

Probate and Estate Law Mediation

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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

Resolving Probate Disputes Without Litigation

Grief changes the way families communicate. When a loved one dies and questions arise about an estate, years of unspoken tension can surface in a matter of weeks. Beneficiaries suspect favoritism. Siblings disagree about what a parent intended. A personal representative's decisions are questioned before the first accounting is filed. These disputes feel deeply personal because they are. But probate litigation is expensive, slow, and public. It can consume estate assets and permanently fracture relationships. Working with an experienced estate dispute mediator offers an alternative: a structured, confidential process in which a skilled probate mediator helps the parties negotiate a resolution on their own terms, outside the courtroom. Cohen Cleary provides mediation services for probate and estate disputes, helping families resolve inheritance conflicts, will contests, and fiduciary issues without prolonged litigation.

How We Help With Family Estate Dispute Resolution Through Mediation

Not every estate dispute belongs in court. Many of the conflicts we see in probate practice follow a familiar pattern: a lack of communication between the personal representative and the beneficiaries, combined with grief and suspicion, escalates into a formal legal fight that nobody actually wanted. Inheritance dispute mediation addresses the underlying disagreement directly.

We handle mediation for a range of probate conflicts, including:

- **Will contest mediation**, where beneficiaries challenge the validity or interpretation of a decedent's wishes
- **Distribution disagreements** between heirs who cannot reach consensus on asset division
- **Fiduciary disputes** involving claims against personal representatives or trustees for mismanagement, self-dealing, or failure to account
- **Trust mediation** involving conflicts between beneficiaries and trustees over administration decisions
- **Beneficiary mediation** addressing competing claims, unequal treatment concerns, or ambiguities in estate documents

We tell our clients that mediation is not about compromise for its own sake. It is a structured negotiation in which both sides retain control over the outcome. That control disappears the moment the dispute moves to a judge's calendar in Probate and Family Court.

Why 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 mediation work, this approach helps clients navigate estate disputes with clarity, efficiency, and confidence.

Our Approach to Probate Conflict Resolution

Most probate disputes escalate from silence and suspicion, not from actual wrongdoing. A personal representative who communicates proactively with beneficiaries can often prevent the kind of distrust that drives formal challenges. When disputes do arise, our approach focuses on early identification of the real conflict (which is frequently emotional rather than legal) and structured negotiation designed to reach resolution before litigation costs consume estate resources. We prepare each client with a clear understanding of their legal position, their realistic alternatives, and the costs of continued dispute, so they enter mediation informed and ready to negotiate effectively.

Estate Dispute Mediation Across Massachusetts and New England

Cohen Cleary represents clients in estate mediation throughout Massachusetts and Rhode Island, with particular familiarity with Massachusetts probate mediation procedures and the case management practices of the Probate and Family Courts across both states. Our attorneys also represent clients in probate mediation matters throughout New England. With offices in

[Taunton](#) and [Plymouth](#), we are positioned to serve families across southeastern Massachusetts, Bristol County, Plymouth County, and Norfolk County, as well as clients throughout the broader region.

Speak With a Massachusetts Estate Mediation Attorney

If your family is facing an estate dispute, inheritance mediation in Massachusetts may offer a faster, less costly, and more private path to resolution. Contact Cohen Cleary to discuss whether estate mediation is appropriate for your situation. Call our offices in [Taunton](#) or [Plymouth](#) to schedule a consultation.

Frequently Asked Questions About Estate Mediation

What types of probate disputes can be resolved through mediation?

Most probate and estate disputes are suitable for mediation, including will contests, disagreements over asset distribution, fiduciary disputes involving personal representatives or trustees, trust administration conflicts, and beneficiary disagreements. Will contest mediation is among the most common matters we handle, and it frequently succeeds because the parties share a common interest in avoiding the cost and public exposure of a contested probate proceeding. Even highly emotional disputes can be mediated effectively when a skilled probate mediator manages the dynamics of the conversation.

Is estate mediation confidential?

Yes. One of the most significant advantages of mediation over probate litigation is confidentiality. Probate court filings are public record. Family financial details, personal grievances, and internal disputes all become part of the court file. In mediation, the discussions, offers, and terms of any agreement remain private. For families concerned about public exposure of sensitive matters, this is often the deciding factor.

Does choosing mediation mean giving up the right to go to court?

No. Mediation is voluntary at every stage. If the parties cannot reach an agreement, they retain their full right to pursue the matter in Probate and Family Court. Mediation does not require anyone to accept terms they find unacceptable. However, our experience is that parties who enter mediation well-prepared reach a resolution far more often than they expect.

How long does probate mediation typically take compared to litigation?

Probate litigation in Massachusetts can take twelve to eighteen months or longer, depending on the complexity of the estate and the court's calendar. Mediation sessions can often be scheduled within weeks, and many disputes are resolved in one to three sessions. The cost savings are equally significant: contested probate cases generate substantial legal fees on both sides, and those fees come directly out of the estate.