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Discretionary Gifting Authority in Durable Powers of Attorney

The difference between sound estate planning and costly litigation can come down to how a durable power of attorney is drafted—and carried out.

Day Pitney Boston Partner Tiffany Bentley explores that distinction in a new *Wealth Management* article analyzing the Massachusetts Appeals Court's decision in *Fern v. Baker*, a case she briefed and argued on behalf of the prevailing parties. She explains how broad gifting authority must be balanced with fiduciary duties and a principal's intent, while offering practical guidance for drafting and administering durable powers of attorney to help reduce the risk of future disputes. As Bentley notes, "Careful drafting, proactive documentation and disciplined fiduciary conduct remain the best defenses against costly litigation."

[Read the full article here.](#)

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