

How to Prepare for Court



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We'll be covering...

1. General scene setting – types of inheritance and beneficiaries
2. The types of probate and inheritance claims you may face
3. Cost considerations and ethical issues
4. The initial procedural and evidential steps
5. The Court process up to trial
6. Mediation and other ADR
7. Final preparations before trial

General scene setting

Your inheritance = what type of beneficiary

Consideration should be given to who you might be against / working alongside

Don't forget potential complications with minors and protected parties!

What type of claim?

- Will construction
- Probate dispute / challenge to the Will
- Removal of an executor – s.50 Administration of Justice Act 1985
- Inheritance (Provision for Family & Dependents) Act 1975
- Other claims, inc:
 - Estoppel
 - Creditors
 - Complicated estates

Cost consequences and ethical issues

Points to keep in mind:

- Charity Commission's published guidance and trustee checklist
- Mission statement and aims of the Charity
- Timing of specialist advice
- Costs and charity obligations

What are the initial procedural steps?

Pre-Action

- Consider goal / objectives
- LOC/LOR
- Narrow the issues
- Consider ADR attempts
- Consider the timing of Counsel's advice

Court Proceedings

- Part 7 or Part 8?
- Costs Budgeting
- CMC / CCMC
- Expert Evidence

The Mediation Process

- Why do it?
- Expectation of the Court?
- Identifying the right mediator
- How to prepare?
- Whether to make w/p or Part 36 offers and if so, when?
- In person or remote mediation?
- What to expect on the day?
- If no settlement on the day, what next?
- If there is settlement on the day, what next?

Final preparations for trial

More evidence?

Any applications necessary?

Conferences with Counsel / experts?

Any more disclosure?

Questions?



Here when you need us...



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