

INTENTIONAL INTERFERENCE WITH A PROSPECTIVE INHERITANCE

By James Richardson

Oregon recognizes a legal remedy for intentional interference with a prospective inheritance. The elements to be proven are similar to those that apply to interference with a business relationship. They are:

- (1) the existence of a professional or business relationship (which could include, e.g., a contract or a prospective economic advantage) ;
- (2) intentional interference with that relationship or advantage;
- (3) by a third party;
- (4) accomplished through improper means or for an improper purpose;
- (5) a causal effect between the interference and the harm to the relationship or prospective advantage; and
- (6) damages. Although an expectancy of inheritance is, by definition, purely prospective, so are many of the commercial interests that have been associated with and are protected by law.

Commonly included among improper means are violence, threats or other intimidation, deceit or misrepresentation, bribery, unfounded litigation, defamation, or disparaging falsehood. Common among such claims are elements of undue influence in which a person uses the dependent relationship of another to sway that person's gifting under a will. Close relatives and care givers are often in such a position, especially when dealing with an ill or frail elderly person.

There must be a clear prospect of an inheritance before this particular claim can be pursued. To state a claim, one must allege facts that establish a causal relationship between the interference and the loss of the prospective inheritance.