FARRELLFRITZ
ATTORNEYS



John R. Morken

Partner

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John R. Morken is a trusts and estates litigator representing individuals, families, and institutions. With extensive trial and appellate experience in the Surrogate's Courts and other courts throughout New York, John handles probate contests, trust litigation, discovery proceedings, accountings, and commercial litigation related to estates.

John is very active as a certified mediator, settling disputed estate matters. He also advises clients on steps that can be taken to avoid future estate litigation that otherwise can, quite literally, destroy families and cause endless aggravation and costs.

A prolific author and lecturer on estate litigation topics, John authors articles appearing in respected publications such as the New York State Bar Association's Trusts and Estates Law Section Newsletter and in the New York State Bar Association Journal. Over the course of his lengthy career, John lectured several times to the Surrogate's Association of the State of New York.

Experience

- Successfully defended at trial a widow against a claim that she had abandoned her husband and therefore had no interest in his estate.
- Successfully won a Surrogate's Court verdict in a plane crash case, where the issue was whether the husband or wife died first.
- Successfully achieved a "business divorce" between a brother and sister, settling litigation, and separating their respective trusts and business interests.

PRACTICE AREAS

Estate Litigation

Trusts & Estates

Private Client

EDUCATION

New York University School of Law, J.D.

Swarthmore College, B.A.

AFFILIATIONS AND APPOINTMENTS

New York State Bar Association COVID-19 Recovery Task Force, Task Force Member

American College of Trust and Estate Counsel (ACTEC), Fellow

New York State Bar Association, Past Chair, Trusts and Estates Law Section and Litigation and Legislation Committees

New York State Bar Association, Trust and Estates Law Section Annual Meeting, Former Chair and Co-Chair

ADMISSIONS

Bar Admissions

New York

Court Admissions

United States District Court, Eastern District of New York

United States District Court, Southern District of New York

- Successfully won a Surrogate's Court battle over an estate's interest in a law firm, where it was determined that under BCL §1510, the estate was only entitled to the book value of the decedent's interest in the open, contingency fee cases in existence at his death.
- Successfully defended a Will in an oft-cited case, holding that summary judgment should apply so as to admit the Will to probate without a trial.
- Successfully represented the objecting members of the Huguette Clark family in a celebrated probate contest, coming to a settlement as the jury was being picked for trial, and was also successful in recovering monies purportedly given by the decedent to various nurses and doctors.
- Successful settled a dispute between a parent and adult children regarding a large trust by separating their respective interests and decanting the trust into separate trusts, out-of-state.
- Successfully defended at trial gifts made by a decedent against allegations that they were a result of forgery.
- Successfully had a constructive trust imposed at trial, enforcing an oral agreement not to exercise a power of appointment.
- Successfully argued in the New York State Court of Appeals that a verdict after trial in the Surrogate's Court should be reversed and the petition dismissed, in a case involving a contract to make a Will.
- Successfully had a decree admitting a Will to probate vacated because of suspicious circumstances in the Will's creation and execution.
- Successfully litigated the termination of a guardianship of an individual as no longer being necessary in the New York Supreme Court and the Appellate Division.

Community Work

- John is very involved in the work of his church, at which he serves as an elder, and with respect to mission efforts in West Africa and Guatemala.

Recognition

- Chambers High Net Worth, NY Private Wealth Disputes
- Best Lawyers in America, Trusts & Estates, Litigation, 2015-present
- Super Lawyers, New York Metro, 2008-present
- New York State Bar Association and New York State Unified Court System's Office for Justice Initiative, Pro Bono Award, 2021