

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



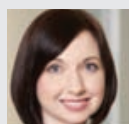
BRENDAN DONOVAN
Wagner Sidlofsky LLP



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

As I indicated in last week's edition, on May 23rd the B'nai Brith Canada Estates and Trusts Group is presenting its annual continuing legal education seminar for lawyers and accountants on power of attorney disputes. Our seminars qualify for CPD hours and this year we are working with a unique format.

Today's article is about the second vignette and the panel discussion that will follow. Jordan Atin of Hull & Hull LLP will play the mediator meeting with the two fictional litigants. Emily (played by Felice Kirsh of Schnurr Kirsh Oelbaum Tator LLP) and Saul (played by Craig Vander Zee of Torkin Manes LLP) will be arguing about Emily's handling of their parents' money and her inability to provide an accounting. This is often the most contentious issue because an attorney who has not kept proper records gives rise to suspicions of wrong doing and possible court sanction.

Emily has no receipts for any of the money she spent. When asked to explain she indignantly says that she never pretended to be a professional accountant. Her parents appointed her to the position so they

knew what they were getting. She claims that the missing cash is due to donations she made to poor people. She asks, "Do you think poor people give receipts or take cheques?" She also claims to have paid cash to the caregivers to save money and suggests that her parents always paid cash for services why shouldn't she. Saul does not believe her and accuses his sister of taking the money herself. The mediator explains that unless the parties compromise a court may draw an adverse inference against Emily and hold her personally liable for the unsubstantiated withdrawals.

The panel discussion that follows will be chaired by Kimberly Whaley of WEL Partners. The topic of the panel will be Power of Attorney & Accounting. The panelists will discuss issues like the accounting obligations of an attorney for property, the law of adverse inference, and accounting when minors are involved.

The panel is made up of The Honourable Susan E. Greer of Amicus Chambers, Melanie Yach of Aird & Berlis LLP and Susan Stamm of the Office of the Children's Lawyer.



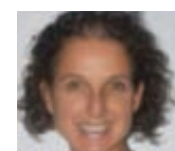
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The event will take place on May 23rd, 2017 at Shaarei Shomayim-Synagogue at 470 Glencairn Avenue, Toronto, Ontario M5N 1V8 and is open to lawyers and accountants. To reserve your place please contact Elyse Gruenspan at B'nai Brith Canada at (416)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