

Estate Planning

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Related Services

Estate Planning
Advance Directives
Asset Protection
Estate Litigation
Fiduciary Services
Health Care Proxy
Last Will & Testament
Power of Attorney
Special Needs Trust
Trust Administration
Trusts

Overview

Planning for incapacity or death is not a comfortable conversation, but it is one of the most consequential decisions a family can make. A plan is a snapshot in time. Without periodic review, even a carefully drafted estate plan can become a liability rather than a safeguard. Relocations, [divorces](#), new grandchildren, changes to the Massachusetts estate tax threshold, or shifts in federal law can each render existing documents incomplete or counterproductive. We tell our clients that the most dangerous estate plan is one that hasn't been touched in a decade, and that an outdated plan can cause more harm than no plan at all.

Cohen Cleary's estate planning and elder law practice serves individuals and families across Massachusetts and Rhode Island who need to build, update, or restructure plans that protect their assets, their families, and their wishes. Families seeking an elder law lawyer in Massachusetts often come to us at inflection points: a first child, a new diagnosis, a parent's declining independence. Our attorneys craft plans that address what comes next, not just what exists today.

Our Estate Planning and Elder Law Services

Our practice covers the full range of estate planning, incapacity planning, and elder law needs. Each area involves distinct legal instruments, strategic considerations, and coordination requirements. Revocable and irrevocable trusts, for example, serve fundamentally different purposes, and choosing the wrong structure can undermine the very goals the plan was designed to achieve.

Last Will and Testament

Drafting and updating [wills](#) that direct asset distribution, guardian nominations, and estate administration.

Trust Creation, Amendment, Termination, and Disputes

Revocable living [trusts](#), irrevocable trusts, and specialized trust structures, including modification, termination, and litigation when disputes arise.

Power of Attorney

[Financial and legal authority designations](#) that help prevent the need for costly and invasive conservatorship proceedings.

Health Care Proxy

Designation of a trusted [agent to make medical decisions](#) during incapacity.

Advance Directives

[Advance directives](#) are written instructions that guide end-of-life medical care and treatment preferences.

Asset Protection

Strategies to [shield assets](#) from creditors, long-term care costs, and unnecessary tax exposure.

Special Needs Trusts

[Special Needs Trusts](#) are structures that preserve government benefits eligibility while supplementing a beneficiary's quality of life.

Fiduciary Services

Our [fiduciary services](#) provide guidance for trustees, executors, and agents navigating their legal obligations.

How We Approach Estate Planning and Elder Law

Estate planning is not a single document. It is an integrated structure of legal instruments that must work together and adapt to changing circumstances. Our process begins with a detailed assessment of each client's family situation, asset profile, and long-term goals. We then build a coordinated plan where each document serves a specific function within the larger framework.

For younger families, this often means foundational estate planning documents: a will with guardian nominations, durable powers of attorney, and a health care proxy. For clients with more complex asset profiles, the planning may involve trust-based strategies designed to minimize [probate](#) exposure, manage Massachusetts estate tax liability, or protect assets from long-term care costs.

Elder law concerns frequently overlap with estate planning. Clients approaching retirement or managing a parent's declining health face decisions about Medicaid eligibility, asset preservation, and incapacity planning that require coordination between multiple legal instruments. [Medicaid planning](#), in particular, requires careful timing and structuring to preserve eligibility without sacrificing asset protection. Our attorneys work across these areas so that planning decisions made today do not create unintended consequences in a future Medicaid application or [guardianship proceeding](#). Every plan we build includes a review framework, because a plan that is never revisited is a plan that will eventually fail.

Why Families Choose Cohen Cleary

At Cohen Cleary, our practice teams combine deep subject-matter experience with disciplined execution and responsive client service. We do not take a one-size-fits-all approach. Every matter is handled with careful preparation, clear communication, and a strategy tailored to the client's goals and the realities of the forum.

Clients choose Cohen Cleary because we deliver:

Practice-Focused Legal Experience

Our attorneys work in defined practice areas, allowing us to develop practical insight into the legal, procedural, and regulatory nuances that matter most in each case. This focus allows us to anticipate issues, avoid unnecessary delays, and position matters for efficient resolution.

Clear Guidance and Proactive Communication

We prioritize clarity at every stage. Clients receive straightforward explanations of their options,

timely updates on developments, and practical advice grounded in real-world outcomes.

Strategic Advocacy with Trial Readiness

Whether a matter calls for negotiation, mediation, or litigation, our attorneys prepare every case with discipline and foresight. We pursue efficient resolution when possible and are fully prepared to advocate aggressively when necessary to protect our clients' interests.

Regional Knowledge and Local Presence

With offices throughout Massachusetts and experience across New England courts and agencies, we bring local insight and regional reach to every matter.

Client-Centered Service

We treat every matter with urgency and respect. Our clients rely on us for responsive service, sound judgment, and steady counsel through complex legal challenges.

In our estate planning and elder law work, this approach helps clients build plans that hold up across life transitions, regulatory changes, and the unexpected with clarity, efficiency, and confidence.

Personalized Planning, Not Form Documents

Massachusetts imposes a separate estate tax with an exemption threshold significantly lower than the federal level. This distinction affects trust design and asset titling for many families who would not face any federal estate tax exposure. Our attorneys account for this when structuring plans. We also coordinate with clients' financial advisors and accountants to ensure that beneficiary designations on retirement accounts, life insurance policies, and transfer-on-death accounts align with the estate plan. Assets held outside probate do not pass under a will, and a disconnect between these designations and the plan itself is one of the most common sources of unintended outcomes.

Serving Families Across Massachusetts and Rhode Island

Cohen Cleary represents estate planning and elder law clients from offices in [Taunton](#) and [Plymouth](#). Our attorneys are familiar with the procedural requirements of Probate and Family Courts across southeastern Massachusetts, including Bristol, Plymouth, and Norfolk Counties. We also serve clients throughout Rhode Island, with the capacity to assist families across New England. This regional presence allows us to coordinate planning that accounts for multi-state property ownership, state-specific tax implications, and jurisdictional differences in trust and probate law. Clients establishing a first estate plan and those updating documents after relocating to Massachusetts benefit from our team's familiarity with the local legal landscape.

Schedule a Consultation With a Trusted Estate Planning and Elder Law Attorney

Building or updating an estate plan is one of the most important steps you can take for your family's future. [Contact](#) a wills and trusts lawyer at Cohen Cleary to schedule a consultation in our [Taunton](#) or [Plymouth](#) office. We will help you build a plan that reflects your goals and holds up when it matters.

Frequently Asked Questions About Estate Planning and Elder Law

Do I need an estate plan if I don't have significant assets?

Yes. Estate planning addresses far more than asset distribution. It determines who makes medical decisions if you become incapacitated, who manages your finances, and who serves as guardian for your minor children. Without these estate planning documents in place, Massachusetts courts make those decisions through proceedings that are more expensive, more time-consuming, and less likely to reflect your actual preferences.

What is the difference between a will and a trust?

A will directs how your probate assets are distributed after death and names an executor to administer your estate. A trust is a separate legal entity that can hold assets during your lifetime and after death, often avoiding probate entirely. However, a trust only controls assets that have been properly transferred into it, and not all trusts function the same way. A revocable living trust offers flexibility during your lifetime but does not provide the asset protection or tax advantages of an irrevocable trust. Working with a trust attorney helps ensure the structure you choose aligns with your actual goals.

How often should I review my estate plan?

We recommend reviewing your plan every three to five years, and after any significant life event: marriage, divorce, the birth of a child or grandchild, a move to a new state, a substantial change in assets, or a change in Massachusetts or federal tax law. An outdated plan can produce outcomes that directly contradict your current wishes.

What is elder law, and how does it relate to estate planning?

Elder law addresses the legal needs of aging individuals and their families, including Medicaid planning, long-term care cost management, incapacity planning, and guardianship or conservatorship proceedings. These issues often intersect with estate planning because decisions about asset protection, trust structures, and powers of attorney directly affect Medicaid eligibility and care options later in life.

Can I use online forms to create my estate plan?

Online templates produce generic documents that may not comply with Massachusetts execution requirements or account for state-specific tax rules. More importantly, they cannot coordinate multiple documents into an integrated plan or identify conflicts between your will, trust, beneficiary designations, and asset titling. A plan that appears complete but contains internal contradictions can be worse than no plan at all.