



DIANE C. TILLOTSON, ESQ.

Mediator | Case Evaluator



Diane Tillotson currently serves Of Counsel at Hemenway & Barnes, LLP, having retired as a partner in 2018 after almost 40 years with the firm. Prior to joining Hemenway & Barnes, she clerked for the Justices of the Superior Court and was Chief Law Clerk to the Justices in 1979-1980. Diane's vast experience in every aspect of real estate permitting and litigation, as detailed below, gives her an unparalleled depth of subject-matter knowledge that will provide insight in helping parties achieve resolution in mediating real estate disputes.

Diane's practice covers a broad range of land use litigation and permitting matters, including zoning and environmental litigation, boundary and easement disputes, contested land court registration cases, land damage cases and tax abatement and exemption issues. She has represented clients before the SJC, Appeals Court, Land Court, Superior Court, Federal District Court, Appellate Tax Board, state district courts, the Boston Housing Court, and the Boston Municipal Court. She has also appeared before local planning boards, zoning boards of appeal, and conservation commissions. Diane advises property owners and educational, religious and other institutions in obtaining permits from municipal and state agencies, and has served as special counsel to several Massachusetts cities and towns.

Diane's representative matters include: Obtained summary judgment for a non-profit 40B developer on the grounds that plaintiffs lacked standing to sue and successfully defended the case in the Massachusetts Appeals Court; Represented the owner of a beachfront lot in successfully defending adverse possession and implied easement claims and established ownership to the low tide mark and defended the judgment in the Massachusetts Appeals Court; Successfully challenged a Town of Hadley rate of development zoning bylaw and defended the decision in the Massachusetts Supreme Judicial Court; Defended the Massachusetts Water Resources Authority in two eminent domain cases involving multiple week jury trials; Represented the Episcopal Diocese of Massachusetts in a case interpreting the First Amendment and establishing clear limits for court involvement in disputes involving hierarchical churches; Successfully navigated a Newton synagogue through the permitting process involving application of the Dover Amendment and RLUIPA protections; and, Represents members of the aggregate industry before local authorities in connection with permitting and zoning issues inherent in sand and gravel operations.

Diane is a frequent presenter for MCLE, REBA, Boston and Massachusetts Bar Associations, and Massachusetts City Solicitors & Town Counsel Association. From 2002-2018, she was a guest lecturer *on Legal Issues in Land Use Planning* at MIT's Department of Urban Studies and Planning. In 2008, she was a panelist for a program on Oral Advocacy in the Massachusetts Supreme Judicial Court and Massachusetts Appeals Court, Social Law Library. In 2008 and 2009, she served as Chair of the MCLE program on Litigating Real Estate Disputes. From 2002-2006, she served on the Land Court Committee to revise Guidelines for Surveyors/Engineers. Diane has also authored numerous articles on land use, zoning and other aspects of real estate law, including "Landowner Challenges of Zoning Ordinances and By-Laws," published in MCLE's *Massachusetts Zoning Manual* (1983, updated 1989, 1992, 1995, 1999, 2002, 2006). A former president of REBA and the Abstract Club, Diane received a J.D. from Suffolk University Law School and B.A. from Emmanuel College.