

# INTENSIVE SKILLS WORKSHOP: WILL DRAFTING

Claims against estates lawyers are on the rise.  
Are your skills up-to-date?

This intensive learn-by-doing workshop provides a unique opportunity to refine your drafting skills by receiving individualized feedback from leading estates practitioners. You will learn:

- The key components of a Simple Will
- How to insert and modify substantive clauses in the Simple Will to reflect the following client scenarios: The Family Cottage; The Second Marriage; and The Entrepreneur
- When to use multiple wills, and how to effectively draft them
- Basic administrative and preamble clauses that should be included in a will
- How to avoid the 10 most common drafting errors

Register today at:

[osgoodepd.ca/will-drafting](http://osgoodepd.ca/will-drafting)

This program is part of *The Osgoode Intensive Program in Wills & Estates*. Pre-register for all 2017/2018 programs and take advantage of a special bundle price! Learn more at [osgoodepd.ca/will-estates](http://osgoodepd.ca/will-estates)

## Program Chair

Corina S. Weigl,  
Fasken Martineau DuMoulin LLP

## Date and Time

January 19, 2018  
9:00 a.m. – 4:15 p.m.  
In Person

## Location

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



# Intensive Skills Workshop: Will Drafting

Drafting a tightly worded will that defends against potential challenges is a skill that requires instruction and practice. When a client comes into your office requesting a will, it is critical that you are prepared – your professional reputation could depend on it. OsgoodePD's intensive will drafting workshop will provide you with the skills and confidence you need to succeed.

This unique skill-building program includes a mandatory pre-workshop Drafting Assignment, followed by a full-day workshop that includes a combination of lectures and hands-on learning. During the workshop you will benefit from direct feedback and instruction in small breakout groups with a maximum of six participants. Personalized feedback and critique will provide you with ample opportunity to develop and refine your drafting skills.

## Who Should Attend?

Both experienced wills and estates practitioners who want to refresh their drafting skills and those newer to estates practice. It is recommended that junior lawyers have some experience drafting wills prior to taking this workshop.

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[osgoodepd.ca/will-drafting](http://osgoodepd.ca/will-drafting)

## Pre-Workshop Drafting Assignment

The pre-workshop Drafting Assignment forms the basis of this unique skills workshop. The Drafting Assignment is composed of four separate exercises, which focus on the following client scenarios: The Simple Will; The Family Cottage; The Second Marriage; and the Entrepreneur. The Drafting Assignment must be completed and submitted prior to the program, and is due by **Tuesday, January 2, 2018, at 12:00 p.m. EST**. The assignment is expected to take 3-5 hours to complete and will be distributed via email.

Participants must have access to their own will drafting precedents and template clauses to complete the assignment. Further details and instructions, including the client fact scenarios, will be emailed to you upon registration.

Participants who use computers to draft may wish to bring their laptop computers to use during the workshop. Ensure your Drafting Assignment is preloaded on your computer, and that your laptop is fully charged.

# Workshop Agenda

**January 19, 2018**

**9:00 a.m. – 4:15 p.m.**

*Registration and continental breakfast begin at 8:30 a.m.*

The day begins with plenary presentations to provide you with the grounding you need to maximize your learning. The majority of the day will be spent in small groups with a maximum of six participants, where you will receive guidance and individualized feedback on your Drafting Assignment. Rounding out the workshop, the faculty will recap the key lessons learned and takeaway points.

## Plenary Presentations

### **The Poorly Drafted Will: Avoiding the Top 10 Common Drafting Errors**

The instructors will walk you through clauses of a sample will, discussing the top ten drafting errors and pitfalls to avoid. Faculty will review, compare and discuss suggested revisions and alternative drafting approaches.

### **Administrative Clauses and Preamble**

You will learn the standard administrative and preamble clauses that should be included in a will, as well as how to revise them based on different fact scenarios. This foundational knowledge will be referenced throughout the day.

### **Small Group Session #1: The Simple Will**

Part one of your Pre-Workshop Drafting Assignment requires you to prepare a Simple Will that incorporates an education trust. Your small group

instructor will begin the session by discussing the common errors and critiques from the group's Drafting Assignments. A solid understanding of a foundational Simple Will is crucial to effective drafting.

Throughout the session, your small group leader will review the key components of a Simple Will while providing individualized comments on your drafting.

**Luncheon is scheduled from  
12:45 p.m. – 1:30 p.m.**

### **Small Group Session #2: The Family Cottage**

*The Walters family spent many happy weekends together in Muskoka at the family cottage. Your clients, Mr. and Mrs. Walters, want to leave the cottage to their two kids, Bob and Emily, in their will. What questions do you need to ask your clients?*

Addressing the family cottage in wills can be an emotional hotbed for your clients, and a potential minefield for you as their lawyer. Part two of the Drafting Assignment requires you to add and modify various clauses in your Simple Will to include a cottage trust. While working through the assignment in your small group, you will discuss the hidden issues and traps when dealing with this topic.

### **Small Group Session #3: The Second Marriage**

*Mr. Smith has been married to his second wife for 6 years, and they have a 2 year old daughter. Mr. Smith also has two children with his ex-wife, and financially provides for his 8 year old step-son (who he has not adopted). What are the key issues?*

One of the most common scenarios faced by practitioners, part three of your Drafting Assignment will focus on clients in a second marriage. You will be required to modify your previous Family Cottage will to include a spousal trust.

You will receive individualized feedback on your drafting, and will further benefit by learning from the approaches used by other members in your group.

### **Small Group Session #4: The Entrepreneur**

*A single mother, Cassandra spent many years building her business from scratch, and wants to make sure that it can financially provide for her two children should something happen to her. Do you know what clauses need to be in her will?*

Will planning and drafting for entrepreneurs and business owners presents a unique set of legal issues. Under the watchful eye of your small group leader, you will review and discuss the final portion of your Drafting Assignment. You will also learn how to effectively draft multiple wills.

### **Large Group Debrief – Lessons Learned**

This wrap-up session will feature a discussion of the common issues that arose in the small group workshops throughout the day. Key takeaway points and best practices will be discussed, and there will be plenty of opportunity for questions.

## Chair

Corina S. Weigl, Fasken Martineau DuMoulin LLP

## Faculty Includes

Rachel L. Blumenfeld, Aird & Berlis LLP

Brian Cohen, Gowling WLG

Ed Esposito, Aird & Berlis LLP

Laura Kerr, Low Murchison Radnoff LLP

## Our participants say it best:

*“All presenters were extremely well informed on the state of the law and current issues in drafting. Very comfortable environment in which to ask questions and get a meaningful response, either from peers or presenters. Would highly recommend!”*

Carrie Ritchie, Lawyer, Banks & Starkman, attended in 2016

*“Informative, practical and applicable to my practice.”*

Dave Johnston, Barrister & Solicitor, attended in 2016

## Registration Details

### Fee per Delegate

**\$625 plus HST**

**Early Bird Price: \$530 plus HST (until Nov. 10<sup>th</sup>)**

Fees include attendance, program materials, continental breakfast, lunch and break refreshments. Group discounts are available. Visit [www.osgoodepd.ca/group-discounts](http://www.osgoodepd.ca/group-discounts) for details. Please inquire about financial assistance.

### 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's and Osgoode Hall Law School's liability is limited to reimbursement of paid fees.

### Cancellations and Substitutions

Substitution of registrants is permitted at any time. If you are unable to find a substitute, a full refund is available if a cancellation request is received in writing 14 days prior to the program date. If a cancellation request is made with less than 14 days notice, a \$75 administration fee will apply. No other refund is available.



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Eligible CPD Hours:

LSUC (ON): 6h 30m (3h 30m Substantive, 3h Professionalism).

OsgoodePD programs may be eligible for CPD/MCLE credits in other Canadian jurisdictions. To inquire about credit eligibility, please contact [cpd@osgoode.yorku.ca](mailto:cpd@osgoode.yorku.ca)



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Osgoode Professional Development



416.597.9724

1 Dundas Street West, Suite 2600



@OsgoodePD

Toronto, ON Canada M5G 1Z3



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