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Litigating Probate and Trust Disputes in 2022

Let's Get Technical!

TUESDAY, MARCH 29, 2022
ATTEND ONLINE



Minnesota Continuing
Legal Education
Your Success Is Our Goal

TUESDAY, MARCH 29, 2022

LIVE ONLINE ONLY – No in-person attendance

In-Person Passholders – You may use your Pass to register for the online program at no charge.

ALL NEW IN 2022!

Litigating Probate and Trust Disputes in 2022

Let's Get Technical!

8 relevant and timely sessions for civil litigators, estate planners and experienced probate and trust litigators.

Join Our Expert Faculty as They Discuss:

- Navigating **Unique Evidentiary Issues** in Probate and Trust Litigation
- Perfecting the **Art of Zoom Litigation**
- **Effectively Using Expert Witnesses** to Support Your Case
- Understanding the **Possible Outcomes in Probate Litigation**
- Plus, **ethics** and so much more!

Civil Litigators

Improve your understanding of the probate process and the nuanced aspects of these cases.

Estate Planning Attorneys

Better grasp when and where litigation risks arise, so you can help avoid controversies on the front end.

Experienced Probate Litigators

Develop better tools and approaches for emotional and contentious litigation.

DATED MATERIAL – PLEASE EXPEDITE!



RECYCLABLE

For more information
Scan code for more information or to register for this course.



SCHEDULE

8:20 – 8:50 a.m. JOIN ONLINE

8:50 – 9:00 a.m.

Welcome and Introduction

– *Kirstin E. Helmers, Course Co-Chair*
Denise S. Rahne, Course Co-Chair

9:00 – 9:45 a.m.

Navigating Unique Evidentiary Issues in Probate and Trust Litigation

The outcome of probate litigation typically hinges on the testator’s intent, but how do you prove the testator’s intent when they are unable to testify? This session will take a look at the unique evidentiary issues that can arise in probate and trust litigation. Topics will include admitting estate planning files, videotaped wills, social media posts and more! Learn when these forms of evidence are admissible and when they are not. Also, learn best practices and tips for getting various forms of evidence admitted at trial.

– *Nathaniel J. Ajouri*
Julian C. Zebot

9:45 – 9:50 a.m. BREAK

9:50 – 10:35 a.m.

Perfecting the Art of Zoom Litigation

Because of its convenience and access, litigating by Zoom is most likely here to stay, at least in some form. However, litigating on Zoom is different than in person. Learn practical tips and best practices to become more comfortable and familiar with the process and to ensure that your next initial hearing, deposition, motion hearing, mediation, or trial is productive and effective.

– *Adine S. Momoh*

10:35 – 10:45 a.m. BREAK

10:45 a.m. – 12:00 p.m.

Effectively Using Expert Witnesses to Support Your Case

Experts serve an important role in assisting the attorney in moving their client’s case forward. Their testimony is often crucial to the outcome of a trial. In this session, a panel of litigators and experts will explore the who, what, where, when, why and how of expert testimony in contested probate and trust cases. Learn the most important aspects of an expert witness’s effectiveness and credibility, and how to support these factors at each stage of the litigation process.

– *Lisa M. Hanson*
Erica J. Lindquist
Dr. William B. Orr
Elizabeth C. (Lisa) Henry (Co-moderator)
B. Steven Messick (Co-moderator)

12:00 – 12:30 p.m. LUNCH BREAK

12:30 – 1:00 p.m.

Effective Direct and Redirect Examination – Telling the Witness’s Story by Asking Purposeful Questions

Litigators help clients tell their own story through direct and redirect examination of friendly witnesses. In this session, we will discuss strategies for conducting an effective direct and redirect exam in probate and trust disputes.

– *Brian A. Dillon*
Kim M. Ruckdaschel-Haley
Denise S. Rahne (Moderator)

1:00 – 1:05 p.m. BREAK

1:05 – 1:35 p.m.

Effective Cross-Examination – Strategies for Honing this Vital Skill

No courtroom skill is more fundamental to a litigator’s practice than cross-examination. Effective cross-examination begins with a strong foundation of core skills but can take on many forms depending on the witness being examined. Learn from our panel of experienced litigators the basis for determining which witnesses to cross-examine, and the strategies they use to design and prepare for a compelling and effective cross.

– *Anton Cheskis*
Philip R. Schenkenberg
Denise S. Rahne, Moderator

1:35 – 1:40 p.m. BREAK

1:40 – 2:25 p.m.

Damages, Damages, Damages – Understanding the Possible Outcomes in Probate Litigation

Prior to commencing litigation, it’s important to know what damages and remedies are available to your client. This session will explore the damages that are possible through probate litigation. Learn when surcharges, attorneys’ fees, and other remedies are available.

– *Casey D. Marshall*
Teresa B. Molinaro

2:25 – 2:35 p.m. BREAK

2:35 – 3:20 p.m.

Litigating Guardianships and Conservatorships

This session will explore the unique aspects of litigating guardianship and conservatorship cases. Specifically, you will learn strategies and best practices for handling testimony from persons with diminished capacity as well as other unique evidentiary issues that may arise in this context. Also, this session will address the role of the court-appointed attorney and tips for working with counsel to achieve the best possible outcome for your clients.

– *Megan C. Kelly*
Kimberly A. Prchal
Sarah B. Sicheneder

3:20 – 3:25 p.m. BREAK

3:25 – 4:25 p.m.

Ethical Conflicts You Might Not Consider in Probate and Trust Litigation

1.0 ethics credit applied for

Probate and trust litigation can present a myriad of ethical traps for the unwary. This session will explore the various ethical conflicts that may arise and will provide tips for navigating these difficult situations. Topics include:

- Representing a family member in a dispute after the death of your estate planning client
- Representing an individual in a fiduciary and beneficiary capacity
- Representing a fiduciary and a non-fiduciary sibling; and
- Representing multiple members of the same class

– *Karin K. Ciano*

2 BONUS LEGAL QUICKSHEETS™

All attendees will receive electronic copies of Minnesota CLE’s handy Legal QuickSheets on Capacity and Attorney Fees in Probate, Trust and Related Proceedings.



COURSE INFORMATION

ONLINE PROGRAM

Tuesday, March 29, 2022
View online at www.minncle.org
Registration for live webcast must be made online at www.minncle.org.

IN-PERSON PASSHOLDERS

You may use your pass to register for the online program at no charge.

COURSE MATERIALS

All course materials will be provided electronically.

CREDITS

Minnesota CLE is applying to the State Board of CLE for **6.25 CLE credits, including 1.0 ethics credit**. In no case can you claim more than **6.25 credits** for this seminar.

SCHOLARSHIPS AVAILABLE

Minnesota CLE maintains a scholarship program for those individuals with a financial need. To obtain a scholarship application, contact Grant at gdavies@minncle.org for details.

CANCELLATION / NO-SHOW POLICY

Paid registrants who cancel before the program will receive a full credit on their account, or refund upon request. Paid registrants who do not cancel and are unable to attend will retain access to the seminar materials through their website account. Passholders may purchase materials at 50% of the full retail price.

ACCOMMODATION

If you have a disability and need an accommodation in order to attend, please contact us as soon as possible at Minnesota CLE, 2550 University Avenue West, Suite 160-S, Saint Paul, MN 55114 or call 651-227-8266 or 800-759-8840.

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Litigating Probate and Trust Disputes in 2022

Attend Online

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ONLINE PROGRAM: TUESDAY, MARCH 29, 2022

Registration must be made online at www.minncle.org

TUITION:

\$245 MSBA member

\$245 paralegal

\$295 standard rate

Passholders attend at no charge.

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You also may use your Pass to register for this online program at no charge.

NEW LAWYER DISCOUNT!

New lawyers who have been admitted to the bar fewer than 3 years receive a 50% discount.

SCHOLARSHIPS AVAILABLE

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CONFERENCE MATERIALS

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