

Probate With a Will

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Overview

A valid will does not avoid probate. It directs how probate proceeds. Even when a decedent's wishes are clearly documented, the will must be filed with the court, authenticated, and administered through the probate process before assets can be distributed to beneficiaries. For executors navigating this process for the first time while managing grief and family dynamics, the procedural requirements can be unexpectedly demanding. Cohen Cleary guides families through the probate process in Massachusetts and Rhode Island when a loved one dies with a will, handling the legal and administrative work so executors can focus on what matters.

How the Testate Probate Process Works in Massachusetts

A valid will does not eliminate probate. It directs how probate proceeds. The will must still be filed with the appropriate Probate and Family Court, authenticated, and administered under judicial supervision before any assets can be distributed. Families who assume that having a will means avoiding court involvement are often caught off guard by the filings, timelines, and procedural requirements involved. Whether you have been named as executor or are a beneficiary waiting on a distribution, understanding what testate probate actually requires is the first step toward managing the process efficiently. A probate will lawyer can make the difference between an estate that moves through the court on schedule and one that stalls over avoidable procedural errors. Cohen Cleary guides executors and families through every stage of probate with a will, from the initial court filing through final distribution and account closing.

How We Help With Executor Appointment and Probate Administration

The testate probate process in Massachusetts begins with filing the original will and a petition for probate with the appropriate division of the Probate and Family Court. The court must determine that the will is valid, appoint the named executor through a formal executor appointment, and issue Letters Testamentary granting authority to act on behalf of the estate.

Massachusetts offers both informal and formal probate proceedings. Informal probate is an administrative process handled by the court's Magistrate without a hearing, available when no one contests the will's validity. Formal probate requires a court hearing and is necessary when the will is contested, when there are questions about the document's execution, or when interested parties raise objections. We advise clients on which pathway applies to their situation and prepare filings accordingly.

Not every asset passes through probate. Jointly held property, accounts with designated beneficiaries, and assets held in trust transfer outside the probate process entirely. As an estate probate lawyer, we help executors identify which assets are part of the probate estate and which are not, preventing delays caused by attempting to administer property that falls outside

the court's jurisdiction.

We tell our clients that the executor's authority begins when the court grants it, not when the will is read. Until Letters Testamentary are issued, the named executor has no legal power to access accounts, sell property, or make distributions. Understanding this distinction early prevents missteps that can expose a personal representative to liability before administration even begins.

Why Choose Cohen Cleary

Focused Experience. Disciplined Execution. Trusted Results.

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 work, this approach helps clients navigate estate administration with clarity, efficiency, and confidence.

Our Approach to Probate With a Will

Executors who delay hiring a testate probate attorney often discover that early missteps create compounding problems. Distributing assets before creditor claims are resolved, missing a Massachusetts probate filing deadline, or failing to provide proper notice to interested parties can each expose the personal representative to personal financial liability. We prepare for will

challenges, including allegations of undue influence or questions about testamentary capacity, from the outset rather than reacting after objections are filed.

Representing Executors and Families Throughout Massachusetts and Rhode Island

Cohen Cleary represents executors and families in Probate and Family Court divisions throughout Massachusetts and Rhode Island, with offices in [Taunton](#) and [Plymouth](#). Our attorneys regularly appear in Bristol County Probate Court, Plymouth County Probate Court, and Norfolk County divisions, and we are familiar with the procedural expectations and scheduling realities that vary between them. Whether you need a Taunton probate lawyer, a Plymouth probate attorney, or representation in another division, we bring the same preparation to every filing. We also represent clients in probate matters across New England, extending the same court familiarity to each matter regardless of location.

Schedule a Consultation With a Probate Attorney

If you have been named as executor or need to probate a loved one's will, Cohen Cleary can guide you through the process from initial filing to final distribution. Contact our offices in [Taunton](#) or [Plymouth](#) to schedule a consultation with a probate attorney Massachusetts families trust to handle testate estates with discipline, clarity, and care.

Frequently Asked Questions About Probate With a Will

Does having a will mean my family can skip probate?

No. A will does not avoid probate. It provides instructions for how the estate should be distributed, but those instructions must be carried out through the probate process that Massachusetts law requires. The will is filed with the Probate and Family Court, the court validates it, and the personal representative is appointed before any administration can begin.

What is the difference between informal and formal probate in Massachusetts?

Informal probate is handled administratively by the court Magistrate without a hearing and is available when no interested party objects. Formal probate requires a court hearing and is used when the will is contested, when there are execution defects, or when interested parties raise concerns. Most uncontested testate estates qualify for informal probate, which is generally faster.

How long does probate with a will typically take?

The probate timeline for straightforward estates administered through informal probate is often nine to twelve months. Estates involving real estate sales, creditor disputes, tax complications, or family disagreements may take longer. Massachusetts law requires a minimum creditor notice period of one year from the date of death, which establishes a practical floor for most estate closings.

What is the executor's bond requirement?

Massachusetts law presumes that a personal representative must post a bond to protect the

estate, unless the will specifically waives the bond requirement. Many well-drafted wills include a bond waiver provision. When a bond is required, and the estate cannot obtain one, it can create delays in the appointment process.