

## Best Practices, Practical Tips, and Risk Management Strategies for Estate Planning

**Date:** Thursday, February 7, 2013 | 1:30 pm to 4:50 pm

**Location:** Westin Harbour Castle Conference Centre, 2 Harbour Square

**Program Chairs:** **Ed Upeniaks**, Lawrence Lawrence Stevenson LLP, Brampton  
**John O'Sullivan**, John O'Sullivan Law



1.75 Substantive Hours  
1.75 Professionalism Hours

**Note:** New members may apply any program that contains a minimum of **0.5 Professionalism Hours** toward the annual CPD requirement.

Learn from leading practitioners and a Superior Court Judge the best practices, practical tips and risk management strategies for estate planning, estate administration, and estate litigation. Hear about how to best deal with struggles for power and control in family disputes involving an incapable parent. Three practitioners will divulge their experiences as mediators to give you an inside edge on what helps or hinders at estates mediations. You will also learn about emerging trends in trusts and estates law. Practitioners from different jurisdictions, including the UK, will forecast what's coming to Ontario.

1:30 pm	<b>Introductory Remarks</b>	3:30 pm	<b>Break</b>
1:35 pm	<p><b>Struggles for Power and Control: Navigating Family Disputes involving an Incapable Parent</b></p> <ul style="list-style-type: none"> <li>• The importance of understanding the underlying motivation of the parties</li> <li>• The Role of the Public Guardian and Trustee in such disputes - How can and should they be involved?</li> <li>• The Role of Section 3 Counsel at such disputes.</li> <li>• Capacity Assessments – The Challenges of securing them in the first instance and their proper uses in such disputes</li> <li>• Practical Tips for Lawyers when concerns about possible elder abuse arise</li> </ul> <p><b>Angela Casey</b>, de Vries Litigation <b>Philippa Geddie</b>, Counsel, Office of the Public Guardian &amp; Trustee</p>	3:45 pm	<p><b>Top 20 Tips in 20 Minutes for Trust and Estates Practitioners</b></p> <ul style="list-style-type: none"> <li>• Avoiding conflicts of interest and client disputes</li> <li>• Learn best defensive practices</li> <li>• Managing client expectations</li> </ul> <p><b>Kiran Gill</b>, Lawrence Lawrence Stevenson LLP - Brampton</p>
2:05 pm	<p><b>Adding Value to that "Simple Will" Interview</b></p> <ul style="list-style-type: none"> <li>• Increased use of Dual Wills</li> <li>• Clarifying Joint Property</li> <li>• Personal Care Directive Options</li> </ul> <p><b>James O'Brien</b>, Reynolds O'Brien LLP - Belleville</p>	4:05 pm	<p><b>Emerging Trends: New Causes of Action</b></p> <ul style="list-style-type: none"> <li>• Developing case law from the UK and Offshore - including trustee and investment advisor/asset manager liability for investment losses; the current state of exculpation clauses and the rise of Singapore</li> <li>• What's coming to Ontario? <ul style="list-style-type: none"> <li>• Proprietary Estoppel Claims</li> <li>• Tort of Intentional Interference</li> <li>• Disclosure of Documents in a Fiduciary Context</li> </ul> </li> </ul> <p>Moderator: <b>John O'Sullivan</b>, John O'Sullivan Law <b>Nicholas Holland</b>, Bircham Dyson Bell - London, UK <b>Ian M. Hull</b>, Hull and Hull LLP</p>
2:25 pm	<p><b>Common Mistakes to be Avoided</b></p> <ul style="list-style-type: none"> <li>• Reoccurring errors in materials filed with the Court</li> <li>• Common mistakes made in passing of accounts</li> <li>• Mistakes to Avoid in materials and arguments for contested hearings</li> </ul> <p><b>Danielle Joel</b>, Borden Ladner Gervais LLP <b>The Honourable Cory A. Gilmore</b>, Superior Court of Justice</p>	4:50 pm	Questions and Closing Remarks
2:45 pm	<p><b>Tips for Success at Mediation</b></p> <ul style="list-style-type: none"> <li>• Professional obligations of counsel going into mediator</li> <li>• At which stage should the parties go to mediation?</li> <li>• Checklists for a successful mediation</li> <li>• What must be in your Minutes of Settlement</li> </ul> <p><b>Moderator: Ed Upeniaks</b>, Lawrence Lawrence Stevenson LLP - Brampton <b>Brian Schnurr</b>, Schnurr Kirsh Schnurr Oelbaum Tator LLP <b>Archie Rabinowitz</b>, Fraser Milner Casgrain LLP <b>Danny Dochylo</b>, Borden Ladner Gervais LLP</p>	5:00 pm	Program Concludes

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Your registration fee includes the keynote address, welcome reception, special events, breakfasts, lunches, refreshments, and access to the electronic materials for ALL programs.

**PROGRAM REGISTRATION IS ONLINE** [www.oba.org/institute2013](http://www.oba.org/institute2013)

Questions? [pd@oba.org](mailto:pd@oba.org)