

Robert M. Harper

Partner

Uniondale

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Robert Harper is a seasoned 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, kinship proceedings, 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, including trial, 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 Former 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.
- In *Matter of Mantia*, represented a petitioner in a Surrogate's Court Procedure Act § 1809 claim proceeding at trial, which resulted in the Surrogate's Court determining that the petitioner had a valid constructive trust cause of action against a decedent's estate.
- 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 a decedent's will to conclude that the estate's residue should pass to charity, rather than the decedent's significant other's estate.
- In *Matter of Loe*, represented a petitioner who successfully moved for summary judgment dismissing a 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.
- In *Matter of Birks*, secured summary judgment determining that a deed signed, but not recorded, during a decedent's lifetime validity transferred title to real property to the petitioner.
- Represented trustees in *Yonke v. D'Angelo*, where the Supreme Court granted summary judgment determining that the trust's remainder beneficiary was not entitled to an accounting of the trust for the period prior to the grantor's death, and denied the remainder beneficiary's cross-motion for summary judgment removing one of the trustees.
- Obtained summary judgment dismissing testamentary capacity, undue influence, forgery, and fraud probate objections in *Matter of Casey*, successfully defending the will offered for probate.
- In *Matter of Welter*, represented a university in hotly contested Surrogate's Court proceedings concerning the validity of a lost will under which the client benefitted, involving extensive motion practice and ultimately resulting in a settlement that was favorable to the university.
- Persuaded a Supreme Court justice to grant a petition to change the situs of a lifetime trust from New York to Colorado in *Matter of Pratt*, given that the requested change in situs would facilitate the trust's administration and promote the beneficiaries' interests.

- Successfully represented kinship claimants in *Matter of Brenes*, where the court determined that several of the decedent's relatives perished in the Holocaust, even in the absence of death certificates establishing those relatives' deaths.
- In *Matter of McErlain*, secured a decree admitting a remotely witnessed will to probate, pursuant to New York State Executive Order 202.14.
- Obtained summary judgment dismissing a party's objection as to the validity of a trust instrument in *Matter of Beanland*, a matter that raised interesting choice-of-law issues and in terrorem clause questions.
- 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.

Recognition

- Best Lawyers in America, Litigation – Trusts and Estates, 2024 – Present
- 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
- Long Island Business News, Leaders in Law, 2024