

# THE OSGOODE CERTIFICATE IN ESTATE LITIGATION

Master the skills and knowledge necessary to competently and confidently represent clients, resolve disputes and navigate the highly-charged, complex area of estate litigation.

- Understand the fundamentals of estate litigation, including probate and will challenges.
- Learn from experienced practitioners about non-contentious and contentious proceedings.
- Gain insights into fiduciary litigation and the role of professionals in protecting individuals.
- Enhance your skills with practical, real-world scenarios and interactive sessions.

## PROGRAM DIRECTORS

**Ian Hull**  
Hull & Hull LLP

**Suzana Popovic-Montag**  
Hull & Hull LLP

## REGISTRATION DETAILS

October 15, 16, 21, 23 and 25, 2024  
Online (Live)

**Can't make the date?**  
*Registration includes 120-day unlimited, online access to the recorded program.*

Register today at:

[osgoodepd.ca/estate](https://osgoodepd.ca/estate)



# The Osgoode Certificate in Estate Litigation

## Benefits of the program:

- Learn from top estate litigation lawyers.
- Engage in practical, real-world scenarios.
- Understand comprehensive key topics in estate litigation.
- Discuss best practices and proven strategies with experts in the field.

The Osgoode Certificate in Estate Litigation is an intensive program designed to provide legal professionals with a comprehensive understanding of estate litigation.

Over the course of five sessions, participants will delve into the complexities of litigation procedure, contentious and non-contentious proceedings, and fiduciary duties.

Led by experienced estate litigators, this course offers practical insights into the litigation process, from initial steps to advanced dispute resolution techniques. Key topics include the fundamentals of estate litigation, non-contentious and contentious proceedings, and the role of professionals in protecting vulnerable individuals. With a blend of lectures, case studies, and interactive discussions, attendees will leave equipped with the knowledge and skills necessary to navigate estate litigation and represent their clients with confidence.

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## Topics Include

- Fundamentals of estate litigation
- Legal issues in will challenges
- The role of professionals in protecting individuals with diminished capacity
- Non-contentious and contentious proceedings
- Fiduciary litigation and duties

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## Who Should Attend

- Lawyers who currently or want to practice in estate litigation
- Junior lawyers and students who are new to estate litigation
- Paralegals and law clerks working in estate litigation
- Estate trustees and other estates professionals
- Experienced estate litigators who want to refresh their knowledge of the basics
- Wealth planners
- Civil litigators and other lawyers who take on select estate litigation files

Drawing on the expertise and experience of leading estate practitioners and litigators, including:

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Hull & Hull LLP



**Suzana  
Popovic-Montag**

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## Program Faculty

**Caroline Abela**

WeirFoulds LLP

**Benjamin Arkin**

Arkin Furrow Estate Law LLP

**Rick Bickham**

Bickham Litigation

**Howard Black**

Miller Thomson LLP

**Kelly Charlebois**

Miller Thomson LLP

**Nick Esterbauer**

Hull & Hull LLP

**Matthew Furrow**

Arkin Furrow Estate Law LLP

**Bryan Gilmartin**

WEL Partners

**Sean Graham**

Graham Estate Law

**Ian Hull**

Hull & Hull LLP

**Jonathon Kappy**

Hull & Hull LLP

**Rebecca Kennedy**

Adair Goldblatt Bieber LLP

**Sean Lawler**

Lawler Advocacy PC

**Alexandra Mayeski**

MayLex Litigation PC

**Daniel Paperny**

Loopstra Nixon LLP

**Suzana Popovic-Montag**

Hull & Hull LLP

**Doreen So**

Hull and Hull LLP

**Chris Stankiewicz**

Lawyers Professional Indemnity  
Company (LawPRO)

**Jasmine Sweatman**

Sweatman Law Firm

**Lionel Tupman**

Tupman & Bloom LLP

**Jonah Waxman**

WeirFoulds LLP

**Dagmara Wozniak**

Siskinds LLP

**David Wagner**

Wagner Sidlofsky LLP

**Kimberly Whaley**

WEL Partners

**Cara Zacks**

Casey and Moss LLP

# Agenda

## SESSION 1

### Fundamentals of Estate Litigation

October 15, 2024  
9:00 a.m – 4:30 p.m ET

- **Introduction and Overview:** Welcoming participants and outlining the program.
- **Understanding Initial Steps and Considerations:** Identifying key considerations when gathering information at the first client meeting, including wills, estate inventory, and client circumstances.
- **Exploring the History of Estate Litigation and Probate:** Providing brief historical context and development of probate courts and applications.
- **Explaining the Litigation Process and Procedures:** Reviewing applications, motions, objections, summary judgment, and mediation in detail.

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### • Addressing Legal Issues in a Will Challenge:

- **Formal Validity and Due Execution:** Discussing witness requirements, testator's signature, special wills, and substantial compliance.
- **Substantive Validity:** Examining testamentary capacity, undue influence, fraud, and mistakes.
- **Standing in Will Challenges:** Explaining the process of conducting a will challenge, notice of proceedings, and associated costs.
- **Clarifying the Role of Professionals:** Understanding the roles of medical practitioners and lawyers in capacity assessments and expert opinion evidence.
- **Proving Lost or Destroyed Wills:** Discussing legal presumptions, procedural rules, and admissible evidence.
- **Preparing for Mediation/Settlement:** Outlining the purpose, preparation, and mediation strategies.
- **Navigating Settlement and ADR in Estate Litigation:** Explaining settlement procedures, costs, and alternative dispute resolution methods.

## SESSION 2

### Non-Contentious & Contentious Proceedings (Part I)

October 16, 2024  
6:00 p.m – 9:00 p.m ET

- **Appointing an Estate Trustee:** Explaining procedures for obtaining a Certificate of Appointment and related estate administration tax.
- **Obtaining Orders for Assistance:** Understanding the types of orders, including production of testamentary instruments and examination of persons.
- **Revoking or Returning a Certificate of Appointment:** Explaining procedures for revocation and return, including motions for directions.
- **Objecting to the Issuing of a Certificate of Appointment:** Discussing the process for filing and responding to objections, including practice points.
- **Contesting Claims Against the Estate:** Understanding procedures for contesting claims against an estate, including limitation periods and enforcement of judgments.
- **Making Dependant Support Claims:** Explaining eligibility, limitation periods, interim support, and factors considered by the court.

### SESSION 3

#### Non-Contentious & Contentious Proceedings (Part II)

October 21, 2024

6:00 p.m – 9:00 p.m ET

- **Applying for or Moving for Directions:** Discussing service, pleadings, mediation, and orders for contentious proceedings.
- **Presenting Evidence in Contentious Proceedings:** Explaining onus, admissibility of medical and lay witness evidence, business records, expert opinions, and hearsay rules.
- **Applying to Pass Accounts:** Outlining procedures for preparing, reviewing, and objecting to estate accounts, including compensation.
- **Locating Missing Beneficiaries:** Understanding legal obligations, search procedures, and handling cases of missing heirs.
- **Managing Costs in Estate Litigation:** Explaining modern approaches to costs, case law developments, and consequences of new approaches.

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### SESSION 4

#### Non-Contentious & Contentious Proceedings (Part III) and Fiduciary Litigation (Part I)

October 23, 2024

6:00 p.m – 9:00 p.m ET

#### Non-Contentious & Contentious Proceedings (Part III)

- **Applying the Deemed Undertaking Rule in Estate Litigation:** Understanding the underlying principles, applications in estate litigation, and case law.
- **Addressing Unjust Enrichment in Will Challenge Matters:** Exploring legal principles, historical context, recent developments, and remedies.

#### Fiduciary Litigation Part I

- **Explaining Fiduciary Duties in Estate Matters:** Understanding fiduciary obligations in estate contexts and the legal implications.
- **Removing Fiduciaries:** Discussing responsibilities and breaches thereof, including removal of an estate trustee
- **Appointing Estate Trustees during Litigation and Appointing Litigation Guardians:** Outlining procedures and requirements in various appointments during the litigation process

### SESSION 5

#### Fiduciary Litigation (Part II)

October 25, 2024

9:00 a.m – 4:30 p.m ET

- **Understanding the Lawyer's Responsibilities:** Preparing a Will for a vulnerable clients and the lawyer's role
- **Commencing Capacity Proceedings and Capacity-Related Proceedings:** Covering considerations, procedures and disputes related to capacity, S. 3 Counsel under the *Substitute Decisions Act*, guardianship, power of attorney, acting for children, medical assistance in dying and elder law
- **Addressing Other Considerations during Estate Litigation:** Insights on practical tips from LawPRO, solicitor's negligence claims, mental health issues and estate practice, dealing with complex retainer issues, complex and jointly held accounts and real estate
- **Exploring Useful and Practical Tools:** Learning about estate mediation preparation tools, technology tools in estates and trusts



## Registration Details

**Fee per Delegate: \$3,295 + TAX**

**Newly Licensed\*: \$1,647.50 + TAX**

*\*This fee applies to newly licensed regulated professionals within the past 2 years*

Fee includes program registration, electronic program materials, 120-day access to the recorded modules, and technical support. Group discounts are available. Visit [www.osgoodepd.ca/group-discounts](http://www.osgoodepd.ca/group-discounts) for details.

### 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 prior to the start date of the program. If you are unable to find a substitute, a full refund is available if a cancellation request is received in writing 21 days prior to the start of the program. If a cancellation request is made with less than 21 days notice, a \$250 administrative fee will apply per person. Within 7 days of the program start date, no refund is available. Payment is required to receive access to the program.

### For Further Program-Related Information, Please Contact:

Gail Geronimo, Program Lawyer at [ggeronimo@osgoode.yorku.ca](mailto:ggeronimo@osgoode.yorku.ca)

## Certificate Requirements

To receive an Osgoode Certificate, you must attend all program days and successfully complete an online assessment within 30 days of the last module.

### Register today at:

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 **Email:** [osgoodepd@osgoode.yorku.ca](mailto:osgoodepd@osgoode.yorku.ca)

 **Phone:** 416 597 9724

 **Mail:** 1 Dundas Street West, 26th Floor, Toronto, ON, M5G 1Z3



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