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**NEW JERSEY SUPREME COURT CLARIFIES ATTORNEY DUTIES TO NON-CLIENTS IN ESTATE PLANNING AND ADMINISTRATION ENGAGEMENTS**

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In a decision published on January 20, 2026, the New Jersey Supreme Court highlighted the importance of clearly documenting client intent and the limits of an attorney’s duty to non-clients in matters involving third-party beneficiaries, including in estate planning and administration matters.

In *Christakos v. Boyadjis*, 262 N.J. 447 (2026), two brothers retained a defendant attorney to update their estate plans. In 2003, the brothers executed identical and reciprocal Wills, providing that, upon the death of one brother, his estate would pass to the surviving brother; if both were deceased, their estates would be distributed per stirpes among their then-living brothers. One of the plaintiffs – a niece of the two brothers – was a remainder beneficiary named under the 2003 Will as the daughter of one of those then-living brothers. However, in 2017, the two brothers sought to revise their Wills because their other siblings had passed away, their own health was failing, and they were concerned about potential undue influence of third parties. As such, the niece contacted the defendant attorney to help the two brothers update their respective estate planning. The niece did not participate further and had no subsequent communications with the two brothers or the defendant attorney.

The defendant attorney met with the two brothers, who expressed their shared intent to disinherit their nieces and nephew, including the plaintiff niece, and leave their estate to each other, with the residuary estate going to their neighbors, the Church, and their sister-in-law (also a plaintiff in the action). The Defendant attorney prepared the two brothers’ new Wills, but in doing so he erroneously conveyed only personal property to the surviving brother, with the remainder divided among the neighbors, the Church, and the plaintiff sister-in-law.

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The first brother executed his Will on January 3, 2018, but the second brother's Will remained unsigned due to his perceived lack of capacity at that time. Thereafter, the second brother executed his Will on April 7, 2018, when defendant attorney personally assessed him as having requisite testamentary capacity, notwithstanding contrary contemporaneous medical evaluations. After the first brother died in April 2018, the plaintiff niece filed a caveat in Surrogate's Court, challenging the first brother's 2018 Will because it did not convey all of his assets to the surviving brother. Following the second brother's death in October 2018, the plaintiff niece filed another caveat seeking to deny probate of the second brother's 2018 Will and to admit his 2003 Will.

During the probate proceedings, the Court appointed a temporary administrator and determined that value of the estates as \$915,000.00. The trial court subsequently approved distributions of \$100,000.00 to the brothers' neighbors and Church with the consent of the parties, a \$53,000.00 payment to the temporary administrator, and directed that the plaintiff sister-in-law receive the remainder of the two estates. The trial court further ordered that the modified 2018 Wills be admitted to probate and appointed the plaintiff niece as Substitute Administrator C.T.A. of the two estates without any entitlement to a distribution.

In January 2020, plaintiffs commenced a legal malpractice action against the defendant attorney in the Superior Court of New Jersey, Morris County. They alleged that defendant attorney owed them a duty of care as beneficiaries of the 2003 Wills and breached that duty by misinterpreting those Wills and failing to draft the 2018 Wills in a manner consistent with the brothers' intent. Defendant attorney then moved to dismiss the action for failure to state a claim, asserting, *inter alia*, that he owed no duty of care to plaintiffs, who were not his clients.

The trial court denied defendant attorney's motion, finding that he did owe plaintiffs a duty of care because they were known potential beneficiaries of the brothers' estates and therefore the defendant attorney knew that any misreadings of the Wills would adversely affect them. On appeal, the Appellate Division determined that only the plaintiff sister-in-law was owed a duty of care, as only she was a beneficiary under the 2018 Wills. Accordingly, the Appellate Division reversed the trial court's finding that defendant owed the plaintiff niece the same duty of care.

In its decision, the New Jersey Supreme Court affirmed the Appellate Division and expressly adopted Restatement (Third) of the Law Governing Lawyers § 51, holding that defendant attorney owed no duty to the plaintiff niece. The Court found no genuine dispute that the plaintiff niece did not rely on the defendant attorney's legal advice, an essential element under § 51(2), because she was neither invited to rely upon, nor did she in fact rely upon, defendant attorney's opinion or provision of legal services in a manner that would create a duty of care. The Court further held, under § 51(3)(a) – and applying a clear-and-convincing-evidence standard – that no reasonable finder-of-fact could find the defendant attorney knew the two brothers intended their 2018 Wills to benefit the plaintiff niece.

The Supreme Court also rejected the plaintiff niece's argument that the second brother's 2018 Will should not have been executed due to his alleged lack of testamentary capacity. The Court reasoned that the Restatement makes clear that a lawyer is not liable to an alleged heir for negligence in such circumstances, as imposing such a duty could impair the lawyer's obligations to the client.

By expressly adopting Restatement (Third) of the Law Governing Lawyers § 51, the Supreme Court emphasized that non-client claims of legal malpractice require clear and convincing evidence that the client intended to benefit the non-client and that the non-client actually relied on the lawyer's advice after being invited to do so. Here, the absence of any invitation to rely, and therefore any reliance, defeated the plaintiff niece's claims. Practically, had there been evidence of the two brothers' intent to benefit their niece and that she relied upon the defendant attorney's legal advice, the outcome might have been different.

This decision demonstrates the importance of an attorney's need to clearly document their client's intent in matters involving third-party beneficiaries in order to prevent or defeat third-party non-client legal malpractice claims.

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