OLI
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Oregon Law Institute
of Lewis & Clark Law School

Probate Litigation

Key Issues for Lawyers Who Work with Wills and Trusts

- Undue influence under Oregon law
- Assessment of testamentary and financial capacity
- How to protect an estate plan against a contest
- How to try a case to the court

THURSDAY, NOVEMBER 15, 2012

Oregon Convention Center
777 NE Martin Luther King Jr. Blvd. • Portland, Oregon

4.5 General, **.75** Access to Justice, *and* **.75** Ethics MCLE Credits

SCHEDULE

8:30 a.m. LATE REGISTRATION AND DISTRIBUTION OF MATERIALS

8:55 WELCOME AND INTRODUCTORY REMARKS

9:00–9:30 **Notable Recent Case Law**

- A recap of appellate decisions affecting trust and estate disputes

  – ***Jan K. Kitchel***

9:30–10:15 **Undue Influence Under Oregon Law**

- The basics: from *Reddaway Estate* to present
- Evidence of undue influence
- When does influence become "undue"

  – ***Stephen R. Owen***

10:15–10:30 BREAK

10:30–11:15 **Assessment of Testamentary and Financial Capacity**

- A mental health perspective on capacity
- Assessment tools and approaches for capacity determination

  – ***Leeza Maron, Ph.D.***

11:15–12:00 **How to Protect an Estate Plan Against a Contest**

- Documenting your file
- Avoiding the seven *Reddaway* factors
- Drafting and execution issues

  – ***James R. Cartwright***

  – ***Philip N. Jones***

12:00–1:15 LUNCH BREAK (on your own)

1:15–2:00 **How to Try a Case to the Court**

- Tips and observations from your most important audience in a will or trust contest—the judge

  – ***Hon. Katherine E. Tennyson***

2:00–2:30 **Alternatives to Trial in the Probate Department**

- Alternatives are available—federal court, referees, arbitration, mediation
- When alternatives may not make practical sense

  – ***J. Kurt Kraemer***

2:30– 2:45 BREAK

2:45–3:30 **Probate Aspects of Wrongful Death Claims**

- Ethical issues for personal representative's counsel
- Operation of the apportionment statute
- Common problems in wrongful death claims
- Tips to simplify probates without other assets

  – ***Matthew Whitman***

3:30–4:15 **Ethical Considerations and Potential Attorney Liability**

- Ethics in probate or trust litigation
- How to avoid liability to clients and non-clients

  – ***Mark M. Williams***

4:15 p.m. ADJOURN

FACULTY

James R. Cartwright
Cartwright Whitman Baer PC

Philip N. Jones
Duffy Kekel LLP

Jan K. Kitchel
Program Co-Planner
Schwabe,Williamson & Wyatt

J. Kurt Kraemer
McEwen Gisvold LLP

Leeza Maron, Ph.D.
Assistant Professor and Licensed Psychologist
Department of Psychiatry, OHSU

Stephen R. Owen
Fitzwater Meyer, LLP

Hon. Katherine E. Tennyson
Chief Probate Judge
Multnomah County Circuit Court

Matthew Whitman
Cartwright Whitman Baer PC

Mark M. Williams
Program Co-Planner
Gaydos Churnside & Balthrop

Live Presentation

Portland – 11/15/12
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MCLE Credit

Probate Litigation: Key Issues for Lawyers Who Work with Wills and Trusts will receive **4.5** General, **.75** Access to Justice, *and* **.75** Ethics MCLE credits.

Program Products

Even if you cannot attend, you can still get the program on CDs or DVDs. Use the order form in this brochure to order your set today! OLI Annual Passholders may purchase OLI program products at 50% off the full retail price.

Questions?

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Video Replays

Please register at least one week prior to the replay date.

Bend – 11/30/12
Replay 8:30 a.m.
Bryant Lovlien & Jarvis
591 Mill View Way

Eugene – 11/30/12
Replay 8:30 a.m.
Harrang Long Gary & Rudnick PC
360 East 10th Avenue, Ste. 300

Portland – 12/12/12
Replay 9:00 a.m.
Oregon Law Institute
Gus J. Solomon Courthouse
620 SW Main Street, Ste. 706

REGISTRATION / ORDER FORM

Probate Litigation

Key Issues for Lawyers Who Work with Wills and Trusts

Thursday, November 15, 2012

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Please "✓" appropriate box below:

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This program will be broadcast LIVE over the internet on Thursday, November 15, 2012, starting 9:00 a.m. Pacific Time. You may access this event from anywhere with an established internet connection. The webcast will include video and audio of the speakers and seminar handout materials — all on your computer! To register for the live webcast, please click **here** or go to our website at http://go.lclark.edu/oli and click on "Webcasts."

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