

Trust and Probate Challenges

PRACTICE AREAS

Estates, Trusts, and Probate
Litigation

CLE Webinar

Jan 17, 2018 | 1:00pm-2:30pm EST

Event Sponsor: Strafford Online CLE Webinar

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This CLE webinar will prepare estate planning counsel to litigate challenges to the will or trust documents. Our panelists will discuss the substantive bases for challenging wills and trusts, differing procedural requirements, and handling difficult evidentiary issues.

Description

Estate planning counsel must be vigilant in developing and honing their litigation practice. Counsel should focus on understanding the complexities involved in **proving or defending against challenges** to the will or trust document.

Evidence—identifying, collecting, managing and using evidence to prove or defend against challenges to a will or trust document—is the first and most difficult hurdle for counsel. Given the fact-sensitive nature of these challenges, counsel must be proficient in the use of witnesses, key documents and experts.

Counsel must also institute preventive **techniques that anticipate and deter challenges** to the client's estate and trust plans. Our panel will outline their time-tested techniques for the drafting and execution phase of will and trust documents.

Listen as our distinguished panel discusses the most recent case law on will and trust litigation and the complex substantive bases for challenges. You will learn approaches that can either undermine, or minimize the potential undoing of, will and trust documents.

Outline

1. Substantive bases for will and trust document litigation
 1. Undue influence
 2. Lack of capacity
 3. Fraud

2. Evidentiary challenges
 1. Effective use of witnesses
 2. Medical records
 3. Experts
3. Planning techniques to prevent or mitigate evidentiary and proof issues
4. Case law trends

Benefits

The panel will review these and other key issues:

- What are the substantive bases for will and trust litigation?
- What are best practices to either prove or defend against a challenge to a will or trust?
- How can counsel effectively use various forms of evidence to his advantage?
- What proactive techniques can help eliminate or mitigate challenges to clients' estate or trust plans?

Panelists include

Adam Fried, Reminger Co., LPA

Franklin Malemud, Reminger Co., LPA

James Bush, Law Offices of James Bush