
John N. Hutson, Jr.

OF COUNSEL

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ACTEC[®]

THE AMERICAN COLLEGE OF
TRUST AND ESTATE COUNSEL

With over forty years of experience in litigation, John's primary focus is on helping individuals and families who need his experience to navigate estate, trust or guardianship issues. He also works with businesses in evaluating contracts and handling commercial disputes. John's experience representing individuals and families includes helping them navigate the difficult issues relating to the death of a family member, disputes arising out of an estate plan or will contest, and issues relating to the guardianship or care of a parent or child. He has successfully assisted the children of elderly parents who are dealing with the effects of dementia or Alzheimer's disease. He has also helped families deal with the damaging impact that the breach of a fiduciary duty can cause. John's quiet demeanor and respect for all makes him perfectly suited for this type of work.

John's clients benefit from his innate ability to resolve difficult contract disputes in an efficient, effective manner. Whether it is a breach of contract problem or a dispute between business partners, he has the ability to negotiate wisely, keeping the client's best interest in mind. In cases where negotiation fails or becomes impossible, John is an aggressive litigator who represents his clients with zeal. His courtroom presence and knowledge of procedure provide him with the skills necessary to defend his clients thoroughly.

John is co-author of *North Carolina Contract Law* released in 2001 and *North Carolina Contract Law*, Second Edition, released in 2021. Published by LexisNexis and annually updated by its authors, this authoritative treatise analyzes more than two centuries of contract law and serves as an indispensable guide and resource for lawyers, judges, and law students.

John is an elected Fellow of the American College of Trust and Estate Counsel (ACTEC) and recognized in *The Best*

Representative Matters

- Represented parties in will contests, trust disputes, guardianships and other estate related litigation
- Represented parties in disputes involving numerous types of contracts including real estate contracts, leases, contracts for the sale of goods, and covenants not to compete
- Represented parties in disputes arising out of closely held corporations, limited liability companies and partnerships
- Represented the landowner, the commercial tenant, and the municipality in condemnation cases
- Represented the creditor in numerous Chapter 11 proceedings in which the creditor was owed more than \$3,000,000, including one case in which the creditor was owed over \$30,000,000
- Obtained a \$24,184,059 judgment for a real estate developer against a mortgage loan broker.

Education & Bar Admissions

- J.D., University of North Carolina School of Law, 1981
- B.A., University of North Carolina at Chapel Hill, 1977

Admitted in

- North Carolina State Courts
- Federal Courts in the Eastern, Middle and Western Districts of North Carolina
- United States Tax Court
- United States Court of Appeals for the Fourth Circuit

Focus Areas

- Business Litigation
- Estate Litigation & Fiduciary Dispute Resolution
- Real Estate
- Trusts, Estates & Wealth Preservation

Achievements

- Elected Fellow of the American College of Trust and Estate Counsel (ACTEC), 2018
- Recognized as one of the top 100 Attorneys in North Carolina and one of the Top 25 Attorneys in Raleigh

by *Charlotte Magazine* (2016)

- *The Best Lawyers in America*®, Litigation-Trusts and Estates (2013-2022)
- Recognized in *North Carolina Super Lawyers*® Business Litigation, Estate and Trust Litigation (2011-2021), Top 100: *North Carolina Super Lawyers* (2016, 2018, 2020, 2021), Top 25: *Raleigh Super Lawyers* (2016)
- *Business North Carolina Legal Elite*, Litigation (2010-2020)
- Martindale-Hubbell® AV Preeminent®

Publications & Presentations

- *North Carolina Contract Law*, Second Edition, Lexis Nexis Publishing (2021), Mr. Hutson co-authored the treatise, along with Scott Miskimmon
- Co-Author, *If Mom Could Only See Them Now! Navigating a Fiduciary Dispute*, 40th Annual Estate Planning & Fiduciary Law Program, NC Bar Association, July 2019
- Co-Author, *Think You Have Timely Filed Your Client's Elective Share Claim? Think Again*, *The Will & The Way* Newsletter published by the Estate Planning & Fiduciary Law Section of the North Carolina Bar Association, February 2019
- Author, *Trust Proceedings before the Clerk of Court*, Chapter III of the *North Carolina Fiduciary Litigation Manual* published by North Carolina Bar Association, 2018
- Author, *Trustee Removal*, Chapter IV of the *North Carolina Fiduciary Litigation Manual* published by the North Carolina Bar Association, 2018
- Co-Author, *Joint Accounts with Right of Survivorship and Payable on Death Accounts*, Chapter XVII of the *North Carolina Fiduciary Litigation Manual* published by the North Carolina Bar Association, 2018
- *Trustee Proceedings before the Clerk of Court*, presented at Recent Developments in Fiduciary Litigation Seminar, North Carolina Bar Association, November 2018
- *North Carolina Contract Law*, Lexis Nexis Publishing (2001), Mr. Hutson co-authored the treatise, along with Scott Miskimmon (link to excerpt)
- Trusts 101 and Trusts 102, presented at the Family Law Intensive Seminar, North Carolina Bar Association (2017)
- *Business Contracts, North Carolina General Statutes, The Will and the Way*, a publication of the North Carolina Bar Association (2016)
- *Trusts and Marital Property*, presented at the Family Law Intensive Seminar, North Carolina Bar Association (2015)
- *Marital Rights in Trust and Estate Planning*, presented at Family Law Meeting, North Carolina Bar Association (2014)
- *How to Navigate a Fiduciary Law Case* (2013)

- *Hot Topics in Contract Litigation* (2012)
 - *Litigation Issues in Estate Planning and Administration* (2008)
 - *An Analysis of the Thompkins Decision and its Impact on Estate Law, The Will and the Way*, a publication of the North Carolina Bar Association
 - *Protecting Assets from a Spouse as a Future Creditor – Ward v. Fogel*, *The Will and the Way*, a publication of the North Carolina Bar Association
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