

# CONTINUING LEGAL EDUCATION

THE BAR ASSOCIATION OF SAN FRANCISCO



presents

## Testamentary Capacity - Cross Examining Psych Experts - Common Expert Fallacies and Strategies for Cross Examination

**Wednesday  
August 24, 2022**

MCLE Registration: 1:30 - 2:00 p.m.

Virtual Program: 2:00 - 3:15 p.m.

### Speaker

## Teo Ernst, Psy.D, ABPP

Forensic Psychologist  
Psychological Services Inc.

Dr. Teo Ernst is Board Certified Forensic Psychologist, with extensive experience evaluating capacity. Dr. Ernst is an Assistant Clinical Professor in the UCSF Department of Psychiatry where he provides teaching and supervision on a voluntary basis. Approximately half of Dr. Ernst private practice is devoted to forensic psychological evaluations.

This seminar was developed for probate attorneys engaging in litigation related to testamentary capacity and undue influence. This presentation provides a framework for the cross examination of psychiatric and psychological experts, based upon an analysis of frequent errors conducted during these expert evaluations. Common errors reviewed include equating diagnosis and testamentary capacity, privileging neuropsychological test results over functional assessment, providing factual opinions outside the scope of one's expertise, a failure to consider the complexity of the testamentary act, the "not the man he used to be fallacy," failure to consider the relevance of delusions, and failing to distinguish between the unique cognitive capacities contemplated by *PC 6100.5* vs. *PC 812*.

### Topics

- Common Expert Fallacies in the Assessment of Testamentary Capacity and Undue Influence
- What aspects of cognitive functioning are, and are not, relevant to *PC 61005*. vs. *PC 810-812*
- The proper and improper use of neuropsychological testing in testamentary capacity evaluations
- Cross Examination Strategies

### MCLE: 1 Hour in Legal Ethics

To receive MCLE credit, you must sign in during the designated MCLE registration period. This activity is approved for Minimum Continuing Legal Education credit by the State Bar of California. BASF is a certified provider.

Provider #103

### Registration is required.

### Cost

\$40 BASF Members

\$65 All Others

Free for BASF Law Students

### VIEWING OPTIONS



**Live Webcast** - register at [www.sfbbar.org](http://www.sfbbar.org)



**Webcast Recording** will not be available for this program.

### Special Requests:

People with disabilities should contact BASF regarding reasonable accommodations at [events@sfbbar.org](mailto:events@sfbbar.org).

Register online: [www.sfbbar.org](http://www.sfbbar.org)

Event Code: G221644