

William T. Hennessey

Shareholder

West Palm Beach
whennessey@gunster.com
(561) 650-0663



Practice & Industry Areas

- Private Wealth Services
- Probate, Trust & Guardianship Litigation
- Dispute Resolution

Education

- University of Florida, J.D., highest honors, 1996
 - Senior editor, *Florida Law Review*
- Teaching assistant, legal research and writing
- University of Florida, B.S., highest honors, 1993

Bar & Court Admissions

- Florida, 1997
 - RPPTL Section, past Chair
 - Past Probate and Trust Division, Director, RPPTL Section
 - Probate and Trust Litigation Committee, past Chair
 - Ad Hoc Estate Planning Conflicts of Interest Committee, Chair
 - Legislative Committee Chair, RPPTL Section, 2012-15
 - CLE Committee Chair, RPPTL Section, 2015-16
 - Secretary, RPPTL Section, 2016-17
 - Executive Council, RPPTL Section, 2004-present
 - Probate Rules Committee
 - Probate Law and Procedure Committee, RPPTL Section
 - Trust Law Committee, RPPTL Section
 - Ad Hoc Jurisdiction and Venue Committee, RPPTL Section

Overview

Bill Hennessey leads Gunster's Trust & Estates practice. He concentrates his practice in:

- Will and trust contests and defense of fiduciaries and beneficiaries
- Complex and disputed estate and trust administration and accounting litigation
- Breach of fiduciary duty claims
- Surcharge and removal litigation
- Estate, gift and generation skipping tax planning
- Business succession planning
- Will and trust construction and reformation
- Trust modification, revocation and termination
- Competency proceedings
- Ethics and professional liability defense in trust and estate related disputes

Bill regularly handles complex, high-stakes matters for wealthy families and fiduciaries, and finds creative, efficient solutions to trusts and estates disputes. He is the past chair of the Real Property Probate and Trust Law (RPPTL) Section of the Florida Bar where he served as leader of the Section's 11,000+ members. Bill is the past chair of the Probate and Trust Litigation and Legislative Committees of RPPTL. He is chair of RPPTL's Ad Hoc Estate Planning Conflicts of Interest Committee. Bill is a Fellow of the American College of Trust and Estate Counsel (ACTEC), and serves on its Fiduciary Litigation and Professional Responsibility Committees where he currently serves as vice chair. Bill has been recognized as a Trusts & Estates Lawyer of the Year and Trusts & Estates Litigation Lawyer of the Year on multiple occasions by Best Lawyers in America, as a Leader in the Field by Chambers & Partners, and as a Super Lawyer since 2008. He is a frequent author and lecturer on probate and trust litigation, ethics, and professional liability topics.

Honors

- Fellow of the American College of Trust and Estate Counsel (ACTEC)
 - Fiduciary Litigation Committee
 - Professional Responsibility Committee, Vice Chair
- *The Best Lawyers in America*®
 - Trusts & Estates, Litigation, 2011-24
 - Trusts & Estates, 2010-24
 - Business Edition: The Litigation Issue, 2021

- Trusts & Estates “Lawyer of the Year” in West Palm Beach, 2013, 2016, 2018
- Chambers High Net Worth Guide
 - Private Wealth Disputes: Florida, 2022-23
 - Private Wealth Law: Florida, 2016-21
- AV Rated as independently determined by Martindale-Hubbell
- Florida *Super Lawyers*, 2008-09, 2012-23
- *Palm Beach Illustrated*, “Top Lawyers,” Trusts and Estates, 2018, 2020-21
- *Jupiter Magazine*, “Top Lawyers,” Trusts and Estates, 2021
- *South Florida Legal Guide*, *Top Lawyer Florida Trend*, Legal Elite, 2011, 2013

Publications & Presentations

- “Ignorance Isn’t Always Bliss...Conflict of Interest Considerations for Trust and Estate Lawyers” RPPTL 2023 and ACTEC 2022
- “Attorney Liability Considerations for an Estate Planner Serving on Charitable Boards” ACTEC Professional Responsibility, 2022
- “The Living Dead: Digging Into the Estate Planner’s Duty When the Client Dies” FLEA Probate Team, 2022
- “So Gramps Has a New Friend? Ethically Navigating Declining Capacity and the Challenge of Aging Clients” Naples Estate Planning Council 2023, FLEA Probate Team, 2021
- “Get it in Writing: Letters Every Lawyer Should Have When Accepting or Recommending Fiduciary Appointments,” RPPTL Legislative Update, August 2020
- “Who Am I to Say? A Lawyer’s Duty to Assess Capacity in Estate Planning,” ACTEC, June 2020
- “On the Hot Seat – Estate Planning Attorney as Fact Witness Ethics and Practice in Probate,” Florida Legal Education Association, October 2019
- “Electronic Wills . . . the future of estate planning?,” RPPTL, 2018
- “It Better Be in Writing: the Florida Supreme Court Now requires Lawyers to Make Written Disclosures for Fiduciary Appointments”, RPPTL, 2018
- “How Much and When? The Legal & Practical Considerations of the Exercise of Discretion”, Heckerling, 2018
- “A Tempting But Dangerous Marketing Strategy – Wills on Wheels – Don’t Be Caught By an Unauthorized Practice of Law Claim”, ACTEC, 2017
- “I See Dead People” – Ethics and Malpractice Considerations for a Drafting Lawyer”, FFI ACTEC, 2017
- “Who Controls What? Trusts in Guardianship Proceedings”, ACTEC Fellow, 2017
- “Look Before You Leap! Planning at the Cliff of the Client’s Capacity”, Ave Maria School of Law Estate Planning Conference, 2016
- “I See Dead People! Attorney Liability and Conflict of Interest Considerations in Estate Planning...From a Litigator’s Perspective”, St. Petersburg/Clearwater Bar Association, 2016

- “Ten Pounds of Duty in a Five-Pound Bag! Attorney Liability and Conflicts of Interest Considerations in Estate Planning”, Pilot Legis Annual Risk Management Conference, 2015
- “What’s Hot in Florida”, An Update From a Litigator’s Perspective, Heckerling Institute, 2015
- “A Primer on Multijurisdictional Practice” or “How to Cross the Border Without Getting Caught”, ACTEC 2015
- “Got Civility”, Lawyer Professionalism, RPPTL Estate and Trust Law Symposium, 2015, and Florida Legal Education Association, 2014
- “Make Love Not War – Guardianship Fraud Prevention,” RPPTL 2014 Legislative and Case Law Update, 2014
- “The Unofficial 2014 Legislative Wrap Up – A Report from the Firing Line,” Collier County Bar Association, 2014
- “Danger, Will Robinson: Ethical and Conflict of Interest Considerations in Estate Planning,” Naples Estate Planning Council, 2014
- “Risky Business: Ethical Considerations for Drafting Attorneys (Part Deux),” Florida Legal Education Association, 2013
- “Thanks, But No Thanks: The Ethics of Client Gifts,” RPPTL 2013 Legislative and Case Law Update, 2013
- “The South Indian Monkey Trap: The Ethics of Client Gifts,” Attorney Trust Office Liaison Conference, 2013
- “Facing Reality: Practical Tips and Tools for the Preservation of Electronically Stored Information (ESI) for the Fiduciary Litigator,” American College of Trusts and Estate Council, 2013
- “Attorney and Fiduciary Liability: Ten Pounds of Duty in a Five Pound Bag,” Florida Bar, 2013
- “2012 Legislative Update: Tales from the Sausage Works,” Palm Beach County Bar Association, 2012
- “You Want to Give Me What? Ethical Considerations for Drafting Attorneys,” Florida Bar, 2012
- “2011 Legislative Update: The Future Ain’t What is Used to Be!” Palm Beach County Bar Association, 2011
- “The First Line of Defense?! Know Your Client, Probate Team,” Florida Legal Education Association, 2011
- ”Strings Attached: Enforcing Your Donor Intent,” 2011
- “Fiduciary Litigation in an Era of Rapidly Changing Technology: Will You Be the Last Samurai?” ACTEC, 2010
- “It Was Right Here – a Little While Ago ... and I’m Sure It Said... Lost , Destroyed and Altered Wills,” Probate Team, Florida Legal Education Association, 2010
- “Avoiding the Grinch: Drafting, Enforcing and Challenging Charitable Pledges,” Planned Giving Council/East Coast Estate Planning Council, 2009

- “On the Hook, Ineffective Delegation of Fiduciary Functions,” Florida Bankers Association, 2009
- “Out With the Old, In For the New: Succession of Fiduciaries,” Florida Legal Education Association, 2009
- “Chinks in the Armor – How Much Protection Do Exculpatory Clauses and Waivers of the Provident Investor Rule Really Provide,” Florida Bankers Association, 2009
- “Till Death Do Us Part: Challenging the Validity of Marriage in Probate Proceedings,” Your 2007 Trust & Estate Symposium (Florida Bar), Florida Fellows Meeting, ACTEC, 2008
- “Conflicts Quagmire I: Payment of Trustee Attorneys’ Fees When Defending Breach of Duty Claims,” 2008 Legislative and Case Law Update of the Florida Bar
- “Tangled Web – Attorney-Client and Fiduciary Conflicts,” Probate Team, Florida Legal Education Association, 2008
- “Your 2008 Trust and Estate Symposium – Litigation Under the New Trust Code,” program chair, Florida Bar
- “Conflicts Quagmire II: Recognizing and Addressing Conflicts for Your Fiduciary Clients,” Your 2006 Trust & Estate Symposium of the Florida Bar
- “Uncivil War: Navigating the Minefields of Probate and Trust Litigation,” Wills, Trusts and Estates Certification Review course of the Florida Bar
- “What’s Good for the Goose... Elective Share and Other Spousal Rights,” Wills, Trusts and Estates Certification Review course of the Florida Bar
- “Probate and Trust Litigation: When the ‘Ties That Bind’ Unwind,” Wills, Trusts and Estates Certification Review course of the Florida Bar
- “Be Careful What You Wish For – Gifts to Drafting Attorneys,” *ActionLine Vol. XXXIV*, Fall 2012
- “Intestate Succession,” *Litigation Under Florida Probate Code*, (3rd – 13th ed.)
- “Will Construction,” *Litigation Under Florida Probate Code*, (3rd – 13th ed.)
- “Elective Share,” *Practice Under Florida Probate Code*, (3rd – 11th ed.)
- “Establishing the Guardianship,” *Florida Guardianship Practice* (8th ed.)

Civic & Community Service

- Community Foundation of Palm Beach and Martin Counties, Executive Committee of Professional Advisors