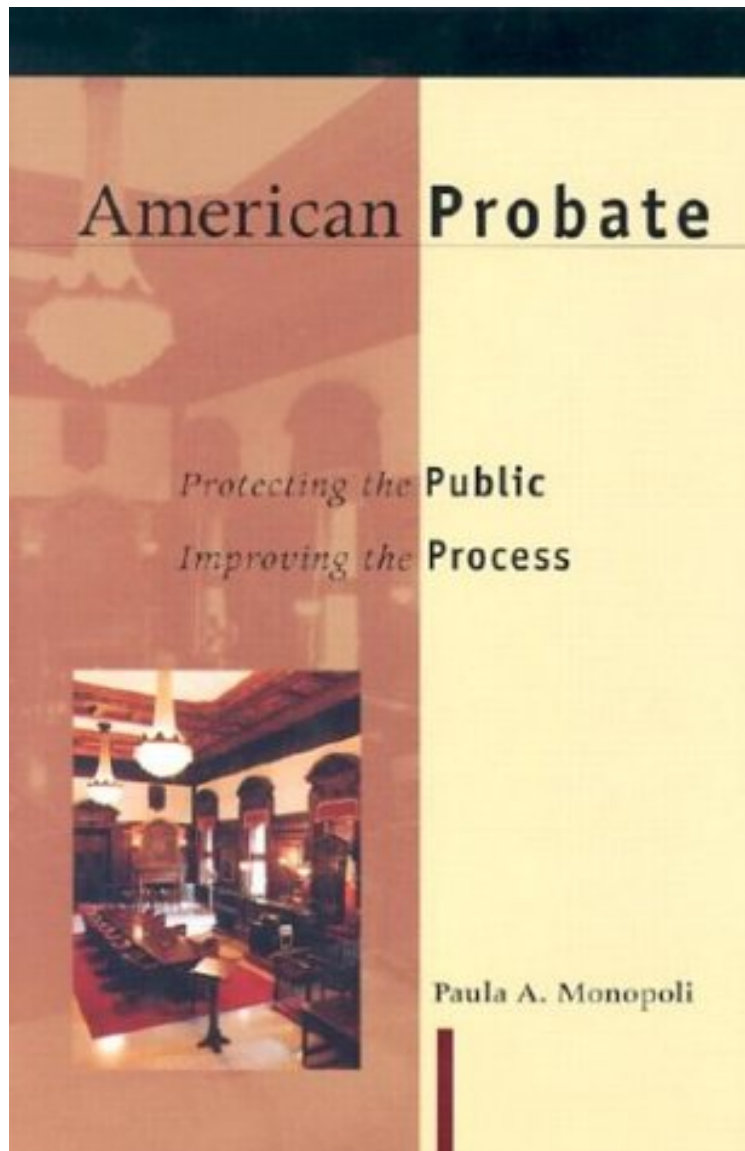


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# American Probate: Protecting the Public, Improving the Process

*Paula A. Monopoli*

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**Paula A. Monopoli : American Probate: Protecting the Public, Improving the Process** before purchasing it in order to gage whether or not it would be worth my time, and all praised American Probate: Protecting the Public, Improving the Process:

1 of 1 people found the following review helpful. first victimBy Diane L. Trudeauas the first known person to complain to the new hampshire professional conduct committee about judge fairbanks i would recommend this book to anyone whose family will have to go through probate. what this man did-and how no one listened to any of us that

complained-i think the conduct committee had 14 complaints when he was finally indicted-can be a guide to anyone making a will. i would not let any lawyer be solely in charge of my estate-and i would make sure at least one family member has a say in anything an executor wants to do-read the book and you will know why.

New Hampshire judge and probate attorney John Fairbanks, a court-appointed executor and trustee, stole thousands of dollars from the estates of his trusting elderly clients. Successful New York lawyer Arnold Biegen, the sole fiduciary of his law partner's estate, misappropriated nearly one million dollars from the partner's aged, schizophrenic widow. Enterprising attorney James Gunderson drafted wills and living trusts for many residents of Leisure World in Orange County, California, who named him the sole trustee and major beneficiary. These are just some of the cases examined by Paula A. Monopoli to illustrate the unsettling prevalence of fraud and abuse inherent in American probate law. Probate courts are intended to provide a vehicle for the orderly disposition of property after death, to balance the interests of creditors, the government, and heirs, and to protect the rights of the elderly and others with special needs. In this insightful work, Monopoli shows how an array of flaws in the system allows corrupt and unethical lawyers to take advantage of the nation's most vulnerable citizens. She delves into such subjects as the history and purpose of probate, procedural complexities, lack of regulatory oversight, inadequate judicial resources, and the growth of non-probate alternatives, concluding with a blueprint for reform that emphasizes deterrence, detection, and compensation for the victims. This eye-opening and informative account casts new light on the intricacies and failures of a legal process that affects millions of Americans every year.

About the Author Paula A. Monopoli, Professor of Law at the Southwestern University School of Law and Visiting Professor of Law at the University of Maryland School of Law, practiced trusts and estates law for several years. She has published articles in numerous law reviews and journals. She lives in Bethesda, Maryland.