



David C. Blickenstaff

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Overview

Dave is the leader of Schiff Hardin's national trust and estate litigation practice. He helps beneficiaries vindicate their rights. He advises individual fiduciaries in discharging their duties. And he represents trust companies in their most significant and sensitive cases, including "rescue" situations in which he is called upon to assist or replace prior counsel.

Dave is a vigorous advocate. But he knows his role is to solve problems, not to add fuel to the fire. Calm and no-nonsense, he defuses difficult situations while making the strongest case for his clients. He has applied this approach successfully in scores of trust disputes, contested estates, and related matters.

According to Chambers USA, clients describe Dave as "wonderful to work with, incredibly responsive," "very practical, and intent on solving issues," and "very thoughtful, very knowledgeable about trust law and ... just has a really well thought-out way of dealing with difficult clients, lowering the temperature and getting to the right resolution."

Recognized as a leader in his field, Dave is regularly invited to speak about topics relating to fiduciary litigation and managing fiduciary risk. He also serves as a mediator in complex trust and estate disputes.

Dave is a Fellow of the American College of Trust and Estate Counsel (ACTEC), whose members are elected by their peers based on their skill, integrity, and contributions to the profession. He is an active member of ACTEC's Fiduciary Litigation Committee.

Dave serves on Schiff Hardin's Executive Committee and its Diversity Committee.

Practices

- Trust and Estate Litigation
- Litigation and Dispute Resolution
- Class Actions
- Financial Institutions
- Private Companies
- Commercial
- Professional Liability
- Private Clients, Trusts and Estates

Industries

- Financial Institutions
- Manufacturing

Experience

Dave has represented clients in fiduciary litigation in state and federal courts across the country. In addition to extensive trial court experience, he has orally argued four trust/estate cases on appeal and prevailed in all four. Highlights of his work include:

- Dave led the successful defense for the trustees of a \$150-plus million trust that supports a private school. The trustees faced a series of claims by a state attorney general, a contingent beneficiary, and the parents of some school students, all of whom asserted that the trustees breached their fiduciary duties.
- Fellow counsel selected Dave to present oral argument on behalf of multiple parties (including another beneficiary and three corporate fiduciaries) in the successful appeal of a case of first impression concerning the Illinois Trusts and Trustees Act.
- Faced with trust documents that purported to disinherit them and frustrated with their case's lack of progress, two siblings retained Dave to replace their previous attorneys. Dave and his team filed a motion for summary judgment just three weeks after being engaged, then negotiated a complete settlement for our clients.
- Dave represented a corporate fiduciary and its individual co-trustee in the successful defense in the trial court and on appeal of claims for trustee removal, trust reformation, and breach of fiduciary duty concerning discretionary distributions.
- In a case establishing that a decedent's attempt to change the beneficiary of several IRAs was effective even though he died before signing the forms, Dave successfully represented an individual fiduciary at trial and on appeal.
- In a complex trust dispute involving two corporate fiduciaries, multiple family members and charities, and the state attorney general, Dave served as a co-mediator with a former state court judge, with Dave playing the role of "evaluative mediator" to help the participants assess the merits of the case and possible resolutions.

Credentials

Education

- Northwestern Pritzker School of Law, J.D., 1994, *magna cum laude*
Northwestern University Law Review, Coordinating Note and Comment Editor
- Princeton University, A.B., 1990, *cum laude*

Bar Admissions

- Illinois
- U.S. Supreme Court
- U.S. Court of Appeals for the Third Circuit
- U.S. Court of Appeals for the Fifth Circuit
- U.S. Court of Appeals for the Sixth Circuit
- U.S. Court of Appeals for the Seventh Circuit
- U.S. Court of Appeals for the Eleventh Circuit
- U.S. Court of Appeals for the Federal Circuit
- U.S. District Court for the Central District of Illinois
- U.S. District Court for the Northern District of Illinois (Trial Bar)
- U.S. District Court for the Eastern District of Michigan

Clerkships

- Honorable James B. Moran, U.S. District Court, Northern District of Illinois (1994-1995)

Professional Memberships

- American College of Trust and Estate Counsel (ACTEC), Fellow; Fiduciary Litigation Committee, Member

Insights

08.20.2020

News Release

Best Lawyers Recognizes 59 Schiff Attorneys, Six "Lawyers of the Year," and 21 Ones to Watch

07.09.2020

News Release

Schiff Trusts and Estates Group and Attorneys Recognized in 2020 *Chambers High Net Worth*

05.07.2020

Event

Fiduciary Litigation Roundtable

02.21.2020
Event
Non-Judicial Trust Modifications

02.19.2020
News Release
Eighty-Eight Attorneys Named to 2020 Leading Lawyers

02.12.2020
News Release
Schiff Announces Election of Executive Committee

01.29.2020
News Release
Thirty-Two Attorneys Named to 2020 *Super Lawyers* and *Rising Stars* Lists

01.15.2020
Event
54th Annual Heckerling Institute on Estate Planning

08.15.2019
News Release
2020 *Best Lawyers in America* Lists Recognizes 63 Attorneys, Three "Lawyers of the Year"

07.12.2019
News Release
Schiff Trusts and Estates Group and Attorneys Recognized in 2019 *Chambers High Net Worth*

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Speeches & Presentations

- "Fiduciary Litigation Roundtable," (panelist) American Bankers Association (May 7, 2020)
- "Non-Judicial Trust Modifications," American Bankers Association Wealth Management and Trust Conference, Orlando, Fla. (Feb. 24, 2020)
- "Fire Cannot Kill a Dragon: Hot Topics in Privilege and Ethics Issues," (panelist) 54th Annual Heckerling Institute on Estate Planning, Orlando, Fla. (Jan. 15, 2020)
- "Alternative Investments: An Investment Dream – A Planning Nightmare," (panelist) National Meeting, The American College of Trust and Estate Counsel (Oct. 19, 2019)
- "Attorney-Client Privilege in a Team Environment," (panelist) National Association of Estate Planners & Councils (Jul. 10, 2019)
- "That's Not What Mom or Dad Wanted: The Changing Role of Settlor Intent in Estate Planning," (panelist) 62nd Annual Estate Planning Short Course, IICLE (May 7 and 15, 2019)
- "Fiduciary Litigation Roundtable," (panelist) American Bankers Association (May 2, 2019)
- "How Safe Are Those Secrets? Privilege Pitfalls and Pointers for Fiduciaries and Beneficiaries," American Law Institute CLE, Representing Estate and Trust Beneficiaries and Fiduciaries 2018, Chicago, Ill. (Jul. 20, 2018)
- "Estate Planning As a Team Sport: Attorneys, Accountants and Other Advisors Working Together - Are Your Communications Privileged?" 61st Annual Estate Planning Short Course, IICLE, Chicago, Ill. (May 24, 2018)
- "Fiduciary Litigation Workshop," American Bankers Association (May 3, 2018)
- "Your Secrets Are Safe With Me (I Think) -- Protecting Privilege When Planning for Large Estates," American Law Institute Continuing Legal Education, Austin, Texas (Apr. 27, 2018)
- "Estate Planners and Other Advisors Working Together: Are Your Communications Protected?" The American College of Trust and Estate Counsel (Apr. 24, 2018)
- "Diversity in the Field of Estate Planning," (panelist) Northwestern Pritzker School of Law, Chicago, Ill. (Mar. 15, 2018)
- "Fiduciary Litigation and Lessons for Managing Risk," National Trust Closely Held Business Association 42nd Annual Conference, Milwaukee, Wis. (Sep. 13, 2017)
- "Managing Fiduciary Risk," (co-presenter) Family Office Exchange (FOX) Atlanta, Ga. (Jun. 20, 2017)
- "Recent Fiduciary Cases and Lessons for Minimizing Risk," (co-presenter), BMO Harris Internal Training Program, Chicago, Ill. (May 18, 2017)
- "Fiduciary Litigation Roundtable," (panelist) American Bankers Association Telephone Briefing (May 4, 2017)

- “Fiduciary Litigation and Lessons for Managing Risk,” (co-presenter), The PrivateBank [now CIBC] Internal Training Program, Chicago, Ill. (Apr. 19, 2017)
- “Fiduciary Litigation and Lessons for Managing Risk,” ABA Wealth Management and Trust Conference, New Orleans, La. (Feb. 22, 2017)
- “Trust and Estate Administration with Family Business Interests: Advising Fiduciaries,” (co-presenter) Chicago Estate Planning Council (Nov. 8, 2016)
- “Keeping Trust and Estate Disputes Out of Court: An Estate Planner’s Guide to Mediation and Arbitration,” (co-presenter) Illinois Institute for Continuing Legal Education Estate Planning Short Course (May 18 and 26, 2016)
- “Fiduciary Litigation Roundtable,” (panelist) American Bankers Association Telephone Briefing (May 5, 2016)
- “Managing Fiduciary Risk,” (presenter) National Trust Real Estate Association (May 3, 2016)
- “Managing Fiduciary Risk,” (co-presenter) Family Office Exchange Trustees and Beneficiaries Workshop (Nov. 18, 2015)
- “Managing Fiduciary Risk,” (co-presenter) Family Office Exchange Senior Management Council (Oct. 27, 2015)
- “Effective Client Communication as a Litigation Avoidance Tool,” (co-presenter) BMO Harris Internal Training Program (Aug. 27, 2015)
- “A Litigator’s Perspective on Fiduciary Risk,” (co-presenter) BNY Mellon Family Office Client Advisory Council (May 7, 2015)
- “Fiduciary Litigation Roundtable,” (panelist) American Bankers Association Telephone Briefing (May 7, 2015)

Citizenship

Pro Bono Activities

Dave has devoted thousands of hours to pro bono advocacy.

From 2007 to 2016, he led a Schiff Hardin team that represented an inmate on Georgia’s Death Row. His work included an oral argument before the Eleventh Circuit; two petitions for certiorari to the U.S. Supreme Court; leading the six-lawyer trial team at the evidentiary hearing on our client’s state habeas corpus petition; and presenting a clemency petition and arguing for our client’s life before the Board of Pardons and Paroles.

Previously, Dave represented an Illinois Death Row inmate whose conviction and sentence had been obtained under Illinois’ widely criticized capital punishment system. When Governor Ryan issued his clemency decisions affecting more than 160 Death Row inmates, our client was one of only four who received a pardon.

In January 2002, Dave successfully represented an athlete in a multi-day arbitration involving accusations that two other competitors threw an Olympic qualifying race so that our client could make the U.S. team.

AWARDS & HONORS

- **Best Lawyers in America (2021)**
U.S. News & World Report
- **Best Lawyers™ Litigation - Trusts and Estates “Lawyer of the Year” Chicago (2021)**
U.S. News & World Report
- **Chambers High Net Worth (2020)**
“Leaders in Their Field”
- **Illinois Leading Lawyer (2020)**
Law Bulletin’s Illinois Leading Lawyers Network
- **Illinois Super Lawyers (2020)**
Thomson Reuters
- **Best Lawyers in America (2020)**
U.S. News & World Report
- **Chambers High Net Worth (2019)**

"Leaders in Their Field"

- **Illinois Leading Lawyer (2019)**
Law Bulletin's Illinois Leading Lawyers Network
- **Illinois Super Lawyers (2019)**
Thomson Reuters
- **Best Lawyers in America (2019)**
U.S. News & World Report
- **Chambers High Net Worth (2018)**
"Leaders in Their Field"
- **Illinois Leading Lawyer (2018)**
Law Bulletin's Illinois Leading Lawyers Network
- **Illinois Super Lawyers (2018)**
Thomson Reuters
- **Future Star (2018)**
Benchmark Litigation
- **Best Lawyers in America (2018)**
U.S. News & World Report
- **Illinois Leading Lawyer (2017)**
Law Bulletin's Illinois Leading Lawyers Network
- **Illinois Super Lawyers (2017)**
Thomson Reuters
- **Best Lawyers in America (2017)**
U.S. News & World Report
- **Illinois Leading Lawyer (2016)**
Law Bulletin's Illinois Leading Lawyers Network
- **Best Lawyers in America (2016)**
U.S. News & World Report
- **Illinois Leading Lawyer (2015)**
Law Bulletin's Illinois Leading Lawyers Network
- **Illinois Leading Lawyer**
Law Bulletin's Illinois Leading Lawyers Network (2014)
- **Rising Star**
Euromoney's Benchmark Litigation (2013)
- **Illinois Super Lawyers**
Thomson Reuters (2013)
- **Illinois Leading Lawyer**
Law Bulletin's Illinois Leading Lawyers Network (2013)
- **Rising Star**
Euromoney's Benchmark Litigation (2012)
- **Illinois Super Lawyers**

Thomson Reuters (2012)

- **Illinois Leading Lawyer**
Law Bulletin's *Illinois Leading Lawyers Network* (2012)
- ***Illinois Super Lawyers***
Thomson Reuters (2011)
- **Illinois Leading Lawyer (2011)**
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- **Illinois Leading Lawyer**
Law Bulletin's *Illinois Leading Lawyers Network* (2010)
- **Rising Star**
Euromoney's *Benchmark Litigation* (2009)
- **Illinois Leading Lawyer**
Law Bulletin's *Illinois Leading Lawyers Network* (2009)

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