

# Planning for the unexpected



John Loalbo (right) is Chair of the Probate Litigation Practice Group. Sam Destito (left) welcomed John and his Associate, Justin Smigelsky (center), to the Madison office in 2018.

## Windels Marx Lane & Mittendorf, LLP

**Office:** 1 Giralda Farms  
Madison, NJ 07940

**Phone:** 973.966.3200

**Fax:** 973.966.3250

**Email:** info@windelsmarx.com

**Web:** www.windelsmarx.com

**No. of Employees:** 223

**Key Executive:** Samuel G. Destito,  
Madison Office Managing Partner

**Products/Services:** Full service  
law firm with offices in New York,  
New Jersey and Connecticut

**Year Founded:** 1830s

**WINDELS  
MARX** | Windels  
Marx  
Lane &  
Mittendorf, LLP

**L**ike saving for retirement or buying insurance to protect against disaster, estate planning is the act of defining and preparing your legacy so that it flourishes for generations to come. It is inherently optimistic, proactive and – when done well – executed with clarity and gravity. However, all too often we learn about family legacies being torn apart and contested due to misinterpretations of intent, individual ambitions and the breakup of the nuclear family and second marriages. This is particularly true when estate planning occurs without considering that problems will most certainly arise, which is why it's crucial to not only plan, but to ensure your planning benefits from forward-thinking legal counsel as it pertains to litigation and tax issues.

To help clients address their planning needs with confidence, Windels Marx employs a three-pronged approach: estate and trust planning, probate litigation and tax. We have decades of planning and litigation experience and, recently, we expanded our team to include veteran Probate Litigation Partner, John Loalbo, and his Associate, Justin Smigelsky.

Located on the sprawling and bucolic Giralda Farms campus in Madison, NJ, John and his team regularly represent parties in contested trust and estate matters in Probate Courts throughout the U.S. They individually possess a rare combination of extensive experience in trusts and estates planning, tax matters and probate litigation, which allows them to aggressively represent executors, trustees, beneficiaries, attor-

neys-in-fact, and other interested parties in such proceedings.

Probate litigation is a unique and continually expanding area of the law. In that regard, John and his team are particularly familiar with the rules, procedures and substantive law involved in probate litigation matters. Our practice mix allows us to efficiently identify deficiencies in an adversary's case and use it to achieve the client's goals. Given our experience, we know the questions to ask and the responses that should be given.

We recognize that litigation involving trusts and estates matters can be a result of mistrust and betrayal. We try to take such sentiments out of the equation; therefore, we work with opposing counsel to resolve matters by stipulation or settlement when beneficial to our client to do so. Furthermore, our extensive litigation experience informs the drafting of our estate planning documents, which will less likely be subject to challenge by a disgruntled heir.

In the long run, our multi-disciplined attorneys allow for formidable and efficient representation regarding probate litigation, and appropriate and effective planning to eliminate or minimize protracted and expensive contests to one's desired wishes upon death.

### Let's Talk

Contact John Loalbo, Partner (T: 973.966.3239, E: jloalbo@windelsmarx.com), or Justin Smigelsky, Associate (T: 973.966.3202, E: jsmigelsky@windelsmarx.com), to discuss your probate litigation matter or how planning for the unexpected can be accomplished.