

# Probate, Trust & Estate Administration

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## Related Services

Probate, Trust & Estate Administration  
Estate Administration  
Estate and Trust Litigation  
Probate and Estate Law Mediation  
Probate With a Will  
Probate Without a Will  
Trust Administration

## Overview

Losing a family member is difficult enough. Being named as executor or trustee introduces a set of legal obligations that most people do not fully understand until they are already exposed to liability. The assumption that probate is a simple administrative process leads more families into litigation than almost any other misconception. When beneficiaries disagree, when assets are missing, or when a will is ambiguous, what starts as paperwork becomes adversarial, and the estate pays for every hour of conflict. Cohen Cleary represents personal representatives, trustees, and beneficiaries through every phase of probate and trust administration, from initial court filings and creditor claims to asset distribution and dispute resolution. We represent fiduciaries who need to fulfill their obligations correctly and beneficiaries who need to protect their interests. From straightforward administration to contested matters, our probate attorneys provide the steady, informed counsel this process demands.

## Our Probate Services

Our probate and estate administration practice covers the full range of post-death legal matters:

### Estate Administration

[Our estate administration attorneys](#) guide personal representatives through inventory, creditor claims, tax filings, accountings, and distribution.

### Estate and Trust Litigation

Our [estate and trust litigation attorneys](#) represent fiduciaries and beneficiaries in will contests, breach of fiduciary duty claims, undue influence cases, and surcharge actions.

### Probate and Estate Law Mediation

Helping families resolve inheritance disputes, trustee conflicts, and distribution disagreements through [mediation](#) without prolonged court proceedings.

### Probate With a Will

Managing testate [probate from will](#) authentication and executor appointment through final distribution.

### Probate Without a Will

Handling [intestate estates](#) under Massachusetts and Rhode Island succession statutes, including administrator appointment and statutory share calculations.

### Trust Administration

[Advising trustees](#) on fiduciary duties, prudent investment, beneficiary communications, accountings, and distributions.

## How We Help Executors, Trustees, and Beneficiaries

We tell our clients that the first 90 days of estate administration set the tone for everything that follows. How a personal representative handles initial notice to creditors, how a trustee communicates with beneficiaries, and how quickly an accurate inventory is assembled all determine whether an estate proceeds smoothly or slides into conflict.

Cohen Cleary represents both [fiduciaries](#) and beneficiaries. For executors and trustees, we provide clear guidance on the sequence and timing of each obligation, helping avoid the missteps that create personal liability. As a personal representative attorney or fiduciary attorney, we focus on the procedural details that prevent costly delays and surcharge exposure. For beneficiaries, we protect rights to information, proper accounting, and timely distribution. When disputes arise, we are prepared to litigate in Probate and Family Court or pursue mediation when a negotiated resolution better serves the client's interests.

We also address the enforcement side of fiduciary duty. When a personal representative or trustee fails to act properly, whether through self-dealing, unreasonable delay, or refusal to account, we pursue removal, surcharge, and contempt remedies on behalf of affected beneficiaries.

## Why Clients 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 probate and estate administration work, this approach helps clients navigate fiduciary obligations and estate disputes with clarity, efficiency, and confidence.

## Our Approach to Settling Estates in Massachusetts

Probate in Massachusetts is governed by the Massachusetts Uniform Probate Code (MGL c. 190B), which provides both formal and informal administration pathways depending on estate complexity and the presence of disputes. [Our attorneys](#) evaluate which pathway best serves the client's situation from the outset, because selecting the wrong procedural track can add months to the timeline. Bristol County Probate and Family Court, Plymouth County Probate and Family Court, and Norfolk County Probate and Family Court each have filing requirements and scheduling patterns that affect case progression. As a probate court attorney practicing in these forums regularly, we prepare filings with those realities in mind.

## Representing Executors, Trustees, and Beneficiaries Throughout New England

Cohen Cleary represents executors, trustees, and beneficiaries from offices in [Taunton](#) and [Plymouth](#). As a probate attorney Massachusetts families and fiduciaries turn to for post-death estate matters, we regularly practice in Probate and Family Courts across the state and in Rhode Island, with particular familiarity in Bristol County, Plymouth County, and Norfolk County. Because probate is governed by state-specific statutes and procedural rules, jurisdiction-appropriate counsel is essential. The firm also actively represents clients in probate and trust administration matters throughout New England, bringing the same disciplined preparation and court familiarity to every forum in the region.

## Contact Cohen Cleary's Probate Attorneys

If you have been named as a personal representative or trustee, or if you have concerns about how an estate is being administered, speak with a Massachusetts probate attorney at Cohen Cleary. [Contact](#) our offices in [Taunton](#) or [Plymouth](#) to schedule a consultation. Initial consultations address your specific questions about the probate process, fiduciary obligations, and estate timelines.

## Frequently Asked Questions About Probate in Massachusetts

### Do I need an estate administration lawyer if there is a valid will?

A valid will does not eliminate probate. It directs how probate proceeds, but the will must still be filed with the court, authenticated, and administered under judicial oversight. An attorney helps ensure deadlines are met, creditor claims are handled properly, and distributions follow the statutory priority rules.

### What is the difference between a personal representative and an executor?

Under the Massachusetts Uniform Probate Code, the term "personal representative" replaced

“executor” as the formal designation. The roles are functionally the same. The personal representative is appointed by the court to manage the estate, pay debts, and distribute assets according to the will or intestacy statutes.

### **Can a beneficiary challenge how an estate is being administered?**

Yes. Beneficiaries have the right to receive accountings, access information about estate assets, and petition the court if the personal representative or trustee is acting improperly. Remedies include removal of the fiduciary, surcharge for financial losses, and court-ordered accountings.

### **How long does probate take in Massachusetts?**

Straightforward estates administered informally can often be resolved within nine to twelve months. Estates involving disputes, complex assets, or tax issues may take longer. We advise clients on realistic timelines based on the specific circumstances and court involved.

### **What happens if someone dies without a will in Massachusetts?**

Massachusetts intestacy statutes (MGL c. 190B, Article II) determine how assets are distributed. The surviving spouse’s share depends on whether the decedent had surviving children, parents, or other heirs. Domestic partners, stepchildren, and close friends receive nothing under intestacy, regardless of the decedent’s intentions.