

FOR IMMEDIATE RELEASE

Sugar Felsenthal Grais & Helsinger LLP Partners Howard M. Helsinger and John C. Martin Obtain Lucrative Settlement in Probate Litigation



CHICAGO, IL (July 14, 2021) – Sugar Felsenthal Grais & Helsinger LLP (“*Sugar Felsenthal*”) is pleased to announce that partners Howard M. Helsinger and John C. Martin obtained an exceptional settlement for a client whose mother had tried to entirely disinherit him. The case involved the rarely-litigated "insane delusion" exception to testamentary capacity.

The testator, a year before she died, executed a will and trust leaving all her assets to a local charity. In the trust she explained that she was leaving her son

nothing because he was guilty of "financial indiscretions." Several years before she died, she had been diagnosed as suffering from a particular form of dementia characterized by an unfounded belief that people are stealing from you. Consistent with that diagnosis, she had falsely accused him and others of misappropriating her money during that same period.

John and Howard recognized that she possessed general testamentary capacity and was therefore generally free to disinherit her son and leave her estate to whomever she might choose; but they also recognized that the trust itself was subject to attack because her disinheritance of her son based on nonexistent “financial indiscretions” was uniquely attributable to the "insane delusion" caused by her dementia. (A reminder for estate planners: if your client explains in their estate plan why they disinherit someone, that explanation can provide a basis for challenge).

Howard concentrates his practice in estate planning, estate administration, probate, charitable planning, and trust and estate related litigation. Howard is a partner and a member of the firm's Executive Committee. Howard helps individuals and families to efficiently transfer family wealth to the next generation, and to implement the family’s charitable intentions. Using his experience as a teacher, he is able to help clients understand complex tax and other legal issues. Using common sense and caution he anticipates problems before they arise, so that clients may realize their long-term goals.

John is a partner and the head of the firm’s litigation practice group. His practice is devoted to providing representation and counsel in complex business disputes, including contractual, fiduciary, and attorney professional responsibility matters. John also serves as the firm's general counsel.

[About Sugar Felsenthal](#)

Founded nearly 40 years ago, Sugar Felsenthal is a full-service business law boutique that focuses on providing bespoke, personal attention to distressed companies, their owners, D&Os and their other constituents. With offices in Chicago, New York, Milwaukee, the firm has one of the largest and most experienced corporate restructuring, insolvency, and bankruptcy groups in the Midwest. The firm also handles the general corporate, securities, real estate, litigation and dispute resolution, tax, labor and employment, and estate and asset protection needs of small to mid-market healthy and distressed businesses.