

# PROBATE LITIGATION

*Key Issues for Lawyers Who  
Work with Wills and Trusts*

- ▶ Undue influence under Oregon law
- ▶ Capacity—medical and psychiatric considerations
- ▶ How to protect an estate plan against a contest
- ▶ How to try a case to the court

**FRIDAY,  
DECEMBER 3, 2010**

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

5.25 General and .75 Ethics MCLE Credits

# SCHEDULE

- 8:30 a.m. LATE REGISTRATION AND DISTRIBUTION OF MATERIALS
- 9:00–9:30 **Notable Recent Case Law**
- A recap of appellate decisions affecting trust and estate disputes  
– *Hilary A. Newcomb*
- 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 **Capacity—Medical and Psychiatric Considerations**
- Methods of proving capacity
  - A doctor’s view on the legal standard for capacity  
– *Linda Ganzini, M.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 (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 State Court**
- Federal court as a haven for probate litigation
  - Arbitration
  - The pros and cons of mediation  
– *Amy Edwards*
- 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  
– *Brooks F. Cooper*
- 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  
– *Jan K. Kitchel*  
– *Mark M. Williams*
- 4:15 p.m. ADJOURN

# PROGRAM FACULTY

**James R. Cartwright**  
*Cartwright & Associates*

**Brooks F. Cooper**  
*Attorney at Law*

**Amy Edwards**  
*Stoel Rives LLP*

**Linda Ganzini, M.D., M.P.H.**  
*Professor of Psychiatry, OHSU and  
Director of the Division of Geriatric Psychiatry*

**Philip N. Jones**  
*Duffy Kekel LLP*

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

**Hilary A. Newcomb**  
*HAN Legal*

**Stephen R. Owen**  
*Fitzwater Meyer, LLP*

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

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

## LIVE PRESENTATION

**Portland – 12/3/10**  
Oregon Convention Center  
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## MCLE CREDIT

*Probate Litigation* will receive **5.25**  
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## VIDEO REPLAYS

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

**Medford – 12/10/10**  
**Replay 8:30 a.m.**  
Kellington Krack Richmond  
Blackhurst & Glatte LLP  
23 Newtown Street

**Portland – 12/16/10**  
**Replay 9:00 a.m.**  
Oregon Law Institute  
Gus J. Solomon Courthouse  
620 SW Main Street, Ste. 706

# PROBATE LITIGATION

Friday, December 3, 2010

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Please "✓" appropriate box below:

- Live presentation
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**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, November 29, 2010.**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.