



WSBA, in partnership with the WSBA Real Property, Probate and Trust Section, presents

# 12th Annual Trust & Estate Litigation Seminar



Wednesday, April 22, 2015

WSBA Conference Center\*  
1501 Fourth Ave., Suite 308  
Seattle, WA 98101

(with a Live Webcast option)

\*The WSBA Conference Center is equipped with hearing access via an induction loop.

Approved for 6.5 CLE credits

(5.5 general and 1.0 ethics) for Washington Attorneys

Tuition

\$275 - RPPT Section members

\$300 - Non-Section members/Standard

## Schedule

**7:30 a.m. Check-in • Walk-in Registrations • Coffee and Pastry Service**

**8:25 a.m. Welcome and Introductions by Co-Chairs**

*Carl J. Carlson – Tousley Brain Stephens PLLC, Seattle*  
*Thomas M. Keller – Thomas M. Keller PS, Seattle*

**8:30 a.m. Case Law Updates with Insight from the Appellate Bench**

- Summary of appellate opinions released over the past year regarding trust and estate issues
- Overview of the appellate screening process, and the process in general in Division I

*Adrienne McEntee – Terrell Marshall Daudt & Willie PLLC, Seattle*  
*Hon. Michael J. Trickey, Judge – Washington State Court of Appeals Division I, Seattle*

**9:15 a.m. TEDRA Procedure, Practice, and Fallout**

King County's Probate Department Commissioners give an inside perspective on handling TEDRA issues, including:

- Procedural issues such as, when does a matter get certified for trial? Do the Civil Rules apply to a response to a TEDRA Petition? Can one get discovery?
- Granting/Denying Requests for Mediation and Certifying Matters

for Trial

- Discussion of the landmark 2014 Anderson v. Dussault decision and how it affects the use of GALs.

*Hon. Carlos Velategui, Commissioner – King County Superior Court, Seattle*

*Hon. Nancy Bradburn-Johnson, Commissioner – King County Superior Court, Seattle*

*Hon. Henry Judson, Commissioner – King County Superior Court, Seattle*

**10:15 a.m. Break**

**10:30 a.m. The Duties of a Fiduciary in Washington State - Pitfalls and Practice Pointers**

This presentation will focus on how counsel can advise and help fiduciaries to avoid common errors and risk of liability, including:

- Identification of statutory and common law duties and requirements of fiduciaries (Trustees, Personal Representatives, Guardians)
- Strategies for increasing the fiduciary's rate of compliance with his or her duties
- Consequences for noncompliance and/or under-performance of fiduciary duties

*Sean A. Russel – Stokes Lawrence PS, Yakima*



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## Schedule Cont.

### 11:15 a.m. How Did I Find Myself in a Reality TV Show? Tips for Estate Planners Hoping to Avoid Estate Litigation

This presentation will address topical issues for estate planners, such as:

- How prenuptial agreements, postnuptial agreements, shareholder agreements, foreign assets, loans and sloppy records can mess up the best laid plans
- Using unitrusts to solve or avoid fights between lifetime and remainder beneficiaries
- How the doctrine of dependent relative revocation can thwart challengers to a will
- When to use (or, is it “never use”?) co-fiduciaries
- The extent to which forfeiture clauses are really effective in Washington

*Dawn S. Spratley – Lane Powell, Seattle*

### 12:00 p.m. Lunch on your own

### 1:00 p.m. Will Contests

Will contests are unique judicial proceedings, complicated by the intersection of the Will Contest Statute (RCW Ch. 11.24) and TEDRA. This presentation will address key issues in will contests, such as:

- The critical role that presumptions play
- The 4-month statute of limitations for commencing a will contest
- Challenges to wills that are not “will contests”
- Waiver of the attorney-client and doctor-patient privileges
- The role and effect of the Deadman’s Statute

*Suzanne C. Howle – Thompson & Howle, Seattle*

### 1:45 p.m. Preview of the Upcoming Fifth Edition of the ACTEC Commentaries on the Model Rules of Professional Conduct: What has changed since 2006?

A discussion of the upcoming new edition of the American College of Trust and Estate Counsel’s ACTEC Commentaries, including:

- New topics being considered for inclusion in the Commentaries
- Review of issues being considered for more thorough coverage
- Recent ethics cases and ethics opinions from around the country in the trust and estate field that have been included in the Annotations

*Professor Karen E. Boxx – University of Washington School of Law, and Keller Rohrback LLP, Seattle*

### 2:45 p.m. Break

### 3:00 p.m. Fiduciaries in the Crosshairs: Common Claims Against and Bases for Removal of Fiduciaries

In addition to identifying the most common missteps of fiduciaries and what missteps are most likely to result in an action for removal, this presentation will discuss the procedure for seeking to remove a fiduciary, and what case law tells us about the chances of success on a claim to remove a fiduciary.

*Teresa R. Byers – Garvey Schubert Barer, Seattle*

### 3:45 p.m. The Revolving Door of Nonprobate-Probate Assets

Nonprobate assets can dwarf what is in a probate estate and radically differ from the bequests provided for by will. This presentation will overview the law governing nonprobate assets, including a discussion of litigation concerns that may arise with Super Will provisions, Transfer On Death deeds; and small estate affidavits.

*Christopher C. Lee – Aiken, St. Louis & Siljeg PS, Seattle*

### 4:30 p.m. Closing Remarks • Adjourn

## 12th Annual Trust & Estate Litigation • Wednesday, April 22, 2015

Please fill out the registration form and mail or fax to WSBA. To register online, go to [www.wsbacl.org/seminars](http://www.wsbacl.org/seminars) and enter **15498** in the search box.

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WSBA No. \_\_\_\_\_ Firm/Company Name: \_\_\_\_\_

Street Address \_\_\_\_\_

City \_\_\_\_\_ State \_\_\_\_\_ Zip \_\_\_\_\_

Phone \_\_\_\_\_ Fax \_\_\_\_\_

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**We encourage early registration. On-site registration is on a space-available basis.**

**Coursebook and luncheon included with price of tuition.**

**#15498SEA, 4/22/15, attend in Seattle**

\$275 - RPPT Section Member

\$300 - Standard/Non-Section Member

\$300 - Join the RPPT Section and attend for the member tuition rate (\$25 Section membership + \$275 Section member rate).

Active attorneys only. Section membership ends 9/30/15.

**#15498WEB, 4/22/15, attend via webcast**

\$275 - RPPT Section Member

\$300 - Standard/Non-Section Member

\$300 - Join the RPPT Section and attend for the member tuition rate (\$25 Section membership + \$275 Section member rate).

Active attorneys only. Section membership ends 9/30/15.

If special accommodations are needed, please email [cle@wsba.org](mailto:cle@wsba.org) or call toll-free at 1-800-945-WSBA.

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Registrations received less than 48 hours before a seminar are not guaranteed a coursebook or other presentation materials on-site.

#### Register:

- **Mail:** WSBA, 1325 Fourth Avenue, Suite 600, Seattle, WA 98101-2539
- **Internet:** Register online at [www.wsbacl.org/seminars](http://www.wsbacl.org/seminars) • Order products online at [www.wsbacl.org](http://www.wsbacl.org).
- **Phone:** 800-945-WSBA or 206-443-WSBA with credit card and registration/order form in hand.
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**Refunds:** Registration fees may be refunded, less \$25 for handling, for written cancellations postmarked, emailed, or faxed by 5 p.m., up to 3 business days before the seminar. No refunds after that date, but you will receive the coursebook. Canceled registrations may not be transferred to other seminars. You may send a substitute (e.g., someone from your firm) in lieu of canceling.