

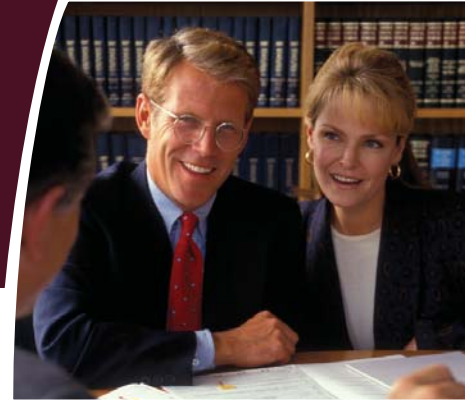
The Advanced Intensive Program in Wills, Estates and Trusts

This comprehensive program goes beyond the basics to give you guidance on critical issues in estate planning, wills drafting, estate administration and dispute resolution, including:

- The current law regarding the scope of the estate trustee's investment authority and ability to delegate the exercise of the same
- The extent to which the estate trustee can 'rectify' a will and deviate from the deceased's expressed wishes
- Identifying and addressing practical concerns in guardianship situations
- Problems identified by the Children's Lawyer in estate and trust matters, with valuable suggestions on how best to address them
- Mastering the estates/family law nexus, including the valuation of trusts for equalization purposes
- The trickiest will clauses and the issues they raise
- The solicitor's role and duty of care when providing advice and services to estate trustees
- The most dangerous sources of potential solicitor/advisor liability
- Overlooked statutory and common-law sources you need to keep in mind

Chairs

Barry S. Corbin, Corbin Estates Law Professional Corporation
Suzana Popovic-Montag, Hull & Hull LLP



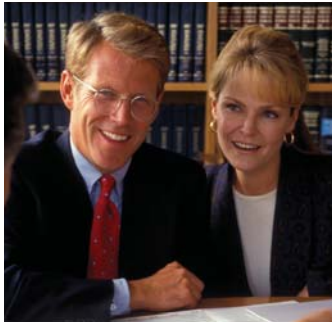
DATES & TIME

March 25 - 26, 2010
9:00 a.m. - 4:30 p.m. EDT/EST

LOCATION

Osgoode Professional
Development Centre
1 Dundas St. W., 26th Floor
Toronto, ON

Webcast
Available



The Advanced Intensive Program in Wills, Estates and Trusts

Take your understanding of challenging succession issues and their solution to the next level

Estate solicitors and related professionals today work in a context that demands sophisticated knowledge of how financial planning, tax and family law interact with traditional estates and trusts law. Without this knowledge, wills and estates practice underserves clients and leaves the professional open to the risk of significant professional liability.

Building on the success of *Osgoode Professional Development's* annual Wills and Estates Workshop, this program will provide you with an opportunity to extend your knowledge of key issues and to develop the skills to address them with authority. You'll hear the latest developments and work through key challenges in frequently-encountered problem areas. Issues covered will include:

- Trustees' conflicts in the context of trusts and estates controlling corporations and businesses – can the interests of the corporation and of trust beneficiaries always be reconciled?
- The most important considerations and tactical specifics in putting forward, or defending against, a dependents' support claim on behalf of a spouse or child
- What every estate lawyer must know about domestic contracts
- When the law on decision-making capacity meets complex fact situations – what can the prudent solicitor or other advisor realistically be expected to do?
- Practical concerns in undertaking assessments of mental capacity
- Making best use of the contributions of medical/clinical staff in assessing capacity
- Grasping the full range of non-residency considerations in estate practice
- Identifying the kinds of situations – and parties – that benefit most from a proactive approach to dispute resolution
- What you need to know about property passing outside the will
- Practical solutions to the problem of 'mirroring' wills

To register, visit www.osgoodepd.ca, call 416.597.9724 or 1.888.923.3394, email opd-registration@osgoode.yorku.ca or fax 416.597.9736.

Chairs

Barry S. Corbin, Corbin Estates Law Professional Corporation
Suzana Popovic-Montag, Hull & Hull LLP

Faculty

Jordan M. Atin, Atin Professional Corporation
Howard S. Black, Minden Gross LLP
Mary Anne Bueschkens, Heenan Blaikie LLP
Clare E. Burns, WeirFoulds LLP
Howard M. Carr, Fasken Martineau DuMoulin LLP
Carole A. Cohen M.D., Clinical Director, Community Psychiatric Services for the Elderly, Sunnybrook Health Sciences Centre & Professor, Department of Psychiatry, University of Toronto
Sheila M. Crummey, McMillan LLP
Arthur I. Fish, Borden Ladner Gervais LLP
Alessandra P. Goulet, Jan Goddard and Associates
Felice C. Kirsh, Schnurr Kirsh Schnurr Oelbaum Tator LLP

Judith M. Nicoll, McInnis & Nicoll
Margaret R. O'Sullivan, O'Sullivan Estate Lawyers Professional Corporation
Archie J. Rabinowitz, Fraser Milner Casgrain LLP
Rosanne T. Rocchi, Miller Thomson LLP
Martin J. Rochweg, Miller Thomson LLP
Debra L. Stephens, Office of the Children's Lawyer Ministry of the Attorney General (Ontario)
M. Jasmine Sweatman, Sweatman Law Firm
Sender B. Tator, Schnurr Kirsh Schnurr Oelbaum Tator LLP
Corina S. Weigl, Fasken Martineau DuMoulin LLP
Anne M. Werker, Smith & Werker
Melanie A. Yach, Aird & Berlis LLP

Agenda

Day One - March 25, 2010

8:30 Registration and Continental Breakfast

9:00 Chairs' Welcome and Introductory Remarks

Barry S. Corbin, Corbin Estates Law Professional Corporation

Suzana Popovic-Montag, Hull & Hull LLP

9:05 Powers and Duties of POAs and Estate Trustees: Resolving Vexing Issues

Melanie A. Yach, Aird & Berlis LLP

Clare E. Burns, WeirFoulds LLP

- Scope of the attorney's investment authority and ability to delegate the same
- When and how to remove/replace an attorney
- 'Springing' vs. 'immediately effective' POAs
- Single vs. multiple attorneys
- Broad vs. specific powers and restrictions
- The risk of inadvertent revocation where multiple powers of attorney are used
- Powers of Attorney for Personal Care: how to compensate the attorney?
- Scope of the estate trustee's investment authority and ability to delegate the exercise of the same
- Scope of the estate trustee's duty to locate beneficiaries and next-of-kin
- Will 'rectification' and the scope of the estate trustee's power to deviate from the deceased's wishes
- Will 'rectified' by deletion of clause even where will not probated

10:15 Refreshment Break

10:30 Key Corporate, Tax and Insurance Issues

Rosanne T. Rocchi, Miller Thomson LLP

- Trusts and estates that control corporations: addressing the problem of divided loyalty/conflict between looking after the corporation's interests and fiduciary obligations to beneficiaries of the trust
- Post-mortem tax planning: purpose and scope of available elections

- Taking steps to enable the future transmission on death of private company shares without probate
- Drafting the qualifying spousal testamentary trust
- Significance of tax status as testamentary trust and how estate can lose such status
- Who owns the insurance contract? (individual, two or more parties jointly, corporation, etc.)
 - impact of the answer on family law/dependent's support claims and U.S. estate tax
 - transfer of ownership without triggering tax consequences

11:45 Luncheon

12:45 Mastering Capacity Issues and Guardianship of Incapable Persons

Arthur I. Fish, Borden Ladner Gervais LLP

Carole A. Cohen MD, Clinical Director, Community Psychiatric Services for the Elderly, Sunnybrook Health Sciences Centre & Professor, Department of Psychiatry, University of Toronto

- Understanding the threshold for legal capacity and applying it to real-life situations
- The substitute decision-maker's right to make 'testamentary' decisions
- Pitfalls and solutions in relation to undertaking mental capacity assessments
- Input from the hospital or long-term care facility re: capacity
- Effective representation of the incapable person
- Protecting vulnerable adults: options and remedies
- Identifying and addressing practical concerns in guardianship
- Planning considerations re: incapable persons nearing the age of majority

2:00 Issues Involving Family Law and Children

Judith M. Nicoll, McInnis & Nicoll

Debra L. Stephens, Office of the Children's Lawyer

- Revisiting questions of definition – spouses and parents under estates and family law
- Tips and traps in estate matters – The Children's Lawyer's experience and views

Agenda

- Dependents' support claims on behalf of spouses and minor children
- Problems raised by the use of estate freezes
- How trusts are to be valued for equalization purposes
- Piercing the corporate veil and asset valuation
- Investments on behalf of children (RESPs, etc.)
- The impact of domestic contracts in the estates context

3:00 Refreshment Break

3:15 Structuring and Drafting the Trickiest Will Clauses [Part I]

Jordan M. Atin, Atin Professional Corporation

Mary Anne Bueschkens, Heenan Blaikie LLP

Corina S. Weigl, Fasken Martineau DuMoulin LLP

Anne M. Werker, Smith & Werker

Clauses such as the following will be explored, with precedents:

- Asset protection trusts
- Clauses to permit various rollovers of RRSPs for children
- Discretionary trusts
- Double legacies
- Dynasty trusts
- Equalizing legacies
- Hotchpot clauses
- Insurance clauses
- International trusts
- Multiple wills
- 'No contest' clauses
- Overriding powers of the trustee
- Personal effects clauses
- Separation agreements
- Spousal trusts
- Testamentary trusts
- Trusts where the beneficiary is a minor, under a physical or mental disability, or imprudent/irresponsible

4:30 Day One Adjourns

Day Two - March 26, 2010

8:30 Registration and Continental Breakfast

9:00 Chairs' Welcome and Introductory Remarks

9:05 Structuring and Drafting the Trickiest Will Clauses [Part II]

10:15 Refreshment Break

10:30 Cross-Border Interests and Interprovincial/International Wills

Margaret R. O'Sullivan, O'Sullivan Estate Lawyers Professional Corporation

Martin J. Rochweg, Miller Thomson LLP

- Checklist of current non-residency issues and considerations in estate planning and administration: beneficiaries, property, trustees
- Understanding conflicts of law as between Canada, the U.S. and other countries

11:30 Essentials of Mediation and Arbitration for Estate Solicitors

Sender B. Tator & Felice C. Kirsh, Schnurr Kirsh Schnurr Oelbaum Tator LLP

- Which kinds of estate disputes are most amenable to mediation (formal or informal) or arbitration?
- Under what conditions are formal dispute resolution mechanisms most likely to succeed?
- The estate solicitor as informal mediator in disputes between trustees
- Is it ever too early to intervene and mediate?
- Identifying 'the conflict beneath the conflict' - what's most important to all parties?
- Selecting the mediator or arbitrator
- Preparing the client and managing expectations
- Addressing crises, breaking impasses
- Reaching and documenting settlement and crafting releases

Agenda

12:15 Luncheon

1:00 Effective Risk Management for Estate Solicitors

Archie J. Rabinowitz, Fraser Milner Casgrain LLP

- Confidentiality and privilege in estates practice
- The most useful retainer letters
- Ensuring the absence of 'suspicious circumstances' or other potential causes of challenge to the will
- Fee-related issues
- Client identification and verification (anti-fraud) requirements and best practices
- Is risk management different during a recession?
- Limitations applicable to actions in negligence against estate solicitors
- The solicitor providing services and support to the estate trustee: relevant duty of care
- Risks where the solicitor assumes the executor's duties *de facto*
- Liability for late filings with the Canada Revenue Agency
- Solicitor's duty in relation to client's testamentary capacity

2:00 Be Aware! Issues That Will Affect Your Estates Practice

Howard S. Black, Minden Gross LLP

Howard M. Carr, Fasken Martineau DuMoulin LLP

Sheila M. Crummey, McMillan LLP

Alessandra P. Goulet, Jan Goddard and Associates

M. Jasmine Sweatman, Sweatman Law Firm

Barry S. Corbin, Corbin Estates Law Professional Corporation [moderator]

- Succession and inheritance outside the will
 - treatment of registered plans (RRSPs, RIFFs, TFSAs, RESPs, etc.)
 - jointly held property
 - beneficiary designations
 - partial intestacies
- 'Hidden in plain sight'; easily-overlooked sections of the *Succession Law Reform Act* and other statutory and common-law sources that you need to keep in mind

- Mutual ('mirroring') wills: problems to which they give rise, and how to avoid them - creating enforceable contractual structures
- Drafting in light of developments in reproductive technology
- Dealing with the Ontario Disability Support Program (ODSP) office
- Loyalty points (Aeroplan, etc.) and other 'odd' forms of property as estate assets

4:00 Program Concludes

Praise for *Osgoode Professional Development's* previous programs in the Wills and Estates area

"My understanding of wills and estates has quadrupled as a result of this seminar"

Louise Gormley, South Common Law Office

"Very good—well delivered; good precedents. Lively, knowledgeable, articulate and organized presentation with useful practice tips"

George Ingram, Barrister & Solicitor

"Excellent all around - great precedents, interaction, good practical information and opportunity to ask questions"

Suzanna Walter LL.B., Director
Trust Services, BMO Harris Private Banking

Registration

Aimed at the current needs
of estate solicitors and
trust & estate planners

Register me for: *The Advanced Intensive Program in Wills, Estates and Trusts*

I will attend: On site Via webcast - single viewer

I am unable to attend. Please send me information about ordering program materials.

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Fee Per Delegate

\$995 plus 5% GST for a total of \$1044.75

Fees include attendance, program materials, continental breakfast, lunch, and break refreshments.

Please inquire about financial assistance. Group discounts are available for both on site and webcast participants. Visit www.osgoodepd.ca for details.

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CLE Credits

Approved in accordance with the requirements of the LSUC Certified Specialist Program (pending), Barreaux du Québec, BC CPD and the NY CLE Board (for transitional and non-transitional lawyers). Note: NY CLE Credits are not available for webcast participants. BC CPD webcast participants must contact us for further information.

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Program Changes

We will make every effort to present the program as advertised, but it may be necessary to change the date, location, speakers or content with little or no notice. In the event of program cancellation, York University and Osgoode Hall Law School's liability is limited to reimbursement of paid fees.

Dates & Times

March 25 - 26, 2010

Day One: 9:00 a.m. - 4:30 p.m. EDT/EST

Day Two: 9:00 a.m. - 4:00 p.m. EDT/EST

Please arrive a half hour early on Day One for sign-in and material pick-up.

Dress is business casual.

Cancellations and Substitutions

Substitution of registrants is permitted at any time. If you are unable to find a substitute a full refund (less \$50 administration fee) is available if a cancellation request is received in writing 14 days prior to the program date. No other refund is available.

Location

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1.888.923.3394