

Preventing, Correcting and Navigating Errors in Estate and Trust Documents

Trusts and Estates Law Section

Date: Thursday, October 05, 2017 | 9:00am – 12:30pm

Location: Twenty Toronto Street Conferences and Events
20 Toronto Street, 2nd Floor, Toronto

Program Chairs: **Benjamin Arkin**, Arkin Estate Law
Ambie Edgar-Chana, Edgar Chana Law

This program contains 0.75 Professionalism Hours
This program is eligible for up to 2.75 Substantive Hours
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In-Person



Webcast

What do you do when you or your client notice an error in their estate planning documents? Whether an accountant, prior counsel, or you made the error, what options do you have to correct matters and ensure your client's intentions are achieved? What steps can you take to avoid making mistakes or anticipate future problems before they happen? Join our expert faculty to explore these tricky issues, and gather the insights you need to navigate the challenges.

9:00am Welcome and Opening Remarks

9:05 am **Preventing Mistakes and Drafting for Flexibility**
Maureen Berry, Goodmans LLP

- Building safeguards into wills, trusts, and Powers of Attorney
- Best practices for planning and drafting with precision

9:35 am **Fixing Errors: Workarounds and Other Self-Help Remedies**
Jordan Diacur, ESB Lawyers

- When can you backdate trusts as well as tax and corporate documents?
- Workarounds in administering broken wills and trusts
- Self-help rectification and variation: what you need to know about amendment clauses and their limitations
- Repairing an incapable person's faulty power of attorney

10:00 am **Utilizing the Equitable Remedy of Rectification**
Debra Stephens, WEL Partners

- When will the court order rectification of a mistake in a legal instrument? The SCC's latest word on rectification in *Fairmont Hotels* and *Jean Coutu Group*
- Nuts and bolts of a rectification application

10:35 am Networking Break

10:50 am **Applying to the Court for Variation**
Angela Casey, Casey & Moss LLP

- When can you vary a will or trust?
- Mastering a variation application

11:30 am **Dealing with Solicitors' and Accountants' Negligence**
Felice Kirsh, Schnurr Kirsh Oelbaum Tator LLP
Brian Radnoff, Lerner LLP

- To whom lawyers and accountants owe a duty of care?
- What constitutes negligence? Clarifying the standard of care
- The interplay between solicitors' and accountants' negligence in estates and trusts practice

12:20 pm Questions and Concluding Remarks

12:30 pm Program Concludes

PROGRAM REGISTRATION IS ONLINE www.oba.org/pd

Questions? pd@oba.org

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