



Ann Hetherwick Cahill

Partner

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Overview

Ann Hetherwick "Hether" represents beneficiaries and fiduciaries in fiduciary, probate and trust disputes. Her practice focuses on probate, trust, equity, guardianships, and conservatorship litigation. Hether also serves as trustee of private trusts and personal representative of estates. Hether advises clients at every stage of litigation, sometimes avoiding litigation entirely or resolving issues through mediation. As a former law clerk of the Massachusetts Appeals Court, she brings her strong writing skills and knowledge of the appellate process to contested matters, trials, and appeals. Above all, Hether appreciates that clients are often going through a difficult time of their lives and their legal and emotional needs are unique. Hether handles wide-ranging probate and trust disputes, including:

- trustee removal actions, defense and prosecution;
- will contests and trust invalidity actions involving undue influence, lack of capacity, and/or formation issues;
- trust modification, termination, reformation, cy pres, and/or interpretation actions;
- accounting actions;
- omitted spouse or child actions, including DNA and exhumation issues;
- equity actions involving real estate;
- complaints for instructions and/or declaratory judgment actions;
- divorce, including issues whether a trust is divisible as a marital asset;
- conservatorships, including expanded authority to perform estate planning; and
- guardianships and financial exploitation.

Education and Credentials

Education

Suffolk University Law School, J.D.

Skidmore College, B.A.

Admissions

Commonwealth of Massachusetts

U.S. Court of Appeals for the First Circuit

U.S. Court of Appeals for the Fourth Circuit

Practices & Industries

[Fiduciary and Probate Litigation](#)

[Matrimonial and Family Law](#)

[Private Client](#)

[Tax Exempt Organizations & Charitable Giving](#)

[Trust & Estates](#)

[Trust Services and Fiduciary Compliance](#)

Affiliations

Massachusetts Bar Association

Massachusetts Law Review, Editor-in-Chief, 2023–Present; Articles Editor, 2020–2023; Case Comment Editor, 2017-2020; Book Review Editor, 2015–2017; Associate Editor, 2014–2015

Boston Bar Association, Fiduciary Litigation Section, Co-Chair, 2018-2020

Boston Bar Association Steering Committee for the Beacon Award for Diversity and Inclusion, 2019

Boston Chamber of Commerce Women's Leadership Program, 2016-2017

Boston Probate and Estate Planning Forum

Boston Estate Planning Council

Trusts and Estates Consortium, Technology Co-Chair, 2016-2018

Recognition and Community

No aspect of this advertisement has been approved by the highest court of any state. Prior results do not guarantee a similar outcome. See Awards Methodology.

Recognitions

Selected to *The Best Lawyers in America* list of Ones to Watch (Woodward/White, Inc.) for Family Law, 2024-2025; Litigation – Trusts and Estates, 2024-2025

Selected to the list of Massachusetts Lawyers Weekly's "Top Women of Law," 2020

Selected to the list of Massachusetts Super Lawyers (Thomson Reuters), Estate and Trust Litigation, 2020-2024

Selected to the list of Massachusetts Super Lawyers Rising Stars (Thomson Reuters), Estate and Trust Litigation, 2009, 2011-2012, 2017-2018

Participated in the Boston Chamber of Commerce Women's Leadership Program, 2016-2017

Community Involvement

The Mount, Boston Committee

Certified Bar Association of Norfolk County Pro Bono Conciliator

Ran Boston Marathon with Team Brookline, 2019

Insights

5 Things You Should Know About Trustee Fees

July 29, 2024

Fiduciary Litigation in the Probate Court, Massachusetts Continuing Legal Education (MCLE)

Massachusetts Continuing Legal Education (MCLE), June 7, 2024

Day Pitney Boston Office Hosts Client Holiday Event at Wang Theatre

November 29, 2023

UPDATED: Massachusetts Legislature Passes Wide- Ranging Tax Bill Impacting Estate and Income Taxes

September 29, 2023

News

Day Pitney Names New Chairs of Fiduciary and Probate Litigation Practice Group

November 21, 2024

Day Pitney Adds Four Lateral Partners, Solidifying Firm as One of the Largest Private Client Teams in Boston

June 1, 2023

In The Media

On the Move - Florida | December 2024

Florida Bar News, December 23, 2024

"Updates in Probate Law" and "Capacity Issues and Burden Shifting," 12th Annual Probate Law Conference, Massachusetts Bar Association (MBA)

November 22, 2024

Day Pitney Names Mark Romance and Ann Hetherwick Cahill Chairs of Fiduciary and Probate Litigation Practice Group

November 21, 2024

"Masterfully Defusing Aggressive, Obstructionist and Hostile Opposing Counsel and Clients" MCLE Live Webcast

October 21, 2024

"Taking Deposition Interactive Workshop 2024," MCLE

Massachusetts Continuing Legal Education (MCLE), October 18, 2024

The Boston Marathon: Philanthropy, a Dare, and a Fellini

Super Lawyers Magazine , April 18, 2024

Cy Pres and Deviation

MCLE Fiduciary Litigation in the Probate Court; 3rd Edition, 2016; 4th Edition, 2019 & 5th Edition, 2021 , 2024

Pursuing & Defending Against Torts Associated with Estate Planning

February 5, 2024

Updates in the Law

November 17, 2023

New Associations

Massachusetts Lawyers Weekly, July 7, 2023

Day Pitney Adds 4 Ex-Burns & Levinson Attys in Boston

Law360, June 5, 2023

Trusts and Estates Course

October 4, 2023, March 6, 2023 & October 5, 2022

How do Tort Law and Jurisdiction Questions Affect Trust and Estate Litigation?

January 27, 2023

Representing Clients in Cases Involving Rogers/Medical Treatment

November 4, 2022

Depositions

October 2015-2017, 2019, & 2022

Pretrial Litigation Primer

October 2019 & November 2021

What We Can Learn from Britney Spears: When Guardianships and Conservatorships Go Wrong

September 2021

Conflicts of Interest in Estate Planning and Administration, and Best Practices to Avoid Them, from the Perspective of a Probate and Trust Litigator

June 2021

Why Trusts/Estates Lawyers need to Know Divorce Law Basics of Trusts, Inheritances, Gifts, and Other Interests

November 12, 2020

Pumphrey, Daughter, Named to Super Lawyers List

The Berkshire Eagle, November 2020

Victim's Son Can't Access Murderer's Spendthrift Trust

Massachusetts Lawyers Weekly, October 2020

Protecting the Interests of Incapacitated Persons: Issues and Considerations for Fiduciaries and Agents

June 2, 2020

From a Litigation Perspective, Conflicts of Interest Arising in Estate Planning and Trust and Estate Administration

February 5, 2020

Breaking Through the Glass Ceiling

January 21, 2020

Understanding and Utilizing the Fiduciary Litigation Session

October 15, 2019

Evidentiary Issues in Guardianship Cases

November 2018

Limits on Attorney's Fees

Massachusetts Bar Association Fifth Annual Probate Law Conference, November 2017

Using Guardianship of Minors as Leverage to Change Addiction Issues of Parents

Massachusetts Bar Association Fifth Annual Probate Law Conference, November 2017

Wills, Trusts, Probate and Estate Litigation," Newton Community Education Seminar

June and September 2016, and May and October 2017

Guardianship

MCLE Using Estate Planning to Leverage Treatment of Addiction and Mental Illness, April 2017

Estate Planning Strategies to Help Avoid Family Strife

March 2017

Equity Actions to Determine Ownership, Recover Assets

Massachusetts Bar Association Fourth Annual Probate Law Conference, November 2016

It's STILL Not Too Late to Act!

Massachusetts Divorce Law Monitor, June 2016

It's Not Too Late to Act!

Massachusetts Divorce Law Monitor, June 2016

Guardianship, Conservatorship and Special Needs Planning

May 2016

Civil Law – When to Appeal from a final Decision: After a Decision on the Merits, or After a Subsequent Decision Concerning Attorney's Fees? Roy Haluch Gravel Co. v. Central Pension Fund, U.D., 134 S. Ct. 773 (2014)

Massachusetts Law Review Volume 96, No. 4, August 2015