

PARTNER

# Lynette Paczkowski

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## OVERVIEW

Lynette Paczkowski is a pragmatic and trusted advisor with extensive experience advocating for her clients at trial and appellate courts across Massachusetts. Clients rely on her to protect their interests during stressful, challenging times. Lynette's empathy for her clients' situations allows her to understand their priorities and concerns and develop a strategy around those goals. She routinely guides and helps individuals navigate prenuptial agreements, divorces, child custody issues, and other domestic relations disputes. With an extensive and varied litigation background, she also counsels and advises clients and appears in Probate & Family Court to represent them in trust disputes, estate administration claims, and related matters. Given her foundation and background in business litigation, construction litigation, and defense of tort-related claims, she is uniquely suited to also represent her clients in Superior Court and Land Court navigating related breach of fiduciary duty claims and property disputes.

"Clients appreciate my ability to adapt," Lynette notes, "and to adopt approaches that balance their desired outcomes with other case- or situation-specific considerations." Additionally, with experience on both sides of the docket, she better understands how the other side thinks and is particularly adept at using that knowledge to assess the strengths and weaknesses of both parties' positions.

While Lynette frequently finds herself writing Separation Agreements, Stipulations for Judgments and Settlement Agreements, she is not afraid to take a case to trial and has significant experience utilizing fact and expert witnesses to support her clients' positions.

As part of her work at Bowditch, Lynette is co-editor of the firm's [All in the Family](#) blog.

## Besides work

Lynette flexes her creative muscles in creative writing classes and is an avid concert- and theater-goer. She also enjoys cheering on the WooSox at Polar Park and playing a round of golf.

## EXPERIENCE

### Remedying wrongs committed by family members

An elderly mother thought that in exchange for her son and daughter-in-law moving in with her rent-free, they were going to pay off her mortgage; she did not think that she was going to sign over ownership of the home to them or that they were going to take steps thereafter to evict her from the home. After a four-day jury trial, the jury found that the son and daughter-

in-law had breached fiduciary duties to our client and were also unjustly enriched by the transaction and events. The jury awarded damages in excess of \$500,000.

## Modifying custody and parenting time

Not long after judgment entered on a Complaint for Custody, Support, & Parenting Time, the Department of Children & Families (DCF) supported a finding of neglect against the father. Lynette represented the mother at trial on the subsequent Complaint for Modification. After a Court-ordered Guardian ad Litem investigation and two-day trial, the Court modified the prior judgment of shared physical custody and equal parenting time, giving our client physical custody and reducing the father's parenting time. "While equal parenting time can work, it has to be what's in the best interests of the children. If that arrangement is not serving the children's best interests, we have to advocate for what will."

## Vacating findings of abuse by DCF

When the Massachusetts Department of Children & Families (DCF) was called on a client, the timing was suspect: efforts to amicably reach a separation agreement had just fallen apart, and the spouse had filed for divorce. Nevertheless, DCF opened an investigation and issued a finding of abuse relating to an incident that had allegedly occurred some eight years prior. Lynette represented the client at the Fair Hearing, following which DCF reversed its decision. "DCF workers are good people trying to do the right thing, but sometimes the evidence and the facts don't support their findings." Lynette was a zealous advocate for the client, pointing out where the findings did not conform with the Department's regulations and policies.

## OTHER EXPERIENCE

### Family law

- Counsels and advises clients regarding whether inherited assets should be treated as marital property or separate property
- Works with small business owners to address issues regarding valuation of the business and appropriate amount to be counted as income for purposes of calculating alimony and/or child support
- Tried issues regarding where minor children should attend school after divorcing spouse relocated to a different school district and sought to transfer the children to a school in that district
- Defended contempt actions brought by former spouse arising out of client's obligation to remove him from the mortgage on the former marital home
- Successfully resolved competing complaints for modification involving removal of minor child to another state and resulting effects on child support, parenting time, and related issues

### Probate litigation

- Represents clients in will contests pertaining to the validity of a will or questions of capacity of the testator
- Represented client on Petition to Terminate Trust given that the trust was no longer financially viable and was no longer serving the material purpose for which it was created
- Represents trustees of trusts and personal representatives of estates in matters involving claims of breach of fiduciary duty and/or for their removal as such
- Represented Court-appointed counsel for a trust in a Petition for Appointment of Successor Trustee where trust required two trustees and beneficiaries could not agree on a successor trustee

### Other matters

- Represented client in Petition to Partition against his former partner with whom he co-owned a home, seeking to either have the property sold or have her buy him out of his interest in the property

- Pursues payment and enforcement of mechanic's liens on behalf of designers, contractors and subcontractors
- Reviews contracts and provides contractors with risk assessments and advice regarding contract provisions, including termination and indemnity clauses
- Drafts and revises contracts for contractors and owners
- Advises property owners with respect to payment claims and seeking damages for incomplete and defective work
- Represented billboard owners in successful appeal of building inspector's order to lower the height of the sign, briefing and arguing the case (regarding the applicability and interpretation of the town's zoning by-laws) through to the Appeals Court
- Represented lake residents pursuing prescriptive easements in response to property owner's declaratory judgment/title/trespass action concerning a right-of-way utilized by the residents for walking, running and bicycling around the lake
- Represented utility company in enforcing easement rights against property owners blocking access
- Helps clients, including social service agencies and other non-profits, respond to deposition and trial subpoenas

## AFFILIATIONS

- Big Brothers Big Sisters of Central Mass & MetroWest
  - Chair, Board of Directors (2023-present)
  - Board Member (2019-present)
- Community Legal Aid
  - Board Member (2022-present)
  - Access to Justice Campaign Leadership Committee (2012-present; Chair of 2022-2023 and 2023-2024 Campaigns)
- Member, Ambassador Circle (2021-present), The Hanover Theatre for the Performing Arts
- Commissioner (2023-present), Massachusetts Judicial Nominating Commission
- National Conference of Bar Presidents
  - Executive Council (2023-present)
  - Fellow (2019-present)
- President (2022-present), Notre Dame Club of Worcester County
- Worcester County Bar Association
  - Co-Chair, Ad Hoc Community Engagement Committee (2023-present)
  - Member (2005-present)
- Member (2020-present), Massachusetts Bar Association

## PREVIOUS

- Vice-Chair, Board of Directors (2021-2023), Big Brothers Big Sisters of Central Mass & MetroWest
- Region 10 Delegate, House of Delegates (2020-2022), Massachusetts Bar Association

- Fellow (2018-2023), Construction Lawyers Society of America
- Member, Building Women in Construction Committee (2016-2018), Associated General Contractors
- Member, Development Committee (2015-2016), The Hanover Theatre for the Performing Arts
- Communications Director (2015-2022), Notre Dame Club of Worcester County
- Worcester County Bar Association
  - President (2018-2019)
  - Member, Executive Committee (2013-2020)
  - Co-Chair, Young Lawyers Section (2010-2013)
- Young Professional Women's Association
  - Founding Member (2011)
  - President (2013-2014)
  - Vice President (2012-2013)
  - Board Member (2011-2014)

## HONORS

- "Top Women of Law," *Massachusetts Lawyers Weekly* (2023)
- Massachusetts *Super Lawyers* list for Family Law (2021-2024)
- Massachusetts *Super Lawyers* Rising Stars list (2013-2020)
- "40 Under 40" award, *Worcester Business Journal* (2012)

## ARTICLES & TALKS

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- "When Divorced Parents Feud About Vaccinating Children," *Financial Advisor Magazine*, 2021
- "To vaccinate or not to vaccinate: What happens when parents can't agree to vaccinate their child?," *Worcester Business Journal*, 2021
- "What Happens When Couples Can't Agree on Vaccinating Their Child?," *Rethinking65*, 2021
- Chapters in MCLE's *Massachusetts Deposition Practice Manual*, fourth edition
- "Support Responsibilities in an Age of Campus Suicide," *New England Journal of Higher Education*, 2018
- "Contractors Violate Building Code While Adhering to Client Requests," *Banker & Tradesman*, 2016

### TALKS

- "Ask NCBP," National Conference of Bar Presidents, 2024
- "Demystifying the Judicial Application Process," Worcester County Bar Association's First Monday Educational Series, 2023

## MEDIA MENTIONS

- “Big Brothers Big Sisters of Central Mass & Metrowest” (*Worcester Business Journal Giving Guide 2024*)

## BAR ADMISSIONS

- Massachusetts
- New York
- The United States District Court for the District of Massachusetts
- The United States District Court for the Southern District of New York
- The United States District Court for the Eastern District of New York
- The United States Court of Appeals for the First Circuit

## EDUCATION

- J.D., Boston College Law School
- B.A., *magna cum laude*, University of Notre Dame