



## Shaheen I. Imami\*

Shareholder

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Shaheen Imami works with clients on matters concerning trusts, estates and probate, with an emphasis on trust and estate litigation, administration and planning, including fiduciary duties, fiduciary reporting and accountings, and related tax returns.

Shaheen Imami has more than 20 years of experience working with clients on matters concerning trusts, estates and probate litigation. He also counsels in the areas of estate administration and estate planning matters and is a certified mediator. Shaheen specializes in drafting and amending a broad range of estate documents, such as wills, revocable and irrevocable trusts, powers of attorney and patient advocate designations for clients of different means and needs. He represents fiduciaries and beneficiaries in pre- and post-death administration and litigation matters, including will/trust contests, interpretation issues and alleged breaches of fiduciary duty. He assists his clients with preparing fiduciary income, gift and estate tax returns, as well as acting as an expert witness in related practice areas.

Shaheen was elected a Fellow of the American College of Trust and Estate Counsel (ACTEC) in 2013. He has been an active member of both the Fiduciary Practice and Fiduciary Litigation Committees within ACTEC. Additionally, Shaheen has been an active member of the State Bar of Michigan, having served as the past chair of the Executive Committee and as a council member for the Probate and Estate Planning Section. He has successfully completed the rigorous 40-hour General Civil Case Mediator Training conducted by the Institute of Continuing Legal Education and is a certified civil mediator.

Shaheen is a co-author of several chapters in *Michigan Probate Litigation – A Guide to Contested Matters* (ICLE, 2005–2016), *Trust Administration under the Michigan Trust Code* (ICLE, 2005–2016) and *Michigan Revocable Grantor Trusts*, 3d Ed. (ICLE, 2000–2016), as well as the article, "The Probate Judge Ordered Mediation – Now What?" for the *Michigan Probate & Estate Planning Journal* (Fall 2002). In addition, he is a regular speaker and contributor to seminars sponsored by the Institute of Continuing Legal Education and ACTEC on topics related to the litigation and administration of trusts, estates and other probate matters. He also has been a contributing author for *Michigan's Probate and Estate Planning Journal*.

### Representative Matters

- Successfully negotiated a resolution ensuring a client-devisee's interest in a decedent's multi-million-dollar post-death estate based on a death-bed will and obtaining a reduction of attorney fees charged by the prior personal representative's counsel by more than \$600,000.
- Negotiated a resolution and successfully removed a trustee accused to misappropriation of assets and breaches of fiduciary duty in a multi-million-dollar irrevocable trust established for client-beneficiary's benefit.
- Successfully assisted client-trustees in resolving disputes with other trustees involving the administration and distribution of their parent's post-death estate that had languished for nearly 20 years because of an inability to agree on the allocation of farmland, income and expenses.
- Defended a client against protective proceedings accusing him of incapacity and the general inability to manage his own financial and personal affairs and received a favorable outcome.
- Defended against a challenge to the validity of an estate plan by settlor's alleged out-of-wedlock children involving a multi-million-dollar post-death estate and closely-held business and received a successful outcome.

- Represented a client in the successful defense against a challenge by a remainder beneficiary to the validity of the settlor's estate plan and provision for the client-spouse where the challenge sought to escape the applicable statute of limitation by recharacterizing the remainder beneficiary's claim as a request to modify the trust instrument; then successfully asserted the no contest provision in the trust instrument against the remainder beneficiary.
- Defended a client against attempts by another beneficiary to assert claims alleging misappropriation of assets of and debts owed to a deceased settlor where such claims, to the extent they ever existed, belonged solely to the personal representative and trustee, eventually resulting in a settlement that preserved the bulk of the client's beneficial interest in the post-death estate.
- Prosecuted the removal of a trustee-child for failing to properly account for the trust's assets and to maintain accurate books and records, as well as for a conflict of interest where the trustee-child executed a care-services contract for the incapacitated settlor allowing for payment to the trustee-child for caregiver services.
- Successfully negotiated a settlement against a trustee who improperly terminated an irrevocable life insurance trust by cashing in the underlying life insurance policy without conducting proper due diligence.
- Successfully defended challenges by an incapacitated settlor's significant-other to the settlor's multi-million-dollar estate plan and ensuring the client-child's role as the settlor's trustee, agent and designated patient advocate, and restoring the client-child's ability to visit with the settlor.
- Negotiated a successful outcome on behalf of the client for numerous resignations of trustees accused of breaches of fiduciary duty ranging from misappropriation of assets to arbitrary decisions intended to deny beneficiaries of their rights to income or principal.
- Assisted a client-trustee in successfully recovering \$1,000,000 improperly distributed to a surviving spouse's amended trust which excluded the first-to-die settlor's children who would have received shares under their parent's trust.
- Defended the validity of a trust established by a settlor who assumed the name of his predeceased sibling and maintained several identities prior to his death.
- Negotiated a settlement of claims against a client-trustee for alleged misappropriation of assets and breaches of fiduciary duty in a multi-million-dollar trust.
- Successfully negotiated a settlement to restore a client's beneficial interest in her parent's multi-million-dollar post-death estate where the parent's estate plan was amended a short time before her death to exclude her children and solely benefit the nephew of the settlor's late-husband.
- Successfully assisted a co-trustee in the proper exercise of discretion regarding a current beneficiary's request for a substantial and continuing principal distribution where the grant of the request would have substantially impacted the remainder beneficiaries.
- Assisted a client in successfully obtaining a modification of an irrevocable trust to convert a discretionary trust to a unitrust to allow for consistent distributions to the client.
- Successfully defended an appeal for a client-trustee before the Michigan Court of Appeals on the interpretation of a trial court's authority to refer an arbitration award back to the arbitrator for clarification or modification.



## Professional Honors & Activities

- Certified civil mediator pursuant to Michigan Court Rule 2.411
- Ranked in *Chambers USA* (Band 2) for High Net Worth Rankings in Private Wealth Law in Michigan
- *Best Lawyers in America*® for 2011 – 2022 (Trusts and Estates; Trusts and Estates Litigation)
- Named the *Best Lawyers'* 2022 Chattanooga Trust and Estates "Lawyer of the Year"
- Michigan *Super Lawyers* – Trust & Estate Litigation (2014 – 2021); Rising Star (2008)
- dbusiness Top Lawyer for 2013, 2015 – 2018 (Trusts and Estates)
- AV® Preeminent™ Peer Review Rated by Martindale-Hubbell (Trusts & Estates Law and Litigation)
- Member – Cambridge Forum on Private Wealth Litigation, Steering Committee (2017 – present)

- Participant – Cambridge Forum on Private Wealth Law (2019 – present)
- Fellow – American College of Trust and Estate Counsel (ACTEC)
  - Fiduciary Practice Committee (Fiduciary Matters subcommittee)
  - Fiduciary Litigation Committee (Fiduciary Responsibility subcommittee)
  - Program Committee
  - State Chair of Michigan
  - Joint ACTEC/National College of Probate Judges Task Force
- Member – State Bar of Michigan
  - Probate and Estate Planning
  - Litigation
  - Business Law and ADR Section
  - Appellate
  - Elder Law
- Member – American Bar Association
  - Real Property, Trust, and Estate Law Section
- Member – Oakland County Bar Association
- Member – Wayne County Probate Bar Association
- State Court Administrative Office of the Michigan Supreme Court – Lessons Learned Workgroup (2020). Tasked with assessing impact of COVID-19 on courts, attorneys, litigants and other stakeholders, and how to prepare better for similar events in the future.
- State Bar of Michigan Civil Discovery Committee – Probate Rules Subcommittee (2017 – 2018). Work resulted in adoption of new civil discovery rules outlined in ADM File No. 2018-19, pursuant to an Order of the Michigan Supreme Court, dated June 19, 2019.
- State Bar of Michigan – Probate Limited Scope Representation (2018). Work resulted in proposal outlined in ADM File No. 2019-04, dated June 19, 2019.
- Chairperson and Member of the Nominating Committee of the Probate and Estate Planning Section (2016 – 2019)
- Co-Chairperson of the Committee on Updating Michigan Estate/Trust Law of the Probate and Estate Planning Section (2010 – 2012)
- Co-Chairperson of the Committee on Probate Appeals and Jury Trials of the Probate and Estate Planning Section (2010 – 2011)
- Chairperson of an ad hoc committee of the Probate and Estate Planning Section to review and comment on the proposed M Civ JI Chapter 179 for trust contests published for comment by the Committee on Model Jury Instructions (2011)
- Former Co-Chairperson of the Contested and Uncontested Proceedings Committee of the Probate and Estate Planning Section (2008 – 2010)
- Former Co-Chairperson of the Specialization and Certification Committee of the Probate and Estate Planning Section and charged with creating a pilot project for attorney specialization in Michigan (2007 – 2008)
- Member of the Committee on Service to Members of the Probate and Estate Planning Section (2010 – 2011)
- Member of the Committee on Unauthorized Practice and Multidisciplinary Practice of the Probate and Estate Planning Section (2010 – 2011)
- Ad hoc member of the Transfer Tax Committee for the Probate and Estate Planning Section
- Member of the Probate Advisory Committee for the Institute of Continuing Legal Education (2007 – 2018)
- Member of the EPIC Panel (last maintained by the Institute of Continuing Legal Education) administered by the Hon. Phillip E. Harter (retired)
- Recipient of the Probate Certificate from the Institute of Continuing Legal Education (2005)



## Publications

- Co-author – "Breach of Fiduciary Duties, Michigan Probate Litigation – A Guide to Contested Matters," *Institute of Continuing Legal Education* (2005 – 2019)
- Co-author – "Trustee Duties & Liabilities, Trust Administration in Michigan," *Institute of Continuing Legal Education*, 2nd Ed. (2005 – 2019)
- Co-author – "Revocable Grantor Trusts & the Taxable Estate, Michigan Revocable Grantor Trusts," *Institute of Continuing Legal Education*, 2nd Ed. (2000 – 2019)
- "The Probate Judge Ordered Mediation – Now What?," *Michigan Probate & Estate Planning Journal* (Fall 2002)



## Speaking Engagements

- "Breaches Involving Directed or Separate Trustees – Who's Left Holding the Bag?," Cambridge Forum on Private Wealth Litigation (September 2021)
- Panel Leader – "Breaches Involving Directed or Separate Trustees – Who's Left Holding the Bag?," Cambridge Forum on Private Wealth Litigation (September 27-29, 2021)
- Panelist – "LET'S BE CLEAR! Drafting to Minimize Litigation and Disputes," American College of Trust and Estate Counsel 2021 Summer Meeting (June 2021)
- Panel Co-leader – "Winterfell, Iron Islands or Dorne: Where Will the Battle Rage and Which Kingdom Will Rule?," Cambridge Forum on Private Wealth Litigation (February 2021)
- "Loose Lips Might Sink Ships – The Ethics of Disclosures & Testimony by Estate Planners: Tips, Tools and Trade Secrets," 2020 Annual Meeting of the American College of Trust and Estate Counsel (Seminar A) (March 2020)
- "Premarital Agreements After Allard," 58th Annual Probate and Estate Planning Institute (May 2018)
- "What's in a Name? Fiduciary Types and Duties in the 21st Century," 2018 Annual Meeting of the American College of Trust and Estate Counsel, Fiduciary Litigation Committee (March 2018)
- "Top 10 Estate Planning & Administration Mistakes that Lead to Litigation," 56th Annual Probate and Estate Planning Institute (May 2016)
- "Administration of Trusts Under the Michigan Trust Code – Judicial Proceedings During Trust Administration," Institute of Continuing Legal Education (2010, 2012, 2015 and 2018)
- "Fundamentals of Estate Administration – Claims Against the Estate & the Personal Representative's Role in Litigation," Institute of Continuing Legal Education (2004 – 2007, 2009, 2011, 2013 and 2015)



## Webinars

- ACTEC Webinar: Let's Be Clear! Drafting To Minimize Litigation and Disputes (June 2021)



## Education

- Georgia State University College of Law, J.D., 1995
- Michigan State University, B.A., Accounting, 1991



## Admissions

- Michigan, 1995
- Tennessee, Pending
- U.S. District Court for the Eastern District of Michigan, 1995

\* Baker Donelson professional admitted to the practice of law in Michigan, Tennessee bar application pending. Practicing under the supervision of members of the Tennessee Bar in good standing.