



Considerations in Selection of a Fiduciary as An Executor for Your Will, Trustee of Your Trust, Attorney-in-Fact or Guardian

Occasionally, choosing a fiduciary is easy. Sometimes, there just aren't that many people to choose from, or one person stands out as perfect for the job. Most of the time, however, the decision is more difficult. Often there are a number of candidates who might do an adequate job, but none of whom is perfect. Other times, there simply aren't any good candidates available.

For those who are having difficulty settling on the right person (or persons), here are a few things to consider:

1. Character traits: Integrity, loyalty and ability should be the primary consideration in the selection of a fiduciary; tact, courtesy and friendliness also are personal attributes not to be overlooked.
2. Objectivity: A spouse, child, brother or sister is frequently preferred because of confidence in his or her character and for sentimental reasons, but those factors should be seriously weighed against the possibilities of family jealousies and disputes and the difficulties that he or she may have in remaining objective and impartial.
3. Experience: Experience may be necessary, especially where the estate is of considerable size and complexity and where its administration will involve the making of difficult investment and business decisions.
4. Age: Age may also be important; it is wise to choose a person who is mature and who is likely to be alive at the time of the probate of the will or service as trustee, attorney-in-fact or guardian.
5. Probability of continued residence in the place where the will is most likely to be probated; this is no longer essential as electronic communication has eliminated issues.
6. Willingness of the person designated to serve.
7. Other matters. In addition to the points above, consideration should be given to the following:
 - a. Appointment of a corporate executor. We firmly believe that naming a quality trust department should be considered in each instance.
 - b. Appointment of the testator's attorney as executor. This is rarely done though the attorney can be named to advise the fiduciary.
 - c. Appointment of more than one executor. While it is possible, note it will increase administration time and expense.
 - d. Appointment of a corporate and of a natural person as co executors. This may be the best of all worlds where the individual lacks a business background but does understand the family dynamics.
 - e. Designation or selection of successor executors or a substitute.
 - f. Having the executor serve in the dual role of trustee.