

SHAREHOLDER DENISE CHAMBLISS AND ATTORNEY JIM CUMMINS TO SPEAK AT TRI-VALLEY ESTATE PLANNING COUNCIL

Topic	Undue Influence in Will and Trust Contests Under Probate Code §86
Date	March 1st, 2018
Time	6:00 p.m. - 8:00 p.m.
Location	Marriott Pleasanton 11950 Dublin Canyon Rd. Pleasanton, CA 94588

Presentation Summary:

Undue influence attacks on a will or trust are extremely difficult to prevail. Roughly only one of twenty cases is successful in voiding a testamentary instrument due to undue influence. Of interest to trust and estate professionals are two recent potential game changers – First, the addition of Probate Code §86, which provides a statutory definition of undue influence by incorporation of the Welfare and Institutions Code statute on financial elder abuse § 15610.70, and second, the application of Family Code §721 in cases involving surviving spousal beneficiaries to shift the party with the initial burden of proof from that of the contestant (plaintiff) to that of the surviving spouse (defendant).

Seasoned trial attorneys Denise Chambliss and James Cummins of Hoge Fenton will explore the trust and estate litigation issues of lack of capacity, undue influence, and financial abuse with a broader discussion about these common, but rarely successful, challenges to testamentary documents.

Learning Objectives:

1. Update on changes in the California Probate Code
2. Update on judicial treatment of evidentiary issues in undue influence challenges
3. Understand signs of potential undue influence when drafting testamentary instruments

REGISTER NOW to Join Us March 1st at the Pleasanton Marriott from 6pm - 8pm.

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