

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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Schnurr Kirsh Schnurr Oelbaum Tator LLP



Jordan Atin
Hull & Hull LLP



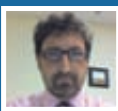
Archie Rabinowitz
Dentons Canada LLP



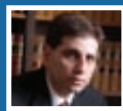
Arieh Bloom
Whaley Estate Litigation



Judy J. Piafsky
Blaney McMurty LLP



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Scotia Private Client Group



Gregory Sidlofsky
Wagner Sidlofsky LLP



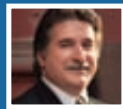
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HULL & HULL LLP
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WS WAGNER SIDLOFSKY LLP

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

Poor Is The Pupil Who Does Not Surpass His Master

CLE Seminar



Charles Wagner
Wagner Sidlofsky LLP
Chair, Trusts & Estates

Kudos to the Bnai Brith Estates and Trusts, Lawyers division on its 10th anniversary CLE seminar being held on June 21st 2016. This committee is chaired by Charles Wagner of Wagner Sidlofsky LLP. Other committee members include Ian Mackersy Hull of Hull and Hull LLP, Jordan Atin of Hull and Hull LLP and Archie Rabinowitz a partner at Dentons Canada LLP. More about Archie later.

This year's format is a moot trial where some of the city's top estate litigators square off in a court setting. Our fact scenario involves a woman who is having a life ending heart attack. She shouts that if she dies she wants to give all her shares in her family company to her husband. Is this verbal declaration a valid transfer of shares? Maybe.



Archie Rabinowitz
Denton Canada LLP

In Ontario there is a legal concept called a donatio mortis causa. Loosely translated it means a gift in contemplation of death. Under Ontario law a gift like this is valid under certain circumstances. The husband will argue that this gift is valid because at that moment in time his late wife was contemplating death and she intended to give the shares immediately, on the condition that the gift would vest only if she died. He will also argue that delivery took place because his wife told him

how to find the shares. As an aside the lawyer who is playing the role of the son is a young lawyer by the name of Arieh Bloom. Arieh is also well versed in Jewish law and the CLE materials will include a paper he has written where he compares and contrasts the common law concept of donatio mortis causa and a similar concept in Jewish law called She 'Chiv mera. In Jewish law there is a forced heirship regime whereby the Torah dictates who receives one's bounty after death. However, under the halachic doctrine of She 'Chiv mera someone on their deathbed may gift something away to someone who would not have been entitled to inherit.



Craig Vander Zee
Torkin Manes LLP

There is an interesting dynamic between the lawyers chosen to do the closing arguments for the applicant (the surviving spouse) and the respondents (the children) who oppose the gift to their mother's second husband. Over ten years ago the plaintiff's lawyer, Archie Rabinowitz, was a partner at Goodman and Carr LLP. At that time, one of his top juniors was Craig Vander Zee, the defendants' lawyer, now a partner at Torkin Manes LLP. So now, after many years, the master squares off against his former student. It should be interesting to see if the student has surpassed his teacher.

The event will take place on June 21st, 2016 at Shaarei Shomayim-Synagogue at 470 Glencairn Avenue, Toronto, Ontario M5N 1V8 and is open to lawyers and accountants. People can book their seat on line at www.bnaibrith.ca/trustsandestates or contact Elyse Gruenspan at B'nai Brith Canada at **(416) 633-6224** or email her at egruenspan@bnaibrith.ca