The 2024 Real Property, Probate and Trust Section Midyear Conference

ORIGINAL PROGRAM DATE
June 7-9, 2024

AVAILABLE MEDIA TYPES
Video & Audio MP3

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

REPORTING YOUR CREDIT

This on-demand seminar was originally presented as a live seminar on June 7-9, 2024, in Spokane, WA. If you attended the live seminar and reported CLE credits, you cannot also report credits from watching or listening to this recording if repeated within your three-year reporting period.

DESCRIPTION

This on-demand program caters to both new attorneys and veteran practitioners seeking a refresher. Either way, practitioners of probate and trust as well as real property will be up-to-date with practice essentials, foundational knowledge, updates, and practical tools.

AGENDA

Plenary Sessions

1 **Real Property Updates**
This session will review recent legislation, regulatory matters and court decisions affecting real estate transactions in Washington.
Scott B. Osborne – Foster Garvey PC, Seattle, WA

2 **Probate and Trust Updates**
This session will focus on the last year of important cases and legislation in the areas of estate planning, probate, and trusts.
Anna M. Cashman - KHBB Law PLLC, Seattle, WA

3 **The Corporate Transparency Act**
The Corporate Transparency Act came into effect at the beginning of 2024 and private companies now have to report, for the first time, extensive information about their beneficial owners and company applicants to the Treasury Department's Financial Crimes Enforcement Network. The scope of the Corporate Transparency Act is, by design, exceptionally broad. This program gives a general survey of the Corporate Transparency Act, and highlights certain components of the Act that are ripe for confusion and varied interpretation among practitioners. The program also provides best practice tips for practitioners as we all acclimate to the Corporate Transparency Act landscape.
Austin Graves - Kutak Rock LLP, Spokane, WA

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4 Navigating Data Privacy and Cybersecurity in Law Practice

If cybercrime were a country, it would rank as the world's third-largest economy. This session is a practical guide for legal professionals discussing fundamental cyber hygiene practices, insights into evolving threats, and the critical importance of data privacy in the legal field. Learn the concept of a security culture and understand how fostering such a culture within your office is essential to integrating and sustaining cybersecurity best practices and upholding the highest standards for client security.

Alyssa Underwood – First American Financial Corporation, Long Beach, CA
Nathan Morales – Stoel Rives LLP, Portland, OR

5 Forensic Document Examination in Real Property, Probate & Trust Cases

This presentation discusses various applications of forensic science that provide useful information when evaluating and authenticating documents related to real property, probate, and trust cases. Understand issues related to: forgery, altered and counterfeit documents, as well as considerations regarding the best evidence for scientific evaluation. Review and discuss examples recreated from fraudulent documents in actual cases and have hands-on exercises.

James Tarver – Central Valley Document Examination Services LLC, Spokane, WA

Real Property Track

6 New Environmental Considerations for Real Estate Transactions

Get updates on emerging environmental issues, including new regulations impacting the path to regulatory closure, tips on allocating risk in transactions of contaminated properties, and recent strategies for redeveloping impacted sites.

Alexandra Kleeman – Hillis Clark Martin & Peterson P.S., Seattle, WA

7 Building Solutions: Addressing Common Legal Issues on Construction Projects

Hear from two Washington construction lawyers about legal issues and disputes that can arise on construction projects and considerations to keep in mind when approaching a project. Colm Nelson and Evan Brown explain some of the significant issues they have seen in recent years and offer some ideas for those embarking on development and construction in Washington or picking up the pieces of a troubled project.

Colm Nelson – Stoel Rives LLP, Seattle, WA
Evan Brown – Stoel Rives LLP, Seattle, WA

8 UCC Filings

An overview of the requirements for creation, perfection, and foreclosure of security interests in personal property in conjunction with real estate lending transactions.

John Kaplan – Stoel Rives LLP, Seattle, WA

9 Updates to the Washington Common Interest Communities Act

This session provides an overview of significant changes to the WUCIOA.

Nathan Luce – Socius Law Group PLLC, Seattle, WA

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Probate and Trust Track

10 The RCW 11.54 Basic Award: Past, Present, and Future

Washington State law has long provided courts with the authority to award family support from an estate, notwithstanding inconsistent terms in the governing estate planning documents, and even when the estate is insolvent. This presentation analyzes the origins of Washington's support system structure, how these concepts have evolved over time, and summarizes recent changes to the applicable statutes.

Hans Juhl – Ryan Swanson Cleveland, PLLC, Seattle, WA
Ryan Montgomery – Montgomery Purdue Blankinship & Austin PLLC, Seattle, WA

11 When the Marriage Ends but the Trust Doesn't: Irrevocable Trust Issues Arising During Divorce

Divorce can create complications for a couple's shared estate plan. This session addresses some of the most common issues including issues that arise with respect to Spousal Lifetime Access Trusts (SLATs) and other irrevocable trusts, continuing grantor trust status, the impact of the IRS's recent pronouncement regarding adding discretionary tax reimbursement clauses, disputes about who can serve as trustee, pitfalls of powers of appointment, and ill-aligned beneficiary status given the breakup of the marriage. The presenters will offer potential solutions and drafting tips.

Alison Warden – Stokes Lawrence PS, Seattle, WA
Ann T. Wilson – Stokes Lawrence PS, Seattle, WA

12 Okay, So We're Doing This: Washington Capital Gains Tax

A fast-paced review of the on-again and still-evolving Washington Capital Gains Tax, including history, rules, notices, planning considerations, and upcoming voter initiatives (which may—full disclosure—moot this presentation!).

Steven Schindler – Perkins Coie LLP, Seattle, WA

13 Guardianship Statute Updates

We are nearly four years into the Uniform Guardianship, Conservatorship, And Other Protective Arrangements Act. This session provides updates on its successes and challenges.

Michael Longyear – Reed Longyear Malnati Corwin & Burnett, PLLC, Seattle, WA
Miriam Ayoub – Graunke Ayoub Law, Seattle, WA

Plenary Session

14 Navigating Mediation's Ethical Terrain

In this interactive ethics session, explore ethics guidelines that apply to mediation through a series of hypotheticals and audience voting for the best answers to the same. From both the mediator's and advocate's perspectives, apply theory to practice in an illustrative manner.

Ann T. Marshall – JAMS, Seattle, WA