Patricia L. Davidson

Partner

Direct: 508.860.1540
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Overview

Individuals, families and institutions turn to Patricia when they need a skilled probate, trust and fiduciary litigator and creative problem-solver. Patricia leverages courtroom expertise with a deep understanding of the often-complex interpersonal dynamics of family disputes.

As a partner, head of the firm's Probate, Trust and Fiduciary Litigation Team and a member of the Business and General Litigation Team, Patricia is well known throughout the Commonwealth as a go-to litigation specialist for disputes concerning wills, trusts, real estate, and fiduciary duties. Given her particular expertise, experience and focus on client service, other lawyers and financial professionals routinely refer challenging matters to her.

Patricia helps resolve:

- will contests, including claims of undue influence and lack of capacity
- estate and trust administration disputes
- probate and trust accounting disputes
- the interpretation and administration of wills and trusts
- breach of fiduciary claims
- real estate disputes, including petitions to partition and claims to quiet title
- conservatorship and guardianship issues
- any controversies concerning the ownership and/or transfer of assets

Christine Farmer
Legal Support Specialist
508.860.1549
cfarmer@miricklaw.com

Education

Suffolk University Law School JD (1990), National Moot Court Team; Winner and Best Oral Advocate, Justice Tom C. Clark Moot Court Competition

Smith College BA (1987)

Bar Admissions

Massachusetts

U.S. District Court for Massachusetts

U.S. Court of Appeals for the First Circuit

Related Services

Business Litigation

Litigation

Probate, Trust and Fiduciary Litigation

Real Estate and Environmental Litigation

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Patricia works closely with clients, including beneficiaries, personal representatives and trustees to manage risks and, when litigation is necessary, to implement efficient and effective strategies. She has an extensive track record of successfully taking matters to trial, but she also excels at formulating and implementing comprehensive settlement agreements.

Experience

- Successfully tried a case between two factions of an extended family involving two wills, four trusts, three consolidated lawsuits and eighteen legal claims, including the proper allocation of trust and estate expenses; misappropriation of trust assets; distribution of insurance proceeds; and the effect of the testator's lifetime gifts and gifts of equity
- Successfully tried a jury case in the U.S. District Court for the District of Massachusetts for fraud and tortious interference with contractual/advantageous relationship against a company engaged in organizing amateur sports leagues, its shareholders and its attorney; prevailed in the appeal to the U.S. Court of Appeals for the First Circuit; spearheaded collection efforts resulting in full satisfaction of the judgment
- Successfully defended beneficiaries of a trust who were sued by a family member who sought ownership of trust real estate. Legal issues raised at trial included judicial estoppel, laches, the statute of frauds, the statute of wills, the canons of ethics, the disciplinary rules, adverse possession, constructive trust, fiduciary duty and the attorney-client privilege.
- Prevailed in a trial in the U.S. District Court for the Eastern District of New York on behalf of a company that provides licensure and educational services to financial institutions against allegations, including breach of contract, breach of fiduciary and equitable claims, initiated by a sales and marketing company after termination of the relationship for poor performance
- Negotiated a resolution to a long-term dispute among siblings by forcing the sale of real estate through a petition to partition, by filing suit against an escrow agent for breach of fiduciary duty and by cooperating with the court-appointed commissioner's plan to break an

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impasse by auctioning the disputed real estate

- Successfully defended a $1 million claim for breach of contract against a manufacturer of computer hardware by serving a motion for summary judgment that relied almost exclusively on the plaintiff's own deposition testimony to demonstrate that the claim was barred by the plaintiff's prior conduct and to demonstrate the speciousness of the claim
- Negotiated the settlement of complex litigation among shareholders of two closely-held international plastics companies involving various business torts, contract claims and equitable remedies; coordinated the transfer of stock, the implementation of a security agreement and indemnification for international financing obligations
- Successfully petitioned the Supreme Judicial Court to reform trusts to include language permitting trusts to benefit from generation-skipping transfer tax exemption by proving that testators would have intended to minimize taxes
- Secured a summary judgment on behalf of a restaurant in the Superior Court and on appeal before the Massachusetts Appeals Court by proving that the restaurant would not infringe on the plaintiff's legal and private rights and that, as a result, the plaintiff had no standing to challenge the zoning relief afforded the restaurant
- Successfully defended a municipal zoning board of appeals at trial before the Superior Court by proving that the board correctly determined that that plaintiff's construction violated the intensity regulations under the zoning bylaw and constituted a prohibited alteration and reconstruction of a nonconforming use or structure
- Successfully petitioned a probate court after final judgment to reopen a guardian's three accounts by showing fraud and manifest error against the guardian who had mismanaged the ward's estate; filed a complaint for breach of fiduciary duty; negotiated a settlement that provided for significant reimbursement of fees to the estate
- Deflected a co-executor's attempt to gain wrongful control of an estate by seeking injunctive relief and by pursuing contempt proceedings after the co-executor forged our client's name, misappropriated estate assets and violated an injunction

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Affiliations

- American Bar Association
- Massachusetts Bar Association, Probate Law Section Council
- Worcester County Bar Association
- Jeremiah's Inn, president, Board of Directors
- Mechanics Halls, current member, Board of Trustees
- Walnut Hill School for the Arts, former member, clerk and chair of the Audit Committee, Board of Trustees
- Foothills Theatre, former member, Board of Directors
- Town of Ashland, former chair, Finance Committee

Awards & Recognitions

- Boys & Girls Club of MetroWest "2025 Ron Young Lifetime Achievement Award" (June 5, 2025)
- Named a Massachusetts "Super Lawyer" by *Boston* magazine and *Law & Politics* (2013 – present)
- Named a Girl Scouts of the Montachusett Council named her a "Woman of Distinction" (2003)
- Selected by the *Worcester Business Journal* as one of "40 under Forty" professionals honored for their community service (2001)
- Boys & Girls Clubs of MetroWest's Michael C. Sullivan Award (2017)

Articles & Speaking Engagements

- "Updates in Probate Law," Massachusetts Bar Association Probate Law Conference (November 17, 2023)
- "Blended Families: Attaining the Perfect Mix," National Academy of Elder Law Attorneys/ Massachusetts Chapter Meeting (September 21, 2023)
- "The Probate Process from Start to Finish: Probate Disputes and Litigation; Ethics," NBI Webinar (August 17, 2023)

- Quoted in "Ambiguity Found Between Trust Document, Code Provision," *Massachusetts Lawyers Weekly* (December 29, 2022)
- Quoted in "What Is Contesting a Will?," *The Balance* (July 13, 2022)
- "Traps for the Weary Trustee and the Unwary Attorney: Communications Between Trustees and Attorneys May Not Be Privileged," *Thomson Reuters Estate Planning Journal* (April 2022) (co-author)
- "The Probate Process From Start to Finish," NBI Massachusetts Webinar (April 12, 2022)
- "Mediating Probate, Trust and Fiduciary Disputes," WealthCounsel Webinar (February 24, 2022)
- "Updates in Probate Law," Massachusetts Bar Association Probate Law Conference (November 8, 2021)
- "ADR & Settlement," Newbie Litigator School – Part 1, Financial Poise Webinar (August 17, 2021)
- Quoted in "Widow Gets Appreciation on her Share of Estate," *Massachusetts Lawyers Weekly* (July 16, 2021)
- "Living In Terror(em) Of Probate Litigation: No-Contest Clauses," Massachusetts Bar Association *Section Review* (May/June 2021) (co-author)
- "Proving Testamentary Capacity at Trial," Boston Bar Association Webinar (April 14, 2021)
- "Learn about the Boys and Girls Clubs of MetroWest,"*On Air with Mirick O'Connell* legal podcast (March 2021)
- "The Evolving Role of Trust Protectors," *Bloomberg Tax,* November 2020 (co-author)
- "Remembering RBG: Her Life and Legacy," *On Air with Mirick O'Connell* legal podcast (November 2020)
- "Learn about Easterseals of MA and how they are supporting the community during the COVID-19 Pandemic," *On Air with Mirick O'Connell* legal podcast (August 5, 2020)
- "Recovering Attorney's Fees In Probate, Trust, and Fiduciary Litigation," *Bloomberg Tax: Tax Management Estates, Gifts and Trusts Journal* (May 2020)(co-author)

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- "Spendthrift Trusts: Some Recent Lessons in Asset Protection," Massachusetts Bar Association *Section Review* (January/February 2020)
- "Successor Fiduciary Liability: When the Follower Must be the Leader," *GGI FYI Trusts & Estate Planning Newsletter* (Autumn 2019)
- "Update in Probate Law and Practice," Massachusetts Bar Association Seventh Annual Probate Law Conference (November 2019)
- "Legal Ethics in Estate Administration," Estate Administration Boot Camp, National Business Institute (July 2019)
- "Estate and Trust Contracts, Disputes, Challenges," Estate Administration Boot Camp, National Business Institute (July 2019)
- "Legal Ethics in Trust Practice: Trustees' Fiduciary Duty and Issues For Their Lawyers," National Business Institute (May 2019)
- "Mediating Probate, Trust and Fiduciary Disputes," Massachusetts Bar Association (April 2019)
- "Hey, That Was Supposed to Be Mine! The Tort of Intentional Interference with Expected Inheritance," *Bloomberg Tax*, March 2019
- "Petitions for Partition," Massachusetts Bar Association Fifth Annual Probate Law Conference (November 2016, November 2017)
- "Grantor Trusts: Trustee Duties and Discretion," Clear Law Institute (November 2015, March 2016 and November 2017)
- "Equity Actions to Determine Ownership, Recover Assets," Massachusetts Bar Association Fourth Annual Probate Law Conference (November 2016)
- "Evolving Role of Trust Protectors: Questions, Issues and Even Some Answers," National Business Institute (May 2016)
- "Trying to Settle Probate Disputes: Mediators Share Their Insights and Strategies," *Massachusetts Lawyers Journal*, May/June 2016
- "Key Mistakes When a Revocable Trust Becomes Irrevocable," National Business Institute (February 2016)
- "Close the Book and Call the Clerk Already!," American Bar Association Student Lawyer (January 2016)
- "Potential Legal Issues for Caregivers," *MetroWest Daily News*, November 2015

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- "Feuds Between Spouses and Stepchildren," *MetroWest Daily News*, July 2015
- "Modifying/Terminating Irrevocable Trusts and Non-Judicial Settlement Agreements," Massachusetts Bar Association (June 2015)
- "Grantor Trusts: Trustee Duties and Discretion," National Business Institute (May 2015)
- "Until Death Do Us Part: Then What?" *Bloomberg BNA Family Law Reporter*, April 2015
- "Treasure, Trash and Nostalgic Trips," *MetroWest Daily News,* April 2015
- "Blood Feuds," *Private Wealth*, March 2015
- "Objecting to Wills," *MetroWest Daily News,* March 2015
- "Client Management in Trust and Estate Disputes," *Massachusetts Lawyers Journal*, February 2015
- "What to Know About Successor Fiduciaries," *MetroWest Daily News*, January 2015
- "Avoiding Pitfalls as a Fiduciary," *MetroWest Daily News*, December 2014
- "Disputes Involving the Castle," *MetroWest Daily News,* October 2014
- "Examining a Joint Account Holder's Rights," *MetroWest Daily News,* August 2014
- "Heirs and Heirlooms Can Create Hurdles in Estate Administration," *Estate Planning*, August 2014
- "Sibling Rivalry in Probate Disputes," *MetroWest Daily News*, July 2014
- "Petition for Instructions and Complaints for Declaratory Judgment in Probate Court: Tools to Determine Intent and Keep the Peace," *Massachusetts Lawyers Journal*, March 2014
- Quoted in "Court Tells Bernice King to Surrender Bible, Nobel [Peace Prize]," *Atlanta Journal-Constitution*, 2014
- "Petition for Instructions and Complaints for Declaratory Judgment: Equity Tools to Assist with the Interpretation and Administration of Estate Planning Documents," Massachusetts Bar Association Probate Law Conference (2013)
- "Client Management in Trust and Estate Disputes," American Law

Institute/Continuing Legal Education (2013)

- "Legal Fees: Getting Paid-Preferably by the Estate, Trust or the Other Guy," Representing Estate and Trust Beneficiaries and Fiduciaries, American Law Institute/American Bar Association (2012)
- "Rantings of a Partner… and Pushback from the Associate," American Bar Association, 2011 (contributing author)
- "Traditions and Transitions: Challenges in Family and Closely-Held Businesses," Mirick O'Connell Seminar Series (2011)
- "Attorney's Fees in Probate Administration and Litigation," Massachusetts Bar Association Continuing Legal Education (2011)
- "Joint Bank Accounts: The Problem or the Solution?" *Mirick O'Connell Trusts and Estates Newsletter,* 2010
- "<u>The Estate of Bartley J. King</u> and <u>In Re: Guardianship of Kenneth E. Simon</u>: Analyzing Attorney's Fees in Probate Litigation," *Section Review*, Massachusetts Bar Association, 2010
- "Successor Fiduciary Liability: When the Follower Must be the Leader," *Mirick O'Connell Trusts and Estates Newsletter,* 2010
- "Authentication of Emails: Beware of Improper Alterations," *Proof,* The Journal of the Trial Evidence Committee of the American Bar Association, 2010
- "When Accountant Communications Are – and Are Not – Confidential," *Mirick O'Connell Business Law e-Report,* 2009
- "Family Probate, Trust and Fiduciary Litigation," Mirick O'Connell Seminar Series (2009)
- "Trustees Take Note: In <u>*O'Connor v. Redstone*</u>, the SJC Explores a Successor Trustee's Obligation to seek Redress for a Predecessor's Misconduct," *Section Review,* Massachusetts Bar Association, 2009
- "Fiduciary Successor Liability," Worcester County Bar Day (2009)
- "Sibling Rivalry in Probate Matters," *Mirick O'Connell Trusts and Estates Newsletter*, 2008
- "Misappropriation of Trade Secrets and Trademark Claims," Worcester County Bar Day (2008)
- "What You Don't Know about Your Patents Will Hurt You," Mirick O'Connell Seminar Series (2007)

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- “Disputes Involving the Family Castle (or Cabin),” *Mirick O’Connell Trusts and Estates Newsletter*, 2007
- “Post Closing Issues in the Sale of a Business,” Worcester County Bar Day (2007)
- “Shareholder Rights in Closely-Held Companies,” Worcester County Bar Day (2006)
- “Director and Officer Liability and Risk Management,” Mirick O’Connell Seminar Series (2006)
- “Managing Risks in Private Companies,” Mirick O’Connell Seminar Series (2005)
- “Legal Ways to Get Out of a Contract,” Massachusetts Continuing Legal Education (2004, 2003 and 2002)
- “Environmental Issues in Residential Real Estate,” Worcester County Bar Day (2003)
- “Personnel Law Update,” Council on Education in Management (1999, 1998 and 1997)

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