

MBA NEWS



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The Massachusetts Bar Association applauds Gov. Deval Patrick for signing sweeping probate reforms into law

The association has campaigned for the overhauls for nearly two decades

BOSTON, Mass. — The Massachusetts Bar Association President today commends Gov. Deval Patrick for signing into law comprehensive probate reforms that were nearly two decades in the making.

“The legislation has been a decades long collaborative effort between the bench and bar reaching out to all areas of the state. We made a tremendous push in the last days of the legislative session,” MBA General Counsel and Acting Executive Director Martin W. Healy. “The practice of probate law is complicated even to probate experts. This legislation demystifies and cleans up existing ambiguities dating back hundreds of years.”

Senate Bill Number 2622, An Act Relative to the Uniform Probate Code, would simplify and improve Massachusetts probate and trust law. The new probate code will also reduce needless expense in probate and trust administration, benefiting citizens throughout the commonwealth.

“The reforms included within the Uniform Probate Code will benefit consumers in a number of important ways. Not only will the changes reduce probate expense and delay, but they will also modernize the law,” MBA Probate Law Section Chair John G. Dugan said. Dugan and immediate past Chair Edward Notis-McConarty, have been instrumental in communicating MBA’s position on this issue.

The reforms increase uniformity with other states, add protections for those under guardianship and the beneficiaries of trusts, eases the administration of probate matters for judges and court personnel and reduce delays for citizens. Among the changes are:

- Mandating courts to monitor guardianships and requiring guardians to issue annual reports.
- Shorten to seven days after the date of death (from as long as five months) the length of time it takes to appoint an estate administrator
- In the case of no will, the spouse gets the entire estate if the children are all of the marriage.
- Trustees will be required to notify beneficiaries of accountings and acceptance of appointment.

“These represent major improvements in proceedings, particularly in administration of estates and in

testamentary trusts. Beyond that, there are a lot of updates and improvements in estate law in general,” said Raymond H. Young, the former chair of a joint UPC committee of the MBA and Boston Bar Association.

The UPC is the product of a comprehensive study and review of the state’s laws by the joint committee. The legislation was reviewed by lawyers, judges, registers of probate, community groups, legislators and representatives of the banking and surety communities.

The MBA's House of Delegates approved the UPC 10 years ago.

Incorporated in 1911, the Massachusetts Bar Association is a non-profit organization that serves the legal profession and the public by promoting the administration of justice, legal education, professional excellence and respect for the law. The MBA represents a diverse group of attorneys, judges and legal professionals across the commonwealth.