

James R. Carey



CONTACT

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Jim's practice centers on contested estate matters, including will and trust contests, tortious interference claims, and family business issues, alongside providing fiduciary risk management services for trustees and family offices. He represents a diverse clientele comprising corporate and individual trustees, family offices, beneficiaries, heirs, and business owners, leveraging his extensive trial, appellate, and mediation experience.

Within the legal community, Jim is a prominent figure in the American Bar Association's Section of Real Property, Trust, and Estate Law (RPTE). He currently serves on the Section's council and as its Finance Officer and has previously chaired the Fiduciary Litigation, Ethics, and Malpractice and Alternative Dispute Resolution Group. This group, part of the RPTE Section, focuses on educating members about national trends in trust, estate, and fiduciary litigation, ethics, and malpractice issues. Jim's leadership roles within the RPTE Section contributed significantly to advancing the RPTE Section's involvement in mediation and arbitration for trust and estate matters.

Jim has authored chapters in the IICLE Contested Estates Manual, a valuable resource for Illinois lawyers. Additionally, Jim is a sought-after national speaker on fiduciary topics for organizations such as the American Bar Association's RPTE and Dispute Resolution Sections, IICLE, various Estate Planning Councils, ALI-ABA, the ISBA, the CBA, and the American Academy of Matrimonial Lawyers. He has also taught Estates course at Loyola University Chicago School of Law, showcasing his commitment to legal education and professional development.

Education & Admissions

EDUCATION

J.D., Loyola University, 1989

- Editor, The Business Lawyer and Articles Editor, Loyola Law Journal

B.A., Marquette University, 1986

ADMISSIONS

Illinois, 1989

Presentations

RECENT PRESENTATIONS

"Family Mediations and Settlements" at the CEPC's Virtual Monthly program, May 2021.

Cambridge Forum on Private Wealth Litigation, May 2018

Moderated a panel on: 'Turns out "Fiduciary" Means You Have to Give It Back:' An Introduction to Estate and Trust Litigation at the ABA - RPTE 29th Annual Spring Symposia, April 2017

Moderated a panel on "Conflicts of Interest: Are Estate Planners the Benedict Arnolds of the Trust World" at the American Bar Association Section of Dispute Resolution's 28th Annual Spring Symposia held in Boston, May 2016

Panelist at the RPTE eCLE webinar on "New Basis Consistency and Reporting Requirements - Impacts and Traps", April 2016

Moderated an ABA webinar presentation on "The Use and Abuse of Exculpatory Clauses in Estate Planning" October 2015

"Trust and Estate Litigation Meets Real Property" presented in May 2014 at the American Bar Association RPTE Section's Spring Symposium

"Powers of Attorney for Paralegals," an April 2014 webinar sponsored by the RPTE Section of the ABA

"Thy Will be Done: Discrimination in Real Property, Trust & Estate Law," presented in May 2013 at the American Bar Association's RPTE Section Spring Symposia

"Everything a Mediator Needs to Know About Trust & Estate Disputes," presented at the April 2013 meeting of the Dispute Resolution Section of the ABA

OTHER PRESENTATIONS

Moderated “How Real Is Your Protection? A View of Asset Protection Trusts from the Trust Buster’s Perspective” at the Annual Real Property & Estate Planning Symposium in New York, May 2012

“Emotional and Financial Costs of a Poorly Planned Estate” presented February 2012 for a group of financial planners

“Planning to Avoid Trust and Estate Litigation,” presented for the Chicago Bar Association Young Lawyers Section Committee on Estate Planning seminar on Trust and Estate Litigation, May 2010

“Mediating Family Business Disputes,” panel moderator for attendees of the Illinois Institute of Continuing Legal Education (IICLE) annual Estate Planning Short Course, April 2010 and May 2010

Draft Comments for ABA RPTE on proposed Uniform Collaborative Law Act, November 2009

“Contested Trusts and Estates,” served as moderator for an Illinois Institute of Continuing Legal Education (IICLE) one-day course, November 2009

“Settlor Intent: Who Cares Anymore?” presented at the ALI-ABA 12th Annual Advanced Course of Study: Representing Estate and Trust Beneficiaries, July 2009

“Multi-generational Representation,” presented for the Greater North Shore Estate and Financial Planning Council, May 2009

“Ethics in Estate Planning and Probate,” presented as a panel member for a Chicago Bar Association seminar, March 2009

Testified on January 26, 2009, before the Illinois House of Representatives Committee on Family Law with respect to the relationship between the guardianship statute and the proposed update of the Illinois Marriage and Dissolution of Marriage Act

“Pre-Death Will Contests,” presented as a panel member for an American Bar Association (ABA) teleconference, December 2008

“Mock Trial Program-Contestant Guardianship Case in a Will Contest Case,” served as a panel member for a Chicago Bar Association Mock Trial, September 2008

“Probate is Dead, or Is It?” presented as a panel member for an American Bar Association (ABA) teleconference, May 2008

“Heirs in Waiting? Pre-Mortem Probate Disputes,” presented to attendees of the Illinois Institute of Continuing Legal Education (IICLE) annual Estate Planning Short Course held in Chicago and Champaign, May 2008

“Heirs in Waiting? Pre-Mortem Probate Disputes,” presented to attendees of the 19th Annual Real Property & Estate Planning Symposium held in Washington, DC, May 2008

“Conflicts and Confidentiality for Fiduciaries and Their Advisors,” presented to attendees of the Chicago Estate Planning Council meeting, April 2008

“Practical Representation Issues: Competing Client Interests,” presented for participants of an Illinois Institute of Continuing Legal Education (IICLE) Estate Planning Update teleconference, October 2007

“Competing Client Interests: Identifying Your Client, Conflicts of Interest and Privilege for Lawyers in the Estate Planning and Fiduciary Context,” presented to attendees of the Illinois Institute of Continuing Legal Education (IICLE) 50th Estate Planning Short Course held in Chicago and Springfield, April/May 2007

“Estate Planning in Illinois Disabled Adult and Minor Guardianships,” presented to attendees of the Illinois Institute of Continuing Legal Education (IICLE) 50th Estate Planning Short Course in Chicago, April 2007

“Identifying Your Client, Conflicts and Privilege in Estate Planning and Probate,” presented for members of the Chicago bar Association’s Probate Practice Committee, November 2006

“The Measures of Damages in Fiduciary Litigation,” presented at the American Bar Association Joint Meeting of the Sections of Taxation and the Section of Real Property Probate and Trust Law, October 2006

“The Initial Client Meeting,” presented to attendees of the Illinois Institute for Continuing Legal Education (IICLE) Basic Estate Planning seminar, August 2005

“Risk Management for Fiduciaries,” presented to attendees of the Illinois Institute of Continuing Legal Education (IICLE) Annual Estate Planning Short Course, April/May 2005

“Illinois Probate: Beyond the Basics,” sponsored by the National Business Institute, February 2005

“Contested Admissions of Wills to Probate,” sponsored by the Illinois Institute of Continuing Legal Education (IICLE), September 2004

“Basic Estate Planning,” sponsored by the Illinois Institute for Continuing Legal Education (IICLE), August 2004

“Reformation of Trust and Total Return Trust Conversions,” sponsored by the Illinois State Bar Association, November 2003

“Litigation Perspectives on Breach of Fiduciary Duty and Accounting Actions,” presented for members of the Hawaii Estate Planning Council, October 2003

“How to Avoid Contests when Planning for Older Clients,” presented for members of the Hawaii Estate Planning Council, October 2003

“No Good Deed Unpunished: Selected Issues on Conflicts of Interest for Professionals in the Estate Planning and Fiduciary Context,” presented to members of the Greater North Shore Estate Planning Council, March 2003

“Contested Accountings,” presented to attendees of the Illinois Institute for Continuing Legal Education (IICLE) Symposium on Contested Trusts and Estates, October 2002

“Third Party Liability for Breach of Fiduciary Duty,” (co-presenter) presented to members of the American Bar Association Real Property Probate and Trust Law Committee and Subcommittee on Fiduciary Litigation, April 2002

Publications

Co-Author, Oral Contracts To Make Wills: Joint and Mutual Wills which appears as Chapter 2 in Litigating Disputed Estates, Trusts, Guardianships and Charitable Bequests for the Illinois Institute of Continuing Legal Education (IICLE) updated in 2020.

Co-Author, Estate Planning in Illinois Guardianships, Illinois Institute for Continuing Legal Education (IICLE), 2006 and 2009

Sole author of two chapters, "Accountings" and "Contested Admissions of Will to Probate," and co-author of one chapter, "Will Contests," in the Contested Estates Manual published by the Illinois Institute for Continuing Legal Education (IICLE), 2001 edition, 2006 supplement/update and 2008 new version

"Trustee Liability for Breach of Duty Upon Resignation," Trusts & Estates, 2005

Co-Author, "Buy-Sell Agreements After Chapter 14," Trust & Estates, 1993

Professional Activities

- American Bar Association – Section of Real Property, Trust and Estate Law (in leadership roles since 2009, including as past chair of Litigation, Ethics and Malpractice Group, and currently the RPTE Finance Officer and member of its Executive Committee and governing Council) and Section on Dispute Resolution

Community Activities

- Immediate past Chair of the Board of Trustees, Christ the King Jesuit College Prep
- St. Giles Parish; various leadership roles, including having served on the Parish Council and the Appalachia Service Project – Board of Directors
- Horizons for Youth; On Cloud Nine Committee