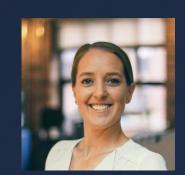
## **How to Prepare for Court**



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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 & Dependants) 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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