

7TH ANNUAL RECENT DEVELOPMENTS IN ADVANCED AND COMPLEX ISSUES IN PROPERTY & EQUALIZATION



Get what you *need to know* from the leading family law experts and judges

The Hon. Justice Kendra Coats, Superior Court of Justice

The Hon. Justice Dale Fitzpatrick, Superior Court of Justice

The Hon. Justice R. John Harper, Superior Court of Justice

This is a must attend program for in-depth and practical guidance on the most critical property and equalization issues, including:

- The Year in Review: Round up of the most significant recent decisions in the past year
- Tax tips and other practical strategies to maximize what your clients keep and minimize what they pay
- Tackling joint family ventures, trusts and other equitable remedies
- Expert guidance on getting the most out of your expert

PLUS: Don't Miss "A View from the Bench & the Trenches" – an interactive Q&A with experienced judges and senior family law practitioners

Register today at:

osgoodepd.ca/property

Program Chairs

George Karahotzitis
Thomson Rogers

William H. Abbott
MacDonald & Partners LLP

Date and Time

April 30, 2018
9:00 a.m. – 4:15 p.m. EDT
In Person or Webcast

Online Replay: May 30, 2018

Location

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



Property and equalization issues are front and centre in family law.

In the high stakes game of property and equalization, counsel need to know what they are doing. Mistakes at any stage of the proceedings can be critical – and costly.

This annual OsgoodePD program – designed and delivered by the leading family law experts – is not a quick summary of the year in review. In one intensive day you will benefit from expert in-depth analysis of the critical issues currently confronting the family law bar, together with practical guidance on how to deal with them.

Topics Include

- Building your case for unequal division under s. 5(6)
- Double-dipping post-*Halliwell*: practical strategies for how to best advance your clients' interests
- Transferring property: tax consequences counsel need to be aware of and how to deal with them
- The most pressing issues in property valuation and how to deal with them
- Advocacy tips for advancing and defending a trust claim - what works and what doesn't

Who Should Attend?

- Family Lawyers
- General practitioners whose practice includes family law
- Law Clerks

“Struck the right note for senior counsel and those less familiar with family law concepts. Complex issues well explained and clarified.”

Elisabeth Sachs, Elisabeth Sachs Law Office

Register today at:

osgoodepd.ca/property

Agenda

8:30 a.m.

Registration and Continental Breakfast

9:00 a.m.

Welcome from the Chairs

William Abbott, MacDonald & Partners LLP

George Karahotzitis, Thomson Rogers

9:10 a.m.

The Year in Review: The Most Significant Recent Judicial Decisions Affecting Property and Equalization Matters in Family Law

Aaron Franks, Epstein Cole LLP

Gary Joseph, MacDonald & Partners LLP

In this opening session, we will highlight and analyze some of the most important cases of the past year and assess their likely impact. The discussion will include *Bortikov v Rakitova* and the Ontario Court of Appeal's update on when disposition costs can be claimed, and the OCA's approach on section 5(6) and short marriages in *Gomez v. McHale*.

10:00 a.m.

What You Need to Know About Section 5(6) Claims

The Hon. Justice Kendra Coats, Superior Court of Justice

Kathryn Hendrikx, Hendrikx Family Law

- When should you claim for an unequal division? What is necessary to plead?
- A refresher on the test for unconscionability (because lawyers still get it wrong more often than not)
- Building your case: evidence gathering, putting the case forward, what not to do

- Are there trends in terms of which claims are successful and which are not?
- The range of orders available if you succeed on a s. 5 (6) claim
- Standard of review upon appeal

10:45 a.m.

Refreshment Break

11:00 a.m.

Make Mine a Double-Double (Double-Dipping Post-*Halliwell*)

Matthew Krofchick, CPA, CMA, CBV, CMC, CFF, Krofchick Valuations

Lorne H. Wolfson, Torkin Manes LLP

Double up on your knowledge with two expert perspectives on the complex issue of double dipping:

- The valuator's perspective
- The legal perspective
- Practical realities and strategies for how to best advance/defend your clients' interests

11:45 a.m.

Expert Guidance on Experts

The Hon. Justice R. John Harper, Superior Court of Justice

Anna M. Barrett, BSc, CPA, CA, CBV, CFF, Marmer Penner Inc.

Charanjit K. Gill, Jaskott Family Law Barristers

Judith M. Nicoll, McInnis & Nicoll

- How to get the most out of your valuator
- The most pressing issues in property valuation
- Challenges and strategies for effectively examining and cross-examining an expert

- Navigating the murky ethical issues of using an expert

12:30 p.m.

Lunch

1:15 p.m.

Recent Developments in the Law and the Risk Management Implications

Yvonne Bernstein, Litigation Director and Counsel, LawPRO

2:00 p.m.

Tackling Joint Family Ventures, Trusts and Other Equitable Remedies

The Hon. Justice Dale Fitzpatrick, Superior Court of Justice

Sharon D. Davis, Sharon D. Davis & Associates

Paul E. McInnis, McInnis & Nicoll

- What has happened since *Kerr* and *Baranow*?
- Distinguishing the various trust claims that can be made in a family law proceeding
- Demystifying trusts
- Valuing and realizing trust interests in the equalization of net family properties
- Trust planning tools in a family law context
- Advocacy tips for advancing and defending a trust claim – what works and what doesn't?

2:45 p.m.

Tax Tips and Other Practical Strategies to Maximize What Your Client Keeps and Minimize What They Pay

Marie-Eve Gosselin, Thorsteinssons LLP

Paula White, CPA, CA, CBV, Paula White Valuations

- Property transfers: tax consequences counsel need to be aware of and how to deal with them
- What are "attribution rules" and what can they mean for your client?
- Tax implications of cost awards
- Professional practice work in process – taxation and valuation issues
- Strategies for dealing with executive compensation benefits

3:15 p.m.

Refreshment Break

3:30 p.m.

The View from the Bench & the Trenches: A Round Table on Current Issues

The Hon. Justice Kendra Coats, Superior Court of Justice

The Hon. Justice Dale Fitzpatrick, Superior Court of Justice

The Hon. Justice R. John Harper, Superior Court of Justice

Judith M. Nicoll, McInnis & Nicoll

Lorne H. Wolfson, Torkin Manes LLP

An interactive Q&A with judges and senior family law practitioners. Hear from experienced judges about what they want (and don't want) to hear and see from advocates. Plus, this is your opportunity to ask the experts about those challenging issues, practice tips and more.

4:15 p.m.

Program Concludes

Chairs

George Karahotzitis
Thomson Rogers

William H. Abbott
MacDonald & Partners LLP

Faculty Includes

The Hon. Justice
Kendra Coats
Superior Court of Justice

Marie-Eve Gosselin
Thorsteinssons LLP

The Hon. Justice
Dale Fitzpatrick
Superior Court of Justice

Kathryn Hendrikx
Hendrikx Family Law

The Hon. Justice
R. John Harper
Superior Court of Justice

Gary Joseph
MacDonald & Partners LLP

Anna M. Barrett
BSc, CPA, CA, CBV, CFF,
Marmer Penner Inc.

Matthew Krofchick
CPA, CMA, CBV, CMC, CFF,
Krofchick Valuations

Yvonne Bernstein
Litigation Director and
Counsel, LawPRO

Paul E. McInnis
McInnis & Nicoll

Judith M. Nicoll
McInnis & Nicoll

Sharon D. Davis
Sharon D. Davis & Associates

Paula White
CPA, CA, CBV,
Paula White Valuations

Aaron Franks
Epstein Cole LLP

Lorne H. Wolfson
Torkin Manes LLP

Charanjit K. Gill
Jaskott Family Law Barristers

Registration Details

Fee per Delegate

\$525 plus HST

10% OFF for FLA Members

Fees include attendance, program materials, continental breakfast, lunch and break refreshments. Group discounts are available. Visit 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.



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



Eligible CPD Hours - LSO (ON): 6h 30m CPD (4h 55m Substantive; 1h 35m 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

© Osgoode Professional Development, 2018



osgoodepd.ca

Osgoode Professional Development



416.597.9724

1 Dundas Street West, Suite 2600



@OsgoodePD

Toronto, ON Canada M5G 1Z3



7th Annual Recent Developments in
Advanced and Complex Issues
in Property & Equalization

Register today at:

osgoodepd.ca/property