Brian T. McCarthy

PARTNER



Long Island
3 Dakota Drive
Suite 300
Lake Success, NY 11042

Tel: (516) 328-2300
Fax: (516) 328-6638
Email: bmccarthy@abramslaw.com

This biography is provided for informational purposes only and does not constitute legal advice.

PRACTICE AREAS

- Elder Law and Estate Planning
- Special Needs Planning
- Estate Litigation
- Estate Planning
- Insurance Defense
- Medicaid Planning
- Trusts & Estates
- Elder Law
- Estate Probate & Administration

Brian T. McCarthy is a partner at Abrams Fensterman, LLP, with a practice that covers the fields of Estate Litigation, Commercial Litigation, Federal Criminal Defense, and Admiralty and Maritime Law.

With his extensive litigation experience in both federal and state courts, Mr. McCarthy has assisted clients navigate complex proceedings from their inception through appeal. This vertical approach offers numerous advantages to clients who can be assured that all tactical and strategic decisions made throughout the course of their representation are based on advice received from the same lead counsel.

Mr. McCarthy supervises a team of attorneys and staff to ensure all available resources can be utilized to address litigation priorities with a sense of urgency.

In a recent commercial litigation matter, Mr. McCarthy employed innovative legal arguments to secure a judgment in excess of $35 million dollars. This was the result of a multi-year litigation that saw Mr. McCarthy succeed not only at the trial court level but also on appeal defending hard fought victories in the lower court.

In 2000, Mr. McCarthy was appointed as an Assistant District Attorney in the New York County District Attorney's Office by Robert M. Morgenthau. Assigned to a trial bureau, he successfully prosecuted numerous criminal cases, including People v. Rocco Graziosa, where a top count conviction was obtained for the assault of former New York Yankees, David Wells. He successfully conducted long term investigations, including matters involving the FBI-NYPD Joint Terrorism Task Force.

In 2004, Mr. McCarthy joined a Port Washington based law firm, where he specialized in maritime law, federal criminal defense, civil litigation and administrative law. Mr. McCarthy successfully defended numerous maritime owners and operators from prosecutions brought by the United States Department of Justice – Environmental Crimes Section.

Mr. McCarthy continues to litigate against the Department of Justice, United States Coast Guard and other federal agencies as part of his criminal defense and admiralty and maritime practices. Whether in federal courts or in administrative proceedings, Mr. McCarthy employs his vast experience to provide clients with the best possible defense.

This litigation experience and his substantive knowledge of Surrogate's Court procedures have provide clients with a trusted counsel, who ensures the focus of the representation is to obtain the most favorable outcomes available.

BAR ADMISSIONS

- State of New York – 2001
- United States District Court for the Southern District of New York – 2003
- United States District Court for the Eastern District of New York – 2003
- United States Court of Appeals for the Second Circuit – 2022

EDUCATION

- Hofstra University, JD, 2000
- Villanova University, Bachelor of Arts, 1997

HONORS AND AWARDS

- New York Metro Super Lawyers – 2023, 2024, 2025
- Corpus Juris Secundum Award – Civil Procedure

NOTABLE MATTERS

- Successfully obtained a judgment in excess of $35 million dollars in a complex commercial litigation.
- Numerous successful defenses of Will admitted to probate over beneficiaries objections.
- Extensive experience in litigating accounting proceedings in Surrogate's Court.
- Obtained multi-million dollar settlement from financial institution as part of FINRA arbitration.
- Represented numerous maritime professionals in criminal actions brought by the Department of Justice arising from Coast Guard investigations.

PUBLICATIONS

- Sharon A. Kahn & Brian T. McCarthy, AT-WILL EMPLOYMENT IN THE BANKING INDUSTRY: RIPE FOR A CHANGE, 17 Hofstra Lab. & Emp. L.J. 195 (Fall 1999) (cited in Kroske v. US Bank Corp, 432 F.3d 976 (9th Cir. 2005); Goonan v. FRB, 916 F.Supp.2d 470 (S.D.N.Y. 2013); Steverson v. FRB, 2012 U.S. Dist. LEXIS 56970 (S.D. Ohio 2012); Ewing v. Fed. Home Loan Bank, 645 F.Supp.2d 707 (S.D. Iowa 2009); James v. NRB, 471 F.Supp.2d 226 (E.D.N.Y. 2007)).

FEATURED PUBLICATIONS

- **40 Abrams Fensterman Attorneys Named in 2025 New York Super Lawyers**
  https://www.abramslaw.com/media/awards/40-abrams-fensterman-attorneys-named-in-2025-new-york-super-lawyers
- **2018: The Year New York Implements Meaningful Criminal Justice Reform? – NYLJ Op-Ed by Elizabeth Kase & Brian McCarthy**
  https://www.law.com/newyorklawjournal/2018/01/16/2018-the-year-new-york-implements-meaningful-criminal-justice-reform/
- **Proving Diminished Mental Capacity Post-Death – NYSBA Journal – January 2017 Edition**
  https://www.abramslaw.com/media/publications/proving-diminished-mental-capacity-post-death-nysba-journal-january-2017-edition
- **44 Abrams Fensterman Attorneys Recognized in 2026 New York Super Lawyers® and Rising Stars** — 10/25/2026
  https://www.abramslaw.com/media/awards/44-abrams-fensterman-attorneys-recognized-in-2026-new-york-super-lawyers-and-rising-stars
- **33 Abrams Fensterman Attorneys Recognized on 2024 New York Metro Super Lawyers® and Rising Stars Lists** — 10/23/2024
  https://www.abramslaw.com/media/awards/33-abrams-fensterman-attorneys-recognized-on-2024-new-york-metro-super-lawyers-and-rising-stars-lists