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John R. Fitzpatrick

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As a faithful champion of his clients' interests in contested estates, John Fitzpatrick is widely known for his candid and thoughtful counsel. John's practice focuses on assisting people and financial institutions in inheritance disputes, commercial/business litigation and civil appellate advocacy.

A Fellow of the prestigious American College of Trust and Estate Counsel (ACTEC) and *Best Lawyers*® 2023 "Lawyer of the Year" (Phoenix) in Trust and Estate Litigation, John has a strong track record for achieving results for his clients. He has developed a solid reputation in probate and trust litigation, as well as in commercial litigation, for the high quality of his legal services, his well-considered counsel, his candor, honesty, and respectful demeanor, and his dedication to his clients. He offers a frank analysis of a client's rights, obligations and prospects, as well as a clear understanding of the litigation process and an idea of the potential expense. He regularly encourages an economic analysis of all litigation decisions, including the most significant of those the engagement of counsel, as not all probate disputes justify the expense of hiring a lawyer.

In his estate, probate and trust litigation practice, John assists clients in resolving a vast array of controversies. Whether the issues relate to probate matters, trust- or fiduciary-related controversies, or contested guardianships and conservatorships, John is able to leverage his decades of trial experience, his broad base of legal knowledge, and the firm's numerous strengths to provide his clients an exceptionally high level of service trial skills.

Estate, probate and trust law often overlaps with other areas of the law. John has handled cases involving community property issues, commercial litigation and transactions, real estate, pre- and postnuptial agreements, business succession and corporate control disputes, partnership and LLC matters, debtor-creditor controversies, family-owned or closely held business issues, validity and authenticity of written instrument disputes, breach of contract matters, foreclosure proceedings, constructive trust claims, real property title, succession, encumbrance, and lease issues, capacity to contract issues, agency issues, co-owner disputes (joint tenancy, co-tenancy and partition), negligence, misrepresentation, fraud and theft claims, annuity and custodial account disputes. He is also experienced in addressing life insurance disputes, death benefit, death beneficiary and pay-on-death (POD) issues and controversies, and other non-probate transfer or "will substitute" matters.

PRACTICE AREAS

Trust and Probate Litigation
Contested Guardianships and Conservatorships
Probate and Trust Administration
Commercial Litigation
Real Estate Litigation
Mediation

HONORS AND AWARDS

Fellow, The American College of Trust and Estate Counsel (ACTEC)
The Best Lawyers in America® : Lawyer of the Year (Phoenix), Litigation—Trusts and Estates, 2023
The Best Lawyers in America (Litigation—Trusts and Estates), 2018-present
Super Lawyers, 2015-present
AV Preeminent® Rating, Martindale-Hubbell®
"Top Lawyer" (Wills, Estates, Trusts), *Phoenix Magazine*, 2023
Az Business Leaders 2023 (Estate Planning & Probate Law), AZ Big Media

PROFESSIONAL MEMBERSHIPS

State Bar of Arizona: Past Chair (2018-2019) and Executive Council Member (2014-2020), Probate and Trust Section

National Association of Elder Law Attorneys

Maricopa County Bar Association

Phi Alpha Delta

Horace Rumpole American Inn of Court

PROFESSIONAL ACTIVITIES

Judge Pro Tem, Maricopa County Superior Court, 2004-2005

PRESENTATIONS

"Attorney-Client Privilege and the Duty of Confidentiality in Probate, Trust and Guardianship Matters," State Bar of Arizona, May 2023

"A Decade of the Arizona Trust Code: What We Learned and What We Still Don't Know" (co-presenter), State Bar of Arizona, May 2022

"Probate Court Off the Beaten Track, Vol. III," State Bar of Arizona, Advanced Probate Seminar, May 2019

"The Blunt Truth: Top 10 Ways to Have Your Clients' Estate Plan Litigated" (co-presenter), State Bar of Arizona, Probate and Trust Section, January 2019

"Advanced Issues in Probate and Estate Planning" (co-presenter), State Bar of Arizona, Advanced Probate Seminar, May 2018

"Probate Court Off the Beaten Track, Vol. II" (co-presenter), State Bar of Arizona, Advanced Probate Seminar, May 2018

"Probate Court Off the Beaten Track, Vol. I" (chair, moderator, co-presenter), State Bar of Arizona, Probate and Trust Section, November 2017

"Conflict Considerations in Estate Planning and Trust & Estate Administration and Litigation" (chair/faculty), State Bar of Arizona Annual Convention, June 2016

"Determining and Implementing Testator/Grantor Intent: Contracts to Make a Will, Constructive Trusts, Secret Trusts, and Oral Trusts" (co-presenter), Tucson Jewish Community Foundation, August 2015

"The Extent of the Trustee's Attorney-Client Privilege," State Bar of Arizona, October 2014

"Probate Issues Confronting Trustees and Beneficiaries and New Developments with the Attorney-Client Privilege" (co-presenter), State Bar of Arizona, Probate and Trust Section, October 2014

"The Extent of the Trustee's Attorney-Client Privilege," Valley Estate Planners, September 2014

"Resolving Probate and Trust Disputes without Protracted Litigation" (moderator and co-presenter), State Bar of Arizona, CLE by the Sea, July 2014

"Basics of Elder Law A-Z: Financial Exploitation" (co-presenter), Law Review CLE, April 2013

"Divorce with Dead People: Probate Litigation" (co-presenter), Maricopa County Bar Association, February 2011

COURT ADMISSIONS

Arizona, 1987

U.S. District Court, District of Arizona, 1987

U.S. Court of Appeals, Ninth Circuit, 1987

EDUCATION

J.D., University of Notre Dame, 1987

B.S., cum laude, Arizona State University, 1984