53rd ANNUAL REFRESHER: WILLS & ESTATES

Legal Education Society of Alberta®

NEW DATES!

Managing Wills & Estates Matters
October 23, 2020 (pre-Refresher program)

53rd Annual Refresher: Wills & Estates
October 24–26, 2020

Fairmont Chateau Lake Louise
111 Lake Louise Drive | Lake Louise, Alberta

KEYNOTE ADDRESS:

Fun with the Rule Against Perpetuities

Albert H. Oosterhoff | WEL Partners

See page 4 for more details.

Visit LESA.org/refresher53october for full program details and registration options.

HONORARY CHAIR

Justice S.D. Hillier | Court of Queen's Bench of Alberta

Managing Wills & Estates Matters

CO-CHAIRS

John E.S. Poyser | The Wealth & Estate Law Group
Shelley E. Waite | McLeod Law LLP

FACULTY

Nancy L. Golding QC | Borden Ladner Gervais LLP
Clare Burns | WeirFoulds LLP
Nadja Ibrahim | PwC Canada
David J. Koski | The Estate House by Gorman & Koski LLP
Farha Salim | Field LLP
Karen Dunn Skinner | Gimbal Canada
Kimberly A. Whaley | WEL Partners

53rd Annual Refresher: Wills & Estates

SESSIONAL CHAIRS

Justice C.M. Jones | Court of Queen's Bench of Alberta
Nancy L. Golding QC | Borden Ladner Gervais LLP
Lois J. MacLean QC | de Villars Jones LLP
John E.S. Poyser | The Wealth & Estate Law Group
Helen R. Ward | Duncan Craig LLP

KEYNOTE ADDRESS

Albert H. Oosterhoff | WEL Partners

FACULTY

Justice J.S. Little | Court of Queen's Bench of Alberta
Sam N. Amelio QC | MLT Aikins LLP
Anne de Villars QC | de Villars Jones LLP
Kary B. Hargreaves QC | Felesky Flynn LLP
Robert G. Harvie QC | Harvie Pollock den Bok LLP
Richard Rand QC | Rand & Company LLP
Malkit Atwal | Field LLP
Françoise H. Belzil | Biamonte LLP
Clare Burns | WeirFoulds LLP
Stephanie Dobson | Meridian Law Group
Kathy B. Hawkesworth | Edmonton Community Foundation
Michael Klaray | Duncan Craig LLP
Jennifer R. Lamb | Carscallen LLP
Shel J. Laven | Laven and Company LLP
Dana J. Nelko | Fillmore Riley LLP
Dr. Arlin Pachet | Pachet Assessment and Rehabilitation Services
Les S. Scholly | Pritchard & Co. Law Firm LLP
Jason M. Stephan | CA Tax Law
Shelley E. Waite | McLeod Law LLP
Kimberly A. Whaley | WEL Partners
Dane ZoBell | Felesky Flynn LLP

SCHEDULE AT-A-GLANCE

Friday, Oct. 23

Managing Wills & Estates Matters
9:00 AM – 4:00 PM

Refresher Welcome Reception
5:00 PM – 7:00 PM

Saturday, Oct. 24

Refresher Day 1
Keynote Address
8:30 AM – 5:30 PM

Banquet & Entertainment
6:30 PM – 9:30 PM

Sunday, Oct. 25

Refresher Day 2
9:15 AM – 5:30 PM

Wine Tasting (Guest Activity)
2:00 PM – 3:00 PM

Monday, Oct. 26

Refresher Day 3
8:30 AM – 12:30 PM

LESA.org/refresher53october

PRE-REFRESHER PROGRAM | OCT. 23

MANAGING WILLS & ESTATES MATTERS

CO-CHAIRS: John E.S. Poyser & Shelley E. Waite

Papering the file:

- opening letters
- closing letters
- checklists
- notes and memos
- recording will instructions

Quality control strategies:

- identifying clients
- verifying outside facts
- employing the right amount of delegation
- involving outside advisors

Fee strategies:

- avoiding loss leaders
- identifying ways to bill sooner and more often
- managing block fees vs. hourly rates
- determining extra fees for extra services
- maximizing fair hourly rates for paralegals
- getting paid when documents are challenged

Estate planning:

- Canadian and U.S. tax issues
- assets and family members in multiple jurisdictions
- blended families
- mutual wills
- high-risk scenarios

Estate administration:

- informing clients
- staving off disputes
- interpreting vague wills
- managing vague threats of litigation
- identifying limitations and impact of delay
- resealing
- deceased persons liable for U.S. tax applications

Planning for incapacity:

- basic and advanced issues for personal directives and powers of attorney

Hear panel discussions and engage in an open mic dialogue throughout this must-attend program.

REFRESHER DAY 1 | SATURDAY, OCT. 24

SESSIONAL CHAIRS:
Nancy L. Golding QC & Helen R. Ward

Initial considerations:

- retainer agreements
- papering your file
- effect of non-contest clauses
- capacity of client

Managing the court process:

- *Rules of Court* vs. *Surrogate Rules*
- applications for advice and direction
- summary judgment
- striking pleadings
- mediation and arbitration

Common and unique claims and proceedings:

- dependants' support
- undue influence
- issues with powers of attorney
- accounting
- breach of trust
- trust variation and termination
- *quantum meruit*
- unjust enrichment
- detrimental reliance
- promissory estoppel
- joint family enterprise
- resulting trusts

Interpretation applications:

- construction
- rectification
- dispensation
- validation

Final considerations:

- settlement agreements
- costs

KEYNOTE ADDRESS

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See page 4 for more details.

REFRESHER DAY 2 | SUNDAY, OCT. 25

SESSIONAL CHAIRS: John E.S. Poyser (AM)
Justice C.M. Jones & Lois J. MacLean QC (PM)

MORNING SESSION

Threshold tests for capacity for:

- wills
- will substitutes
- *inter vivos* gifts
- powers of attorney
- personal directives

Capacity assessment techniques:

- proper interviews
- whether or not to record interviews
- how and when to use a medically trained assessor
- supported capacity

Recent developments in capacity case law:

- repercussions on lawyers and doctors for failure to properly document capacity

AFTERNOON SESSION

Charitable giving

Will substitutes:

- RRSP/RRIF/insurance designations
- designations inside and outside of wills
- potential tax issues
- alter ego trusts and pour over *inter vivos* trusts
- creditor proofing

The solicitor's role in business succession planning:

- identifying goals, objectives, benefits, and pitfalls
- continuity
- tax efficiency
- equity among family members
- control vs. participation
- role of key employees
- reconciling trade-offs in accomplishing goals and objectives
- choosing who to have on the business succession team
- involvement and role of advisors
- resolving conflicts at the planning stage
- need for independent legal advice

Changes to AISH legislation and rules

REFRESHER DAY 3 | MONDAY, OCT. 26

SESSIONAL CHAIRS:
Justice C.M. Jones & Lois J. MacLean QC

Intersection of family law and estate law:

- advising clients in before death and after death situations
- review of family maintenance and support [FMS] case law
- costs in FMS claims
- recent developments, including the *Family Statutes Amendment Act* and changes to the matrimonial property regime in Alberta
- review spousal support principles in divorce situations and their potential application to estate matters
- using family law agreements to avoid problems

KEYNOTE ADDRESS

Fun with the Rule Against Perpetuities

Albert H. Oosterhoff | WEL Partners

Why do we still have perpetuities in Alberta? Do we need it?

Albert H. Oosterhoff joins us at the 53rd Annual Refresher: Wills & Estates to discuss, with a bit of humour, how other provinces have abolished this rule and survived, and why we no longer need it.

Discuss unexpected issues that can arise with perpetuities and touch on the problem of the "Fertile Octogenarian".

You won't want to miss this engaging keynote address.

Saturday, October 24, 2020

PROGRAM REGISTRATION

LESA.org/refresher53october

Legal Education Society of Alberta

Managing Wills & Estates Matters (October 23, 2020)

Early Bird: **$495 + GST** *(Register by **August 11, 2020**)* | Regular: **$545 + GST**

53rd Annual Refresher: Wills & Estates (October 24–26, 2020)

Early Bird: **$1,895 + GST** *(Register by **August 11, 2020**)* | Regular: **$2,295 + GST**

ADDITIONAL 10% OFF | Register for both the 53rd Annual Refresher and the pre-Refresher program, Managing Wills & Estates Matters, and save 10%! Discount will be applied automatically when qualifying items are in your cart at the time of checkout.

REFRESHER REGISTRATION INCLUDES:

- *welcome reception*
- *3 continental breakfasts*
- *3 networking lunches*
- *1 banquet ticket*
- *electronic course materials*

HOTEL RESERVATIONS

LESA.org/refresher/accommodations

Or call: **1.403.522.1830** or **1.800.441.1414 to make reservations with the group name LESA2020.**

Accommodations: A block of standard Fairmont rooms has been reserved at **$301/night ($289 + $12 per person resort fee)**. Applicable taxes and parking are extra. Each person sharing a room over double occupancy will be charged an additional $12 per night (children under 18 sharing a room with parents are exempt). Contact the hotel for details. There are a limited number of rooms available at this rate. Special room rates are in place for other room categories as well. **If the room block is sold out before September 22, 2020, the hotel will offer the next best available rate.*

Hotel Arrival and Departure: Check-in time is 4 PM. Check-out time is 12 PM. Cancellation and early departure fees are in effect; however, you can change or cancel your reservation or your departure date with no penalty up to 72 hours before check-in time.

Parking: Self-parking is $25 per vehicle per night.

NOTE: *Registration for the 53rd Annual Refresher and/or Managing Wills & Estates Matters does not include hotel accommodations.*

GUARANTEE: We take pride in offering high quality programs. If this program does not meet your expectations, please contact us at info@lesa.org.
RECORDING: This program may be audio/video recorded and retained by LESA for the purpose of providing legal education. LESA's **Privacy Policy** & **Customer Policies** (including cancellations, registration transfers, and more) can be found online at **LESA.org** | GST Registration Number: R122368533

Fairmont Chateau Lake Louise | 111 Lake Louise Drive | Lake Louise, Alberta