



Jay W. Freiberg

Partner

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Education

- The George Washington University Law School (J.D.)
- Binghamton University, State University of New York (B.A., History)

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 an aggressive and efficient problem solver who represents all types of stakeholders in and out of the courtroom. Focusing primarily on complex trust and estate disputes, including fraud and tax issues and multi-jurisdiction litigation, he brings deep experience in helping clients win. His private clients, including entrepreneurs, executives and philanthropists, also look to Jay for seasoned judgment in potentially contentious business and personal matters. Jay offers a unique litigation-focused skillset not usually found with typical trust and estate attorneys; as a federal court clerk and commercial litigator by training, he has spent the last 20 years in courtrooms across the country, and inherently understands the hurdles, pitfalls, and opportunities within the courtroom setting.

Jay is admitted in numerous courts throughout the United States, including the US Tax Court, the US Court of Appeals for the Second Circuit, the US District Court for the Southern and Eastern Districts of New York, and the US District Court for the Eastern District of

Pennsylvania. Partnering with local counsel, notably in Delaware and in Florida, Jay is able to provide seamless counsel to his multi-jurisdictional clientele.

Jay is an adjunct professor at Fordham University School of Law, where he has taught legal writing for over 10 years.

Prior to forming Elman Freiberg, Jay was the chair of Katten Muchin Rosenman's New York Fiduciary Litigation practice. He also served as a law clerk for the Honorable Diane Weiss Sigmund, judge for the US Bankruptcy Court in the Eastern District of Pennsylvania.

Selected Experience

- Representation of a beneficiary of significant trusts in a complex, multi-jurisdiction contested accounting and fiduciary removal action and related estate proceeding.
- Defense of a national trust company, as trustee, in US Tax Court and US District Court regarding penalties and judgments levied against businesses previously owned by the trust settlor.
- Defense of several closely held Delaware entities in litigation against a UK hedge fund and a UK court-appointed receiver regarding allegedly fraudulent loans made to the Delaware entities.
- Representation of beneficiaries of an offshore trust in multi-party proceedings seeking termination of the trust.
- Representation of a trustee tasked with the workout of numerous defaulted real estate loans.
- Representation of a private real estate lender in a multi-jurisdiction promissory note litigation.



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- Representation of a fiduciary and beneficiary of a substantial trust involved in an intra-family dispute regarding numerous closely held businesses and family limited partnerships.
- Representation of a fiduciary in the settlement of numerous disputes arising from an estate and trusts with significant real estate and art holdings located in several foreign jurisdictions.
- Defense of a registered broker in FINRA and state inquiries and a civil action alleging, among other things, breach of fiduciary duty, negligence, fraud and churning.

Memberships

- American Bar Association, Real Property, Trusts and Estates Law Section, Probate & Fiduciary Litigation Committee
- New York State Bar Association, Commercial and Federal Litigation Section, Trusts and Estates Law Section, Litigation Committee
- Yale Club Insurance Group

Speaking Engagements & Presentations

- 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 | Mitigating Fiduciary Risk | Cooperstown, New York (September 2018)
- Panelist | Drafting Dos and Don'ts – Small Errors and a World of Problems | 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 | Tournettes, France (March 2017)
- Presenter | Mitigating Fiduciary Risk | New York, New York (September 2016)
- Presenter | Managing Trustee Risk: Insights from a Fiduciary Litigator | Philadelphia, Pennsylvania (April 2016)