NEW!

THE OSGOODE INTENSIVE PROGRAM IN WILLS & ESTATES 2017-2018

Build practical knowledge and skills with the Osgoode Intensive Program in Wills & Estates.

Designed and delivered by Canada's leading experts, this unique program will give you the critical knowledge and skills you need to rapidly improve your practice.

For a giant leap forward and **two calendar years of CPD**, take the full Intensive Program over 2017-18, or opt to fill in gaps with separately bookable modules.

Program Offerings Include:

- **Wills & Estates 101: Online Webinar Series** - Available online anytime
- **Taxation in Wills & Estates** – October 26, 2017
- **Estate Planning and Administration** – November 7, 14 and 21, 2017
- **Intensive Skills Workshop: Will Drafting** – January 19, 2018
- **Passing of Accounts & Fiduciary Accounting** – February 13, 2018
- **Managing Consent & Capacity Issues in Wills & Estates Practice** – March 27, 2018
- **Powers of Attorney and Guardianship: Non-contentious and Contentious Matters** – April 19, 2018

ADVISORY BOARD

Rachel L. Blumenfeld
Aird & Berlis LLP

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Kimberly A. Whaley
WEL Partners

LOCATION

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

Register today at:

osgoodepd.ca/wills-and-estates

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PROFESSIONAL DEVELOPMENT

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The Osgoode Intensive Program in Wills & Estates 2017-2018

NEW for 2017/2018! Attend all of the modules and earn a certificate of completion while satisfying your CPD requirements for 2 calendar years.

The Wills and Estates area is becoming an increasingly competitive practice area. At the same time, lawyers are facing more lawsuits and claims issues than ever before. This unique program is designed to give you the knowledge and skill set you need in today's challenging practice environment. Whether you are a new lawyer looking to bridge the gap between law school and practice, or a seasoned practitioner who wants to update their skills, this unique Intensive Program will allow you to rapidly improve your practice.

Designed to provide a curriculum-based learning platform, this Intensive Program offers the following:

- **Choice.** Opt for in- depth comprehensive coverage of the essential topics, or fill gaps in specific areas with separately bookable programs.
- **CPD Hours.** *Make your Continuing Legal Education Count.* Taking the Osgoode Intensive Program over 2017-18 will give you your full CPD hours for two calendar years.
- **Certificate of completion.** Set yourself apart in the eyes of your clients, and potential employers, with a frameable certificate of completion, provided you complete all required courses.
- **Education.** Learn from top legal minds about the latest best practices and case law.
- **Flexibility.** Most modules are available either in-person or by webcast, so you can learn from the comfort of your office or home. If you can't complete all modules in 2017-2018 you have the option of completing at your own pace at regular pricing.

Programs at a Glance

Wills & Estates 101: Online Webinar Series
Available online anytime

Composed of three distinct, 1 hour sessions, each webinar gives you proven strategies and techniques to build your foundational knowledge:

- Estate Planning, Review & Execution: Key Concepts and Practice Essentials
- Drafting the Retainer and Will: Tips for Protecting Your Client, the Will and You!
- Estate Litigation for the Non-Litigator

Note: Viewing of all three On Demand Sessions is required to obtain your Certificate; it is recommended that these are completed prior to the other programs.

Taxation in Wills & Estates
October 26, 2017

Whether you're confronted with a complex estate planning matter, or retained to draft a basic will, a fundamental understanding of tax issues is essential to your practice. Learn the basics over one intensive evening.

Estate Planning and Administration
November 7, 14 and 21, 2017

Over 3 evening sessions, this popular annual program, formerly known as the *Annual Intensive Wills and Estates Course,* will provide you with the knowledge, skills and precedents you need to confidently advise clients on matters related to estate planning and administration.

Intensive Skills Workshop: Will Drafting
January 19, 2018

Drafting a will that can stand up to challenges is the cornerstone of a successful estates practice. This intensive one day program provides a unique opportunity to hone your drafting skills while receiving individualized feedback.

Passing of Accounts & Fiduciary Accounting
February 13, 2018

Passing of accounts is a minefield, and you need to be prepared. Over one intensive evening, our expert faculty will teach you how to effectively manage and advise on passing of accounts, compensation and fiduciary accounting issues.

Managing Consent & Capacity Issues in Wills & Estates Practice
March 27, 2018

Consent and capacity issues have long intersected with wills and estates practice, but are now increasingly prevalent. As a lawyer, you need a clear understanding of your duties and obligations – both to protect yourself, and your clients.

Powers of Attorney and Guardianship: Non-contentious and Contentious Matters
April 19, 2018

Many clients will retain you for a will and power of attorney in conjunction. Not to be underestimated, powers of attorney can open a Pandora's Box of issues, including complex guardianship matters. Let an expert faculty equip you with the knowledge and tools you need over one intensive evening.

Drawing on the expertise and experience of Canada's leading wills, estates and trust practitioners.

Here's what participants of past Osgoode Wills & Estates programs had to say:

"I found the course to be very informative and I particularly enjoyed hearing the panel talk about their own personal experiences. The advice they gave us was invaluable."

Heather McGeorge, McGeorge Tax and Estate Law Professional Corporation, attended the *Annual Intensive Wills and Estates Course* (now *Estate Planning and Administration*)

"Well organized, thorough and extremely useful for both new and experienced counsel."

Deanna L. Sgro, General Counsel, Affinity Global, attended the *Annual Intensive Wills and Estates Course* (now *Estate Planning and Administration*)

"Great faculty, interesting anecdotes, very knowledgeable."

Jenny Kirshen, Associate, Gene Colman Family Law Centre, attended the *Annual Intensive Wills and Estates Course* (now *Estate Planning and Administration*)

"Very personable speakers kept issues practical and provided many helpful examples."

Valerie J. Tingey, Valerie J. Tingey Professional Corporation, attended the *Annual Intensive Wills and Estates Course* (now *Estate Planning and Administration*)

Advisory Board

Rachel L. Blumenfeld, Aird & Berlis LLP

Ian Hull, Hull and Hull LLP

Corina S. Weigl, Fasken Martineau DuMoulin LLP

Kimberly A. Whaley, WEL Partners

Program Chairs

Rachel L. Blumenfeld, Aird & Berlis LLP

Brian Cohen, Gowling WLG

Nimali D. Gamage, Goddard Gamage LLP

Ian Hull, Hull and Hull LLP

Corina S. Weigl, Fasken Martineau DuMoulin LLP

Kimberly A. Whaley, WEL Partners

Faculty Includes

Jordan M. Atin, Hull & Hull LLP

Nick Esterbauer, Hull & Hull LLP

Arthur Fish, Borden Ladner Gervais LLP

Matthew Getzler, Minden Gross LLP

A. Sean Graham, Graham Estate Law

Mark Handelman, Firm Counsel, WEL Partners

Laura Kerr, Estates Law Practice

Holly LeValliant, Mills & Mills LLP

Birute Lyons, WEL Partners

Nancy Patrick, WEL Partners

Lionel J. Tupman, WEL Partners

Register today at:

osgoodepd.ca/wills-and-estates

Program-specific Details

Wills & Estates 101: Online Webinar Series

Available online anytime

- **Estate Planning, Review & Execution: Key Concepts and Practice Essentials** – led by **Jordan M. Atin**, Hull & Hull LLP: There are clear steps and questions that every legal professional who is retained to draft a will must go through and ask. You'll walk through key stages – from the initial client interview to quoting fees to executing the will to storage and retention – and learn best practices and proven practice management techniques.
- **Drafting the Retainer and Will: Tips for Protecting Your Client, the Will and You!** – led by **Corina S. Weigl**, Fasken Martineau DuMoulin LLP: Errors when drafting retainer letters and wills are the most common areas of negligence claims in the wills & estates practice area. Most, however, can be avoided. Referencing sample will clauses, checklists and roadmaps, this webinar will teach you techniques to avoid common drafting errors.
- **Estate Litigation for the Non-Litigator** – led by **Ian Hull**, Hull and Hull LLP: While you may not practice in litigation, the most astute wills & estates practitioners have a solid grasp of the basic steps involved in the estate litigation and mediation process. Referencing real-life templates and sample documents, this webinar will guide you through these processes and provide practical tips that every wills and estates practitioner should be familiar with.

Taxation in Wills & Estates

October 26, 2017
6:30 p.m. – 9:30 p.m. EDT

Chair: Brian Cohen, Gowling WLG

Available in-person and by webcast

Tax considerations underpin the majority of estate planning and drafting matters. If you don't have a basic understanding of this underappreciated yet crucial area, you could be putting yourself and your client at risk. An expert faculty will walk you through the critical tax issues you need to know to ensure you don't slip up. You will learn:

- Fundamental steps in an estate freeze to minimize tax on death
- The Terminal Returns
- The Graduated Rate Estate – pits and traps
- When do you need to see an accountant?
- Why is there Double Taxation in an estate, and what can you do about it?
- Understanding and filling an Ontario estate return
- Drafting to avoid tax issues in spousal trusts

Estate Planning and Administration

November 7, 14 and 21, 2017
6:30 p.m. – 9:15 p.m. EST

Chair: Rachel L. Blumenfeld, Aird & Berlis LLP

Available in-person and by webcast

An in-depth and interactive learning experience, you will have the opportunity to drill down on complex estate planning issues and update and reinforce your core knowledge and skills. You will learn:

Session 1:

- 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
- Overview of Key Estate Planning Tax Issues
  - The taxation of testamentary trusts: 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

Session 2: Drafting, Execution and Reporting

- Effective strategies for using a roadmap and checklist when drafting
- Multiple wills: When to use and how to draft
- Tips for advising on and drafting international wills
- Getting a will signed in difficult situations
- Final reporting letter- how to draft and what to include
- 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

Session 3: Fundamentals of 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?
- Strategies to avoid or reduce probate fees and estate tax liabilities
- Tips for advising and reporting to the estate trustee
- Disclosure issues - what are the beneficiaries entitled to know?
- How to manage unusual applications for Certificates of Appointment
- Identifying ethical and practice management issues

Intensive Skills Workshop: Will Drafting

January 19, 2018
9:00 a.m. – 5:30 p.m. EST

Chair: Corina S. Weigl, Fasken Martineau DuMoulin LLP

Available in-person only

Claims against estates lawyers are on the rise. 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. This intensive learn-by-doing workshop provides a unique opportunity to develop your drafting skills by receiving individualized feedback from leading estates practitioners. You will learn:

- How to select and insert substantive clauses into the Simple Will to reflect the following fact scenarios:
  - The Second Marriage
  - The Family Cottage
  - The Entrepreneur
- When to use multiple wills, and how to effectively draft them
- How to avoid the 10 most common drafting errors
- The basic administrative and preamble clauses that should be included in a will, including various revisions that could be made based on different fact situations
- The components of a Simple Will, and the situations in which it is appropriate to use

You must come to the workshop with the following:

1. A laptop or electronic device that can be used for drafting; and
2. *Either* (a) will drafting software loaded onto your electronic device, *OR* (2) electronic precedents/templates that you currently use in your practice for drafting wills.

Passing of Accounts & Fiduciary Accounting

February 13, 2018
6:30 p.m. – 9:30 p.m. EST

Chair: Kimberly A. Whaley, WEL Partners

Available in-person and by webcast

If your practice touches estate litigation, you've likely had to pass accounts. This intensive evening workshop will teach you everything you need to know, from the basics of uncontested and contested court passings, to compensation and implications of the most recent case law.

You will benefit by reviewing sample estate accounts, and will learn firsthand what numbers need to add up where before you sign off. Topics include:

Passing of Accounts: The Basics

- Circumstances when accounts need to be passed
- The duty to account – when? To whom?
- Remedies for the failure to account
- Procedural requirements and jurisdictional idiosyncrasies in Passings of Accounts
- Understanding the compensation various parties are entitled to: Attorney/guardian; Estate trustee; Personal care guardian
- Pre-taking of compensation- when is this permitted?
- How to properly calculate compensation- your role as the lawyer

Reviewing Accounts: What Lawyers Need to Look For

- Guidelines for distinguishing between income and capital
- Common errors to watch out for
- What qualifies as inadequate accounting?
- What the Office of the Children's Lawyer looks for when reviewing accounts

Managing Consent & Capacity Issues in Wills & Estates Practice

March 27, 2018
6:30 p.m. – 9:30 p.m. EST

Chair: Nimali D. Gamage, Goddard Gamage LLP

Available in-person and by webcast

This evening workshop is designed to provide you with the critical knowledge and key practice points you need when advising clients in circumstances where there may be consent or capacity issues. You will learn practical takeaway points and be provided with useful precedents and checklists that can be implemented immediately in your practice. You will come away from this program more confident in your ability to handle difficult issues, such as:

- What are the red flags?
- Understanding your obligation to ask probing questions
- Assessing whether your client has capacity to give instructions
- When should you refuse to take the retainer?
- Understanding the *Health Care Consent Act*: Informed Consent and advance care planning
- Tips for preventing will/POA challenges on the grounds of incapacity
- Best practices for and when to videotape the client interview

Powers of Attorney and Guardianship: Non-contentious and Contentious Matters

April 19, 2018
6:30 p.m. – 9:30 p.m. EST

Chair: Ian Hull, Hull and Hull LLP

Available in-person and by webcast

A thorough understanding of powers of attorney and guardianship is essential for your wills and estates practice. An expert faculty of practitioners will walk you through what you need to know, addressing both contentious and non-contentious matters, such as:

- Incapacity Planning: Understanding key documentation
  - (Continuing) Powers of Attorney for Property
  - Powers of Attorney for Personal Care
  - Advance Care Directives and "Living Wills"
- What are your Planning Options?
  - Primary and alternate appointments
  - Appointing multiple attorneys (majority clauses; authority to act jointly; authority to act jointly and severally)
  - Provisions regarding effective date/triggering event
- Guardianship: The Basics
  - Statutory guardians of property
  - Court appointment of guardians
- Role and removal of Attorneys and Guardians
- Role of the Public Guardian and Trustee in Guardianship Applications and Passings of Accounts

Register today at:

osgoodepd.ca/wills-and-estates

Certificate of Program Completion

You will receive a certificate upon completion of the following required programs:

- Wills & Estates 101: Online Webinar Series
  - Estate Planning, Review & Execution: Key Concepts and Practice Essentials
  - Drafting the Retainer and Will: Tips for Protecting Your Client, the Will and You!
  - Estate Litigation for the Non-Litigator
- Taxation in Wills & Estates
- Estate Planning and Administration
- Intensive Skills Workshop: Will Drafting
- Passing of Accounts & Fiduciary Accounting
- Managing Consent & Capacity Issues in Wills & Estates Practice
- Powers of Attorney and Guardianship: Non-contentious and Contentious Matters

NOTE: When you have completed all the programs listed above, please contact cle@osgoode.yorku.ca to request your certificate.

Registration Details

Pre-register for all 2017/2018 programs and take advantage of a special bundle price of $2,595 plus HST

Wills & Estates 101: Online Webinar Series

- Estate Planning, Review & Execution: Key Concepts and Practice Essentials - **$129 + HST**
- Drafting the Retainer and Will: Tips for Protecting Your Client, the Will and You! - **$129 + HST**
- Estate Litigation for the Non-Litigator - **$129 + HST**

Full Series (3 Sessions): $295 plus HST

Taxation in Wills & Estates
$295 + HST

Estate Planning and Administration
$765 + HST

Intensive Skills Workshop: Will Drafting
$625 + HST

Passing of Accounts & Fiduciary Accounting
$295 + HST

Managing Consent & Capacity Issues in Wills & Estates Practice
$295 + HST

Powers of Attorney and Guardianship: Non-contentious and Contentious Matters
$295 + HST

Fees include attendance and program materials. If applicable, continental breakfast, lunch and break refreshments will also be served.

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
Please see the individual program pages for more details, available at www.osgoodepd.ca/wills-and-estates

For Further Program-Related Information Please Contact:
Jessica Foster, Program Lawyer at 416.673.4673 or email jfoster@osgoode.yorku.ca

accredited cpd

OsgoodePD has been approved as an Accredited Provider of Professionalism Content by the LSUC. LSUC (ON) Eligible CPD/MCLE hours:

Wills & Estates 101: Online Webinar Series
Per complete series: 3h CPD Hours (30m Substantive; 2h 30m Professionalism)

Taxation in Wills & Estates:
3h CPD Hours (2h 30m Substantive; 30m Professionalism)

Estate Planning and Administration:
8h 15m CPD Hours (5h 15 m Substantive; 3h Professionalism)

Intensive Skills Workshop: Will Drafting:
7h 30m CPD Hours (4h 30m Substantive; 3h Professionalism)

Passing of Accounts & Fiduciary Accounting:
3h CPD Hours (1h 30m Substantive; 1h 30m Professionalism)

Managing Consent & Capacity Issues in Wills & Estates Practice: 3h CPD Hours (1h 30m Substantive; 1h 30m Professionalism

Powers of Attorney and Guardianship: Non-contentious and Contentious Matters:
3h CPD Hours (1h 30m Substantive; 1h 30m Professionalism)

Total 2017 Calendar Year CPD Hours:
14h 15m CPD Hours (8h 15m Substantive; 6h Professionalism)

Total 2018 Calendar Year CPD Hours:
16h 30m CPD Hours (9h Substantive; 7h 30m 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

Approved For LawPRO Risk Management Credit

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Learn more about the NEW Osgoode Intensive Program in Wills & Estates 2017/2018 or register today at:

osgoodepd.ca/wills-and-estates