

Estate Litigation: A Primer

Trusts and Estates Law / Young Lawyers Division



Webcast

Date: Tuesday, February 22, 2022 | 9:00 am to 12:30 pm

Location: Webinar

Agenda: 9:00 am Webinar Commences
12:30 pm Webinar Concludes



Professionalism Hours: This program contains a total of 0 hours and 30 minutes

Substantive Hours: This program contains 3 hours and 00 minutes

The OBA has been approved as an Accredited Provider of Professionalism Content by The Law Society of Ontario.

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, applications for directions, and the passing of accounts. Learn how to manage challenges to wills, respond to claims by spouses and dependents, and navigate guardianship applications. You will leave this program equipped with key insights to help you handle your next estate litigation file with confidence.

Register now to secure your spot.

Program Chairs: **Jessica Karjanmaa**, Tupman & Bloom LLP
Sheila Morris, Miller Thomson LLP

9:00am Welcome and Opening Remarks

9:05 am **Overview of Common Will Challenges**

Holly V.A. Cunliffe, Aird & Berlis LLP

Raymond Leclair, Vice President of Public Affairs, LAWPRO

- Due execution: Key requirements
- Common grounds for challenging a will - undue influence, capacity issues, and more
- Remote execution
 - Planner's Point of View: obligations to ensure proper execution, common challenges, and more
- Who can make claims against an estate?

9:35 am **Applications for Directions**

Cassandra Ball, Eisen Law

Praniet Chopra, Donovan Kochman LLP

- Application vs Action (how evidence is used, hearing vs trial, when to convert to a trial)
- What orders are typically sought? How can they assist?
- How to use scheduling appointments
- Understanding settlement documents, orders, releases

10:05 am **Making Sense of Claims by Spouses and Dependents**

Natalia R. Angelini, Hull & Hull LLP

David Mills, Mills & Mills LLP

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

10:35 am Health Break

10:55 am **Passing of Accounts**

Mitchell J. Rattner, Schnurr Kirsh Oelbaum Tator LLP

Joanne Hwang, Hwang Law

- Unraveling presumptions of resulting trust and advancement
- Formal vs informal
- Who can compel?
- Who must account (e.g. trustee de son tort)?

11:25 am **Navigating Guardianship Applications**

Alexandra Mayeski, Goddard Gamage LLP

Amelia Yiu, Elm Law Professional Corporation (Whitby)

- 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*
- Considerations for clients with special circumstances
- Cultural competency

11:55 am **Mediation and Resolution**

Debra Stephens, Tupman & Bloom LLP

Howard S. Black, Miller Thomson LLP

- Special considerations for estate disputes
- Tips for success (what information to have, when to mediate)
- Role of a mediator
- Discussing settlement options with your client

12:30 pm Program Concludes

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Questions? pd@oba.org