



## FOCUS AREAS

Defending & Presenting  
Petitions to Remove Trustees  
Accounting Actions  
Actions to Terminate Trusts  
Serving as Guardian Ad Litem  
Breach of Fiduciary Duty  
Trust/Will Construction  
Actions  
Will Contests

## FIDUCIARY & TRUSTS

Our trust and estate attorney team handles complex and cutting-edge cases involving questions of fiduciary responsibilities and the administration of trusts and estates, often defending trustees and other fiduciaries as well as advocating for the rights of beneficiaries.

Duffy & Sweeney litigators understand the sensitivities inherent in fiduciary and trust cases, including the intricacies of dealing with differently aligned parties and the family dynamics that often arise.

While our trust and estate attorney team approaches litigation aggressively, we often effectively negotiate successful resolutions outside the courtroom without compromising clients' goals.

The firm has received top-tier ranking by Best Law Firms in conjunction with *US News & World Reports* for the category of Litigation-Trusts and Estates and, individually, our litigators have been recognized by *Best Lawyers* in this area.

## REPRESENTATIVE WORK

- The D&S team succeeded in obtaining a Court order removing the trustees of a trust based on conflicts of interest. They also successfully argued that the successor trustee named in the trust shared the same conflict. The Court removed the successor trustee and approved the appointment of an independent trustee to administer the trust for the benefit of the firm's client.
- Duffy & Sweeney succeeded on behalf of their client, a trust beneficiary, in securing a Court order removing the Trustees of the trust and having an independent Trustee appointed. The Trustees vigorously opposed the action, but ultimately the Court found, as D&S argued, that the Trustees had a conflict of interest that prevented them from serving as fiduciaries.
- Duffy & Sweeney's win at trial on behalf of Trustees (our clients) in a hotly contested case was affirmed by the Rhode Island Supreme Court. The Supreme Court affirmed the trial court ruling and held that the Trustees were entitled to be indemnified by the Trust for substantial legal fees incurred in the ten-year litigation as well as for the interest that accrued on those fees.
- D&S attorneys, after an 11-day trial in RI Superior Court, successfully defended trustees against fiduciary claims and obtained an award of both executor and trustee compensation.
- The firm won a sizable award including punitive damages in an arbitration against brokers and brokerage firms on claims for churning and failure to supervise.
- On behalf of beneficiaries of \$500 million trust, D&S attorneys led the briefing and argument that resulted in a court order allowing early termination of the trust and distribution of trust assets. The case made new law in RI regarding the circumstances under which a Court can deviate from the terms of a trust at the request of the trust's beneficiaries.
- D&S attorneys represented the Small Business Association in a substantial and complex federal receivership case in which the receivership estate's former managers asserted a substantial claim against the estate's assets. Through discovery and after depositions, the firm's attorneys succeeded in getting the claim withdrawn, thus preserving the estate's assets for the other creditors.



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