

Supreme Court of the State of New York
Appellate Division: Second Judicial Department

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_____AD3d_____

Argued - October 1, 2007

HOWARD MILLER, J.P.
GLORIA GOLDSTEIN
PETER B. SKELOS
RUTH C. BALKIN, JJ.

2006-08829

DECISION & ORDER

In the Matter of Jack Robinson, deceased.
James E. Robinson, appellant; Louis A. Robinson,
respondent.

(File No. 861/96)

James E. Robinson, North Salem, N.Y., appellant pro se.

Andrew Moulinos, Astoria, N.Y., for respondent.

In a contested probate proceeding, the objectant James E. Robinson appeals from a decree of the Surrogate's Court, Queens County (Nahman, S.), dated August 1, 2006, which, after a nonjury trial, admitted the will to probate.

ORDERED that the decree is affirmed, with costs.

The appellant contends that he was denied the effective assistance of trial counsel in his efforts to contest the validity of his father's last will and testament. "[I]n the context of civil litigation, an attorney's errors or omissions are binding on the client and, absent extraordinary circumstances, a claim of ineffective assistance of counsel will not be entertained" (*Matter of Saren v Palma*, 263 AD2d 544, 545; see *Matter of Cichosz v Cichosz*, 12 AD3d 598, 599; *Matter of Ketcham v Crawford*, 1 AD3d 359, 361; *Department of Social Servs. v Trustum C.D.*, 97 AD2d 831). The appellant failed to establish the existence of any extraordinary circumstances in this case.

October 23, 2007

MATTER OF ROBINSON, DECEASED

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The appellant's remaining contention is unpreserved for appellate review (*see* CPLR 4017, 5501[a][3]) and, in any event, is without merit.

MILLER, J.P., GOLDSTEIN, SKELOS and BALKIN, JJ., concur.

ENTER:

A handwritten signature in black ink, reading "James Edward Pelzer". The signature is written in a cursive, flowing style.

James Edward Pelzer
Clerk of the Court