

Guardianships and Conservatorships

Updated Forms and Procedures

The focus of this CLE is limited to protective proceedings and will begin with an overview of conservatorships and guardianships and forms. The seminar will include presentations on temporary proceedings, paying expenses of administration, the new jurisdictional and transfer laws, alternatives and limitations in guardianship and conservatorship matters, and current court policies.

Attorneys, professional guardians or conservators, social workers, legal assistants, or any other professionals who practice in the area will benefit from this program.

FRIDAY, OCTOBER 21, 2011

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

6.5 General or Practical Skills MCLE Credits

FORMS ON CD

The forms included in the course book are available on a CD in Word and WordPerfect format for an additional \$20.



SCHEDULE

8:00 a.m. LATE REGISTRATION AND DISTRIBUTION OF MATERIALS

8:25 WELCOME AND INTRODUCTION

– *Mark M. Williams*

8:30–9:30 **Guardianships**

- Overview of guardianships and alternatives
 - The intake process and case evaluation
 - Court filings, service, and notices
 - Contested case hearings
 - The powers and duties of a guardian
 - Issues related to minors
 - Case updates, new legislation
- *Julie E. Lohuis*

9:30–10:30 **Conservatorships**

- Initiating the protective proceeding
 - Contesting proceedings
 - Managing the estate
 - Actions requiring court approval
 - Claims
 - Accountings
 - Terminating and closing
- *Lisa N. Bertalan*

10:30–10:45 BREAK

10:45–11:30 **Emergency Proceedings**

- Circumstances constituting emergency
 - New alternatives to emergency guardianship
 - Essential elements of the petition notice
 - Appointment of the temporary fiduciary
 - Closing the temporary proceeding
- *Tim McNeil*

11:30–12:00 **Getting Paid: Fiduciary Fees and Attorney Fees**

- Requirement of court approval
 - Procedure for requesting fees—statutory and equitable factors
 - Conflicts and pitfalls
- *Matthew Whitman*

12:00–1:15 LUNCH (on your own)

1:15–2:15 **Judges' Panel: Effectively Navigating Your Case Through the Courts**

- Our panel of experienced judges will discuss current court policies in the various jurisdictions and allow ample time for Q&A. Written questions in advance of the CLE are encouraged.
- Moderator: *Hon. Katherine E. Tennyson*
– *Hon. Claudia M. Burton*
– *Hon. Rita Batz Cobb*
– *Hon. Lauren S. Holland*

2:15–2:30 BREAK

SCHEDULE (cont.)

2:30–3:15

Multi-State Protective Proceedings

- Uniform Adult Guardianship and Protective Proceedings Jurisdiction Act
- Jurisdiction issues—avoiding “granny snatching”
- Transfer of protective proceedings into Oregon and out of Oregon
 - *Don B. Dickman*

3:15–4:15

Alternatives, Limitations, and Restrictions in Protective Proceedings

- Empowering protected persons
- Interplay between guardians and health care representatives
- Statutory and practical limitations on conservators and guardians
- Creative terms of appointment

Moderator: *Stephen R. Owen*

– *Kristianne M. Cox*

– *Jan E. Friedman*

– *Michael A. Schmidt*

4:15 p.m.

ADJOURN

Planning Committee

Dady K. Blake

Elder Law Attorney

Douglas A. Harrison

Law Offices of Nay & Friedenber

Tim McNeil

*The Elder Law Firm,
Davis Pagnano McNeil & Vigna, LLP*

Stephen R. Owen

Fitzwater Meyer, LLP

S. Jane Patterson

Attorney at Law

Mark M. Williams

Gaydos, Churnside & Balthrop, PC

Program Faculty

Lisa N. Bertalan

Hendrix, Brinich & Bertalan, LLP

Hon. Claudia M. Burton

Marion County Circuit Court Judge

Hon. Rita Batz Cobb

Washington County Probate Judge

Kristianne M. Cox

Attorney at Law

Don B. Dickman

Don B. Dickman PC

Jan E. Friedman

Disability Rights Oregon

Hon. Lauren S. Holland

Lane County Circuit Court Judge

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*Oregon Elder Law,
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Stephen R. Owen

Fitzwater Meyer, LLP

Michael A. Schmidt

Schmidt & Yee, PC

Hon. Katherine E.

Tennyson

Multnomah County Chief Probate Judge

Matthew Whitman

Cartwright Whitman Baer PC

LIVE PRESENTATION

Portland – 10/21/11

Oregon Convention Center

777 NE MLK Jr. Blvd.

MCLE CREDIT

Guardianships and Conservatorships will receive **6.5** General or Practical Skills 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?

Please call OLI at (503) 768-6580 in Portland or toll-free in Oregon at (800) 222-8213, e-mail us at oli@lclark.edu, or visit our website at <http://go.lclark.edu/oli>.

VIDEO REPLAYS

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

Bend – 11/4/11

Replay 8:30 a.m.

Bryant Lovlien & Jarvis
591 Mill View Way

Eugene – 10/28/11

Replay 8:30 a.m.

Harrang Long Gary & Rudnick PC
360 East 10th Avenue, Ste. 300

Medford – 10/28/11

Replay 8:30 a.m.

Kellington Krack Richmond
Blackhurst & Glatte LLP
23 Newtown Street

Portland – 11/9/11

Replay 9:00 a.m.

Oregon Law Institute
Gus J. Solomon Courthouse
620 SW Main Street, Ste. 706

Guardianships and Conservatorships

Friday, October 21, 2011

Name

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Firm/Organization

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Please "✓" appropriate box below:

☐ Live presentation☐ Video replay. Location: _____ Date: _____

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

TUITION

(Prices apply to live and video replays.)

- ☐ **\$179** Early registration *(received by October 17, 2011)*
- ☐ **\$139** New attorneys (admitted 2009–2011) and legal staff *(received by October 17, 2011)*
- ☐ **\$90** Legal aid attorneys *(received by October 17, 2011)*
- ☐ **\$15** OLI Passholder (OLI Pass No. _____) *(received by October 17, 2011)*
- ☐ **\$15** Oregon judges and their lawyer staff *(received by October 17, 2011)*
- ☐ **\$20** Forms on CD *(\$10 for OLI Pass holders)*
- ☐ **\$20** **Add to above tuition if registration received after October 17, 2011**

PRODUCT ORDER

I am unable to attend. Please send me:

- ☐ **\$199** Audio CDs and course book
- ☐ **\$299** DVDs and course book
- ☐ **\$59** Course book only
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or e-mail us at oli@lclark.edu.

CONFIRMATION: Confirmation will be sent via e-mail.**CANCELLATION POLICY:** Tuition minus a \$20 handling charge will be refunded if the cancellation request is *written and received* by Monday, October 17, 2011.**NEED ASSISTANCE:** If you are a person with a disability, please let OLI know in time to make any necessary accommodations for you.**TUITION ASSISTANCE:** A limited number of scholarships are available based on financial need. Contact OLI.