OSGOODE PROFESSIONAL DEVELOPMENT

13TH ANNUAL

INTENSIVE WILLS AND ESTATES COURSE

Update and reinforce your core knowledge and acquire the practical skills you need to navigate complex estate planning and administration issues. Topics include:

- Practical tips for advising on estate planning matters
- Techniques for substantiating capacity
- How to determine an appropriate fee structure for your client
- Claims-prevention methods to protect yourself
- Key principles for drafting wills, including drafting in special circumstances
- The lawyer as executor: compensation and legal fees
- Strategies to avoid or reduce probate fees and estate tax liabilities
- Managing unusual applications for Certificates of Appointment
- Taxation of testamentary trusts – what you need to know in 2017
- Case law update - *Spence v. BMO Trust Co.*: are your client's instructions problematic for public policy?

This popular evening program fills up fast - find out why!

"WELL ORGANIZED, THOROUGH AND EXTREMELY USEFUL FOR BOTH NEW AND EXPERIENCED COUNSEL."

Deanna L. Sgro
General Counsel
Affinity Global

REGISTER NOW AT WWW.OSGOODEPD.CA

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LSUC (ON): 8.25 CPD hours
(5.25 Substantive; 3.0 Professionalism)

Webcast Available

Chair

Rachel L. Blumenfeld, *Miller Thomson LLP*

Dates and Time

Three Evenings
January 16, 23 & 31, 2017
6:30 p.m. - 9:15 p.m. EST

Location

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

A WORLD LEADER IN LAW SCHOOL LIFELONG LEARNING

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OSGOODE OSGOODE HALL LAW SCHOOL PROFESSIONAL DEVELOPMENT

YORK UNIVERSITÉ UNIVERSITY

13TH ANNUAL

INTENSIVE WILLS AND ESTATES COURSE

This intensive workshop is designed for experienced practitioners who want to update their knowledge and hone their skills, while also providing newer practitioners with the necessary information, practical skills and precedents they need to properly and confidently advise clients on matters related to estate planning and administration.

Over three evenings, using case studies and real-life examples, our expert faculty will lead participants through the most pressing practice issues while critically analyzing and applying the law. Through interactive discussion and vigorous coverage of core concepts, you will learn about the latest developments while working through some of the complex challenges frequently encountered by estate practitioners. This engaging and popular approach will afford plenty of opportunities for questions and discussion.

Topics covered will include:

- Tax considerations for the estate plan
- Effectively using testamentary trusts
- Execution requirements and reporting obligations
- Identifying and proactively managing risks and problems in intestacies
- Efficiently winding up an estate administration
- Avoiding negligence and malpractice claims in your estate practice
- *Estate Administration Tax Act* reporting requirements

Participants will benefit from the experience and insight of top practitioners who deal with these issues on a daily basis. You'll also walk away from the program with **precedents and materials that can be immediately used in your practice** – a valuable resource long after the workshop is over!

REGISTER NOW by visiting
osgoodepd.ca/willsandestates

Chair

Rachel L. Blumenfeld, *Miller Thomson LLP*

Faculty

Risa C. Awerbuck, *Torkin Manes LLP*

Gwen A. Benjamin, *Wilson Vukelich LLP*

WHO SHOULD ATTEND

Both experienced wills and estates practitioners who want to refresh their knowledge of the basics and those newer to estates practice

"VERY PERSONABLE SPEAKERS KEPT ISSUES PRACTICAL AND PROVIDED MANY HELPFUL EXAMPLES."

Valerie J. Tingey, *Valerie J. Tingey Professional Corporation*

"GREAT FACULTY, INTERESTING ANECDOTES, VERY KNOWLEDGEABLE."

Jenny Kirshen, *Associate, Gene Colman Family Law Centre*

AGENDA

Session One: Monday, January 16

Session One will provide you with the foundational knowledge you need to maximize your understanding of the issues that will be explored in more detail throughout the workshop. Learn best practices to manage the nuances of opening an estate file, which will start you off on the right path with your client. An overview of key estate planning tax issues will allow you to thoughtfully consider future drafting and estate administration issues with a view to tax implications.

6:00
Registration

6:30
Welcome and Introduction from the Faculty

6:35
Estate Planning and Administration: Initial Considerations

- Questions to ask your client and why
- Identifying conflicts and joint retainer issues
- Substantiating capacity – what is your responsibility?
    - what are the red flags?
    - obligation of the legal advisor to ask probing questions
    - how you can protect yourself
- Dealing with undue influence leading to will changes
- How to choose the right executor and trustee
- *Spence v. BMO Trust Co.*: are your client's instructions problematic for public policy?

7:30
Refreshment Break

7:45
Overview of Key Estate Planning Tax Issues

- What is a "Graduated Rate Estate," and how to ensure GRE status
- The taxation of testamentary trusts - working with the GRE rules
    - spousal
    - disabled beneficiaries and "Qualified Disability Trusts"
    - "spendthrift", minor and "Age 40" trusts
    - income-splitting
- Charitable bequests and estate donations - understanding and implementing the rules

9:15
Session One Adjourns

Session Two: Monday, January 23

This session will systematically take you through the drafting, execution and reporting stages while providing you with the tools you need to effectively serve your clients. An in-depth discussion of drafting tips and techniques will give you the confidence to tackle various drafting challenges. Post-drafting, gain an understanding of the formal requirements for execution to ensure validity of the will. Finally, this session will discuss tips and practice points for reporting and follow-up obligations after the will is signed.

6:00
Registration

6:30
Welcome and Introduction from the Faculty

6:35
Drafting, Execution and Reporting

- The use of memoranda in wills – when is this appropriate?
- Multiple wills: When to use and how to draft
- Tips for advising on and drafting international wills
- Insurance designations and insurance trusts
- RRSP, TFSA and life insurance designations: if and how should these be included in the will?
- Preferential treatment to one beneficiary re discretionary powers
- Hotchpotting debts and advances
- Drafting second death provisions in "mirror" wills
- Avoiding common errors when dealing with complex situations, including:
    - real property
    - private companies
    - foreign assets
    - cottages
- When to use anti-lapse provisions
- Getting a will signed in difficult situations
- Keeping a proper file- what documents you need to retain and why
- Final reporting letter- how to draft and what to include
- Where the will should be kept
- What are your obligations to follow up with the client?
- Techniques to avoid negligence claims
- Ethical and practice management issues relating to the disclosure of notes and records
- Continuing the relationship: Practice tips on being retained for estate administration services

Note: There will be a 15 minute refreshment break

9:15
Session Two Adjourns

Session Three: Tuesday, January 31

All aspects of estate administration will be discussed, from opening to winding up a file and everything in between. Our expert faculty will provide you with guidance on the hard questions while imparting valuable practice management advice, including tips to protect yourself and your client. You will come away from this session with everything you need to advise on an estate administration file.

6:00
Registration

6:30
Welcome and Introduction from the Faculty

AGENDA (cont'd)

6:35
Estate Administration

- Opening the file - how many separate files should be opened?
- Who is your client?
- Initial determination of assets and liabilities - which assets form part of the estate?
- When is probate required?
- When to use various probate avoidance techniques
- Tips for advising and reporting to the estate trustee
- Disclosure issues - what are the beneficiaries entitled to know?
- Applications for Certificates of Appointment: what you need to know
- How to comply with the *Estate Administration Tax Act*
- Gathering and managing the assets - special considerations for real property and business interests
- Securing and administering the assets (with and without a certificate)
- Distributing legacies and residuary distributions
- Best practices for protecting yourself and your client
- Income tax and the CRA
- Executor's compensation versus legal fees – where is the line and who decides?
- Ascertainment of heirs on intestacy - what is the ranking order?
- How to deal effectively with debtors and creditors in a bankruptcy or an insolvent estate
- Potential liability issues facing the estate trustee

Note: There will be a 15 minute refreshment break

9:15
Program Concludes

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OsgoodePD has been approved as an Accredited Provider of Professionalism Content by the LSUC.

CPD

Eligible CPD/MCLE hours:

LSUC (ON): 8.25 CPD hours (5.25 Substantive; 3.0 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**

REGISTRATION

Please complete all registrant information.

13th Annual Intensive Wills and Estates Course

I will attend: ☐ On site ☐ Via webcast (single viewer)
☐ Dual access (in-person & online)

Name:

Title:

Firm/Company:

Practice Area:

Address:

City: Prov: Postal Code:

Telephone: Fax:

Email:

Payment Options

☐ Cheque enclosed (payable to York University – HST# R119306736)
☐ Bill my credit card: ☐ VISA ☐ Mastercard

Card# Expiry:

Signature: Payment amount: $

Fee Per Delegate

$725 plus HST; Dual access (in person & online): $790 plus HST

Fees include attendance, program materials, a light buffet supper (on-site) and break refreshments. Group discounts are available. Visit www.osgoodepd.ca for details. Please inquire about financial assistance.

Register for this program and for the ***Intensive Skills Workshop: Will Drafting*** (December 5, 2016) and take advantage of special package pricing of $995 + HST. Learn more at osgoodepd.ca/willsandestates

Dates & Time

Three Evenings
January 16, 23 & 31, 2017
6:30 p.m. - 9:15 p.m. EST

Please arrive a half hour early for sign-in and material pick-up. Dress is business casual.

Location

Osgoode Professional Development
Downtown Toronto Conference Centre
1 Dundas St. W., 26th Floor
Toronto, ON M5G 1Z3

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 (less $75 administration fee) is available if a cancellation request is received in writing 14 days prior to the first day of the program. No other refund is available.

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4 Convenient Ways to Register

1. MAIL your registration form to:
   Osgoode Professional Development
   Downtown Toronto Conference Centre
   1 Dundas St. W., 26th Floor
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2. ONLINE at
   www.osgoodepd.ca
3. FAX your registration
   to 416.597.9736
4. CALL US at 416.597.9724