

Estate Litigation

PRACTICE LEADER



Brian T. McCarthy

Partner

Trusts and Estates Litigation

The attorneys in Abrams Fensterman's Trusts and Estates Department help clients achieve financial security through estate and gift tax planning, family business succession planning, and estate and trust administration. Our attorneys also represent clients in disputes arising out of the administration of estates and trusts.

Additionally, the firm handles [elder law](#) and [guardianship](#) issues.

If you need assistance in asset protection or estate administration, contact the lawyers at our law offices in New York City, Long Island, Brooklyn, Rochester, or Albany, New York. We also serve clients in New Jersey.

Our New York estate planning attorneys advise individuals and families on wealth preservation issues, including drafting wills and the following types of trusts

- Revocable trusts
- Irrevocable insurance trusts
- Grantor retained annuity trusts
- Charitable remainder trusts and charitable lead trusts
- Qualified personal residence trusts
- Intentionally defective trusts
- Asset protection trusts

- Dynasty trusts
- Supplemental needs trusts

Our attorneys also counsel clients on the income, estate and gift tax treatment of charitable giving. This includes assisting clients in establishing endowments at various charities and creating private charitable foundations.

Business Estate Planning

Our estate planning attorneys work with owners of closely held businesses to:

- Structure tax-efficient business succession plans and buy-sell arrangements
- Create family limited partnerships
- Create qualified and nonqualified retirement plans
- Create captive insurance companies
- Structure buy-sell agreements
- Draft employment agreements
- Implement various asset protection strategies

Estate Administration

We work closely with executors, trustees and beneficiaries of trusts and estates to ensure the orderly administration of trusts and estates. Our estate administration lawyers act as counsel to corporate fiduciaries who serve as executors and trustees. We assist both individual and corporate clients in all phases of estate and trust administration, including the following:

- Probate of wills and all phases of Surrogate's Court practice
- Collecting and valuing assets
- Preparing estate and fiduciary income tax returns
- Preparing fiduciary accountings
- Distributing estate and trust assets to beneficiaries
- Advising clients on the use of qualified disclaimers and other post-mortem tax planning devices, including making various tax elections and allocations
- Representing clients before the Internal Revenue Service and the New York state tax examiners in connection with audit examinations of estate, gift and income tax returns

Estate and Trust Litigation

Our attorneys also represent clients in estate and trust-related litigation in Surrogate's Court. We have counseled clients on issues related to:

- Will contests
- Objections to trust and estate accountings
- Spousal right of election
- Recovering assets that belong to an estate

- Removal of fiduciaries from office

Contact Our Law Firm

For further information about the firm's estate planning, asset protection and estate administration practice, [contact the firm's law offices](#) on Long Island at [516-328-2300](#), in Brooklyn at [718-215-5300](#), White Plains at [914-607-7010](#), Rochester at [585-218-9999](#) or Albany at [518-535-9477](#) to schedule an initial consultation.