

NORTH CAROLINA
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Recent Developments in Fiduciary Litigation



LIVE and WEBCAST

Friday, November 9, 2018
North Carolina Bar Center
8000 Weston Parkway
Cary

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AVAILABLE FORMATS



PROGRAM SUMMARY

A thorough understanding of governing statutes, procedural nuances and potential pitfalls is essential to the successful practice of fiduciary litigation in North Carolina. Authors of the *North Carolina Fiduciary Litigation Manual*, a brand new comprehensive resource releasing in conjunction with this program, explore substantive legal issues, applicable rules, ethical considerations and claims that may arise in relation to the elective share, guardianship, estate and trust proceedings. New and more experienced attorneys alike are sure to benefit from this program's examination of current and relevant fiduciary litigation topics.

Program attendees receive a copy of the new *North Carolina Fiduciary Litigation Manual* in both print and electronic formats! Contents include more than 650 pages of invaluable practice tips, procedural guidance, case law and 75 fillable/editable forms.

REGISTER TODAY!

Online: www.tinyurl.com/CLE802FDL | **By phone:** 800.228.3402

By mail: Attn: Accounting–NCBA, 8000 Weston Parkway, Cary, NC 27513

STEP 1: Tell us who you are. (Please print clearly.)

Print Full Name: _____

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NC State Bar No. (Required for MCLE Credit): _____

STEP 2: Select your tuition rate. (Register early and save 10%. Payment must be received three (3) weeks prior to program date to qualify for the early rate. Premier Pass is not accepted for this program.)

Standard Rate: \$605 / \$565 *Early*

NCBA Member: \$535 / \$500 *Early*

Estate Planning & Fiduciary Law Section Member: \$510 / \$480 *Early*

STEP 3: Select your learning format.

Live (802FDL) Webcast (802LWC) Video Replay (See below.)

Video Replay registration (if selected).

Video Replays are scheduled for this program. The agenda may not include certain breakouts/tracks shown at the original program. For a list of dates and locations visit www.tinyurl.com/CLE802FDL and indicate your choice below.

Location: _____ Date: _____ Code: _____

STEP 4: Complete your payment information.

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I am registering for this program at the tuition rate checked above.

Enclosed is a check, payable to NCBA. Please charge my credit card.

Card Number: _____ Exp. Date: _____

Total Amount: _____ Signature: _____

AGENDA

FRIDAY, November 9, 2018 | 7:45 a.m. – 4:15 p.m.

7:45 Registration and Continental Breakfast

8:15 Introductions and Announcements

8:30 Will Caveats | Grabenstein
Discuss probating wills in common form and solemn form as well as the procedural and substantive legal issues that arise in the context of a will caveat.

9:15 Elective Share Litigation | Savage
Examine the history of the elective share, the calculation of the elective share amount, and the nature of the elective share proceeding and the applicable procedural rules.

10:00 Break

10:15 Litigating Guardianships | Anderson
Review the use of guardianship proceedings to determine incompetence and appoint a general guardian, guardian of the estate or guardian of the person.

11:00 Representation of Parties and Ethical Considerations | Whitlatch
Deliberate the ethical issues that can arise in the context of fiduciary litigation, including ascertaining the identity of the client, conflicts of interest, dual and joint representation, and attorney-client privilege.

11:30 Tortious Interference with Inheritance | Kirk
Examine the potential claims an expectant beneficiary may bring against another beneficiary of a decedent's estate as well as issues that a personal representative should consider subsequent to a successful caveat.

12:00 Networking Lunch

1:00 Estate Proceedings | Hickmon
Discuss commencing an estate proceeding under Chapter 28A of the North Carolina General Statutes, the application of the rules of civil procedure to an estate proceeding, various types of estate proceedings and appealing the outcome of an estate proceeding.

1:45 Breach of Fiduciary Duty | Lindley
Hear a substantive presentation on fiduciary relationships, claims of breach of fiduciary duty, causes of action commonly plead in conjunction with breach of fiduciary duty and affirmative defenses.

2:30 Break

2:45 Trustee Proceedings Before the Clerk of Court | Hutson
Learn about trust proceedings under Chapter 36C of the North Carolina General Statutes including jurisdictional issues, venue, procedural rules, remedies and appeals.

3:30 Powers of Attorney | Sanders
Get a better understanding of topics such as power of attorney abuse, litigating cases involving an incompetent principal, power of attorney abuse prevention and seeking judicial relief for power of attorney abuse under the new North Carolina Uniform Power of Attorney Act.

4:15 Adjourn

PROGRAM DETAILS

SPEAKERS

- **Michael F. Anderson**, The Anderson Law Firm, Charlotte
- **Stephen J. Grabenstein**, Van Winkle Law Firm, Asheville
- **James E. Hickmon**, Hickmon & Perrin PC, Charlotte
- **John N. Hutson Jr.**, Young Moore & Henderson PA, Raleigh
- **Kimberly J. Kirk**, Johnston Allison & Hord PA, Charlotte
- **Trey Lindley**, Lindley Law PLLC, Charlotte
- **W. Kirk Sanders**, Hendrick Bryant Nerhood Sanders & Otis LLP, Winston-Salem
- **Donna P. Savage**, Norelli Savage Law PLLC, Charlotte
- **Molly A. Whitlatch**, Harrison Whitaker PLLC, Burlington

SPECIAL ACCOMMODATIONS

NCBA makes every effort to ensure a quality learning experience. If you have dietary restrictions or need special accommodations, please contact us at least one (1) week prior to the program start date.

CLE SCHOLARSHIPS

CLE scholarships are available. Contact Membership Services at 800.662.7407 or email Amy Kempel at akemple@ncbar.org for more information.

HOTEL INFORMATION

Contact hotels directly for reservations at the special NCBA room rate. Rates are based on availability and rooms may sell out.

Embassy Suites

201 Harrison Oaks Boulevard, Cary

- **Nightly Rate:** \$169 single/double
- **Reservations:** 919.677.1840 or www.tinyurl.com/NCBA-Embassy
- **Corporate Account Code:** 2691626

TownePlace Suites by Marriott

120 Sage Commons Way, Cary

- **Nightly Rate:** \$114 studio queen with sleeper sofa (Sunday–Thursday)
- **Reservations:** 919.678.0005
- **Ask for the NCBA corporate rate.**

PLANNER

- **Christian L. Perrin**, Hickmon & Perrin PC, Charlotte

We extend our sincere gratitude to the NCBA Estate Planning & Fiduciary Law Section as well as the planner and speakers who volunteer their time and expertise toward the goal of presenting an educational program of the highest quality.

BOOK
INFO

Program attendees receive the brand new *North Carolina Fiduciary Litigation Manual* in both print and electronic formats!

The electronic manual will be available for download in the online portal within one week prior to the program. Print copies will be mailed via UPS ground shipping within 7-10 days after the program. A street address must be provided at the time of registration; no P.O. boxes, please. Note that program attendance is required to receive a printed book.



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The 2018-2019 CLE Premier Pass is
an exclusive NCBA member benefit
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REGISTRATION: All registrations are processed after payment is received. To qualify for the early tuition rate, payment must be received prior to the deadline indicated. Stated early discount rate percentage is approximate. Registrations may be capped based on venue size and may include an overflow room with additional seating. **CHANGES TO EXISTING REGISTRATIONS:** Should an attendee need to cancel his or her registration to a Live, Webcast or Video Replay program, the cancellation request must be received by 9:00a ET one (1) week prior to the start of the program to receive a full refund. Any attendee requesting cancellation less than one week prior to the program will receive a refund, less a \$75 administrative fee. An attendee may choose to transfer his or her registration at a program to the Live, Webcast or Video Replay format of the same program only. Transfer requests must be received by 9:00a ET one (1) business day prior to the program start date. An attendee may further choose to substitute his or her registration to a Live or Video Replay program only. Substitution means sending another person to attend the Live or Video Replay program when the original registrant is unable to attend. Substitution requests must be received by 9:00a ET one (1) week prior to the program start date. The substituted person may be assessed a different fee based on their NCBA membership classification. Cancellation, transfer and substitution requests must be provided in writing by email at askcle@ncbar.org or by calling 800.228.3402. If an attendee misses any portion of a program, that portion is not subject to substitution, refund or transfer. Except as provided herein, registrations, including On Demand registrations, cannot be cancelled, substituted or transferred once purchased. **NO-SHOWS:** Anyone who is registered for a program, including CLE Premier Pass holders, but does not check in is considered a no-show. No-shows are not issued a refund, and Premier Pass holders will be assessed a \$75 administrative fee. These registrants will receive the digital materials, available in their online accounts, in full consideration of tuition paid. **MISCELLANEOUS:** The NCBA reserves the right to cancel or reschedule programs at any time. Should the NCBA cancel or reschedule a program, registrants may elect to receive a full refund or attend the newly scheduled program. Notifications regarding program changes will be sent to the email address on file. The NCBA is not responsible for any additional expenses incurred as a result of such cancellation or rescheduling. Each attorney must maintain a record of his or her attendance for the NC State Bar Annual Report. MCLE credit is reported by the NCBA only if a NC State Bar number is provided. Registration and attendance at NCBA CLE programs constitutes an agreement by the registrant with the NCBA for use and distribution of the attendee's image or voice in photographs, videotapes, electronic reproductions and audiotapes of such programs and activities. Unless specified, spouses or guests are not eligible to attend NCBA CLE programs and activities without registering to attend. These terms are subject to change.