

PARTNER

Maria L. Rockwell Remillard

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OVERVIEW

Maria Rockwell Remillard is a highly regarded trial and appellate lawyer focusing on probate and domestic relations cases as well as all aspects of civil appeals of Massachusetts. Her clients – often well-to-do executives residing in central Massachusetts or MetroWest – are typically facing hotly-contested divorce litigation involving complicated family structures, pre-nuptial agreements and significant, complicated foreign and domestic assets, including stock options, trusts and performance shares relating to compensation. “In my probate practice,” according to Maria, “my cases involve rights of surviving spouses, as well as contested wills, trusts, guardianships and conservatorships.”

Clients rely on Maria – a strong writer, experienced in how the judiciary works – from the initial interview through settlement negotiations, trial, post-judgment motions, appeals and collection of judgments. They turn to her not only to protect their interests from custody to proper distribution of an estate post-separation, but also to guide them through challenging life changes. “I know how to apply the facts to the law in a well-prepared, methodical manner,” she notes. “I focus on the subject matter, in a down-to-earth, plain-spoken way.”

Several of Maria’s cases have resulted in published decisions in the Massachusetts Appeals Court and Supreme Judicial Court. The Probate and Family Court has appointed Maria to represent incompetent litigants and individuals in need of protection and serve as Guardian ad Litem to investigate and report to the court involving matters relating to wills, trusts, probate accounts and child-related issues in custody disputes.

In 2019, *Massachusetts Lawyers Weekly* recognized Maria as a “Top Women of Law” honoree.

Before Bowditch

Prior to joining the firm, Maria was a Law Clerk to the Justices of the Massachusetts Probate and Family Court for several years. She worked directly with the Justices on a wide variety of probate, family and equity issues in Worcester, Norfolk, Plymouth, Middlesex, Barnstable and Bristol counties.

Besides work

Until she sold it, you could find Maria on her motorcycle in her spare time. Now, she likes to hike and compete in obstacle course races, such as the Spartan Races and Civilian Military Combine. “Hiking the Appalachian Trail is on my bucket list.”

EXPERIENCE

Protecting an executive's property and income in a contested Massachusetts divorce

Maria represented a business executive with a large multinational corporation and a resident of Massachusetts. "His compensation was complicated, with a base, bonuses, equity compensation and other compensation based on performance," according to Maria. "His soon-to-be-ex saw an opportunity." Maria focused on treatment of her client's invested compensation. "We negotiated it as a stream of income instead of property subject to an equitable division. That meant that it got treated as a substantially-reduced alimony award with a substantial tax advantage to the client."

OTHER EXPERIENCE

- Participated in a multi-million dollar international probate litigation matter relating to whether the law of France or Massachusetts should be applied to a decedent's estate.
- In a case of breach of fiduciary duty, Maria sued an estate's Personal Representative for undue influence and breach of fiduciary duty. "My clients were beneficiaries identified in the will and estate plan. The lawsuit resulted in the return of about \$1 million to the estate."
- Obtained favorable judgment against a fiduciary after a four-day trial based on claims of undue influence and breach of fiduciary duty, resulting in the return of \$1 million to the Probate Estate. Successfully defended the judgment and Motion to Stay in the Appeals Court, resulting in final resolution of the case.
- Investigated and uncovered false disclosure of income and assets of the opposing party, resulting in a substantially increased alimony and property division award to client after trial.
- Defended a Complaint for Contempt after a two-day evidentiary hearing, resulting in a finding of non-contempt and denial of the plaintiff's request for counsel fees.
- Commenced litigation on behalf of a former spouse who paid alimony in excess of the durational limits where the judgment entered prior to the passage of the Alimony Reform Act, resulting in the termination of the obligor's lifetime alimony obligation.
- Appealed an order for a forced examination that violated client's constitutional rights to the Single Justice of the Appeals Court.

AFFILIATIONS

Maria currently serves on the Committee for Public Counsel Services' Children and the Law Program appellate panel. She has participated in numerous continuing legal education programs and also served as a panelist on seminars relating to paternity, guardianships and trusts.

- Board of Directors and Executive Committee, Friendly House
- Probate Court Committee and Bench-Bar Committee, Worcester Bar Association
- MetroWest Women's Bar Committee
- Worcester Women's Bar Association
- Women's Success Network Community Support Committee, Blackstone Valley Chamber of Commerce

ARTICLES & TALKS

ARTICLES

- "10 Things I know about ... Prenuptial agreements," *Worcester Business Journal*, April 4, 2022

- “How Prenup Agreements Can Avoid Nasty Surprises For Couples,” *Financial Advisor*, December 17, 2021
- “What’s fair in love and war: divorce in a volatile market,” *Massachusetts Lawyers Weekly*, October 7, 2020
- “Keeping your business viable in the event of a divorce,” *Worcester Business Journal*, September 8, 2020
- “Inequities, unintended consequences of spousal elective share,” *Massachusetts Lawyers Weekly*, March 4, 2019

TALKS

- “Trust Me: Don’t Break the Trust,” Massachusetts Bar Association, February 10, 2022
- “Fiduciary Litigation Session: Will Contests Resolved by Motions to Strike or Motions for Summary Judgment,” Massachusetts Bar Association Sixth Annual Probate Law Conference, Norwood, MA, November 9, 2018

BAR ADMISSIONS

- Massachusetts
- Supreme Court of the United States

EDUCATION

- J.D., *cum laude*, Suffolk University Law School
- B.A., History, *summa cum laude*, Providence College