



Kelly M. Preteroti

Shareholder

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Kelly M. Preteroti is an experienced trial lawyer focused on fiduciary litigation and resolution of estate and trust disputes.

Ms. Preteroti is a skilled and aggressive litigator who regularly represents corporate and individual fiduciaries and beneficiaries in trust and estate-related disputes.

Ms. Preteroti has a national fiduciary litigation practice, handling matters throughout the Firm's footprint. Fiduciary disputes typically arise between individuals or financial institutions acting in a fiduciary capacity (such as a trustee or personal representative) and beneficiaries of a trust or estate. Ms. Preteroti is well-versed in trust and estate law and the nuances of litigating these matters in all venues, which vary from state to state.

Fiduciary disputes can be very contentious. Ms. Preteroti is a trial lawyer who knows what it takes to win. She takes a strategic and detail-oriented approach to each engagement, pushing hard for her clients in an effort to quickly and efficiently resolve the dispute.

While some cases must be tried, Ms. Preteroti is a strong proponent of mediation and alternative dispute resolution, and has handled many mediations and arbitration proceedings. At times, Ms. Preteroti serves as a neutral, assisting fiduciaries with resolving disputes amongst factioning beneficiaries before they devolve into protracted litigation.

Ms. Preteroti regularly lectures and publishes guidance on key issues for fiduciaries and beneficiaries in avoiding and resolving fiduciary disputes. Ms. Preteroti also hosts the Firm's Annual Fiduciary Counsel Roundtable where lead counsel for corporate fiduciaries are invited to Washington, D.C. to discuss best practices and issues that are top of mind.

Before entering private practice, Ms. Preteroti worked for the Honorable Lynne A. Battaglia on the Commission on Professionalism, which was established to explore and monitor the implementation of the professionalism policies adopted by the Court of Appeals.

From 2007 to 2011, Ms. Preteroti acted as general counsel for the Baltimore Junior Association of Commerce. From 2011 to 2016, she sat on the board of directors of BMore Fit, a 501(c) (3) with the mission of providing Baltimore City youth with physical fitness skills for lifelong, healthy living. Ms. Preteroti presently serves on the Board of the Wednesday Law Club.

Representative Matters

- Successfully defended a trustee in an action by a beneficiary involving breach of fiduciary duty and constructive fraud claims, resulting in payment by the challenging beneficiary of the trustee's attorneys' fees and outstanding commissions totaling more than \$330,000 and dismissal of all claims, with prejudice.
- Successfully pursued a declaratory judgment action against trustees in an arbitration proceeding involving the administration of an eight-figure charitable remainder unitrust and distributions due the

primary beneficiaries. Obtained a sweeping ruling in favor of the beneficiaries, including payment of attorneys' fees.

- Successfully resolved dispute amongst beneficiaries, on behalf of corporate fiduciary, over reciprocal estate plans involving four multi-million dollar trusts, negotiating a complex resolution and seeking a judicial modification of a Florida irrevocable trust.
- Successfully defended a challenge to a multi-million dollar Florida marital trust, stemming from claims of undue influence by two children of a first marriage against the long-term spouse from a second marriage.
- Successfully pursued a claim of undue influence on behalf of the personal representative against a family friend that took advantage of a wealthy elderly individual with no children. Ms. Preteroti's efforts restored large bequests to charities and resulted in the recovery of high-dollar, non-probate accounts.
- Successfully removed a lawyer trustee for mismanaging trust property and failing to comply with fiduciary duties in her management of the trust.
- Successfully pursued a declaratory judgment action involving a contract to make a will where the widow was left to contend with a pre-marriage, decades-old will that left the spouse's millions in assets to 17 charities.
- Aggressively defended a caveat dispute and related partition action over millions of dollars' worth of real property, resulting in full dismissal of plaintiff's claims, with prejudice.
- Secured a favorable order to divide and modify a multi-million dollar trust in a hotly-contested proceeding between second spouse and children from a first marriage.
- Awarded a sweeping verdict on behalf of the personal representative against beneficiary for the beneficiary's misappropriation of high-dollar estate property.
- Awarded substantial attorneys' fees on behalf of a personal representative after defending the fiduciary in a removal matter through trial.
- Obtained dismissal of complaint for breach of duty action filed by beneficiaries against the corporate fiduciary for its decision to diversify a concentrated holding. The action involved the beneficiaries' effort to revisit a decision by the corporate fiduciary to diversify the trust portfolio over time, before their interest matured. The court dismissed the action without leave to amend agreeing with the corporate fiduciary that the instrument afforded it the authority to diversify the stock used to fund the testamentary trust.
- Successfully resolved a seven-figure case involving financial exploitation of a vulnerable adult whose oldest daughter took advantage of him while he was isolated due to COVID and suffering from Stage IV lung cancer. After aggressively pursuing discovery, Ms. Preteroti recovered the 2/3 share due to the decedent's other two daughters and attorneys' fees.
- Won a complete Rule 12(b)(6) dismissal – with denial of the plaintiffs' leave to amend – of a six-count complaint for a national bank in an alleged breach of fiduciary duty matter.



Professional Honors & Activities

Professional Memberships

- Fellow – American College of Trust and Estate Counsel (ACTEC)
- Member – American Bar Association (Section of Real Property, Trust and Estate Law)
- Member – Maryland State Bar Association (Estates & Trusts Section)
 - Estates & Trusts Law Section Council
- Member – Bar Association of Baltimore City (Estates & Trusts Committee)
- Member – Federal Bar Association

Community Service

- Secretary/Treasurer – Wednesday Law Club

Honoraries

- Named the Best Lawyers® 2023 Litigation - Trusts and Estates "Lawyer of the Year" in Baltimore
- Listed in *The Best Lawyers in America*® for Litigation - Trusts and Estates (2021 – 2024)

- Listed in *Maryland Super Lawyers*, Estate & Trust Litigation (2021 – 2024)
- Listed as a Maryland Rising Star in *Maryland Super Lawyers*, General Litigation (2012 – 2015); Estate & Trust Litigation (2016)
- Selected to *The Daily Record's* Power List: Estate and Trust Law (2024)
- Recipient – Leadership in Law Award by *The Daily Record* (2023)
- Recipient – Ober|Kaler Pro Bono Distinguished Service Award (2008)



Professional Background

- Summer Associate, Ober, Kaler, Grimes & Shriver
- Summer Associate, Brodsky, Greenblatt & Renehan, Chartered
- Intern, the Honorable Lynne A. Battaglia, Court of Appeals, Annapolis
- Intern, Ugaretti & Harris



Publications

- "Spotlight: Baker Donelson Work-Life Warriors," *Women's Initiative Newsletter* (June 2023)
- "My Weekday Workout: 'I Do It for My Body and My Mental Health. Exercise Makes Me a Sharper Lawyer,' Says Kelly Preteroti," *Law.com* (April 2021)
- "Irrevocable No More: Modifying Irrevocable Trusts Under the Maryland Trust Act," *Maryland State Bar Association, Section of Estate and Trust Newsletter* (Winter 2019)
- "Baker's Dozen: Gift Giving," *Women's Initiative Newsletter* (December 2019)
- "Written Witness Statements: A Practical Bridge of the Cultural Divide," Chapter 19, *ICDR Handbook on International Arbitration Practice* and *AAA Handbook on International Arbitration Practice* (September 2010)



Speaking Engagements

- "Tips Regarding Fiduciary Disputes and Estate Planning," ACTEC Trust and Estate Talk Podcast (May 2024)
- Co-presenter – "A Year In Review of Fiduciary Disputes," a presentation for trust officers (April 2024)
- Presenter – "The Hottest Topics That Aren't Too Hot to Handle," American College of Trust and Estate Counsel 2024 Annual Meeting (March 2024)
- Presenter – "Undue Influence: Will You Know It When You See It?," Philadelphia Estate Planning Council (January 2024)
- Presenter – "Has Your Bubble Burst?: Evidentiary Presumptions in Undue Influence Cases," ACTEC Fiduciary Litigation Committee Meeting (June 2023)
- Co-presenter – "Augmented Estate Litigation Through the Lens of a Case Study," Maryland State Bar Association (MSBA), Estate & Trust Study Group (March 2023)
- Co-presenter – "Maryland 'Safe' Act Statute Against Financial Exploitation," MSBA Advanced Estate Planning Institute (March 2022)
- Presenter – "Elective Share of Surviving Spouse: An Introduction to the New Statute," Maryland Judiciary, Judicial College (February 2021)
- Presenter – "New Elective Share Planning and Strategies," MSBA, Advanced Estate Planning Institute webinar (November 2020)
- Presenter – "Planning for Potential Litigation Under the New Elective Share Statute," MSBA, Estate & Gift Tax Study Group webinar (May 2020)
- Panelist – "Dealing with COVID-19: What Estate & Trust and Elder Law Attorneys Need to Know," MSBA, Elder Law Section and the Estates and Trust Law webinar (April 2020)
- Panelist – "Maryland's New Elective Share Law: Adjustments and Opportunities," MSBA, Estate and Trust Section & Learning and Publications Department (November 2019)

- Host – Fiduciary Counsel Roundtable: Sharing Thoughts and Best Practices for Corporate Fiduciaries (Annual)
- Co-presenter – "Nonjudicial Settlement Agreements: How Far is Too Far?," MSBA, Advanced Estate Planning Institute (May 2019)
- Co-presenter – "Nonjudicial Settlement Agreements: Cutting Out the Court in Resolving Trust Disputes," Baltimore City Bar Association, Estates and Trusts Section (November 2018)
- Presenter – "Nonjudicial Settlement Agreements: The Many Uses and Potential Pitfalls," MSBA, Estate and Gift Tax Study Group (May 2018)
- Presenter – Probate Litigation Bootcamp, Bar Association of Baltimore City (Estates & Trusts) (2017)
- Presenter – "Where There Is a Will, Is There a Way?," A discussion on whether a post-death dispute over assets can be prevented, Wednesday Law Club (2017)
- Presenter – "Fiduciary Litigation: Contesting and Defending Wills, Trusts, and Inter Vivos Transfers," Maryland State Bar Association (2015 and 2016)
- Presenter – "Avoiding Estate-Related Disputes," a presentation for fiduciaries and Certified Public Accountants (2013)
- Presenter – "Mediation – When to Use and How to Make it Effective," Webinar, Young Lawyers Division, American Bar Association (2012)



Education

- University of Maryland School of Law, J.D., 2006, magna cum laude
- Florida State University, B.A., 2002



Admissions

- District of Columbia
- Maryland
- Florida
- Court of Appeals of Maryland
- Court of Appeals of the District of Columbia
- U.S. Court of Appeals for the Fourth Circuit
- U.S. District Court for the District of Maryland
- U.S. District Court for the Southern District of Florida
- U.S. Supreme Court