

CLE for Lawyers & Accountants 100 Questions about a Will Challenge

Tuesday, June 2, 2015

PRESENTERS



Charles Wagner

Wagner Sidlofsky LLP, Chair, Trusts & Estates group



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Will Challenges & Closing Arguments

Some suggest that Johnny Cochran's closing comment to the jury "If the gloves don't fit, you must acquit" distracted the jury from the strong evidence and resulted in O.J. Simpson's acquittal.

Closings can sometimes be the difference between winning and losing a case.

In part, the upcoming seminar will be using the moot court to educate attendees on questions relating to the closing argument in the context of a Will Challenge. By hearing their closing arguments, attendees will learn how skillful trial lawyers artfully present their closing arguments by telling their respective clients' narrative together with an analysis of the law.

The undisputed facts in this narrative are that the testator's son was living with her. The son took her mother

to a lawyer in order to do a new will that disinherited the testator's daughter. The son used his power of attorney to transfer his mother's house to him. It is also undisputed that the elderly woman was illiterate and spoke only Russian and Yiddish. The lawyer met with her twice and each time spent about 15 minutes taking instructions and seeing to the execution of the will. There are some material points of law and fact in dispute. Is it legal for the daughter to challenge the will while her mother is still alive? Did the mother have capacity? Did the son unduly influence his mother? Finally, there is the issue of solicitor's negligence. Were this

a real case, given the conflicting evidence and contentious points of law the importance of the closing argument is heightened.

The skillful advocate uses the closing to weave the facts and law into a powerful and persuasive story. It is B'nai

Brith's honour to have 2 of the premier estate litigators in the city doing the closing arguments in this moot case. Gregory M. Sidlofsky of Wagner Sidlofsky LLP is acting for the daughter and Clare Burns of WeirFoulds LLP is acting for the son.

The event will take place on June 2nd, 2015 at Shaarei Shomayim-Synagogue at 470 Glencairn Avenue, Toronto, Ontario M5N 1V8. Registration is at 7:30am and the moot court will begin at 8:00am. The event is open to lawyers and accountants. Those lawyers and/or accountants interested in attending may contact Elyse Gruenspan at B'nai Brith Canada at (416) 633-6224 or email at egruenspan@bnaibrith.ca. Charles B. Wagner, of Wagner Sidlofsky LLP, is a certified specialist in Estates & Trusts Law. He chairs the Estate and Trusts Group, Lawyers Division of B'nai Brith that created and runs this annual continuing legal education program for professionals dealing with estate and trust issues.



Charles Wagner



Gregory Sidlofsky



Clare Burns

Sponsored By: B'nai Brith Canada, Bank of Nova Scotia Trust Company, Hull & Hull LLP, Wagner Sidlofsky LLP and Whaley Estate Litigation



Shaarei Shomayim Synagogue 470 Glencairn Ave., Toronto

Registration & Breakfast: 7:30 am Program: 8:00 am – 12:00 noon Cost \$100+tax

To register, please contact Elyse Gruenspan at 416-633-6224 x109 egruenspan@bnaibrith.ca

This program is eligible for substantive CPD hours required of Lawyers by the LSUC