ELMAN FREIBERG PLLC



Jay W. Freiberg
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Chambers RANKED IN High Net Worth 2026 Jay W. Freiberg

ACTEC THE AMERICAN COLLEGE OF TRUST AND ESTATE COUNSEL FELLOW

RATED BY Super Lawyers Jay W. Freiberg SuperLawyers.com

Education

- The George Washington University Law School
- Binghamton University, State University of New York

Bar Admissions

- New York

Court Admissions

- US Tax Court
- US Court of Appeals, Second Circuit
- US District Court, Southern District of New York
- US District Court, Eastern District of New York
- US District Court, Eastern District of Pennsylvania

Jay is laser-focused on efficiently obtaining wins for his clients, who hire him for his seasoned and sound judgment in dispute resolution both in and out of the courtroom. A trusted counselor, he has deep expertise representing all types of stakeholders in sophisticated and complex trust and estate disputes. Jay has significant experience litigating all manner of breach of fiduciary duty actions, trustee accountings and removal proceedings, and Will contests and other contested probate matters. As part of this practice, he counsels private clients in potentially contentious business and personal matters regarding, among other areas, closely-held businesses, real estate and tax. Jay's practice also includes guardianship actions and other contested elder law matters. A carefully aggressive advocate — honed over many years of focusing solely on private client litigation — Jay's clients look to him for their thorniest matters.

Jay is well-known in his field, and often speaks and writes on fiduciary litigation topics, including undue influence, no contest clauses, accountings, and fiduciary risk mitigation. Jay is a Fellow in the peer-elected American College of Trust and Estate Counsel (ACTEC). He is the chairperson of the Litigation Committee of *Trusts & Estates* magazine. The chairperson of the Steering Committee for the Cambridge Forum on Private Wealth Litigation. And Jay's practice is Chambers rated.

For many years Jay was an adjunct professor at Fordham University School of Law, where he taught legal writing. And he served as a law clerk for the Honorable Diane Weiss Sigmund, judge for the US Bankruptcy Court in the Eastern District of Pennsylvania.

Jay resides in Manhattan with his wife (he's a recent empty-nester). When not with his family or in the office, he can be found training for his next race. Jay is a veteran of numerous road races and triathlons and, on happy occasion, makes the podium.



Recent Representative Matters

- Representation of beneficiaries of significant trusts in a complex, multi-jurisdictional contested accounting and fiduciary removal action and related estate proceedings.
- Defend fiduciaries in a multi-jurisdictional estate dispute alleging breaches of fiduciary duties and in related significant trust accounting proceedings.
- Represent beneficiary in a hotly contested, multi-jurisdictional trust division litigation.
- Defend trustees of trusts holding very prominent New York City real estate.
- Defend trustees against aggressive and litigious beneficiary commencing actions in numerous courts and jurisdictions.
- Represent family members in a contested guardianship proceeding involving complicated asset transfer and marriage issues.
- Provide litigation avoidance advice to fiduciary in complicated estate and trust structure holding significant stock assets, life insurance and real estate.
- Represent beneficiary in an estate and trust dispute regarding complex tax and allocation issues.
- Represent family member in a contested guardianship involving significant closely-held business.
- Defend fiduciaries in an estate and trust dispute regarding complicated New York City real estate holdings.
- Represent beneficiary of historic trusts in multi-jurisdictional accounting proceedings.

Thought Leadership

- Chairperson, Steering Committee, Cambridge Forum on Private Wealth Litigation
- Chairperson, Litigation Committee, *Trusts & Estates* magazine
- Recognized by *Super Lawyers* for Estate & Trust Litigation
- Recognized by *New York Law Journal* and *New York Magazine* as a Top-Rated Trusts and Estates Lawyer

Memberships

- Fellow, The American College of Trust and Estate Counsel
- American Bar Association, Real Property, Trusts and Estates Law Section, Probate & Fiduciary Litigation Committee
- New York State Bar Association, Trusts and Estates Law Section, Litigation Committee
- New York City Bar, Trusts, Estates & Surrogate’s Courts Committee
- Yale Club Insurance Study Group



Speaking Engagements & Articles

- Presenter | Undue Influence Trials | 2026 Surrogates Association Fall Meeting, West Point, New York (Sept. 2026)
- Presenter | Contested Interstate Guardianships | 2026 Probate Bench Bar, Columbia, South Carolina (Sept. 2026)
- Presenter | Uniform Adult Guardianship and Protective Proceedings Jurisdiction Act ("UAGPPJA") Litigation | ACTEC Annual Meeting, Tampa, Florida (March 2026)
- Presenter | The Power, and Pitfalls, of a Fiduciary Indemnity | ACTEC Fiduciary Committee, Austin, Texas (October 2025)
- Presenter | Indemnification—the Teeth of a Fiduciary Release | Representing Estate and Trust Beneficiaries and Fiduciaries 2025, ACTEC/ALI CLE Webinar (March 2025)
- Author | The Two-Hatted Fiduciary | *Trusts & Estates* Magazine (December 2024)
- Presenter | Practical Considerations When Asked to Serve as a Fiduciary | Estate Planning Council - Estate Planners Day (May 2024)
- Presenter | Fiduciary Exception to the Attorney-Client Privilege | ACTEC Annual Meeting, Phoenix, Arizona (March 2024)
- Author | Progressive or Regressive - Some contrarian questions about new-fangled trust codes | *Trusts & Estates* Magazine (December 2023)
- Presenter | Trusts Gone Awry | YPO Big Apple Gold Family Office & Financial Services Seminar (May 2023)
- Presenter | Fiduciary Accounting Challenges | Estate Planning Council of New York City (May 2023)
- Presenter | How Can You Lose What You Never Really Had? Defending and Attacking Fiduciary Assertions of Privilege | Cambridge Forum on Private Wealth Litigation (April 2023)
- Author | To Seek a Court's Advice and Direction, or Not to Seek, That is the Question | Trusts & Estates Magazine (December 2022)
- Presenter | A Primer on Estate and Probate Administration | New York City Bar CLE (August 2022)
- Presenter | Trust Owned Businesses – Who's the Boss? | Cambridge Forum on Private Wealth Litigation (May 2022)
- Author | The Probate Exception - We're Not Just in State Court Anymore | Trusts & Estates Magazine (May 2022)
- Presenter | A Primer on the Trustee Intake Process (And Beyond) From a Litigator's Point of View | *Trusts & Estates* Virtual Forum (November 2021)
- Presenter | Avoiding Litigation in Directed Trusts | South Dakota Trust Association Fall Forum (October 2021)



Speaking Engagements & Articles continued

- Author | Wealth Advisors as Life Insurance Trustee—a Good Idea? | NYSBA Trusts and Estates Law Section Journal (2021 | Vol. 54 | No. 2)
- Author | When an In Terrorem Hits the Interstate | Trusts & Estates Magazine (May 2021)
- Author | Litigating an Undue Influence Case | Trusts & Estates Magazine (December 2020)
- Presenter | Litigation Avoidance Techniques For CPA's Serving As Trustees | New York State Society of CPA's (December 2020)
- Presenter | Trust Assets in Divorce Proceedings: Within Reach or a Bridge too Far? | American Bar Association Family Law Section | 2020 Fall CLE Conference (October 2020)
- Presenter | The Fuzzy Line Between Influence and Undue Influence | Cambridge Forum on Private Wealth Litigation (September 2020)
- Presenter | Litigating Trust and Estate Disputes in Florida v. New York | Palm Beach County Bar Association CLE (March 2020)
- Presenter | Joint Representations: Efficient, but at What Cost? | Cambridge Forum on Private Wealth Litigation (April 2019)
- Presenter | Litigation Avoidance for Trustees | Estate Planning Council of New York City (January 2019)
- Author | *What Do I Say When A Client Asks Me To Serve As A Trustee* | New York State Bar Association One on One (Fall / Winter 2018)
- Presenter | Best Practices During Fiduciary Litigation | Cooperstown, New York (September 2018)
- Panelist | Drafting Dos and Don'ts – Small Errors and a World of Problems | American Bar Association Real Property Trust and Estates (RPTE) Section's Spring CLE Symposia | Lake Buena Vista, Florida (May 2018)
- Participant | Cambridge Forum on Private Wealth Litigation (April 2018)
- Presenter | How Trustees Avoid the Courtroom (April 2018)
- Presenter | What You Should Know About Fiduciary Risk But Were Afraid to Ask (December 2017)
- Presenter | What to Know to Manage Trustee Risk | Detroit, Michigan (September 2017)
- Presenter | Mitigating Fiduciary Risk | New York, New York (June 2017)
- Presenter | Criminal Trust Busting: Wyly and Its Implications | Legal Week Trust & Estates Litigation Forum 2017 | Tourrettes, France (March 2017)