Fiduciary Services

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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

Not every family has someone willing, able, or appropriate to serve as a fiduciary. The obligations of a personal representative, trustee, guardian, or conservator involve legal accountability that most people underestimate: meticulous record-keeping, fiduciary-standard investment decisions, tax filings, impartial treatment of beneficiaries with competing interests, and ongoing court reporting. Naming a family member because it feels natural often creates exactly the conflict it was supposed to prevent. When a daughter managing a parent's trust also stands to inherit from it, or when siblings cannot agree on care decisions for an aging parent, the appointment itself becomes the source of friction.

Cohen Cleary provides professional fiduciary services for individuals, families, and courts that need a conflict-free, professionally managed alternative. We serve as personal representatives, trustees, guardians, conservators, and agents under powers of attorney and health care proxies throughout Massachusetts and Rhode Island.

For clients seeking a corporate trustee alternative with more responsive, personal service, or for courts appointing a court-appointed fiduciary after removal of a prior appointee, our attorneys step into fiduciary roles with the infrastructure and accountability these positions require. A personal representative attorney who also serves in the role brings a level of legal fluency to estate administration that lay fiduciaries cannot replicate.

How We Help Clients Who Need Professional Fiduciary Services

We tell our clients that the right fiduciary is not always the closest relative. It is the person or entity best positioned to fulfill the legal duties without personal conflict, emotional fatigue, or financial entanglement. Cohen Cleary offers professional fiduciary services across five distinct roles:

Personal Representative

We administer estates through the Massachusetts Probate and Family Court, managing creditor claims, asset marshaling, tax filings, and distributions to beneficiaries on schedule and in compliance with court requirements.

Trustee

We manage trust assets with the investment prudence, impartiality, and accounting discipline that the fiduciary standard demands, whether for revocable living trusts, irrevocable trusts, or special needs trusts.

Professional Guardian

We serve as court-appointed guardians for incapacitated adults and minors, making personal care and medical decisions with appropriate court oversight.

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Professional Conservator

We manage financial affairs for individuals who cannot manage them independently, providing the detailed accountings and court filings that Massachusetts law requires.

Agent Under Power of Attorney or Health Care Proxy

We act as designated agents for clients who need a reliable, professional decision-maker for financial or healthcare matters.

Each engagement is structured with clear fee agreements, appropriate bonding and insurance, and a defined reporting schedule so that all interested parties understand what is being done and why.

Why Choose Cohen Cleary As Your Fiduciary

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 fiduciary services work, this approach helps clients navigate estate and trust administration, guardianship, and conservatorship matters with clarity, efficiency, and confidence.

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Our Approach to Professional Fiduciary Appointments

Massachusetts Probate and Family Courts scrutinize professional fiduciary appointments closely, and the standard for ongoing oversight is exacting. Court-appointed fiduciaries must file detailed annual accountings, seek prior approval for significant transactions, and demonstrate that every decision serves the interests of the person or estate under their care. We structure every fiduciary engagement around this accountability framework from the outset, because the most common reason professional fiduciaries face removal is administrative noncompliance, not bad faith. Our fee structures are transparent, disclosed in advance, and consistent with the court-approved standards that govern fiduciary compensation in Massachusetts.

Serving Clients in Massachusetts and Rhode Island

Cohen Cleary provides professional fiduciary services, including trustee services, from offices in Taunton and Plymouth, serving clients throughout Massachusetts and Rhode Island. Our attorneys regularly appear before the Massachusetts Probate and Family Courts in Bristol, Plymouth, and Norfolk Counties, as well as Rhode Island Probate Courts, and we are familiar with the procedural expectations and filing requirements specific to each division. This regional presence allows us to handle fiduciary matters efficiently across southeastern Massachusetts and beyond, with the capacity to serve clients across New England.

Schedule a Fiduciary Services Consultation

If you need a professional fiduciary for an estate, trust, guardianship, or conservatorship, or if a current fiduciary arrangement is not working, contact Cohen Cleary. Our attorneys will assess your situation, explain the appointment process, and help you determine whether professional fiduciary services are the right solution.

Frequently Asked Questions About Professional Fiduciary Services

When is a professional guardian or conservator appropriate instead of a family member?

A professional fiduciary is appropriate when no suitable family member is available, when family conflict makes a neutral appointment necessary, when the complexity of the estate or trust exceeds what a lay fiduciary can reasonably manage, or when a court has removed a prior fiduciary for cause. Professional fiduciaries bring structured accountability, and they eliminate the interpersonal dynamics that frequently derail family-managed estates and guardianships.

How much do professional fiduciary services cost?

Professional fiduciary fees in Massachusetts are typically calculated as a percentage of the assets under management or as hourly fees for specific services, depending on the role and complexity. All fees are disclosed in advance and, for court-appointed roles, are subject to court approval. While families sometimes assume professional fiduciary costs are prohibitive, the expense of mismanagement, family litigation, or fiduciary removal proceedings often far exceeds the cost of professional administration.

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What oversight exists for professional fiduciaries?

Professional fiduciaries appointed by Massachusetts courts are subject to rigorous oversight. Guardians and conservators must file annual reports with the court detailing care decisions and financial transactions. Trustees must maintain accurate records and provide accountings to beneficiaries. Personal representatives must file inventories and accounts with the Probate Court. Cohen Cleary maintains all required bonding and insurance for professional fiduciary appointments.

Can a professional fiduciary be appointed if a family member is already serving?

Yes. Courts may appoint a professional fiduciary to replace a family member who has resigned, become unable to serve, or been removed for breach of fiduciary duty. In contested situations, courts sometimes appoint a professional fiduciary as a neutral alternative when family members cannot agree on who should serve. We regularly accept appointments in situations where a prior fiduciary's administration has created issues that require professional correction.

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