FARRELLFRITZ
ATTORNEYS

Bret Cahn

Partner
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Bret Cahn is a trusts and estates and Article 81 guardianship litigator representing individuals and families across New York. Bret handles a full range of will contests, discovery and turnover proceedings, removal proceedings, contested accountings, disputes related to the spousal right of election, and contested Article 81 guardianship proceedings. Appearing regularly before Surrogate's Court and Supreme Court, Bret drafts and argues substantive and procedural motions, engages in settlement negotiations, examines witnesses, and runs a successful appellate practice.

Knowledgeable in his field, Bret lectures for numerous organizations on various trust and estate litigation topics, including turnover proceedings, relief against a fiduciary, and disputes related to the spousal right of election. Bret also frequently lectures on Article 81 guardianship proceedings, including preventing power of attorney abuse, turnover proceedings, and commencing a guardianship proceeding.

Before joining the firm, Bret was an associate in a Brooklyn law firm.

Experience

- Secured favorable resolution of a 9-figure Article 81 guardianship proceeding, protecting client's marriage and financial interests.
- Obtained a successful result for a client in a proceeding to remove them as trustee of a valuable family trust.

PRACTICE AREAS

Estate Litigation

Trusts & Estates

EDUCATION

New York Law School, J.D.

State University of New York at Buffalo, B.A.

AFFILIATIONS AND APPOINTMENTS

Brooklyn Bar Association, Elder Law Committee, Member

Brooklyn Bar Association, Surrogate's Court Committee, Member

Brooklyn Bar Association, Trusts and Estates Committee, Member

New York State Bar Association, Estate Litigation Committee, Member

New York State Bar Association, Surrogate's Court Committee, Member

ADMISSIONS

New York

- Has successfully defended numerous agents under powers of attorney against accusations of breach of fiduciary duty and self-dealing in contested Article 81 guardianship proceedings.
- Obtained a directed verdict in a contested guardianship trial.
- Successfully obtained dismissal of a $1 million claim against an estate.
- Obtained summary judgment denying probate of a will for lack of due execution.
- Second chaired a 17-day contested guardianship trial, securing a favorable result for the client.
- Obtained summary judgment for a surviving spouse when her stepchildren claimed she should be disinherited due to abandonment of the decedent.
- In a turnover proceeding, obtained a determination that a confidential relationship existed between the decedent and the respondent, leading to a favorable settlement for the client.
- Examined expert witnesses at a contested probate jury trial.

Recognition

- Best Lawyers, Ones to Watch, Litigation—Trusts & Estates 2023-present