

No Bones About It: Critical Issues and Essential Updates in Trusts and Estates Law



Date: Wednesday, February 4, 2015 | 1:30pm - 4:50pm

Location: Westin Harbour Castle Conference Centre,
2 Harbour Square, Toronto, ON

Program Chairs: **Jane Martin**, Dickson MacGregor Appell LLP
Ameena Sultan, Whaley Estate Litigation

This program contains 0.5 Professionalism Hours

This program is eligible for up to 2.75 Substantive Hours

The OBA has been approved as an Accredited Provider of Professionalism Content by The Law Society of Upper Canada.

Hear from leading practitioners and academics on key issues impacting your trusts and estates practice. Whether you are a litigator or a planner, get up-to-date on emerging issues, brush up on common practice challenges, and gather best practices for dealing with the extraordinary cases. Gain the essential knowledge to effectively guide your clients when their matters intersect with criminal or family law, and master the scope and limitations of privilege in the estate field.

1:30 pm Welcome and Opening Remarks

1:35 pm **Emerging Issues in Capacity**

Justin de Vries, de VRIES LITIGATION

Sarah Mason-Case, Law Commission of Ontario

- What's new in the Law Commission of Ontario's projects on capacity, decision making and guardianship?
- Balancing privacy interests of the incapacitated with the responsibilities of attorneys, guardians and section 3 counsel

2:05 pm **Critical Considerations in Advising Trustees**

Professor Albert Oosterhoff, Counsel, Whaley Estate Litigation

John O'Sullivan, John O'Sullivan Law

- Exploring the scope and restrictions of trustee indemnification
- Best practices for limiting trustee liability
- Helpful guidance for advising trustees

2:30 pm **Righting Wrongs: Remedies for Financial Abuse of an Incapable Person**

Trung Nguyen, Brauti Thorning Zibarras LLP

Graham Webb, Advocacy Centre for the Elderly

- Defining financial abuse
- Clarifying the available civil and criminal remedies
- How to elect which remedies to pursue

3:00 pm Networking Break

3:20 pm **How to Manage Unusual Assets and Exceptional Testators**

Norman Bowley, Low Murchison Radnoff LLP (Ottawa)

Mary-Alice Thompson, Cunningham, Swan, Carty, Little & Bonham LLP (Kingston)

From hunting trophies to side arms, and artists to inventors, gain expert insights on how to handle uncommon assets and unique testators in your planning and administration practice.

3:45 pm **Making Sense of Custody and Access Issues in Planning and After Death**

Karon Bales, Bales Beall LLP

Clare Burns, WeirFoulds LLP

- What your clients can and cannot control in planning documents
- Common drafting pitfalls in custody/access provisions
- Critical steps to take following the death of the parent
- What is the role of the Office of the Children's Lawyer?

4:20 pm **Whose Privilege Is It Anyways?**

Shael Eisen, Eisen Law

Archie Rabinowitz, Dentons Canada LLP

Unravel the intricacies of litigation, solicitor-client and settlement privilege in estate planning and disputes. Explore the limitations of each type, best practices for protecting privilege and common missteps that may result in a loss of the privilege.

4:45 pm Questions and Concluding Remarks

4:50 pm Program Concludes

PROGRAM REGISTRATION IS ONLINE www.oba.org/pd

Questions? pd@oba.org