

CLE for Lawyers & Accountants Estate Disputes & Prenuptial Agreements

Tuesday, June 21, 2016

PRESENTERS



Charles Wagner
Wagner Sidlofsky LLP
Chair, Trusts & Estates group



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Arieh Bloom
Whaley Estate Litigation



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HULL & HULL LLP
Barristers and Solicitors



Full and Frank Disclosure – Possible liability of Lawyer CLE Seminar



Charles Wagner
Wagner Sidlofsky LLP
Chair, Trusts & Estates

On June 21, 2016 the Bnai Brith Trusts and Estates group is presenting its annual CLE seminars for lawyers and accountants. The format is a moot court which allows the presenters to educate attendees in an interesting way. This year's seminar deals with a wealthy widow who marries a younger man. Her children insist that their mother signs a prenuptial agreement. The mother and her fiancé comply. But when the mother dies her surviving husband cries foul and wants to set aside the agreement. The validity of that agreement is the main issue, but there are very important additional legal issues that are addressed by the seminar.



Arieh Bloom
Whaley Estate Litigation

The Widow's son, played by Arieh Bloom of Whaley Estate Litigation, was the lawyer who drafted the agreement and took his mother on as a client. In this scenario, the son provided independent legal advice to his mother. He knew that his mother purposely failed to make full and frank disclosure to her fiancé about the extent of her wealth. The Family Law Act provides that a court may set aside a domestic contract or a provision in it, if a party failed to disclose to the other significant assets. Attendees will learn under what circumstances a court may exercise its jurisdiction to set aside such agreements.



Jordan Oelbaum
Schnurr Kirsh Schnurr
Oelbaum Tator LLP

Another issue is the ethical obligation of the son who was a lawyer. He knew that his mother was purposefully hiding her assets. Is that ethical? If not what are the consequences of a lawyer conspiring with a client to hide assets? In this case scenario the Widow had two children – a son and a daughter. It may be that if the lawyer was negligent the surviving spouse will win, resulting in a sizeable reduction in the inheritance received by him and his sister. A court could hold him liable to his sister if in the end the will is set aside and the surviving husband inherits under the law of intestacy or is allowed to make a claim for equalization under the Family Law Act.



Greg Sidlofsky
Wagner Sidlofsky LLP

What will make this part of the presentation especially interesting is that the lawyer examining the son in chief is Jordan Oelbaum of Schnurr Kirsh Schnurr Oelbaum Tator LLP. Jordan regularly represents lawyers accused of negligence. Cross examining the alleged negligent lawyer will be my partner Gregory M. Sidlofsky of Wagner Sidlofsky LLP who is an experienced litigation lawyer certified by the Law Society of Upper Canada as a Specialist in Civil Litigation. Greg and I have experience suing lawyers. It will be an exciting part of the presentation seeing these two square off.

Shaarei Shomayim Synagogue • 470 Glencairn Ave., Toronto

Registration & Breakfast: 7:30 am • Program: 8:00 am – 12:00 noon • Cost \$118+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

The event will take place on June 21, 2016, at Shaarei Shomayim-Synagogue at 470 Glencairn Avenue, Toronto, Ontario M5N 1V8, and is open to lawyers and accountants. Please contact Elyse Gruenspan at B'nai Brith Canada at (416) 633-6224 or email at egruenspan@bnaibrith.ca.