

NAVIGATING TRUST LITIGATION: INSIGHTS FROM THE TONY BENNETT CASE

Nearly one year after Tony Bennett's death, his children are embroiled in a trust dispute. While Tony Bennett's fame and prominence are unique, the nature of this dispute is common. In the filing, Tony Bennett's two daughters accused their brother, Danny—who served as Tony's manager and also serves as the trustee of the Family Trust—of managing their father's trust for Danny's own benefit and that of his company. The action seeks an order for a full accounting and inventory of all property and assets so that they can be distributed in accordance with the terms of the Family Trust.

While much trust litigation revolves around the terms of a trust or its amendments, there are many situations that can lead to legal proceedings even when no one disputes the trust's terms. For example, a beneficiary may question why certain assets were not included in the trust or removed from the trust before a loved one's death. In addition, a beneficiary may question the actions taken by a trustee during their loved one's life and after their death. This is particularly relevant in high-profile cases like Tony Bennett's, where the management of substantial assets and legacy can be contentious.

In general, a trustee has a legal and fiduciary duty to uphold the terms and intentions of a trust. Under Wisconsin's Trust Code, a trustee has a duty to keep "current beneficiaries and presumptive remainder beneficiaries who so request, reasonably informed about the administration of the trust." Wis. Stat. § 701.0813(1). Such information may include copies of trust documents, details about the trustee, and a list of the trust's assets, liabilities, receipts, disbursements, and the trustee's compensation. If you are a trustee seeking to uphold or administer a trust, or a beneficiary concerned about a trustee's actions, consulting with a knowledgeable attorney to evaluate your options is advisable.

Trevor C. Lippman is a shareholder at O'Neil Cannon and assists clients with all matters related to inheritance disputes, including questions about the creation and administration of trusts and wills. Lippman has assisted hundreds of clients navigate the difficult waters involved in elderly financial abuse allegations and inheritance litigation. To schedule an initial consultation with Lippman, call 414.276.5000 or email him at trevor.lippman@wilaw.com.