

Fiduciary Practice Group

Conflicts of interest are present in most fiduciary relationships, be they trust, estate, partnerships, corporations or limited liability companies.

The trustees, personal representatives, partners, officers, managers and partners have fiduciary obligations that do not always align with their personal interests. The Bernkopf Fiduciary Practice Group assists in identifying and resolving such conflicts. Our talented and experienced attorneys represent fiduciaries and beneficiaries, which includes the creation of or due diligence review and advice concerning entity documents, resolving disputes through negotiation, mediation, arbitration or litigation. We have successfully handled numerous corporate disputes involving breach of fiduciary duties, self-dealing and fraud. Bernkopf works with leading accountants in Massachusetts and other jurisdictions and often collaborates with trust and estate attorneys on various matters.

Representative Matters & Significant Transactions:

- Successfully prosecuted breach of fiduciary duty claims against former trustee of multiple trusts involving nearly \$60 million in real estate holdings and securities.
- Successfully defended personal representative of estate with multiple real estate holdings in Downtown Boston against breach of fiduciary duty claims.
- Prevailed at trial in a case involving breach of fiduciary duties, undue influence, and fraud against personal representatives of an estate.
- Successfully represented estate beneficiary in complex fiduciary litigation in multiple courts.
- Resolved break-up of family trusts that owned significant commercial real estate holdings throughout Greater Boston.
- Favorable jury case in Suffolk Superior Court defending a majority owner against multi-million dollar claims, including breach of fiduciary duty, by a minority interest owner.
- Successfully defended successor trustee and holder of a life estate in both real and personal property against claims from trust beneficiaries seeking to remove him as trustee and to sell property.
- Handled break-up of family trust that owned significant commercial real estate in Somerville, MA, and sold business interests after obtaining valuation and appraisal.
- Prevailed at trial in the Delaware Chancery Court in representing managing partner of the North Point Project in Cambridge, MA, in an action seeking damages and other relief arising from its partner's breach of fiduciary duties, breaches of the express covenants of good faith, interference with contractual and advantageous relations, and winding down and dissolving entity.
- Obtained substantial recovery on behalf of limited partners owning a back-end interest of various real estate trusts that had been acquired by a publicly-traded REIT.

Attorneys

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