

Sponsorship of seminar and its value

TORONTO — What motivated TD Waterhouse Private Client Services to be one of the sponsors for the upcoming continuing legal education seminar being run by B'nai Brith Canada's Estates and Trust Group, Lawyer's division?

Interim solution for litigants

During litigation someone still has to manage the affairs of the estate. Normally, financial institutions are temporarily appointed by the court to manage the estate as Estate Trustee During Litigation. According to Rayna Zucker, vice-president, TD Waterhouse Private Trust in Toronto, "when people are fighting, the court appoints a professional third party to preserve the assets they are fighting over. We don't take sides and we have the experience and internal resources to help ensure that there are still valuable assets available at the end. Our activities are transparent to everyone because of our ongoing accounting."



Charles Wagner

Fiduciary accounting

There is an absolute duty of an estate trustee and also on a power of attorney for property to maintain proper accounts and records. Failure to do so often leads to litigation compelling them to pass their accounts in court. To prevent this from occurring a trust company is sometimes named at the outset or as an alternative replacement co-estate trustee or co-attorney to ensure a proper list of assets is maintained and an accurate record of how the assets are administered on an ongoing basis.

Zucker said, "The courts have rigid expectations and demand a certain format when

accounts are being presented to them for approval. One of the problems we often see is the failure to keep detailed, complete records because they are not aware of this responsibility. This can result in thousands of dollars in legal and accounting fees to recreate the accounts in the correct format.

"The bottom line is that financial institutions play an invaluable role in the estate litigation process. The level of trust placed in them is reflected by the fact that the legislature exempted trust corporations from the usual requirement of posting a bond when acting as estate trustee.

"We want to make people aware of their options in estate planning and also of the unfortunate consequences that can result in thinking they can do everything themselves in this very complex area. TD Waterhouse was motivated to sponsor the continuing legal education program being offered by the Estates and Trust Group of B'nai Brith for this purpose."

Ahenakew acquittal throws Canadian hate crime legislation into disarray

TORONTO — The acquittal of disgraced Aboriginal leader David Ahenakew Monday has moved B'nai Brith Canada to express its disappointment.

"The decision to acquit David Ahenakew of hate crime charges in no way vindicates his record of antisemitism and racism," said Frank Dimant, B'nai Brith Canada's executive vice-president. "The rescinding of his Order of Canada stands as a testament to this fact and reflects a higher Canadian ideal that bigotry and prejudice have no place in civil society.

"No one disputes that Ahenakew has repeatedly engaged in hate-filled, antisemitic messaging, including a statement on how 'Hitler got it right' when he planned to annihilate the Jewish people. That this case failed to meet the legal standard for a conviction, throws into doubt the viability of Canada's hate crimes legislation.

"We urge the government to step in and take the opportunity to review hate legislation in light of ongoing manifestations of hate in this country."

York's Excalibur rejects article: 'not critical enough of Israel'

TORONTO — York University student Faygle Train's submission to a special supplement in *Excalibur*, the campus newspaper, dedicated to Black History Month, on the topic of Ethiopian immigration to Israel, was rejected because it didn't accuse Israel of being an apartheid state.

According to email correspondence that Train forwarded to the *Jewish Tribune*, Odion Osegeyo, editor of *Excalibur's* Black History Month supplement, had accepted her proposal for a story on the Ethiopian immigrant community in Israel.

Train said her article "is not completely pro-Israel, but neither does it stoop to becoming a hateful rant about the country." She had personally spent time among Israel's Black community as well as researching facts and statistics and speaking to people involved in helping the integration process.

In a letter to Subha Arulvarathan, Black History Issue coordinator, Train accused Osegeyo of making "suggested changes [that] had little to do with Black history and more with propaganda and his own agenda."

In Osegeyo's correspondence to Train, his "suggestion is to amend the article so it is more critical of Israel [sic] for its racist policies towards Ethiopians and how this has affected their integration into mainstream Israeli society. It may be difficult for readers to comprehend how Israel is a haven for immigration when in fact they have engaged in occupation of Palestinian lands and label the cultural traits of Ethiopians as problems to be overcome.

"It would also be beneficial to add what the Israeli [sic] nation must do to rid their society of racism, colonialism, etc. and the empowering action that Beta Israel [sic] must take to fully be self-determinate."

When the supplement appeared in print, Train was "horrified" to see a prominently positioned article on Israel as an apartheid state. The article, in fact, was written by OISE student Saron Ghebressallassie, one of the most venomous enemies of the Jewish state (see *Jewish Tribune*, Feb. 19, 2009, page 1).

Arulvarathan responded to Train saying that "Odion wanted to ensure that the issue was reflective of [the] Black community at York...."

"I always believed that *Excalibur* was a reflection of the diverse opinions and people at York."

Mission to Venezuela planned

MONTREAL — In the wake of an attack on a synagogue in Caracas, Venezuela, the co-chairs of the Canadian Rabbinic Caucus met here with a senior diplomat from Venezuela last week to express their deep concern over this incident and comments by President Hugo Chavez. Rabbis Chaim Steinmetz and Reuben J. Poupko told Adolf Figueroa, the ad interim chief of Venezuela's diplomatic mission in Montreal, that a solidarity mission of Canadian Jewish community leaders is being planned to Caracas.

New kosher delivery service for meat, fish

TORONTO — Shlomo Assayag has come up with a partial solution to the high cost of living for Jewish families.

In a media release, Assayag said, "Today's economic climate has brought an unparalleled burden upon the Kosher consumer.

"Jewish day school tuition, synagogue dues, charity and institutional solicitations, along with kosher food prices, have made it difficult for every Jewish family."

Assayag, in an effort to find a little relief to this stressful situation, has started a new venture that will see fresh kosher meat and fish delivered to the doorstep, at reduced prices.

"This will also be of great service to the elderly and homebound, who will receive the meat at their door."

To find out more, go to www.koshermeats2u.com, place your order by Friday at 3 p.m. and receive your order the following Wednesday or Thursday.

Assayag said that a percentage of any purchase will be donated to a charity of the buyer's choice.

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Trusts & Estates Group

Lawyer's Division

is pleased to invite you to a Trusts & Estates Seminar

Monday, March 23, 2009

The Village Shul • 1072 Eglinton Avenue West, Toronto

Registration/Buffer Breakfast 7:30 a.m.

Lectures 8:00 – 10:00 a.m. • Couvert \$30



CHARLES B. WAGNER
Chair
Trust & Estates Group

will be speaking on will challenges involving insane delusions and Parkinsons.



JORDAN M. ATIN
Hull and Hull LLP

will be focusing on the emotional significance of wills and how this affects families.



RACHEL L. BLUMENFELD
Miller Thomson

will be speaking on Halachic wills in the context of Ontario law.



IAN HULL
Hull and Hull LLP

will deal with potentially unforeseen litigation risks involved with many estate planning vehicles.



ARCHIE RABINOWITZ
Fraser Milner

is speaking on pre-death gifts.

For information or to register, please call Hyla Reichmann
(416) 633-6224 ext. 128 or email: hreichmann@bnairbrith.ca