PRACTICES

Estate Planning, Trust Administration, and Wealth Transfer
Trust and Estate Litigation
Commercial Litigation
Alternative Dispute Resolution
Private Client
Tax and Benefits
Religious Institutions and First Amendment

EDUCATION

University of Wyoming School of Law, J.D., 1991
With Honors
Articles Editor, *Land & Water Law Review*, 1990-1991
Order of the Coif
Phi Kappa Phi
Phi Alpha Delta, Vice-Justice, 1989-1990

Brigham Young University, B.A., 1973

BAR ADMISSIONS

Colorado
Utah
Wyoming

Carol Warnick

Partner

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P 303.295.8359

222 South Main Street, Suite 2200, Salt Lake City, UT 84101

P 801.799.5800

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Carol concentrates her practice in several related areas.

One is estate and wealth transfer planning and administration, in which her clients include executives, owners of closely-held businesses, and families of significant wealth.

Another is as a member of the Firm's Trust & Estate Litigation Group in which she litigates on behalf of trustees and other fiduciaries (both individual and corporate), heirs, beneficiaries, and creditors in the resolution of probate- or trust-related disputes. She is also an AAA trained mediator and mediates trust and estate related disputes. Carol actively practices in Colorado, Utah, and Wyoming.

CLIENT RESULTS

Defended claims of breach of fiduciary duty and removal of trustee and obtained a ruling from the bench at the conclusion of trial completely exonerating the trustees and awarding their fees be paid from the trust.

Defended claims of breach of fiduciary duty and obtained a favorable settlement for an individual fiduciary.

Prevailed on behalf of a trustee against claims brought by a beneficiary arguing the decedent's trust violated a contract to make a will or trust, and successfully enforced the no-contest clause and a fee shifting provision.

Prevailed in a pre-mortem will contest and defended claims of undue influence resulting in a favorable settlement.

Represented a charitable beneficiary in litigation brought by other beneficiaries to invalidate the charitable gift and successfully settled the case in a manner favorable to the charity.

Represented a beneficiary and personal representative against claims brought by another beneficiary and settled the case favorable to the client.

Represented corporate fiduciaries in a variety of trust actions.

PUBLICATIONS

"Fiduciary Law Blog ," *Contributing Author*

"Drafting and Interpretation of Discretionary Distribution Standards," *Colorado Estate Planning Handbook*, Co-Author, 2010

"Discretionary Distribution Standards: Full Speed Ahead," *The Colorado Lawyer*, Co-Author, March 2010

"Family Limited Partnerships: Taxes, Courts, and an Uncertain Future - Part 2," *The Colorado Lawyer*, September 2004

"Family Limited Partnerships: Taxes, Courts, and an Uncertain Future - Part I," *The Colorado Lawyer*, 3/22/2004

SPEAKING ENGAGEMENTS

"Emerging Trends in Fiduciary Law and Litigation - Use of Experts in Trust & Estate Litigation ," *Co-presenter, Holland & Hart Fall Symposium*, November 2018

"Emerging Trends in Fiduciary Law and Litigation - What Can Go Wrong & How to Fix It," *Co-presenter, Holland & Hart Fall Symposium*, October 2017

"Emerging Trends in Fiduciary Law and Litigation - Preserving the Estate Plan," *Co-presenter, Holland & Hart Fall Symposium*, November 2016

"Emerging Trends in Fiduciary Law and Litigation - Should Colorado Adopt the Uniform Trust Code?," *Co-presenter, Holland & Hart Fall Symposium*, September 2015

"Emerging Trends in Fiduciary Law and Litigation - Getting to 100 Can Be Harder Than You Think," *Co-presenter, Holland & Hart Fall Symposium*, November 2014

"Emerging Trends in Fiduciary Law and Litigation - Gun Trust," *Co-presenter, Holland & Hart Fall Symposium*, September 2013

"Discretionary Distribution Standards in Estate Planning," *Lorman Audio, Co-Speaker*, 2013 and 2012

"Is the FLP/LLC Still Viable? Reflections on the Mirowski Case," *Salt Lake City Estate Planning Council*, November 2008

"Maturity Markers: A New Paradigm for Trust Distribution Models and Gifting Strategies," *Family Firm Institute*, October 2008

"FLPs and Family Family LLCs: Hot Issues and Recent Developments," *Colorado Bar Association CLE*, November 2007

"§ 2036 and FLPs – Is the FLP Still Viable???," *2005 Advanced Estate Planning Symposium, University of Denver Sturm College of Law, Institute for Advanced Legal Studies*, September 2005

"§ 2036 and FLPs - The Continuing Saga: Kimbell, Thompson, Bongard and Bigelow," *Colorado Bar Association CLE*, May 2005

RECOGNITION

- *Chambers High Net Worth (HNW) Guide*: Private Wealth Law - Colorado, 2017-2019
- *Utah Business Magazine,* Legal Elite, Estate Planning, 2017-2019
- American College of Trust and Estate Counsel (ACTEC), Fellow
  - ACTEC Fiduciary Litigation Committee, Member
- *The Best Lawyers in America©* Lawyer of the Year, Litigation – Trusts and Estates – Denver, 2015, 2017
- *The Best Lawyers in America©*, Litigation – Trusts and Estates, Tax Law, Trusts and Estates, 2008-2020
- *Worth Magazine*, “Top 100 Attorneys”
- Colorado Super Lawyers®, “Top 25 Female Attorneys”
- Colorado Super Lawyers®, Estate & Trust Litigation, 2009-2019
- *Bar Register of Preeminent Women Lawyers* based on Martindale-Hubbell® AV Preeminent® Rating, 2013

PROFESSIONAL AND CIVIC AFFILIATIONS

- American Arbitration Association, Trained Mediator
- LDS Philanthropies National Planned Giving Council, National Chair
- Cambridge Forum on Private Wealth Litigation, Steering Committee
- University of Colorado President’s Gift Planning Advisory Council
- J. Reuben Clark Law Society, Denver Chapter, Past Chapter Chair
- Rocky Mountain Estate Planning Council, Member and Past President
- Salt Lake City Estate Planning Council, Member
- Denver Estate Planning Council, Member
- Colorado, Utah and Wyoming Bar Associations, Member