

The Benefits of Choosing an Experienced Attorney to Serve as Guardian, Conservator, Power of Attorney, Health Care Proxy, Trustee, or Personal Representative of an Estate

Services

Estate Planning

- Health Care Proxy
- Power of Attorney
- Trust Administration

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When critical decisions need to be made for a loved one or an estate, appointing the right [fiduciary](#) is essential. A fiduciary is responsible for acting in the best interests of another party, managing assets, making decisions, and ensuring compliance with legal obligations. At Cohen Cleary, P.C., our attorneys serve as professional fiduciaries, offering impartial advice in roles such as guardian, conservator, Power of Attorney, Health Care Proxy, trustee, and Personal Representative of Estates.

Choosing an experienced attorney to serve in these roles can provide peace of mind, ensuring that decisions are made with professionalism, neutrality, and a deep understanding of the law.

What Is a Fiduciary?

A fiduciary is an individual or entity entrusted with managing someone else's affairs, finances, or assets. Fiduciaries are held to a high standard of care—their fiduciary duties—and must act solely in the best interests of the person or estate they are managing.

What are the Common Fiduciary Roles

- **Guardian:** Responsible for making personal care decisions for an incapacitated individual.
- **Conservator:** Manages the financial affairs and assets of someone unable to do so.
- **Power of Attorney:** Authorized to handle financial matters on behalf of another person.
- **Health Care Proxy:** Makes medical decisions when an individual is unable to communicate their wishes.
- **Trustee:** Manages and distributes assets in a trust according to its terms.
- **Personal Representative of an Estate:** Oversees the administration of a deceased person's estate, including distributing assets and resolving debts.

What are The Advantages of Having an Attorney as a Legal Fiduciary?

1. Neutrality and Impartiality

Family dynamics can complicate fiduciary roles, especially in emotionally charged situations like managing an estate or making medical decisions. An experienced attorney serves as a neutral

third party, ensuring decisions are made without bias or favoritism, reducing the potential for conflict.

2. Professional Experience

Attorneys have a comprehensive understanding of fiduciary duties and legal requirements. They are equipped to handle complex matters, such as:

- Managing financial accounts, investments, and real estate.
- Interpreting legal documents such as trust documents, wills, financial documents, and medical documents.
- Navigating probate and tax laws.
- Assistance in making personal and medical decisions.

This experience helps prevent costly mistakes and ensures compliance with all legal obligations.

3. Protection of Rights

An attorney serving as a fiduciary is committed to protecting the rights and best interests of all parties involved, whether it's an incapacitated individual, trust beneficiaries, or estate heirs. They act as an advocate to ensure decisions are fair, ethical, and aligned with legal standards.

4. Efficient Administration

Fiduciary responsibilities often involve managing complex tasks, such as:

- Filing taxes.
- Safeguarding, managing, and distributing assets.
- Keeping detailed financial records.
- Reporting to the court or other parties.
- Assistance when necessary with financial, medical, and personal decision-making.

An attorney's professional experience ensures these tasks are completed efficiently and accurately, minimizing delays or disputes.

5. Conflict Resolution

Disputes can arise in fiduciary matters, whether over the interpretation of a trust, the administration of an estate, or decisions made for an incapacitated individual. Attorneys are skilled in [mediation](#) and negotiation, helping resolve conflicts without the need for prolonged litigation.

Contact Cohen Cleary, P.C. for a Complimentary Case Consultation

When it comes to selecting a fiduciary, experience and impartiality are key to ensuring your loved one's interests or estate are managed with care and professionalism. At Cohen Cleary, P.C., our attorneys have the knowledge to serve in these vital roles, providing peace of mind during challenging times.

Call us today at [508-880-6677](tel:508-880-6677) to schedule a [complimentary case consultation](#). Let us help you

navigate these important decisions with confidence and care.