

WELCOME

East Bay

and

Tri Valley

Estate Planning Councils!

President's Message

As I write this, Spring has arrived in full bloom, and we accountants are suffering from a bad case of spring fever after all that rain. Baseball season is with us, and we are all looking forward to coming out from under our umbrellas. Last month Libby Palomeque gave us some interesting insights into how to handle conversations with clients who may have terminal illnesses. Her topic, "By the way, I have cancer" was extremely timely for me. The day after the Council meeting a client walked into my office and said exactly those words to me.

This month we turn to another issue that is often in our minds when we are dealing with elderly clients and their families and advisors – how can the elderly be protected against those seeking to take advantage of them for personal financial gain. I think Barbara Jagiello is going to offer us a really interesting evening .

It is our custom at the April meeting to welcome **East Bay Estate Planning Council** and **Tri-Valley Estate Planning Council** to our meeting. We look forward to seeing you all there and as always, we appreciate your support of the Council. -Valerie Neale

"Litigation Over Estate Plans & Intra Family Challenges"

In April we will have local attorney litigator **Barbara Jagiello, Esq.** speak to us. The right of self-determination to spend money and give property in any legal manner can be seriously impacted by unscrupulous persons who manipulate and exploit the elderly. This presentation on litigation over estate plans looks to the issues which the courts will consider when it is alleged that someone has taken advantage of an elder or dependent adult to obtain more of their estate than what would otherwise have been given to them. Manipulation of an elder for personal gain is more frequently described in terms of elder abuse. Thus, the presentation will include a look at the nature of elder abuse, the manipulation of the vulnerability of elders, and issues of dementia. The ease, potential gain and the low risk of exposure attract many to work to overcome an elder's true wishes. Abuse for financial gain results in what is logically described as *undue influence* which is the inappropriate manipulation through psychological means to gain access to the elder's assets. The presentation will also address what those working in the estate planning field can do to limit the risk of undue influence, legal safeguards, and remedies.

Barbara Jagiello is a San Francisco attorney with 30 years of experience in civil litigation and has handled numerous cases concerning elder abuse, undue influence, and fraud and competency issues. In 1999, she was a California Lawyer of the Year and in January 2000 she was in the feature

article in the *California Lawyer* entitled *Guardian Angel* which recounted Ms. Jagiello's work in uncovering "the biggest elder-care scandal to ever hit the state." In that case, it was a private professional fiduciary who stole over \$1.6 million from the elder and dependent adults in her care. As a result, the fiduciary and her attorney were sentenced to 26 and 16 year prison terms, respectively.

Ms. Jagiello is a graduate of Yale Law School as well as the University of Southern California. She has been a keynote speaker for the annual meeting of the Professional Fiduciaries Association of California and has appeared as a guest speaker at law enforcement conferences, and other organizations.

Wednesday, April 20, 2011

*Lafayette Park Hotel
3287 Mt. Diablo Blvd. Lafayette*

*6:00 PM. Wine and Registration
6:30 PM Dinner and Speaker*

**Cost: \$40.00 dinner (preregister)
\$45.00 (at the door)**

*Reservations and cancellations must
be received by Monday,
Apr 18th at 1:30 p.m. to be assured of
a reservation.*

Please send your check today!

or

Pay with a credit card online

<http://www.123signup.com/calendar?Org=epcdv>

or

*call Bonni at:
925.686.4819*