



## JOHN G. FARINACCI / PARTNER

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### EDUCATION

- Widener University  
School of Law (J.D.  
1997)
- St. Johns University  
(B.A. 1994)

### PRACTICE AREAS

- Alternative Dispute  
Resolution
- Estate, Trust and  
Fiduciary Litigation
- Trusts & Estates

John Farinacci is a partner and chair of the Trusts, Estates and Fiduciary Litigation practice group and a co-chair of the broader Trusts & Estates trust department. John is also a member of the Alternative Dispute Resolution practice group. John is a litigator with over a quarter of a century of experience who devotes his practice to complex trust and estate disputes.

John handles numerous contested cases, including both the prosecution and defense of contested probates/will contests, will and trust construction proceedings, contested fiduciary accounting proceedings, imprudent fiduciary investment cases, fiduciary negligence and malfeasance claims, contested guardianship proceedings, kinship proceedings, discovery and turnover proceedings, constructive trust proceedings, commercial and real estate disputes in which estates or trusts interests are implicated, elder financial exploitation cases and a broad variety of other disputes that relate to the affairs of a decedent or administration of an estate or trust. All of this has given John wide-ranging experience that touch upon multiple areas of law.

John's handles his cases from inception through trial and appeals. His litigation practice is most heavily concentrated in the Surrogate's Courts, but he routinely handles cases in New York State Supreme Court and he handles appeals to the Appellate Divisions and the New York State Court of Appeals. John has served as an expert witness on breaches of fiduciary duties in Federal Court and handles cases that relate to trust and estate issues in Federal District Court.

John has extensive experience in developing litigation-avoidance strategies as well as experience in resolving disputes through alternate dispute resolution methods such as mediation. John is a member of the firm's Alternate Dispute Resolution Practice Group as a trained mediator and has received advance training to mediate Surrogate's Court disputes specifically.

As a compliment to John's litigation practice, John has extensive experience in estate planning matters, probate, estate and trust administrations, guardianships and uncontested Surrogate's Court proceedings.

John's clients have included individual beneficiaries, heirs, executors, trustees, guardians and financial institutions serving as corporate fiduciaries.

John frequently lectures in continuing legal education programs on various trusts and estates topics.

### Professional Associations

- New York State Bar Association Trusts and Estates Section – Member since 1998
  - Member of the Executive Committee – 2005, 2006, 2008, 2009, 2015, 2016, 2019, 2020, 2021, 2022.
  - Current Vice-Chair and Past-Chair of the Surrogate's Court Committee
  - Past Chair of the Estate Litigation Committee
  - Past Vice-Chair of the Continuing Legal Education Committee
- Nassau County Bar Association Surrogate's Court Estates and Trusts Committee
  - Member since 1998
  - Past Chair
- Suffolk County Bar Association Surrogate's Court Committee
- Trustee of the Long Island Children's Museum - 2012-2019
- Active Member of the Governance Committee – 2017 - 2019

### Honors and Awards

- Long Island Business News Leadership in Law Award for the category of law firm partner – November 29, 2018.
- Long Island's 40 rising stars under the age of 40 in the category of law in 2007.
- Super Lawyers – 2015-Present in the category of Estate & Trust Litigation
- Profiled (along with the Nominee's attorney-spouse) in Long Island Business News cover story, "Law, Love & Marriage", subtitled, "Husband, wife team litigate bellwether case involving 'predatory marriages'", August 17 – 23, 2018.
- Quoted in the New York Post article "Holocaust Survivor's Kin Can Keep \$10M Relec", April 6, 2010. The quote was given in an interview in relation to a win by the Nominee and his firm in an estate case of public interest. The article with the Nominee's quotes were republished by several international news outlets such as in the UK's Daily Mail article, "Smart Trade: The £6.6M Ancient Gold Tablet That a Holocaust Survivor Swapped Some Cigarettes For in Post-War Berlin", April 6, 2010 and Australia's The Advertiser's article, "Holocaust Survivor Wins Stolen \$11M relec", April 6, 2010.
- The Nominee was one of the featured subjects, and quoted in the business news article in New York Newsday entitled, "Is 'inbox zero' the answer to taming the email monster? Not for everyone, experts say", March 22, 2019.
- Quoted in Wealth Management.com's article, "A Step in the Right Direction for Elder Abuse Cases, July 18, 2018
- Quoted in the Brooklyn Daily Eagle article, "Landmark Surrogate's Court Decision Could end the Scourge of Predatory Marriages", July 25, 2018.

## Blogs

- “A Matter of Convenience: From Bank Accounts to Real Property,” Lexis Nexis Estate Practice and Elder Law Blog, 6/11/15.
- “Rules Concerning Non-party Subpoenas Finally Made Uniform,” Lexis Nexis Estate Practice and Elder Law Blog, 4/29/14.
- “Abandonment Cases in Surrogate’s Court Present Difficult Factual Issues,” Lexis Nexis Estate Practice and Elder Law Blog, 2/18/14.
- “Estate Failed to Prove Museum’s Laches on Claim to a 3,000 Year Old Archeological Artifact Missing Since WWII,” Lexis Nexis Estate Practice and Elder Law Blog, 1/06/14.
- “Spouse vs. Charity: Estate Tax Apportionment,” Lexis Nexis Estate Practice and Elder Law Blog, 5/14/13.
- “Hostility as a Basis to Deny Fiduciary Appointment,” Lexis Nexis Estate Practice and Elder Law Blog, 3/01/13.
- “Life Imitating Art on the Stage of the Surrogate’s Court” Lexis Nexis Estate Practice and Elder Law Blog, 8/08/12.
- “Summary Judgment in Will Contests: An Epilogue,” Lexis Nexis Estate Practice and Elder Law Blog, 3/20/12.
- “Summary Judgment in Will Contests: Matter of Lubin,” Lexis Nexis Estate Practice and Elder Law Blog, 2/13/12.

## PUBLICATIONS

- RMF Partners John G. Farinacci and Jessica M. Baquet Achieve Landmark Victory In Hotly Contested Predatory Marriage Case (*Press Release*)
- Thirty-One Ruskin Moscou Faltischek Attorneys Named As New York Metropolitan Area Super Lawyers For 2022 (*Press Releases*)
- Considerations in Choosing Fora For Disputes Over Decedents’ Assets (*Articles, Trusts and Estates*)
- Asserting Affirmative Defenses To Objections in Accounting Proceedings (*Articles, Trusts and Estates*)
- Twenty-Five Ruskin Moscou Faltischek Attorneys Named As New York Metropolitan Area Super Lawyers For 2021 (*Press Releases*)
- Seventeen Ruskin Moscou Faltischek Attorneys Named As New York Metropolitan Area Super Lawyers For 2020 (*Press Releases*)
- Estate Pitfalls in Divorce And Separation Agreements (*Articles, Trusts and Estates*)
- Anatomy of a Probate Contest, Part 5: The Trial (*Trusts and Estates*)
- Fifteen Ruskin Moscou Faltischek Attorneys Named As New York Metropolitan Area Super Lawyers for 2019 (*Press Releases*)
- Law, Love & Marriage (*Trusts and Estates*)
- In ‘Bellwether,’ Judge Rejects Spousal Share for Caretaker (*Trusts and Estates*)
- The Facts and Misconceptions Between Undue Influence and Mental Capacity (*Trusts and Estates*)
- Ruskin Moscou Faltischek, P.C. Wins Landmark Victory in Predatory Marriage Case (*Press Releases*)
- Sixteen Ruskin Moscou Faltischek Attorneys Named as New York Metropolitan Area Super Lawyers for 2017 (*Press Releases*)

- Balancing Competing Concerns: Law Of Organ Donation and Transplantation (*Trusts and Estates*)
- Estate Tax Apportionment and Ratable Contribution to Elective Share (*Articles, Trusts and Estates*)
- The Right of Election and Tax Apportionment (*Articles, Trusts and Estates*)
- 'Knox,' the Prudent Investor and Fiduciary Duties – New York Law Journal, 9-18-2012 (*Articles, Trusts and Estates*)
- From Greiff to Campbell and Berk (*Articles, Trusts and Estates*)
- The Judicial Evolution of Spousal Protection Under Estates Law (*Articles, Trusts and Estates*)

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