

Probate & Fiduciary Litigation

Clients entrust their most important personal and family matters – including will contests, trust contests, breach of fiduciary duty actions, and all other kinds of trust and estate disputes – to the attorneys of the Probate & Fiduciary Litigation Group of Goulston & Storrs. And so do professional trustees and other fiduciaries, whom we guide through the challenging situations that can arise out of family disputes. Our reputation and experience in these areas and our professional, responsive approach to client service during these uniquely challenging, frequently once-in-a-lifetime events allow clients to turn to us with confidence. Sometimes that means representing clients in litigation, giving them their day in court if necessary. Other times it means counseling clients on how to achieve their goals short of litigation, or how to avoid litigation through creative approaches to settlement.

Our Probate & Fiduciary Litigation Group works alongside our [Private Client & Trust Group](#) - one of the largest, most well-established trust and estate practices on the East Coast. Our attorneys include bar association leaders and five fellows of the American College of Trust and Estate Counsel (ACTEC), which is composed exclusively of lawyers and law professors from around the world who have been elected by their peers based on reputation, skill, and contributions to the field in the form of lecturing, writing, teaching, and bar activities. We have taken leadership roles in the Trusts and Estate Section of the Boston Bar Association, the Boston Probate and Estate Planning Forum, and the Greater Boston Fiduciary Law American Inn of Court, among other bar organizations. In New York, we have been on the cutting edge of using Article 77 for expedited trust proceedings in the Supreme Court.

Two other key points of distinction for our group are as follows:

1. when a dispute over trust or estate property involves real estate, as they often do, we can draw upon the resources of our nationally renowned Real Estate Group; and
2. when the actions or responsibilities of professional or other fiduciaries are called into question, we can draw upon the resources of our preeminent Professional Liability Group.

As a result of these distinctions, we are fortunate to represent many individuals, institutions, and professional and other fiduciaries, as well as the clients of other lawyers, financial planners, wealth managers, accountants, and other sophisticated professionals from around the country who rely on our trustworthiness and competence when they refer those valued clients to us. See "Our Clients" for more information about the parties we represent.

Our Service Difference

We are sensitive to the raw emotions that are often involved in disputes relating to trusts and estates. Clients rely on us to reduce their stress by giving them the best possible course of action and advocacy to resolve their problems as quickly as possible, either inside or outside of the courtroom. They also appreciate our help in dialing down the temperature among all the parties in order to get to workable solutions.

Although we are always prepared to take a matter through to trial, we recognize that probate-related disputes often involve significant privacy issues and other concerns that can add a premium to the value of reasonable settlements reached through creative and thoughtful counseling. So, we make it a priority to counsel our clients about the risks, costs, and benefits of litigation, as well as the strategic alternatives for dispute resolution at the outset of each matter.

If our clients choose to pursue litigation, we are well-equipped to give them their day in court, but during the progression of any case, we also regularly discuss with clients the potential advantages and disadvantages of settlement and Dispute Resolution at any given stage based on the developing facts and changes in the law.

Our Clients

The Goulston & Storrs Probate & Fiduciary Litigation Group regularly represents individuals and family groups in probate and trust matters, as well as all types of individual and institutional fiduciaries, including trustees, executors, administrators, and personal representatives, including other law firms who act as fiduciaries. We also represent both individual and charitable beneficiaries and benefactors.

Our representation of trustees often involves helping them reform or modify a trust, and then representing the trustees in a court proceeding to seek approval of the reformed or modified trust.

Many clients are referred to us by highly reputable law firms, financial planners, wealth managers, accountants, and other professionals around the country.

Our Experience

Many clients entrust all their most important personal and family matters to the attorneys of the Probate & Fiduciary Litigation Group of Goulston & Storrs. As a result, our team of advocates often handles matters involving:

- Will contests and contested accounts
- Claims against fiduciaries
- Removal of fiduciaries

- Claims relating to prudent investment and wealth management
- Trust interpretation and administration
- Trust reformation, modification, and termination
- Petitions for instructions and declaratory judgment actions
- Petitions for partition of real estate
- Issues related to newly discovered heirs and beneficiaries

Representative Matters

Defense of Trustees in an Action for Breach of Fiduciary Duty and Removal

A beneficiary sought the removal of two trustees of a Massachusetts Business Trust, alleging that the trustees had acted beyond their authority and breached their duties in carrying out a number of complicated transactions designed to place a conservation easement on family-owned land and exchange various parcels of land among several trusts. At trial, the Court found that the trustees had not breached their duties and awarded fees and costs to the trustees. The Appeals Court determined that the trustees had authority under the trust to effectuate the transactions at issue and affirmed the trial court's determination that no breach of fiduciary duty occurred.

Individual Heirs Seeking to Secure the Proceeds of a Lapsed Gift Under a Will

Successfully obtained a judgment in favor of individual heirs who were seeking to secure the proceeds of a lapsed gift under a will.

Dispute With a Trustee Over Proper Interpretation of the Distribution Provisions of a Trust Instrument

Representation of a charitable beneficiary in a dispute with a trustee over the proper interpretation of the distribution provisions of a trust instrument.

Challenge to a Testamentary Scheme That Left Hundreds of Millions of Dollars to Charity

Representation of children of a decedent, including a mentally disabled adult, in a challenge to a testamentary scheme that left hundreds of millions of dollars to charity.

Negotiating Agreement Among the Trustees and Other Family Beneficiaries Regarding the Disposition of Property

Representation of a beneficiary of several family trusts in negotiating an agreement among the trustees and other family beneficiaries regarding the disposition of property in, and distributions to be made from, such trusts.

Representation of Charity in Action to Enforce Its Rights Under a Charitable Bequest Action to Determine Proper Charitable Beneficiary

Representation of a trustee in an action to determine the proper charitable beneficiary under a trust instrument that contained precatory language regarding the use of the proceeds by the charitable beneficiary.

Will Contest Alleging Undue Influence, Lack of Testamentary Capacity and Fraud

Representation of family members in will contest alleging undue influence, lack of testamentary capacity and fraud.

Representation of Widow in Defense of a Death-Bed Property Conveyance

Representation of Proposed Interveners in Action Regarding the Oldest Charitable Trust in the Country (c. 1660)

Self-Dealing and Other Breaches of Fiduciary Duty

Representation of trustees and primary beneficiary in action against predecessor trustees for self-dealing and other breaches of fiduciary duty.