



Probate and Fiduciary Litigation

Our attorneys provide the guidance and expertise needed to help clients achieve favorable results in probate and fiduciary matters that can be emotionally trying and divisive.

Todd & Weld has one of the largest Probate and Fiduciary Litigation teams in Massachusetts. Our attorneys are routinely called upon to navigate clients through the delicate and often complex sphere of attempted generational wealth and post-death business transfers.

Our team members are recognized as thought leaders who have been involved in cutting edge will contests based on external influences and questionable capacity, challenges to durable powers of attorney, novel actions to replace and remove trustees, and accounting petitions. With well in excess of 100 years of collective experience, we provide the guidance needed to protect the legal rights of individuals, institutions, heirs, and family members.

Our representative cases include:

- Persuaded the Massachusetts Appeals Court to vacate and reverse a trial court's dismissal of a trust petition seeking to remove a trustee without cause.
- In a case of first impression, persuaded a Massachusetts Probate Court judge to [invalidate a voluntary acknowledgment of paternity](#) signed and notarized 10 years earlier by a biological mother and man who knew he was not the father, and to declare that the woman's son was not a legal heir entitled to inherit from the man's intestate estate.

- Obtained a [\\$4.8 million jury verdict](#) in Providence Superior Court on behalf of two estates seeking the return of inheritance money in an investment account.
- Obtained a defense verdict after a three-week jury trial on behalf of an executor and successor trustee alleged to have breached various fiduciary duties, and then persuading the Massachusetts Appeals Court to uphold the jury verdict.

Attorneys

- Tyler E. Chapman
- Megan C. Deluhery
- Richard M. Novitch
- Seth J. Robbins
- Megan L. Rothemich
- Gary Owen Todd

Representative Results

- Persuaded the Massachusetts Appeals Court to vacate and reverse a trial court's dismissal of a trust petition seeking to remove a trustee without cause.
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- Obtained a [\\$4.8 million jury verdict](#) in Providence Superior Court on behalf of two estates seeking the return of inheritance money in an investment account.
- Obtained a defense verdict after a three-week jury trial on behalf of an executor and successor trustee alleged to have breached various fiduciary duties, and then persuading the Massachusetts Appeals Court to uphold the jury verdict.
- Obtained summary judgment in a Massachusetts Probate Court on behalf of a personal representative in a will contest brought by the surviving spouse, involving claims of undue influence.
- Successfully mediated the resolution of children's claims to their entire share of a large estate left to a third wife, which also involved issues of competency.
- Successfully invalidated a marriage following the death of a husband who was determined to have lacked the capacity to contract marriage.
- Secured the rights of heirs adopted as adults by the decedent to substantial property under her will and trust.
- Successfully resolved competing claims between surviving parents to the proceeds of a wrongful death action brought on behalf of their deceased child.
- Represented a guardian in successfully challenging an agreement as not in the ward's best interests and achieved the reinstatement of the guardian.

News & Insights

- Brooke Moschetto Recognized as an Up & Coming Lawyer by Massachusetts Lawyers Weekly
- Firm's Probate Court win featured in MLW
- Richard Novitch to present at probate law conference
- \$4.8M jury verdict obtained by Nick Carter, Matt Furman featured in RI Lawyers Weekly

Results

- Tyler Chapman, Ian Pinta persuade judge to impose monetary sanction against opposing parties, lawyer for bad faith filing
- In case of first impression, MA Probate Court judge invalidates voluntary acknowledgment of paternity
- MA Appeals Court rules in favor of client in trust dispute
- MA Probate Court judge invalidates voluntary acknowledgment of paternity
- Nick Carter, Matt Furman obtain \$4.8M jury verdict in elder abuse case