

The Case for Paid Executors By David J. Koski

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If a friend or family member asks you to be the best man at their upcoming wedding, it is usually considered an honour. It is customary for the best man to undertake certain duties: make sure the groom makes it to the wedding ceremony; keep the rings safe until they are needed; and act as master of ceremonies at the wedding reception. Maids and matrons of honour have similar responsibilities. For the most part, people deeply appreciate the honour of having been asked to perform these roles. And while it is customary for the newlyweds to provide a gift to each of their attendants as a gesture of thanks, bridal party members do not expect to be paid a fee.

In the rituals involving life and death, there are a variety of roles we take on for which we don't seek to be paid. I've never heard of anyone being paid a fee to deliver a eulogy or to act as pallbearer. It's just not done. The solemnity of the occasion seemingly forbids even the mention of monetary exchange. And so it is understandable, perhaps, that most people—particularly members of the deceased's family—who are tasked with the responsibility of acting as executor feel uncomfortable with the idea of being paid. Many seek only reimbursement for their out-of-pocket expenses and disavow any entitlement to compensation as if to accept it were an affront to the memory of the deceased and an insult to those who survive.

Executors are legally entitled to fair and reasonable compensation. And there are good reasons for it. Being an executor is a big job. It carries with it important responsibilities and perhaps more importantly, potential liabilities. I've never heard of anyone suing the eulogist, the best man or the maid of honour. But I've seen plenty of executors get sued.

As a society, we value what we pay for. While we may value and appreciate that which is freely provided, as a general rule, we tend to put more value on the things that we pay for. We expect more from the mechanic we pay to fix our car than we do from the mechanically-inclined neighbor or friend who helps us under the hood when something goes wrong. And the professional mechanic knows it. The professional knows that he or she will be taken to task if the job is not done right and so, exercises greater care and responsibility. The helpful friend, while well-intentioned, probably doesn't expect to be held to the same standard as the professional if things go wrong.

The executor who provides services gratuitously tends not to attach the same importance to their job as the executor who expects to be paid. The paid executor, *because they are being paid*, can more easily appreciate the importance of their work. The executor who acts gratuitously may not as easily

appreciate the importance of their work and would probably not expect to be held to the same standard as someone who was being paid.

I think that both beneficiaries and executors would benefit if executors were more inclined to receive compensation. Executors would come to appreciate the importance their work and would, on the whole, deliver better service knowing that that is what is expected of them. Beneficiaries would enjoy the higher levels of service that would be provided by more attentive executors. They would also feel less awkward about speaking out about less than ideal levels of attention provided by the executor if they knew the executor was being paid. As it is, beneficiaries are often reluctant to complain when the executor acts gratuitously.

I think that so long as we continue to treat the position of executor as a position of honour rather than as a position of real responsibility, the overall level of service provided by executors will be less than what it could—and should—be. Paying—and accepting—the compensation due to executors would, I think, go a long way to change that.