

## Joseph D. Kropp

PARTNER

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Joe Kropp is a probate litigation attorney. Joe's probate practice includes will contests, trust and estates disputes, and other probate related disputes. His clients include individuals and families, trustees and other fiduciaries, beneficiaries and heirs. Joe also has prior experience advising and representing individual and corporate clients in a wide range of civil litigation, in the areas of business, contract, employment, partnership and real estate.

Joe is also a certified mediator and focuses on disputes relating to wills, trusts and estates. His substantive experience with will and trust matters allows him to assist parties in resolving their disputes in these cases.

Over the course of his career, Joe has successfully tried numerous cases in the courts of Massachusetts. He has won appeals in both the Massachusetts Appeals Court and the Supreme Judicial Court. Additionally, he has settled many cases using alternate dispute resolution, including mediation and arbitration.

Joe handles probate matters across multiple counties in Massachusetts including Barnstable, Bristol, Essex, Middlesex, Norfolk, Plymouth, Suffolk and Worcester counties. Clients appreciate Joe's direct approach to problem solving. His practical, personalized style helps clients feel at ease when navigating complex, and often emotional matters.

### REPRESENTATIVE EXPERIENCE

- Represented out-of-state beneficiaries of a trust and of a will in a dispute with their sister, who was beneficiary, trustee and executrix. Successfully forced dissolution of the trust and distribution of all trust proceeds. Successfully removed sister as executrix, secured court order that mother's joint bank accounts did not pass to the sister, although the accounts specifically listed sister as surviving owner on death, and secured further order that sister pay attorneys' fees.
- Successor counsel for beneficiary who sued her two brothers for a one-third share of trust property. Her brothers refused to offer her any settlement. Added new claims then negotiated a settlement providing the sister a one-third interest in all trust property.
- Successfully represented daughter in a challenge to her father's will, which entirely omitted her and also named a stepbrother as the personal representative. Secured disallowance of the will without a trial, which entitled her to an equal share of the estate, and then secured her appointment as sole personal representative of the estate.



**JOSEPH D. KROPP**

Partner

### Related Practices

- Fiduciary Representation and Probate Litigation
- Guardianships & Conservatorships

### Admissions

- Massachusetts, 1977
- US District Court, Massachusetts, 1978
- US First Circuit of Appeals, 2014

### Education

- University of Rochester, B.A., 1974
- Suffolk University Law School, J.D., 1977
- Law Clerk, New Hampshire Superior Court, including Justice Souter, 1978-1979
- Assistant District Attorney, Middlesex County, 1979-1981
- Teaching Assistant for Honorable David S. Nelson, U.S. District Court, for trial practice courses at Boston University School of Law and Harvard Law School, 1980-1985 (part-time)

## REPRESENTATIVE EXPERIENCE

- Represented trustee of a trust created by a individual with Alzheimer's, and defeated after the trial challenges by relatives claiming the trust grantor was incompetent and the trust invalid.
- Represented a beneficiary and successfully sought and secured resignation of co-trustees within 60 days of filing a removal petition.
- Represented trustee after deceased co-trustee's misappropriation of trust funds. Filed suit against co-trustee's estate and widow, restrained co-trustee's widow from transferring assets and successfully reached a settlement under which the co-trustee's widow sold her home in order to return funds taken by her deceased husband.
- Successor counsel for trust beneficiary, to defend three lawsuits filed by another beneficiary's heirs who claimed a 50% interest in the trust assets. After prior denials of motions to dismiss, successfully convinced the same court to first rehear motions and then to grant judgment in favor of beneficiary on all three cases.
- Successfully enforced in probate court and in the Massachusetts Appeals Court unclear trust language which allowed surviving trust grantor to amend trust to change the trust beneficiaries to favor her own heirs.
- Represented trustee in suit against the estate to recover over \$300,000 in estate taxes paid by a trust. Successfully secured a judgment, despite estate's defenses, within two months of filing the lawsuit, which resulted in an order that the estate pay the trust back all estate taxes plus 12% interest.
- Successfully defended a company in a multi-million dollar professional malpractice claim and received court award of \$200,000 for attorneys' fees and defense costs.
- Represented out-of-state corporate defendant and secured an immediate dismissal of the plaintiff's lawsuit. After the plaintiff appealed to the Massachusetts Appeals Court and reversed the dismissal, successfully convinced the Supreme Judicial Court to hear a further appeal and then secured a unanimous decision of the Supreme Judicial Court reversing the Appeals Court and dismissing the entire case.
- Represented corporation and its officers, successfully moved for dismissal of all claims, then received an award of attorneys' fees.

## Professional & Community Involvement

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- American Bar Association, Trust & Estate Litigation Committee, Co-Chair and Content Editor
- American College of Trust and Estate Counsel (ACTEC), Fellow
- Board of Bar Overseers (BBO), Former Hearing Committee Member
- Boston Probate and Estate Planning Forum, Member
- Massachusetts Bar Association, Member
- Massachusetts Fiduciary Inn of Court, Member

## Awards & Recognition

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- Martindale-Hubbell AV® Rated Preeminent  
A certification mark indicating that the lawyer's peers rank him at the highest level of professional excellence.
- Massachusetts Super Lawyers  
In the areas of probate and/or civil litigation, repeatedly selected since 2005, a designation given to only the top 5% of lawyers in the state, as determined by their peers.