



Oregon Law Institute
of Lewis & Clark Law School

Guardianships and Conservatorships

Updated Forms and Procedures

This program offers timely and relevant information regarding a broad range of guardianship and conservatorship issues, including:

- ✓ An overview of guardianships and conservatorships
- ✓ Alternative dispute resolution in protective proceedings
- ✓ How best to represent respondents
- ✓ Preserving and protecting the estate plan
- ✓ Current court policies
- ✓ Updated forms based on the experience of leading practitioners

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 28, 2005

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

**5.25 General or Practical Skills
and 1 Elimination of Bias MCLE Credits**

FORMS ON CD

The forms included in the course materials have been updated as of 2005 and are available on a CD in Word 2003 and WordPerfect 12 format for an additional \$20.



SCHEDULE

8:15 a.m. LATE REGISTRATION AND DISTRIBUTION OF MATERIALS

8:40 - 8:45 WELCOME AND INTRODUCTION

8:45 - 9:45 **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
- *Don Blair Dickman*

9:45 - 10:00 BREAK

10:00 - 11:00 **Conservatorships**

- Initiating the protective proceeding
 - Contesting proceedings
 - Managing the estate
 - Actions requiring court approval
 - Claims
 - Accountings
 - Terminating and closing
- *Timothy Marble*

11:00 - 12:00 **Alternative Dispute Resolution in Protective Proceedings**

- Basics of ADR — what works in contested protective proceedings
- Mediating common family conflicts in contested protective proceedings
- Working with the objecting respondent
- Resolving conflicts after the order appointing; ongoing disputes
- Why is mediation not used more in contested protective proceedings?

Moderator: *Stephen R. Owen*

– *Joshua Kadish*

– *Hon. Kristena A. LaMar*

– *Margaret J. Nightingale*

12:00 - 1:15 LUNCH (optional lunch at live program)

1:15 - 2:15 **Representing Respondents**

- Understanding the lawyer's role in assessing capacity
 - Ethical duties of representation
 - Determining client capacity to perform specific legal acts
 - Getting paid
- Moderator: *Tim McNeil*
- *Dady K. Blake*
- *Jane E. Ellis*
- *Sam Friedenberg*

2:15 - 2:30 BREAK

SCHEDULE (cont.)

2:30 - 3:15

Preserving and Protecting the Estate Plan

- What constitutes the “estate plan”?
- How do you balance the conservator’s statutory duty to preserve and protect the estate plan when faced with the high costs for the protected person’s care?
- What assets should be spent first?
- Is the conservator personally liable for failing to preserve an inheritance of the heirs?
- How to protect the estate “after” incapacity. Review of recent cases regarding long-term care and tax planning by a fiduciary.
 - *Wesley D. Fitzwater*
 - *Mark M. Williams*

3:15 - 4:15

Current Court Policies

- *Hon. Claudia M. Burton*
- *Hon. Rita Batz Cobb*
- *Hon. Lauren S. Holland*
- *Hon. Elizabeth Welch*

4:15

ADJOURN

Planning Committee

Dady K. Blake

Attorney at Law

Douglas A. Harrison

Law Offices of Nay & Friedenber

Tim McNeil

Davis, Pagnano & Williams, LLP

Stephen R. Owen

Fitzwater & Meyer LLP

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*Multnomah County
Circuit Court Judge*

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Hon. Kristena A. LaMar

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Chief Judge, Dispute Resolution*

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Mediator

Stephen R. Owen

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Hon. Elizabeth Welch

*Multnomah County
Circuit Court Judge*

Mark M. Williams

Davis, Pagnano & Williams, LLP

LIVE PRESENTATION

Portland – 10/28/05

Oregon Convention Center
777 NE MLK Jr. Blvd.

MCLE CREDIT

Guardianships and Conservatorships will receive **5.25** General or Practical Skills and **1** Elimination of Bias MCLE credits.

PROGRAM PRODUCTS

Even if you cannot attend, you can still get the program on audiotapes, videotapes, CDs or DVDs. Use the order form in this brochure to order your set today! OLI Annual Passholders may purchase the tapes 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 Web site at www.lclark.edu/org/oli.

VIDEO REPLAYS

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

Bend – 11/11/05

Replay 8:30 a.m.
Bryant Lovlien & Jarvis
591 Mill View Way

Eugene – 11/04/05

Replay 8:30 a.m.
Harrang Long Gary & Rudnick, P.C.
360 East 10th Avenue, Ste. 300

Medford – 11/04/05

Replay 8:30 a.m.
Kellington, Krack, Richmond,
Blackhurst & Glatte, LLP
23 Newtown Street

Portland – 11/16/05

Replay 9:00 a.m.
Oregon Law Institute
Gus J. Solomon Courthouse,
620 S.W. Main St., Suite 706

Guardianships and Conservatorships

Friday, October 28, 2005

Name

OSB No. or Profession

Firm/Organization

Street Address

City/State/Zip

Phone

Fax

E-Mail

Please "✓" appropriate box below:

 Live presentation Video replay. Location: _____ Date: _____

TUITION

Prices apply to live and video replays. **FORMS ON CD:** The forms discussed by the faculty are included in the course book and are available on a CD in WordPerfect and Word format for \$20.

- \$159 "Early Bird" tuition (received by October 24, 2005).
- \$119 "Early Bird" tuition for new attorneys (admitted 2004-2005), paralegals, or secretaries (received by October 24, 2005).
- \$80 Public Defenders, Legal Aid Attorneys, and Judges (received by October 24, 2005).
- \$15 OLI Annual Pass holder (Annual Pass No. _____).
- \$20 Forms on CD
- \$20 Add to above tuition if registration received after October 24, 2005.

OPTIONAL LUNCH AT LIVE SEMINAR

- \$20 Add to above tuition (live seminar only)

PRODUCT ORDER

I am unable to attend. Please send me:

- \$179 Audiotapes and course book or Audio CDs and course book
- \$299 Videotapes and course book or DVDs and course book
- \$55 Course book only
- \$20 Forms on CD (Available only with audio/video or course book order)
- Deduct 50% from order if you are an OLI Annual Pass holder (Pass No. _____)
- \$7.00 *Note: Add \$7.00 shipping & handling fee to above book and tape orders.*

ENCLOSED IS \$ _____ BY:

 Check payable to Oregon Law Institute (OLI) Credit Card: Acct. # _____ VISA MasterCard

Exp. Date: _____ Signature: _____

Return this form with payment to:
 OLI Registrar, Solomon Courthouse
 620 S.W. Main St., Suite 706
 Portland, OR 97205-3037

...or fax this registration
 form including credit
 card information to:
 (503) 768-6585.

QUESTIONS? Call (503) 768-6580 or (800) 222-8213.
 Check out our website at www.lclark.edu/org/oli
 or email us at oli@lclark.edu.

CONFIRMATION: Confirmation will be sent via e-mail or fax.

CANCELLATION POLICY: Tuition minus a \$20 handling charge will be refunded if the cancellation request is *written and received* by Tuesday, October 25, 2005.

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.