

## Estate Litigation: A Primer

*Trusts and Estates Law / Young Lawyers Division*



In-Person



Webcast

**Date:** Tuesday, April 25, 2017 | 9:00 am – 12:30 pm

**Location:** Twenty Toronto Street Conferences and Events  
20 Toronto Street, 2<sup>nd</sup> Floor, Toronto



**Program Chairs** **Kiran Gill**, Lawrence, Lawrence, Stevenson LLP  
**Emily Hubling**, Goodmans LLP

This program is eligible for up to 3.5 Substantive Hours

Get up to speed on the fundamentals of estate litigation and gather helpful strategies to enhance your practice. Hear about the common claims in estate litigation, motions for advice and directions, and the passing of accounts. Our expert speakers will share advice on how to manage challenges to wills, family matters, joint assets and property, and guardianships in the estates litigation context. You will leave this program equipped with key insights to help you handle your next estate litigation file with confidence.

9:00am Welcome and Opening Remarks

9:05 am **Common Will Challenges You Need to Know**  
**Holly LeValliant**, Associate, Mills & Mills LLP

- Due execution: Key requirements
- Undue influence: When friends and family get too close
- Capacity: What is the standard? How do you prove it?

9:30 am **Making Sense of Claims by Spouses and Dependants**  
**Benjamin D. Arkin**, Arkin Estate Law Professional Corporation

- Dependants' support claims under the *Succession Law Reform Act*
- Elections under the *Family Law Act*
- Common law and equitable claims and remedies

10:00 am **Bringing a Motion for Advice and Directions**  
**Angelique Moss**, Casey & Moss LLP

- Key requirements from the practice direction
- Seeking the appointment of an estate trustees during litigation
- What orders are typically sought? How can they assist?

10:20 am **Dealing with Joint Assets and Property in the Estates Litigation Context**  
**Pia Hundal**, Eisen Law

- Unraveling presumptions of resulting trust and advancement
- Spouses and adult children: what are the presumptions at law?
- Implications of joint bank accounts and jointly held real estate

10:40 am Networking Break

10:55 am **Successful Estate Mediations**  
**Paul Trudelle**, Hull & Hull

- Why mediate?
- How to pick the right mediator and prepare for mediation
- Special considerations in estate mediation
- Important post-mediation steps not to miss

11:15 am **Navigating Guardianship Applications**  
**Heather Mountford**, Goddard Gamage Stephens LLP

- Essential Application requirements
- Requesting and contesting capacity assessments
- What is the role of Section 3 counsel?
- Clarifying a guardian's obligations under the *Substitute Decision Act*

11:45 am **Mastering Passing of Accounts**  
**Diane Vieira**, de VRIES LITIGATION LLP

- What is the difference between an informal accounting and the proper court format?
- Preparing your Application
- How to proceed with an unopposed passing
- Objecting to accounts
- What to do if costs increase
- How do the Public Guardian and Trustee, and the Office of the Children's Lawyer fit in?

12:15 pm **Case Comment**  
**Angela Kwok**, Lawrence, Lawrence, Stevenson LLP

Getting you up to speed on a recent estate litigation decision you need to know

12:25 pm Questions and Concluding Remarks

12:30 pm Program Concludes

**PROGRAM REGISTRATION IS ONLINE** [www.oba.org/pd](http://www.oba.org/pd)  
**Questions?** [pd@oba.org](mailto:pd@oba.org)