Fall Symposium*, October 2019

"In the Interest of Joanne Black, Protected Person," *CBA Estate Planning Retreat*, June 2018

"Navigating Changes to the Irrevocable Trust," *Colorado Springs Estate Planning Council*, March 2018

"Modification of Irrevocable Trusts," *Co-presenter, Holland & Hart Fall Symposium*, October 2017

"Is the Irrevocable Trust Really Irrevocable?," *CBA Advanced Estate Planning Symposium*, October 2017

"Digital Assets in Estate Planning," *Colorado Bar Association, Trust and Estate Spring Update, T&E Talks*, March 2017

"Hot Fiduciary Litigation Topics," *Colorado Springs Estate Planning Council*, February 2017

"No Contest Clauses – Risks and Rewards," *Co-presenter, Holland & Hart Annual Fall Symposium*, November 2016

"No Contest Clauses – Current Perspectives on Estate Planning & Litigation," *Estate Planning Council of Southeast Denver*, September 2016

"No Contest Clauses – Current Perspectives on Estate Planning & Litigation," *CBA Trust & Estate Section CLE Luncheon Series*, September 2016

"Hot Topics in Fiduciary Litigation and Administration," *CBA Trust & Estate Section CLE Luncheon Series*, December 2015

"Access To Digital Assets," *Co-presenter, Holland & Hart Fall Symposium*, September 2015

"Digital Assets," *Rocky Mountain Paralegal Association – Half Day Education Summit*, May 2015

RECOGNITION

- Colorado Super Lawyers® Rising Stars, Estate & Trust Litigation, 2020

PROFESSIONAL AND CIVIC AFFILIATIONS

- Denver Trust Officers' Association, President
- Junior League of Denver, Member
- Colorado Bar Association, Member
- New York Bar Association, Member
- American Bar Association, Member