



BASSFORD REMELE

Alan I. Silver
SENIOR COUNSEL



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PRACTICE GROUPS
Commercial Litigation
Trust and Estate Litigation

INDUSTRY GROUPS
Financial Services

OVERVIEW

Mr. Silver is a litigator with more than four decades of experience representing clients in trust and estates litigation, ERISA litigation, and commercial and business disputes, including appellate matters.

Mr. Silver has been involved in many of the most high-profile trust and estate lawsuits in Minnesota, including litigation involving the Prince Estate, the Hill Trust, the Galloway Trust, the Binger Estate, and the Williams Trust, the family which started the Creamette Pasta Company. He regularly defends large corporations, affluent families, charitable organizations, and individuals in probate, state, federal, and appellate courts, including the Minnesota Supreme Court.

EDUCATION & ADMISSIONS

Education

University of Minnesota Law School, J.D., *cum laude*, 1975

University of Minnesota, B.A., *cum laude*, 1971

Bar Admissions

- U.S. Supreme Court
- U.S. Court of Appeals, Third Circuit
- U.S. Court of Appeals, Eighth Circuit
- U.S. Court of Appeals, Tenth Circuit
- U.S. District Court, District of Minnesota
- U.S. District Court, Eastern District of Wisconsin
- U.S. District Court, Western District of Wisconsin
- Minnesota

EXPERIENCE

Representative Cases

- Representation of an iconic singer-songwriter and former advisor, who also acted as an advisor to the special administrator of the singer-songwriter's estate, in connection with a dispute over music rights.
- Representation of directors and executives of a manufacturing company in a United States Department of Labor claim arising out of the sale of company stock to an ESOP.
- Representation of a minority shareholder, obtaining a favorable resolution in a shareholder dispute against management for allegedly spending money improperly.
- Representation of a minority owner, obtaining a favorable resolution in a dispute involving deprivation of equity, income, and control.
- Defense of a large bank in its capacity as a corporate trustee against claims of breach of trust, breach of fiduciary duty, and a claim for surcharge in a 10-week bench trial, resulting in a favorable outcome for our client.
- *In re Estate of Johnson*, 878 N.W.2d 510 (Minn. Ct. App. 2016).
- *Chesmore v. Alliance Holdings, Inc.*, 886 F. Supp. 2d 1007 (W.D. Wis. 2012), 948 F. Supp. 2d 926 (W.D. Wis. 2013).

Alan I. Silver
SENIOR COUNSEL

continued

- *In re Van Dusen*, 834 N.W.2d 514 (Minn. Ct. App. 2013).
- *In re Stisser Trust*, 818 N.W.2d 495 (Minn. 2012).
- Represented a trust company, obtaining summary judgment in a claim by a beneficiary alleging breach of duty with respect to trust distributions. The case set standards in Minnesota for determining trustee abuse of discretion. *In re Trusts A & B of Divine*, 672 N.W.2d 912 (Minn. Ct. App. 2004).
- Representation of family in a surcharge claim against a trust company, which resulted in a multi-million judgment in favor of the family's trust as a result of the corporate trustee's failure to diversify trust assets. *In re Trusteeship of Trust of Williams*, 631 N.W.2d 398 (Minn. Ct. App. 2001); No. C-5-52-237, 2000 WL 1920038 (Minn. Dist. Ct. Apr. 14, 2000); 591 N.W.2d 743 (Minn. Ct. App. 1999).
- *Beatty v. N. Cent. Cos.*, 170 F. Supp. 2d 868 (D. Minn. 2001).
- *Bond v. Twin Cities Carpenters Pension Fund*, 307 F.3d 704 (8th Cir. 2002).
- *Minn. Forest Prods., Inc. v. Ligna Mach., Inc.*, 17 F. Supp. 2d 892 (D. Minn. 1998).
- *Pac. Equip. & Irrigation, Inc. v. Toro Co.*, 519 N.W.2d 911 (Minn. Ct. App. 1994).
- Representation of an educational technology company, obtaining summary judgment in a claim for alleged violations of ERISA by the co-trustees of the company's 401(k) plan, as well as a claimed delay in the payment of plan contributions.
- Defense of a trust company in a billion-dollar claim that involved litigation in Minnesota, Oregon, and California, involving allegations of mismanagement of timberland held in trust, resulting in a 40-day trial and a successful outcome for our client. *In re Trust Created by Hill*, 499 N.W.2d 475 (Minn. Ct. App. 1993).

Publications

- *Economic Loss Doctrine*, co-reporter, Vol. 39, Minnesota Statutes Annotated, Section 604.101, 2000
- *Building a New Foundation, Torts, Contracts and The Economic Loss Doctrine*, author, Bench & Bar of Minnesota, September 2000
- *Fiduciary Obligations of ERISA Trustees*, author, Minnesota ESOP Association, 1999
- *An Overview of ERISA Litigation*, author, Minnesota Continuing Legal Education, 1996 and 1997
- *Getting to the Customer: An Exploration of Franchising and Independent Distributors*, author, The Collaborative, 1995
- *ERISA Litigation Involving Multiple Claimants*, author, Minnesota Continuing Legal Education, 1988
- *The Law of Tying: Trademarks, Required Purchases and other Perils in the Dealer Context*, author, Minnesota Institute of Legal Education

Seminars

- *Judicial Perspectives on Probate and Estate Litigation*, panel moderator, Minnesota State Bar Association Probate and Trust Law Section Conference, June 2021 (Judge Stephen J. Ferrazzano II, Referee Joel C. Olson, and Referee Lori D. Skibbie)
- *Judicial Panel*, panel moderator, Minnesota State Bar Association Probate and Trust Law Section Conference, October 2020 (Assistant Chief Judge Sara Grewing, Judge Philip C. Carruthers, and Judge Robert A. Docherty)

Alan I. Silver
SENIOR COUNSEL

continued

- *Perspectives from Probate Court Referees*, panel moderator, Minnesota State Bar Association Probate and Trust Law Section Conference, June 2019 (Judge Joel C. Olson and Judge Lori D. Skibbie)
- *Views from the Bench: Judicial Officer Panel*, panel moderator, Minnesota State Bar Association Probate and Trust Law Section Conference, June 2018
- *Trust and Estate Litigation in Minnesota*, panel moderator, Minnesota State Bar Association Probate and Trust Law Section Conference, June 2017
- *Six Months Under the Minnesota UTC*, panel moderator, Minnesota State Bar Association Probate and Trust Law Section Conference, June 7, 2016 (Judge Jamie Anderson, Judge B. William Ekstrum and Referee Joel Olson)
- *Trust and Estate Litigation: What Trust and Estate Litigators Think Non-Litigators Need to Know*, presenter, Twin Cities Financial and Estate Planning Councils, March 22, 2016
- *Litigating Under Minnesota's Uniform Trust Code*, presenter, U.S. Bank, January 27, 2016
- *The Minnesota Uniform Trust Code*, presenter, Trust Point, December 1, 2015
- *Mom Always Liked You Best – Trust and Estate Litigation and the New Minnesota UTC*, presenter, Bremer Wealth Management, November 9, 2015
- *Litigation Under Minnesota's New Trust Code*, presenter, Minnesota Continuing Legal Education, Minneapolis, MN, October 28, 2015
- *One if by Land, Two if by UTC. Be Ready for New Developments Coming in Probate and Trust Litigation*, presenter, Minnesota State Bar Association Probate and Trust Law Section, Minneapolis, MN, November 18, 2013
- *The Art and Science of Being a Trustee Part II*, presenter, Private Trustees, October 27, 2013
- *Mom Always Liked You Best – Probate and Trust Litigation*, presenter, BMO Private Bank, June 18, 2013
- *Using Experts in Trusts and Estate Litigation*, presenter, National Business Institute, December 20, 2012
- *Attorney-Client Privilege in Estate Planning*, presenter, Ramsey County Bar Association Estates and Trust Section, September 13, 2012
- *Mom Always Liked You Best – Probate and Trust Litigation*, presenter, Anchor Bank, May 16, 2012
- *Resolving Estate, Will and Trust Contests*, National Business Institute, presenter, April 11, 2012
- *Appeals in a Probate and Estate Practice*, panelist, Minnesota Continuing Legal Education, Minneapolis, MN, February 10, 2012
- *Mom Always Liked You Best – Probate and Trust Litigation*, presenter, M&I Wealth Management, January 12, 2011
- *A View from the Probate Bench*, moderator, Minnesota State Bar Association Probate & Trust Law Section, Minneapolis, MN, November 19, 2010
- *Mom Always Liked You Best – Estate and Trust Litigation*, presenter, Twin Cities Financial and Estate Planning Councils, St. Paul and Minneapolis, April 20 and April 27, 2010
- *Trust and Estate Litigation: You can't take it with you but maybe you should!*, presenter, Minnesota State Bar Association Probate and Trust Law Section, Minneapolis, MN, December 3, 2009

Alan I. Silver

SENIOR COUNSEL

continued

- *Legislative Updates and ERISA Litigation Hot Topics*, presenter, Minnesota State Bar Association Advanced Employee Benefits Workshop, Minneapolis, MN, January 22, 2009
- *The Galloway Trust Litigation*, presenter, Ramsey County Bar Association Estates and Trusts Section, November 13, 2008
- *Margoles: What Happened? What Should I Do?*, presenter, Minnesota State Bar Association Probate and Trust Law Section, November 30, 2007
- *Mom Always Liked You Best: Probate and Trust Litigation*, presenter, Iowa State Bar Association Probate and Trust Law Seminar, October 17, 2007
- *Community Forum: Religious Freedom in the Workplace*, moderator, sponsored by the Jewish Community Relations Council of Minnesota and the Dakotas, October 7, 2007
- *Directors and Officers Liability and Fiduciary Litigation*, presenter, Twin Cities Insurance Brokers by Chubb Insurance, October 3, 2007
- *Probate and Trust Litigation*, presenter, Iowa State Bar Association Fall 2007 Probate Seminar, October 19, 2007
- *Mom Always Liked You Best - Probate and Trust Litigation*, presenter, Minnesota State Bar Association Probate and Trust Law Section CLE, 2007
- *Referees Roundtable*, presenter, Minnesota State Bar Association Probate and Trust Law Section, 2006
- *Probate and Trust Litigation - How to Avoid Litigation - But if You Can't, How to Improve the Odds*, presenter, Marquette Asset Management and Marquette Trust, 2006
- *Really Understanding the Economic Loss Doctrine*, presenter, Minnesota Defense Lawyers Association, 2005
- *What Litigators Think Estate Planning Attorneys Should Know About Probate and Trust Litigation*, presenter, Arrowhead Estate Planning Council, 2005
- *Really Understanding the Economic Loss Doctrine*, presenter, Minnesota Continuing Legal Education, 2005
- *Probate and Trust Litigation - What the Judges Think You Should Know*, presenter, Minnesota State Bar Association Probate and Trust Law Section Committee, 2003 and 2004
- *Diversification of Trust Assets - How Many Eggs Can One Basket Hold?*, presenter, Minnesota State Bar Association Probate and Trust Law Section Committee, 2003
- *Estate and Trust Litigation*, presenter, Minnesota Continuing Legal Education, 2002
- *Really Understanding the Economic Loss Doctrine*, presenter, Minnesota Continuing Legal Education, 2002
- *What Trial Lawyers Think Non-Litigators Need to Know About Probate and Trust Litigation*, presenter, Minnesota State Bar Association, 2002
- *Law versus Contract – Minnesota's Economic Loss Statute*, presenter, Minnesota Institute of Legal Education, 2001
- *Ethics, ERISA and the Attorney-Client Privilege*, presenter, Minnesota Institute of Legal Education, 2001
- *Fiduciary Obligations of ERISA Trustees*, presenter, Minnesota ESOP Association, 1999

Alan I. Silver

SENIOR COUNSEL

continued

- *An Overview of ERISA Litigation*, presenter, Twin Cities Business Monthly Employment Seminar Series, 1998
- *Significant Litigation Issues for Estate Planning and Probate Professionals*, presenter, Minnesota State Bar Association Probate and Trust Law Section Conference, 1997
- *An Overview of ERISA Litigation*, presenter, Minnesota Continuing Legal Education, 1996 and 1997
- *Advising the Trustee: Is Counsel's Advice Protected by the Attorney- Client Privilege or the Work Product Doctrine?*, presenter, Minnesota State Bar Association Probate & Trust Law Section Conference, 1996
- *ERISA Litigation Involving Multiple Claimants*, presenter, Minnesota Continuing Legal Education, 1988
- *The Law of Tying: Trademarks, Required Purchases and other Perils in the Dealer Context*, presenter, Minnesota Institute of Legal Education, 1988
- *Territorial and Customer Restrictions, Resale Price Maintenance and Dual Distribution*, presenter, Minnesota Continuing Legal Education, 1986
- *Antitrust Law and Unfair Trade Practices: Remedies under the State and Federal Antitrust Laws, Minnesota Unlawful Trade Practices Act, and Consumer Fraud Statutes*, presenter, Minnesota Institute of Legal Education, 1986

PROFESSIONAL & CIVIC

Professional Achievements

- American College of Trust and Estate Counsel, Fellow

Bar Associations

- American Bar Association
- Minnesota State Bar Association
 - Litigation Committee on Probate and Trust Section, Chair, 1998-2020
 - Probate, Trusts and Estates Section
- Hennepin County Bar Association

Civic Involvement

- Prodeo Academy, tutor
- Volunteer Lawyers Network, Conciliation Court Clinic
- Jewish Community Relations Council
 - Member, Board of Directors, 1988-1994; 1996-2011; 2016-present
 - President, 2006-2008
 - Vice President, 2003-2006
- Temple Israel
 - Member, Board of Directors, 2010-2017
 - President, 2013-2015
 - Vice President, 2011-2013
- St. Louis Park School Board
 - Board Member, 1993-1999
 - Chair, 1995-1997, 1998-1999

Alan I. Silver

SENIOR COUNSEL

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ACCOLADES

Honors & Awards

- Top Lawyer's list, Trust and Estate Litigation, *Minnesota Monthly*, 2022-2024
- Sidney Barrows Lifetime Commitment Award, Cardozo Society of the Minneapolis Jewish Federation, 2015 (This award is given annually to a senior attorney or judge in the Twin Cities who exemplifies excellence in his or her practice, outstanding service to the Jewish and general communities and life-long learning.)
- Minnesota ICON, *Minnesota Lawyer*, 2021
- *Best Lawyers*®, Minneapolis Trusts and Estates Litigation Lawyer of the Year, 2024 and 2016
- *Best Lawyers*, Minneapolis Litigation-ERISA Lawyer of the Year, 2012 and 2020
- *The Best Lawyers in America*®; Commercial Litigation, 2009-present; Trusts and Estates, 2011-present
- Minnesota Super Lawyers Top 100 list, *Super Lawyers*, 2008
- Minnesota Super Lawyers list, *Super Lawyers*, 2003-present
- Rated AV Preeminent® by Martindale-Hubbell®