

# Robert M. Harper

Partner

Uniondale

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Robert Harper is an estates, trusts, and guardianship litigator who advises individuals, families, charities, and corporate fiduciaries. Appearing before the Surrogate's Court and the Supreme Court, Rob handles a wide range of proceedings including will and trust contests, contested accounting proceedings, contested guardianship proceedings, marital agreement challenges, fiduciary removal applications and surcharges, asset turnover proceedings, and more. He also has experience as a court-appointed guardian ad litem and mediator in Surrogate's Court proceedings. Rob provides practical and smart advice aimed at helping clients negotiate outside of the courts if possible, but if litigation is unavoidable, he adeptly sees them through the entire process with care.

In addition to his work with Farrell Fritz, Rob is a special professor of law at Hofstra University School of Law and coaches Hofstra's moot court teams. With a vast background as a practitioner and professor, Rob is a frequent lecturer on trusts and estates topics and a contributor to the firm's New York Trusts & Estates Litigation blog.

## Experience

- Co-authored an *amicus curiae* brief and served as counsel of record for the New York State Bar Association in *North Carolina Department of Revenue v. Kimberly Rice Kaestner 1992 Family Trust*, in which the United States Supreme Court unanimously ruled for the party that the New York State Bar Association supported.

## PRACTICE AREAS

Estate Litigation

## EDUCATION

Maurice A. Deane School of Law at Hofstra University, J.D.

Boston College, B.S.

Chaminade High School

## AFFILIATIONS AND APPOINTMENTS

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

Nassau County Bar Association, Director and Judiciary Committee Member

New York State Bar Association, Trusts & Estates Law Section, Former Chair, Treasurer and Secretary, Past Governmental Relations and Legislation Co-Chair and Past Delegate to the House of Delegates

Suffolk County Bar Association, Former Director and Past Surrogate's Court Committee Co-Chair

New York Bar Foundation, Fellow

Suffolk Academy of Law, Past Officer

## ADMISSIONS

### Bar Admissions

New York

New Jersey

### Court Admissions

Supreme Court of the United States

United States District Court, Eastern District of New York

- Following a seventeen-day trial in *Matter of Corinne S.*, secured the appointment of an independent guardian for an incapacitated person, even though the incapacitated person's wife and daughter filed competing petitions to become his Mental Hygiene Law Article 81 guardian.
- Represented a charity before the Surrogate's Court, Appellate Division, and Court of Appeals in *Matter of Anderson*, in which the courts construed survivorship language in the decedent's will to conclude that the estate's residue should pass to charity, rather than the decedent's girlfriend's estate.
- In *Matter of Loe*, represented the petitioner who successfully moved for summary judgment dismissing the decedent's children's objection that the propounded will was the result of an insane delusion, thereby ensuring that the estate passed to the decedent's intended beneficiaries, including the university from which the decedent's predeceased son graduated.
- While serving as a guardian ad litem in *Matter of Fabrey*, successfully moved for a preliminary injunction and negotiated a \$5,200,000 settlement for the benefit of the parties whose interests he represented.
- Obtained summary judgment dismissing a party's objection as to the validity of a trust instrument in *Matter of Beanland*.
- Co-authored proposals to amend Rule 4503(b) of the Civil Practice Law and Rules (extending to revocable trust contests an exception to the attorney-client privilege); Estates, Powers and Trusts Law section 11-1.7 (providing that exoneration clauses in lifetime trusts are void as against public policy); and Mental Hygiene Law section 81.21 (correcting a technical error in the statute), which the New York State Legislature enacted and the Governor signed into law.

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## Recognition

- Best Lawyers in America, Litigation – Trusts and Estates, 2024
- Super Lawyers, New York Metro, Estate & Trust Litigation, 2023
- Super Lawyers, New York Metro Rising Stars, Estate & Trust Litigation, 2015-2022
- Martindale Hubbell, AV Preeminent Peer Review Rating
- Touro Law Center, Public Interest/Pro Bono Attorney of the Year, 2018
- Hofstra University School of Law, Interscholastic Team Coach of the Year, Moot Court, 2012
- Long Island Business News, Ones to Watch in Law, 2011