



Oregon Law Institute
of Lewis & Clark Law School

Two Half-Day Programs

Probate Primer

8:30 a.m. – 12:15 p.m.

3.75 General or PS MCLE Credits

The Latest in Probate Practice

1:15 – 4:15 p.m.

2 General and 1 Ethics MCLE Credits

These two programs are designed to help you guide your client and your case through the probate process in as comprehensible and professional a manner as possible. Our faculty of experienced practitioners and judges will take you through both the formal and informal probate processes.

If you need to learn the basics or just update yourself on the process, the morning session will help you keep a simple probate from turning into a problem. The afternoon session will be devoted to a discussion on compensating fiduciaries, potential ethical problems and how to avoid them, and invaluable tips from our panel of judges.

**Friday,
March 3, 2006**

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

SCHEDULE

Probate Primer 3.75 General or Practical Skills MCLE Credits

- 8:00 a.m. LATE REGISTRATION AND DISTRIBUTION OF MATERIALS
- 8:30 - 9:00 **Alternatives to Probate**
- The “how to,” “when to,” and “why” or “why not” of avoiding probate
 - Various ways of avoiding probate and the appropriateness of using those alternatives
– *Brent S. Kinkade*
- 9:00 - 9:20 **Initiating Probate**
- Who is your client?
 - Preliminary steps to probate
 - Use of retainer agreements, checklists, and systems
 - Preparation of the petition, order, and notices
 - Instructing the personal representative
– *Theresa Hollis*
- 9:20 - 9:50 **Inventory, Collection, and Management of Assets**
- How to determine when possession and control is or is not necessary
 - When an appraisal is desirable
 - When to delegate
 - Investment responsibilities
– *Jonathan A. Levy*
- 9:50 - 10:05 BREAK
- 10:05 - 10:35 **Creditors’ Claims**
- Forms and information you need to deal with creditors’ claims against the estate
 - What do your clients need to give you to alert you to claims?
 - What is the best way to formally and informally handle claims?
– *Tara J. Schleicher*
- 10:35 - 11:05 **Title Problems**
- Small estates and trusts
 - PR deeds
 - Affidavits of heirships
– *Alan K. Brickley*
- 11:05 - 11:35 **Closing and Distribution of Assets**
- How to complete the final account to the satisfaction of your client, the court, and all estate beneficiaries
 - How to properly request attorney and fiduciary fees
 - How to accomplish closing and distribution of the estate and discharge of the personal representative
 - Tips on accounting for and closing an insolvent estate
– *Richard A. Pagnano*
- 11:35 - 12:15 **Paralegals = Productivity: Tips from a Paralegal on Making Your Probate Practice More Efficient**
- A paralegal can add value to your practice
 - Establishing a good working relationship
 - What to expect from your paralegal
 - What not to delegate
 - Efficient approaches to handling probate cases
– *Sandra L. Entler*
- 12:15 ADJOURN

SCHEDULE (cont.)

The Latest in Probate Practice 2 General and 1 Ethics MCLE Credits

- 12:45 LATE REGISTRATION AND DISTRIBUTION OF MATERIALS
- 1:15 - 1:45 **Compensating Fiduciaries**
- Professional vs. nonprofessional fiduciaries
 - Statutory fees
 - Judicial review
- *Mark M. Williams*
- 1:45 - 2:45 **Ethical Concerns for Probate Practitioners
(Client Assistance Office Can Help)**
- Client assistance office/disciplinary counsel's office
 - Results of survey of client assistance office activities
 - Problems specific to probate
 - Help
- *Scott A. Morrill*
- 2:45 - 3:00 BREAK
- 3:00 - 4:15 **View from the Probate Bench**
- The judges will share their current concerns and tips and discuss the following issues, among others:
- When do judges question the allowance of statutory fees for a personal representative in an estate? What factors raise this issue and what actions do judges consider?
 - Is it the standard of practice for attorneys to perform most, if not all, PR functions?
 - When a lawyer serves as a PR, what rate of compensation should be used? What do judges require of attorneys who serve as PRs?
 - Should attorneys serve as fiduciaries? If so, how should they be compensated?
 - How are petitions for instructions used in court? Is this an effective procedure and how might its use be expanded?
- Moderator: Hon. Elizabeth Welch*
- *Hon. Rita Batz Cobb*
- *Hon. William M. Keller*
- *Hon. Katherine E. Tennyson*
- 4:15 p.m. ADJOURN

LIVE PRESENTATION

Portland – 3/3/06
Oregon Convention Center
777 NE MLK Jr. Blvd.

MCLE CREDIT

Probate Primer will receive 3.75 General or Practical Skills MCLE credits. *The Latest in Probate Practice* will receive 2 General and 1 Ethics 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 – 3/17/06
Probate Primer – 8:30 a.m.
Probate Practice – 1:00 p.m.
Bryant Lovlien & Jarvis
591 Mill View Way

Eugene – 3/10/06
Probate Primer – 8:30 a.m.
Probate Practice – 1:00 p.m.
Harrang Long Gary & Rudnick, P.C.
360 East 10th Avenue, Ste. 300

Medford – 3/10/06
Probate Primer – 8:30 a.m.
Probate Practice – 1:00 p.m.
Kellington Krack Richmond
Blackhurst Sutton & Glatte, LLP
23 Newtown Street

Portland – 3/22/06
Probate Primer – 8:30 a.m.
Probate Practice – 1:00 p.m.
Oregon Law Institute
Gus J. Solomon Courthouse,
620 S.W. Main St., Suite 706

Program Faculty

Alan K. Brickley
First American Title Insurance Co.

Hon. Rita Batz Cobb
*Washington County Circuit Court
Judge Pro Tem*

Sandra L. Entler
Paralegal, Meyer & Wyse LLP

Theresa Hollis
Fitzwater & Meyer LLP

Hon. William M. Keller
*Clackamas County Circuit Court
Judge Pro Tem*

Brent S. Kinkade
Karnopp Petersen LLP

Jonathan A. Levy
Cavanaugh Levy Twist LLP

Scott A. Morrill
*Assistant General Counsel
Client Assistance Office
Oregon State Bar*

Richard A. Pagnano
*Davis Pagnano & Williams LLP,
The Elder Law Firm*

Tara J. Schleicher
Farleigh Witt

Hon. Katherine E. Tennyson
Multnomah County Circuit Court Judge

Hon. Elizabeth Welch
*Program Co-Planner
Multnomah County Circuit Court Judge*

Mark M. Williams
*Program Co-Planner
Davis Pagnano & Williams LLP,
The Elder Law Firm*

Forms on CD

The forms included in the course materials for *Probate Primer* are available on a CD in Word 2003 and WordPerfect 12 format for an additional \$20.



Probate Primer • The Latest in Probate Practice**Friday, March 3, 2006**

Name

OSB No. or Profession

Firm/Organization

Street Address

City/State/Zip

Phone

Fax

E-Mail

I wish to attend: Probate Primer The Latest in Probate Practice

Please "✓" appropriate box below:

 Live presentation Video replay. Location: _____ Date: _____

TUITION (Prices apply to live and redeo replays. FORMS ON CD: The forms discussed by the faculty for the morning session only are included in the course book and are available on CD in Word 2003 and WordPerfect 12 format for \$20.)

BOTH PROGRAMS

- \$169** "Early Bird" tuition. (Received by February 27, 2006)
 \$149 "Early Bird" tuition for new attorneys (admitted 2004–2005), paralegals, or secretaries. (Received by February 27, 2006)
 \$85 Legal aid attorneys and judges. (Received by February 27, 2006)
 \$25 OLI Annual Pass holder (Annual Pass no. _____).
 \$20 Add to above tuition if registration received *after* February 27, 2006.

ONE PROGRAM (Please check one box)

- PROBATE PRIMER** **THE LATEST IN PROBATE PRACTICE**
 \$119 "Early Bird" tuition. (Received by February 27, 2006)
 \$109 "Early Bird" tuition for new attorneys (admitted 2004–2005), paralegals, or secretaries. (Received by February 27, 2006)
 \$60 Legal aid attorneys and judges. (Received by February 27, 2006)
 \$15 OLI Annual Pass holder (Annual Pass no. _____).
 \$20 Add to above tuition if registration received *after* February 27, 2006.

PRODUCT ORDER *I am unable to attend. Please send me:***BOTH PROGRAMS**

- \$179 Audiotapes and materials *or*
 \$179 Audio CDs and materials
 \$309 Videotapes and materials *or*
 \$309 DVDs and materials

ONE PROGRAM: Probate Primer Probate Practice

- \$129 Audiotapes and materials *or*
 \$129 Audio CDs and materials
 \$199 Videotapes and materials *or*
 \$199 DVDs and materials

 \$55 Course book only

"PROBATE PRIMER" FORMS ON CD (available only with tape or course book order)

 \$ 20 (Please indicate format: WordPerfect Word) Deduct 50% from product 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.**CONFIRMATION:** Confirmation will be sent via e-mail or fax.**CANCELLATION POLICY:** Tuition minus a \$25 handling charge will be refunded if the cancellation request is *written and received* by Tuesday, February 28, 2006.**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.