

CLE for Lawyers & Accountants

POWER OF ATTORNEY DISPUTES

TUESDAY, MAY 23, 2017 PRESENTERS



CHARLES WAGNER
Wagner Sidlofsky
LLP Chair, Trusts
& Estates group



ANDREW FELKER
Walker Head Lawyers



GREGORY SIDLOFSKY
Wagner Sidlofsky LLP



JORDAN ATIN
Hull & Hull LLP



THE HON. SUSAN E. GREER
Retired Judge,
Ontario Superior
Court of Justice



SUSAN STAMM
Office of The
Children's Lawyer,
Ministry of the
Attorney General



CLARE BURNS
WeirFoulds LLP



DR. NATHAN HERRMANN
Sunnybrook Health
Sciences Centre



MARSHALL SWADRON
Swadron Associates



JOHN CLEGG
Scotia Private
Client Group



IAN HULL
Hull & Hull LLP



RABBI MORDECHAI TORCZYNER
Rosh Kollel,
YU Kollel, Toronto



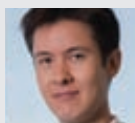
RICHARD COUTINHO
Office of the Public
Guardian and
Trustee, Ministry of
The Attorney General



ARCHIE RABINOWITZ
Gowling WLG



CRAIG VANDER ZEE
Torkin Manes LLP



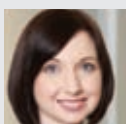
BRENDAN DONOVAN
Wagner Sidlofsky LLP



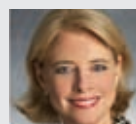
FELICE KIRSH
Schnurr Kirsh
Oelbaum Tator LLP



KIMBERLY WHALEY
WEL Partners



ANGELIQUE MOSS
Casey & Moss LLP



MELANIE YACH
Aird & Berlis LLP

Shaarei Shomayim Synagogue | 470 Glencairn Avenue, Toronto
REGISTRATION & BREAKFAST FOR MAY 23, 2017: 7:30 AM
PROGRAM: 8:00 AM-12:00 NOON. COST \$118 PLUS HST

To register, contact Elyse Gruenspan at 416-633-6224 x109

egruenspan@bnaibrith.ca or online at www.bnaibrith.ca/trustsandestates

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

Sponsored By: B'nai Brith Canada, Bank of Nova Scotia Trust Company,
Hull & Hull LLP, Torkin Manes LLP, Wagner Sidlofsky LLP and WEL Partners



Power of Attorney Disputes

CLE Program



Charles Wagner
Wagner Sidlofsky LLP
Chair, Trusts & Estates

It has been my pleasure to chair the B'nai Brith Canada Estates and Trusts Group since 2006. Each year we provide continuing legal education seminars for lawyers and accountants on issues of interest. Our seminars qualify for CPD hours and this year we are working with a unique format.

There are four panel discussions. Each panel discussion follows a live vignette modeled after the estate planning family meetings. In these vignettes, Jordan Atin of Hull & Hull LLP will play the mediator meeting with the two fictional litigants. Felice Kirsh of Schnurr Kirsh Oelbaum Tator LLP will play Emily, the daughter who cared for her parents and Craig Vander Zee of Torkin Manes LLP plays Saul, the son who finds the estate substantially reduced by his sister.

In the first vignette, Emily explains that her parents gave her gifts because her brother already had a lot of money. From Emily's perspective her parents understood that she gave up her personal life and career for them. The fact that she took her parents' condo now is not such a big deal because Emily was getting the condo anyway under their wills. Finally, Mum won't miss the money she gave to Emily

because there is \$1M dollars left in mum's bank account. She does not understand why Saul is so upset. Saul feels that his sister is just not telling the truth. Saul believes that mum and dad felt sorry for her because she was a loser who could not get a job. His parents took care of Emily, not the other way around. She took advantage of her parents when they were most vulnerable. Emily took gifts when mum and dad were both suffering from dementia and their parents really did not know what they were doing. Saul wants Emily to give all those gifts back.

The first panel discussion will be chaired by Ian Hull of Hull & Hull LLP. The topic of the panel will be the Validity of Gifts to an attorney for property while the donor/grantor is of questionable capacity. The first vignette raises issues like what is the threshold of capacity for giving of gifts, the value of retrospective capacity assessments, and whether it is a breach of fiduciary duty for an attorney for property to take gifts. These issues will be discussed by the panel made up of Gregory Sidlofsky of Wagner Sidlofsky LLP, Dr. Nathan Herrmann of Sunnybrook Health Sciences Centre, and Clare Burns of Weirfoulds LLP.



Jordan Atin
Hull & Hull LLP



Felice Kirsh
Schnurr Kirsh
Oelbaum Tator LLP



Craig Vander Zee
Torkin Manes LLP



Ian Hull
Hull & Hull LLP



Gregory Sidlofsky
Wagner Sidlofsky LLP



Dr. Nathan Herrmann
Sunnybrook Health
Sciences Centre



Clare Burns
Weirfoulds LLP

The event will take place on May 23rd, 2017 at Shaarei Shomayim-Synagogue at 470 Glencairn Avenue, Toronto, Ontario M5N 1V8 and is open to lawyers and accountants. To reserve your place please contact Elyse Gruenspan at B'nai Brith Canada at (416) 633-6224 or egruenspan@bnaibrith.ca