

Basic Trust Administration

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Friday, November 18, 2022

8:30 a.m.–4:35 p.m. PST

Live Webcast

CLE credits: 5.75 General and 1 Ethics (OR specific)

MCLE ID #: 94713

Register now at osbar.org/seminars
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Delve into the basics of trust administration essential to your practice. Explore the Oregon Uniform Trust Code, trustee succession, and administrative procedures. Learn about fixing broken irrevocable trusts and trust related ethics and conflicts. Review creditor and spendthrift issues and the revocation, modification, and termination of trusts.

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Estate Planning and Administration Section members save \$20 off registration rates.

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Live Webcast

\$125 ONLD

\$180 Estate Planning and Administration
Section member

\$200 OSB member

\$210 Non-OSB member

Webcast registration includes online access to the recorded seminar for 60 days after the event. Electronic materials are included with your registration.

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Need help with registration, refunds, tuition assistance or accessibility accommodations?

Call or email the OSB CLE Service Center:
(503) 431-6413 or **(800) 452-8260, ext. 413**
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Please contact us at least 24 hours before the seminar for refunds and 72 hours before the seminar for accessibility accommodations.

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Program Schedule

8:30 Introduction to Trust Administration

- Procedures upon incapacity vs. death of trustor
- Notice to beneficiaries
- Managing trust assets
- Dealing with creditors
- Income and estate tax
- Distribution

Katharine Malone, *Katharine L. Malone PC, Portland*

9:00 Transition

9:05 Oregon Uniform Trust Code (UTC): Getting Started

- What is the UTC and why did Oregon adopt it?
- Which rules are mandatory and which are default?
- How can the Comments help with interpretation?

Susan Gary, *University of Oregon School of Law, Eugene*

9:35 Transition

9:40 Trustee Selection and Succession

- Trustee selection (trustee characteristics; tax and non-tax considerations)
- Trustee resignation and removal
- Trustee succession

Erin MacDonald, *Best Best & Krieger LLP, Bend*

10:10 Break

10:20 Basic Trust Administration

- Initial meeting—post-death trust administration
- Review of fiduciary duties
- Notification requirements
- Reporting requirements
- Managing distribution and transfer of assets

Stephanie Carter, *Hilary Carter Law, Tigard*

11:05 Transition

11:10 Fixing Broken Irrevocable Trusts

- Identifying issues
- Evaluating procedural options
- Practical and tax considerations

Susan Bock, *Stoel Rives LLP, Portland*
Steven G. Bell, *Stoel Rives LLP, Portland*

11:55 Lunch

12:30 What Attorneys Need to Know about Trustee Investing

- Summary of a trustee's duties under the Uniform Prudent Investor Act
- Recent cases in trustee investing
- Review of current trends, including passive vs. active investing, and Environmental, Social, and Governance (ESG) investing

Christopher Cline, *Riverview Trust Company, Vancouver, WA*

1:15 Transition

1:20 Creditors and Spendthrift

- Claims against the settlor
- Statute of limitations / notice procedure
- Claims against a beneficiary / spendthrift protections
- Practical and tax considerations

Brent Berselli, *Holland & Knight LLP, Portland*

2:05 Break

2:15 Is it Set in Stone? A Discussion on Revocation, Modification, and Termination of Trusts

- “Sorry, I changed my mind”—when revocation is and is not possible
- “Let's change some things”—process and procedures guiding trust modification
- “This is where it ends”—termination of trust administration

Aaron Frishman, *Foster Garvey PC, Portland*

(Continued)

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3:15 Transition

3:20 **Thankful that Wasn't Me: Ethics Lessons from Those Less Fortunate**

- Application of Oregon Rules of Professional Conduct to lawyers in current or recent newsworthy events
- Lessons to be learned from their mistakes (or poor practices)
- How these lessons translate to an estate planning practice

Amber Bevacqua-Lynott, Buchalter, Portland

4:20 **Trust Administration Wrap-Up**

- Closing thoughts and Q & A

Katharine Malone, Katharine L. Malone PC, Portland

4:35 **Adjourn**



CLE
Seminars

Upcoming Seminars

November 2-3

2022 Business Law Update
BUS22

November 4

Legal Ethics—Best Practices
EBP22

November 9

Oregon Nonprofits: Stages, Cycles, and Changes
NOLS22

November 10

Cracks in the Foundation: Problems with Internet and Tech Companies
TECH22

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