

## **Corrections to the 2011 Case Materials**

### **On page 28 at the bottom of the page:**

The last sentence should read "And, since Jordan now lives so far away..."

### **At the top of page 26 in the Case Materials, Number 15 should read:**

I am aware that short-term memory losses, personality changes, suspiciousness and evasiveness, and poor judgment, including judgment about people, can be associated with early dementia. Dementia and other processes of aging can, at time, render someone incapable and incompetent to handle some tasks of daily living.

### **On page 22 of the Case Materials, in the "Financial summary," the Savings should be**

108,322.22 (Please delete 12918.61)

### **On Page 3 of the Case Materials, 1.c. should read:**

Enter an order requiring Alex Nelson to reimburse Jordan Nelson for the attorney's fees and costs paid on Pat Nelson's behalf. (244.17(2)).

### **Corrections to Exhibit 2 and 3**

Exhibit 2 (bank statement for 4/21/10 to 5/20/10), page 20 : An entry dated 5/12/10 notes a \$1200.00 "transfer from checking" but it should read "transfer from savings."

Exhibit 3, (bank statement for 5/21/10 to 6/20/10), page 22 : An entry dated 6/12/10 notes a \$1200.00 "transfer from checking" but it should read "transfer from savings."

### **The following clarifications apply to this year's case:**

Jordan is the Petitioner; Alex is the Respondent.

The language that should be used consistently is Petitioner and Respondent.

It is stipulated that all experts have read all the affidavits. It should not be assumed that a witness who is not an expert, has read all the affidavits.

No Curriculum Vitae was included for Dr. Hudson since he is the treating physician and not hired as an expert witness.

The court will entertain Jordan's petition and Pat's motion to dismiss in the same hearing. The court's ruling on both the petition and the motion to dismiss will be deferred until after all of the testimony has been heard.

There is no "preferred label" for Pat.

The burden of proof for all decisions that the court must make is preponderance of the evidence. We will be posting the jury instruction for your students to use as soon as I can get access to it.

Dr. Avery Hudson has read all of the affidavits.

There is more than one Avery Hudson in Clearwater. Only one of them is a doctor and the doctor is not associated with Avery Hudson Financial Services and had no role in the drafting or execution of the power of attorney.

Jury instruction 200 on burden of proof:

**WIS JI-CIVIL 200 BURDEN OF PROOF: ORDINARY**

Certain questions in the verdict ask that you answer the questions "yes" or "no". The party who wants you to answer the questions "yes" has the burden of proof as to those questions. This burden is to satisfy you by the greater weight of the credible evidence, to a reasonable certainty, that "yes" should be your answer to the verdict questions.

The greater weight of the credible evidence means that the evidence in favor of a "yes" answer has more convincing power than the evidence opposed to it. Credible evidence means evidence you believe in light of reason and common sense.

"Reasonable certainty" means that you are persuaded based upon a rational consideration of the evidence. Absolute certainty is not required, but a guess is not enough to meet the burden of proof.