

In re Eli Doran

A step by step walk-through of your MPT method

The task: you represent **Carol Richards**, the court-appointed guardian of her 86 year old uncle **Eli Doran**. After Eli's cognitive decline, his assisted-living operator **Paula Daws** married him and had him sign a new will leaving her everything. You draft the **written closing argument** on two petitions: annul the marriage and set aside the will.

THE TWO CLAIMS

1. **Annul the marriage:** Eli lacked **capacity to consent to marriage** on Jan 15, 2019. Burden: **clear and convincing** (Green).
2. **Set aside the will:** Eli lacked **testamentary capacity** on Oct 7, 2019. Burden: **preponderance** (Dade).

Tone + traps: a **persuasive closing argument** for the judge as trier of fact. Full-sentence headings, marshal the evidence and witness credibility, no separate facts section, and **anticipate and rebut Paula (no rebuttal round)**.

YOUR METHOD The six moves, applied to this file

Structure first, rules second, facts last, matched to the rules, then write it in persuasive IRAC.

- 1 **Read the task memo twice:** two claims, two burdens, and the office rules for closing arguments.
- 2 **Work the Library and pull the rules:** Green (+ Simon) for marriage, Dade (+ Tarr) for the will. Tag each with a color.
- 3 **Anchor your client and matter:** Carol, guardian; Eli, incapacitated; Paula, the caregiver-spouse-beneficiary.
- 4 **Jot the case parties:** Simon is your analogy (annulled); Green and Dade are the contrasts (capacity found).
- 5 **Work the File and match evidence to the standards:** Dr. Bush's findings prove BOTH claims; add Eli's own confused statements.
- 6 **Outline, then write in IRAC:** full-sentence heading, standard, marshal evidence, rebut Paula, close, per claim.

STEP 1 Read the task memo twice for the structure

Two memos front the File: the assignment and the office guidelines for closing arguments. Lock this spine first:

WHO YOU ARE Cook & Stone, for petitioner Carol Richards, Eli's guardian.

WORK PRODUCT a written closing argument to the judge (trier of fact).

CLAIM 1 annul the marriage: no capacity to consent (clear and convincing).

CLAIM 2 set aside the will: no testamentary capacity (preponderance).

OFFICE RULES full-sentence headings; state the standard; marshal evidence; show credibility; anticipate and rebut Paula.

STEP 2 Work the Library: pull the standards

Two cases, two standards. Read for the black letter, then color-tag; reuse the colors in Step 5.

Claim 1: capacity to consent to marriage (Green)

- › **Green** (Fr. Ct. App. 2014): a marriage is presumptively valid; rebut only by clear and convincing evidence. Capacity = the ability to understand the nature, effect, and consequences of marriage, measured at the time of the marriage.
- › **Simon** (embedded in Green): annulled where the spouse could not make decisions and had no prior relationship (a caregiver). Green found capacity where a two-year engagement and real understanding existed.

Claim 2: testamentary capacity (Dade)

- › **Dade** (Fr. Ct. App. 2015): the will contestant must prove, by a preponderance, that at execution the testator could not know the act, the nature and extent of his property, and the natural objects of his bounty.
- › **Tarr** (cited in Dade): a prior finding of legal incompetence is NOT, by itself, proof of incapacity; capacity varies with the task.

STEP 3 Anchor your client and matter

CLIENT Carol Richards, Eli's niece and court-appointed guardian; a disinterested witness.

WARD Eli Doran, 86, dementia; found legally incompetent in Dec 2019.

OPPONENT Paula Daws, his assisted-living operator, now his spouse and sole will beneficiary.

THE FIGHT undo the Jan 2019 marriage and the Oct 2019 will for lack of capacity.

STEP 4 Jot the case parties as you read

Line Eli up against the cases: he is **like** the annulled spouse in Simon and **unlike** the capable parties in Green and Dade.

- › **Simon** (annulled, your analogy): could not make decisions; no prior relationship; caregiver married patient. That is Eli and Paula.
- › **Green** (capacity found, contrast): two-year engagement, planned a life, understood marriage. Eli had none of this.

- › **Dade** (capacity found, contrast): the testator stated his net worth, knew his family, kept prior gifts intact. Eli could not.

STEP 5 Work the File: match evidence to the standards

Dr. Bush's testimony is your engine: it proves both claims. Match evidence to each standard by color; same color on both sides = a fact doing legal work.

Claim 1: no capacity to consent to marriage

marriage standard Dr. Bush evidence timing Eli's confusion suspicious conduct case contrast

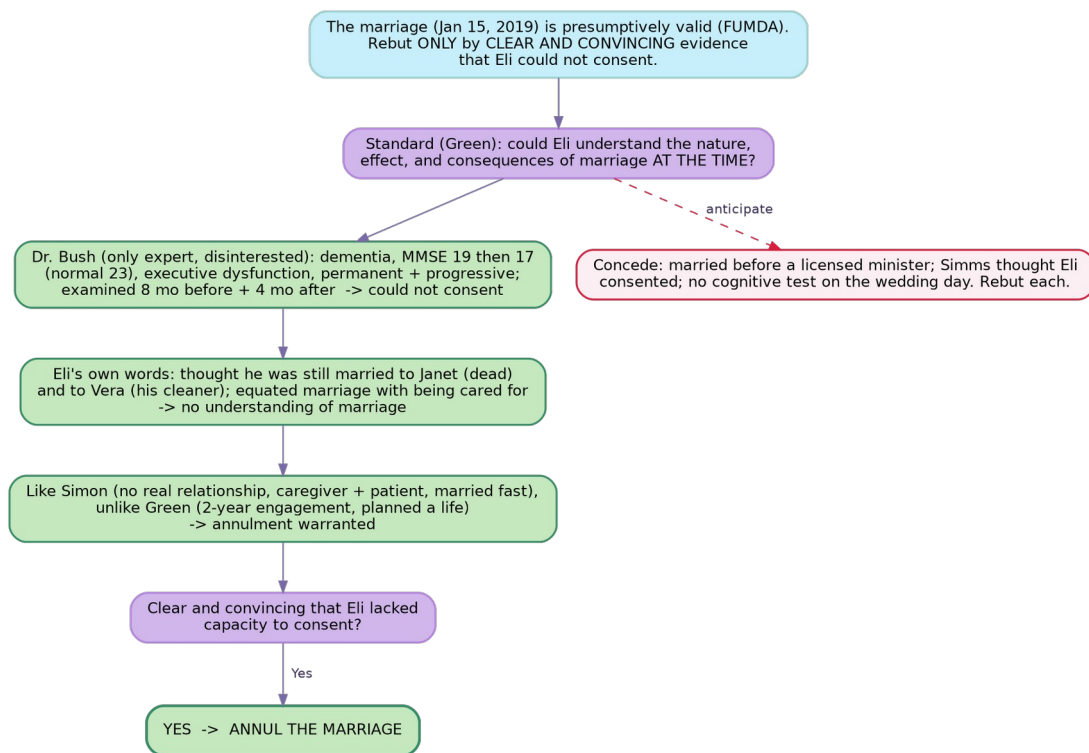
RULE / STANDARD (LIBRARY)	MATCHED EVIDENCE (THE HEARING)
Understand the nature, effect, consequences of marriage (<i>Green</i>).	Dr. Bush (only expert, disinterested): dementia, MMSE 19 then 17 (normal 23), executive dysfunction, permanent + progressive. No capacity.
Capacity is measured at the time of the marriage (Jan 15, 2019).	Bush examined Eli 8 months before and 4 months after the wedding; condition only worsens. Reasonable to infer no capacity on the date.
Must understand what marriage is (<i>Green/Simon</i>).	Eli thought he was still married to Janet (dead) and to Vera (his cleaner); equated marriage with being cared for.
Contrast the relationship (<i>Green vs Simon</i>).	No dating; married days after first mention; a caregiver / care-receiver bond. Like Simon, unlike Green.
Suspicious circumstances undercut consent.	Paula kept the marriage secret, used no minister, and did not invite Carol.

Claim 2: no testamentary capacity

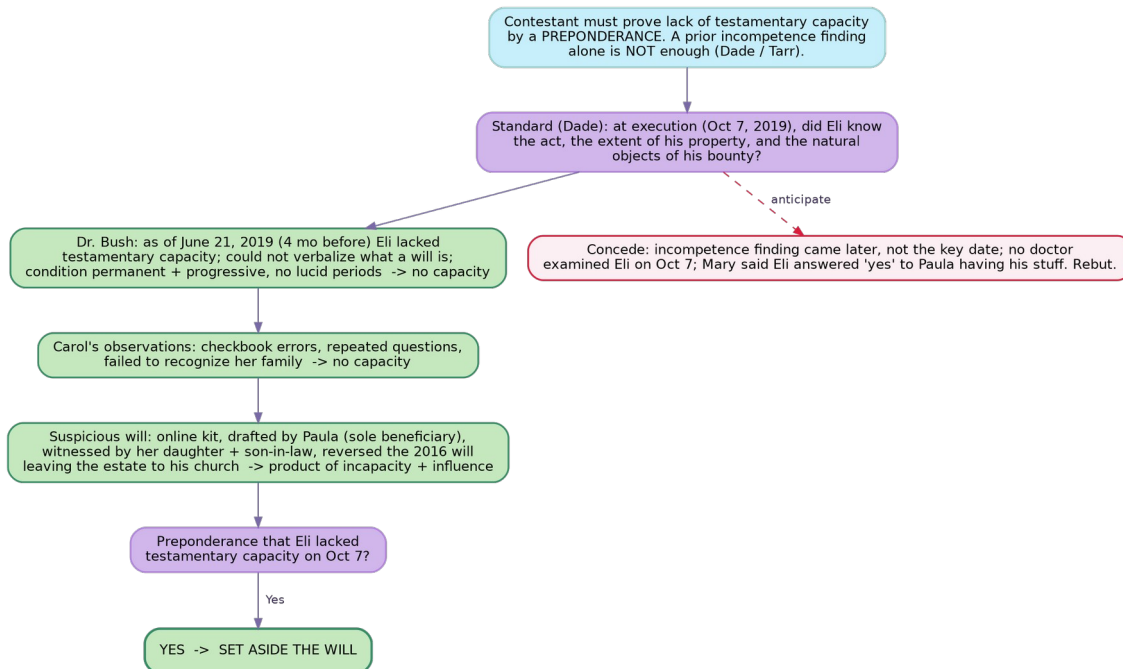
will standard Dr. Bush evidence timing suspicious will rebut / concede

RULE / STANDARD (LIBRARY)	MATCHED EVIDENCE (THE HEARING)
Know the act, the property, the natural objects of his bounty (<i>Dade</i>).	Bush: as of June 21, 2019 Eli lacked testamentary capacity; could not verbalize what a will is.
Measured at execution (Oct 7, 2019); incompetence alone is not enough (<i>Tarr</i>).	Bush's June exam was 4 months before the will; permanent + progressive, no lucid periods -> no capacity on Oct 7.
Circumstances show incapacity + influence.	Will was an online kit, filled out by Paula (sole beneficiary), witnessed by her daughter and son-in-law; it reversed the 2016 will leaving the estate to his church.
Anticipate Paula's points.	Mary said Eli answered "yes" to Paula having his "stuff": a scripted prompt, not proof he knew his estate. No exam on Oct 7, but Bush's trend covers it.

IN RE ELI DORAN — MPT ATTACK GUIDE (CAPACITY: MARRIAGE + WILL)



Claim 1: clear and convincing evidence that Eli could not understand marriage, so the presumption is rebutted and the marriage is annulled.



Claim 2: a preponderance shows Eli lacked testamentary capacity on Oct 7, so the will is set aside.

STEP 6 Outline, then write it in persuasive IRAC

Each claim gets a **full-sentence heading** (your conclusion), the **standard** with its burden, **marshaled evidence** (Here...), a **rebuttal** of Paula, and a close.

HEADING *“Because Eli’s dementia left him unable to understand the nature and consequences of marriage, the January 2019 marriage must be annulled.”*

STANDARD Rebut the presumption by clear and convincing evidence that Eli could not understand marriage at the time. *Green.*

EVIDENCE **Here,** Dr. Bush’s unrebutted findings, Eli’s confusion about Janet and Vera, and the Simon-like caregiver relationship all show no capacity.

REBUT + CLOSE Rev. Simms is unqualified and saw Eli twice; conceding the presumption, the evidence still clearly rebuts it. Therefore, annul. Repeat the loop for the will.

BEFORE YOU HAND IT IN **Point-losers on this file**

- › Mixing the burdens. Marriage = **clear and convincing**; will = **preponderance**. State each.
- › Leaning on the incompetence finding. *Tarr* says it is not enough; prove **capacity at each date**.
- › Ignoring timing. Tie Dr. Bush’s exams to the **marriage and will dates** (permanent + progressive bridges the gaps).
- › Not rebutting Paula. Answer Simms, the “yes” to Mary, and “Paula is in love” before she raises them.
- › Forgetting credibility. Sell Dr. Bush and Carol as disinterested; show Simms and Paula are not.