

## 7<sup>th</sup> Annual Intensive Wills and Estates Workshop

Attend this interactive three-part workshop and you will learn:

- How to take more comprehensive instructions and notes
- Techniques for substantiating capacity
- How to avoid drafting problems
- Effective strategies for using a roadmap and checklist when drafting
- Practical tips for advising on estate planning matters
- How to avoid negligence claims when executing a will
- Strategies to avoid or lessen probate fees and estate tax liabilities
- How to handle situations where a challenge to a will is anticipated
- Claims-prevention methods to protect yourself when acting as an estate solicitor in both testate and intestate situations
- How to manage unusual applications for Certificates of Appointment

### Workshop Leader

Jordan M. Atin, Hull & Hull LLP

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

Louise Gormley, South Common Law Office (2007)



### DATES & TIME

Course takes place over  
three Thursday evenings:  
June 10, 17 & 24, 2010  
6:00 p.m. - 9:00 p.m. EDT/EST

### LOCATION

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

Webcast  
Available



# 7<sup>th</sup> Annual Intensive Wills and Estates Workshop

**Do you have the up-to-date information and skills you need to properly advise your clients?**

**T**his intensive workshop from *Osgoode Professional Development* is designed for practitioners who wish to update their knowledge and hone their skills, while also providing newer practitioners with the information, skills and precedents needed to properly and confidently advise clients on matters related to estate planning and administration.

The interactive presentation style and vigorous coverage of core concepts will provide a unique opportunity to hear the latest developments and work through intricate challenges often encountered by estate practitioners. Using **case studies** and **real-life examples**, top practitioners will provide practical tips and insights – leading the participants through the most pressing practice issues while critically analyzing and applying the law. This engaging and popular approach will afford plenty of room for questions and discussions.

Over three consecutive Thursday evenings, topics covered will include:

- Consent and capacity issues
- Strategies for drafting wills, including drafting in special circumstances
- Gifting and trusts
- Current strategies connected to *inter vivos* and testamentary estate planning
- Taxation on death
- Techniques for preparing and writing final reporting letters
- Dealing with real property
- Executor compensation versus legal fees
- How to close an estate administration file
- Certificates of Appointment
- Avoiding negligence and malpractice claims
- When and how to use a trust

Participants will benefit from the insights of top practitioners who deal with these issues on a daily basis. You'll also walk away from the program with high-quality precedents and materials – a valuable resource long after the workshop is over!

**Register now by visiting [www.osgoodepd.ca](http://www.osgoodepd.ca), calling 416.597.9724 or 1.888.923.3394, emailing [opd-registration@osgoode.yorku.ca](mailto:opd-registration@osgoode.yorku.ca) or faxing 416.597.9736.**

## Workshop Leader

**Jordan M. Atin, Hull & Hull LLP**

## Instructors

**Rachel Blumenfeld, Miller Thomson LLP**

**Ed Esposito, Vice-President, RBC Private Counsel**

**Corina Weigl, Fasken Martineau DuMoulin LLP**

# Agenda

## Wills Planning and Preparation

### The Instructions Stage

- The initial meeting
- The right questions to ask on your client questionnaire
- Taking instructions and note-taking
- Substantiating capacity and the absence of undue influence
- Writing interim letters to the client regarding joint retainer and time for completion
- Giving advice on the estate plan: things to consider and suggestions to make

### The Drafting Stage

- Practical drafting tips
- Avoiding drafting problems: how to effectively use a checklist and roadmap
- How to draft multiple wills
- Advising on and drafting international wills
- Drafting exercises for dealing with real property and other potentially complex situations, including:
  - private companies
  - foreign assets
  - cottages
- Drafting for disabled beneficiaries
- Effective use of boilerplate clauses
- Protecting the will at the drafting stage from later challenges
- Usage of trusts
  - testamentary
  - spousal
  - charitable
  - 'spendthrift'
  - income-splitting
  - discretionary
- Insurance designations and insurance trusts
- RRSP designations: should these be included in the will?
- Tips and tactics for avoiding common drafting errors

### The Execution and Reporting Stage

- Techniques to avoid negligence claims
- Getting a will signed in difficult situations
  - blind, illiterate or non-English-speaking testators
- Keeping a proper file
  - what must be retained

- The use of memoranda in wills
- What to include in the final reporting letter
- Where the will should be kept
- Obligation to follow up with the client

## Administration of Wills and Estates

- Opening the file
  - how many separate files should be opened?
- Determining who your client is
- Priorities for the client and the solicitor
- Setting up an estate agenda
- Applications for Certificates of Appointment
  - jurisdiction for filing
  - probate tax
  - notices of application
- When is probate required?
- Probate avoidance techniques
  - reduction of the estate
  - designated funds
  - multiple wills
  - consequences and problems
- Testate and intestate estates and the initial investigation of assets and liabilities
  - determining the beneficiaries
  - minors and other incompetent beneficiaries
  - determining formal requirements have been met
  - appointment of estate trustee with or without a will
  - locating the will
  - determining which assets form part of the estate
  - limitation period
- Advising and reporting to the estate trustee
- Disclosure issues
  - what are the beneficiaries entitled to know?
- Gathering and managing the assets
  - special considerations for real property and business interests
- Bankrupt and insolvent estates
  - dealing with debtors and creditors
- Distributing legacies and residuary distributions
- Securing and administering the assets (with and without a certificate)
  - proof of death
  - finalizing the estate
  - ongoing estates
  - payment of money into court
  - succession duty

## Agenda [Cont'd]

- Protecting yourself and your client:
  - accounting and releases
- Income tax and the CRA
  - tax treatment of income, capital and capital gains for the terminal year
  - strategies to reduce the deceased's tax bill and effectively utilize deductions and credits
  - how and when to use opportunities to file a separate return for the deceased
  - post-mortem tax planning within the first year
  - preparing tax returns for the estate
  - applying for clearance certificates
- Executor's compensation vs. legal fees
- Dangers and problems of intestacies
- Ascertainment of heirs on intestacy
- Potential liability issues facing the estate trustee
- Winding-up the estate as efficiently as possible
- How to close an estate administration file

*"Excellent and well-presented course"*

Georgea S. Wolfe, Goldman Sloan Nash & Haber LLP (2008)

## Registration

Register me for: **7<sup>th</sup> Annual Intensive Wills and Estates Workshop**

I will attend:  On site  Via webcast - single viewer

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

Name: \_\_\_\_\_ Title: \_\_\_\_\_

Firm/Company: \_\_\_\_\_ Practice Area: \_\_\_\_\_

Address: \_\_\_\_\_

City: \_\_\_\_\_ Prov: \_\_\_\_\_ Postal Code: \_\_\_\_\_

Telephone: \_\_\_\_\_ Email: \_\_\_\_\_

Fax: \_\_\_\_\_ Priority Service Code

(from mailing label below)

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### Fee Per Delegate

\$695 plus 5% GST for a total of \$729.75.

Fees include attendance, program materials, and light buffet supper (on site).

Group discounts are available for both on-site and webcast participants.

Visit [www.osgoodepd.ca](http://www.osgoodepd.ca) for details. Please inquire about financial assistance and the OPD small firm payment plan.

OPD Searchable e-Binder now available! Contact us for more information.

### CLE Credits

Approved in accordance with the requirements of LSUC Certified Specialist program, BC CPD, Barreaux du Québec 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.

### Payment Options

Cheque enclosed (payable to York University – GST# R119306736)

Bill my credit card:  VISA  Mastercard

Card# \_\_\_\_\_ Expiry: \_\_\_\_\_

Signature: \_\_\_\_\_

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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'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 \$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.

### Dates & Time

June 10, 17 & 24, 2010

6:00 p.m. - 9:00 p.m. EDT/EST

Please arrive a half hour early on the first evening 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

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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  
Toronto, ON M5G 1Z3
-  **2. ONLINE** at  
[www.osgoodepd.ca](http://www.osgoodepd.ca)
-  **3. FAX** your registration to  
416.597.9736
-  **4. CALL US** at 416.597.9724 or  
1.888.923.3394