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Essential Tools for Disability Planning and Practice

Co-Chaired by

Shane Onufrechuk
KPMG LLP

Mary Hamilton
DLA Piper (Canada) LLP

April 12th, 2016 • UBC Robson Square • Vancouver, BC

Live Webinar **also available!**

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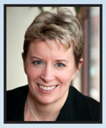


Mary Hamilton, Associate Counsel, DLA Piper (Canada) LLP, Vancouver, BC. Mary has 25 years of experience in matters relating to wills, trusts and estate administration, and leads her firm's Wills, Estates and Trusts group. She has held senior positions with various wills, estates and trusts groups in Vancouver and was named Vancouver Trusts and Estates Lawyer of the Year 2011 by Best Lawyers. Mary advises clients about their estate planning and using wills, trusts and other vehicles (including charitable giving) to minimize taxes on death. She also advises about incapacity – preparing powers of attorney, nominations of committee and representation agreements and advising attorneys, committees and representatives about their roles and responsibilities. Mary lectures frequently to both legal and non-legal audiences on topics pertaining to wills, estates, incapacity and charitable giving.

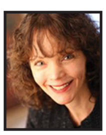
Shane Onufrechuk, Partner, Tax, KPMG LLP, Vancouver, BC. Shane's focus at KPMG LLP is in the area of Canadian corporate tax with an emphasis on PPP project finance structuring, corporate reorganizations, acquisitions and providing tax advisory services to other professionals. Shane has written and presented for a variety of legal and non-legal audiences, including the Institute of Chartered Accountants of BC and the Society of Trust and Estate Practitioners. He plays an active role in ICABC professional development and has been involved in teaching and course development for the CA School of Business as well as the Sauder School of Business.

Faculty

Ivan Elieff, Counsel, Ministry of Social Development and Social Innovation, Victoria, BC. Ivan Elieff has over 15 years experience as a lawyer. He has provided senior policy advice and gained a detailed understanding of government processes and operations in a number of capacities. Ivan joined the Legal Services Branch in 2007, after serving for a year and a half as a policy analyst with another department. He has given solicitor's advice primarily to the Ministry of Social Development and Social Innovation, focusing on the areas of trusts, administrative law, and statutory interpretation. He has also provided similar advice to other branches within the Ministry of Justice. Ivan has maintained a parallel part time career in the Canadian Armed Forces Primary Reserve, and is currently the reserve Deputy Judge Advocate advising Vancouver Island units through the office of the Assistant Judge Advocate General, Pacific Region. Prior to joining government, Ivan articled and practiced, primarily as a solicitor, at a private Victoria firm, after receiving his LLB from the University of Victoria in 2000.

Emma Ferguson, Associate, DLA Piper (Canada) LLP, Vancouver, BC. Emma practises in the areas of family law and wills, estates and trusts. Emma articled with the firm and afterwards joined as an associate. Before joining the firm, Emma acted as a judicial law clerk for six justices of the Supreme Court of British Columbia. Emma has a broad wills, estates and trusts practice. She advises clients on all aspects of estate and incapacity planning, including wills, alter ego and family trusts, powers of attorney and representation agreements. Emma has experience advising clients with disabilities or their family members on the use of trusts to protect government disability benefits and assists clients with applications to be appointed committee for an incapacitated family member. Emma also advises clients on the administration of estates, including applications for grants of probate and letters of administration.

Andrea E. Frisby, Associate, Legacy Tax + Trust Lawyers, Vancouver, BC. Andrea focuses her practice on assisting clients with estate and trust planning and administration. She prepares wills, trust documents, powers of attorney and representation agreements for clients, and also provides legal advice on estate and trust administration. Andrea was called to the Bar in 2008, after clerking at the BC Supreme Court. She has a broad legal background, having practised in estate and insolvency litigation, employment and administrative law prior to turning her focus to planning. Andrea is a regular author of publications in her practice areas for both legal and non-legal audiences.



Barbara Janzen, Partner, Bull, Housser & Tupper LLP, Vancouver BC. Barbara advises individuals, financial institutions and government regarding estate and trust administration matters and estate planning. She deals with all aspects of estate administration, and frequently deals with multi-jurisdictional issues, such as foreign assets, non-Canadian beneficiaries and conflicts of law, and with complex assets including digital assets and business interests. She works with high net worth individuals and their families on matters concerning wealth preservation and estate planning through the use of wills, powers of attorney, representation agreements for health care and domestic and offshore trust structures. Her practice also includes estate and trust litigation. Barbara is the immediate Past Chair of the Vancouver Branch of the Society of Trust and Estate Practitioners (STEP), and was appointed to the Uniform Law Conference of Canada working group responsible for drafting legislation on *Access to Digital Assets by Fiduciaries*. Barbara speaks frequently on estate planning and administration issues.

Ted Kuntz, Director, Planned Lifetime Advocacy Network (PLAN), Vancouver, BC. Ted is a psychotherapist with a private practice in Vancouver, British Columbia and an author. He has a Master's Degree in Counseling Psychology and more than 25 years of clinical experience. Ted and his family became one of PLAN's youngest Lifetime Members and over the years he has grown to become an active part of the future of PLAN. Ted is the current Board Chair of both PLAN and PLAN Institute.

Ian Ross, Executive Director, Strategic Policy Branch, Ministry of Social Development and Social Innovation, Victoria, BC. Ian Ross is Executive Director of the Strategic Policy Branch at the Ministry of Social Development and Social Innovation. The Strategic Policy Branch leads the development, implementation and evaluation of the Ministry's strategic policy and leads the Ministry's intergovernmental and stakeholder relations activities, which includes Federal, Provincial, Territorial (FPT) and Aboriginal partnerships and consultations with disability and poverty stakeholders. Ian has worked for the Ministry of Social Development and Social Innovation for 9 years and has led a range of social, employment, disability and accessibility policy initiatives, including regulation and legislation.

Genevieve N. Taylor, Principal, Legacy Tax + Trust Lawyers, Vancouver, BC. Ms. Taylor practises in the areas of wills, estates, trusts and related taxation including the preparation of wills, powers of attorney, representation agreements and inter vivos trusts and applications for probate and letters of administration. She regularly advises beneficiaries, trustees, executors and administrators regarding the administration of trusts and estates and has been involved in the successful conduct and settlement of estate and trust litigation. Ms. Taylor has authored and co-authored a number of papers in the area of wills, estates, trusts and adult guardianship and is a frequent speaker on these topics.

Samuel Turcott, Program Manager and Advocate, Disability Alliance BC, Vancouver, BC. Samuel Turcott is a program manager and disability advocate for Disability Alliance BC. He works with individuals to access a range of services and programs available for people with disabilities. He specializes in assisting with applications, reconsideration requests, and appeals for BC provincial disability ("PWD") benefits and supplements. Sam holds a degree in law with a specialization in social justice issues from the University of British Columbia.

Essential Tools for Disability Planning and Practice

Disability or incapacity can arise at any stage of the life-cycle, and present unique planning considerations and opportunities. Many practitioners face new issues specific to disabled and aging clients and their family members. This rapidly evolving area of law presents new focuses and challenges for lawyers, financial professionals and support persons who care for or interact with the disabled. It is imperative that these advisors and network members stay ahead of the curve on the most commonly faced issues.

PBLI's comprehensive one day program on disability planning and practice will provide you with the tools you need to navigate this developing area. You will learn how to best plan for the future, and which programs and benefits are available for current and ongoing support. Our multidisciplinary panel of experts will update you on the current state of the law as well as developing trends and upcoming changes, and will equip you with constructive advice and best practices for advising in this tricky area.

You Will Learn About:

- The basics of decision making and capacity
- Available government benefits and tax considerations when planning for a disabled person
- Planning tips and best practices for establishing and maintaining a Registered Disability Savings Plan
- Wills, trusts and other estate planning tools for disabled persons and their family members
- Methods for addressing substituted decision making
- Unique family law considerations on marriage breakdown where disabled persons are involved
- Key trends, developments and insight from the Ministry, the Public Guardian and Trustee's office and PLAN

Who Should Attend?

- Lawyers practising in the areas of estate planning, tax, elder law, family law and health law
- Estate planning specialists
- Investment managers and professionals
- Accountants providing tax and estate planning advice
- Financial planners, portfolio managers and other consultants helping clients protect wealth and minimize tax
- Health care and community support workers
- Charity and non-profit representatives from organizations focused on disability

Sarah Watson, Counsel, Office of the Public Guardian and Trustee of BC, Vancouver, BC. Sarah has been in house counsel at the Public Guardian and Trustee's Office for the past eighteen years. She has worked exclusively in the Services to Adults department since 2009, where her practice is focused on adult guardianship issues, including the review of committee applications and the rescission of committees. She also provides legal support and advice on all matters affecting incapable adults who are clients of the Public Guardian and Trustee. She graduated from the University of Victoria law school in 1994 and was called to the Bar in 1996. She has presented at numerous professional legal education courses and is co-author of the *Public Guardian and Trustee Handbook*. She served on the Board of the Canadian Mental Health Association Vancouver/ Burnaby Branch for four years.

Sadie Wetzel, Associate Counsel, DLA Piper (Canada) LLP, Vancouver, BC. Sadie practises in the areas of wills, estates, trusts and adult guardianship. Sadie advises on all aspects of estate planning, trusts and adult guardianship and regularly prepares wills, powers of attorney, representation agreements and various types of trusts. Her advice is sought by individuals who want a comprehensive estate plan and by both trustees and beneficiaries of trusts regarding the proper administration of trusts (including trusts for individuals receiving provincial disability benefits). Sadie has been recognized by Best Lawyers in Canada (Trusts and Estates) and has written extensively on wills, estate planning, trusts and provincial disability benefits. In addition to several articles, Sadie is the co-author of *Wills and Personal Planning Precedents*, *British Columbia Estate Planning and Wealth Preservation* and *Wills, Estates and Succession Act Transition Guide*. Sadie regularly presents to professional groups, and also provides, and supervises the work of colleagues who provide, legal services to qualified members of the MS Society on a pro bono basis.

Essential Tools for Disability Planning and Practice

April 12th, 2016

9:00 Welcome and Introduction by PBLI

9:05 Chairs' Welcome and Introduction

Shane Onufrechuk
KPMG LLP

Mary Hamilton
DLA Piper (Canada) LLP

9:10 Decision Making Basics: The Building Blocks

Barbara Janzen
Bull, Housser & Tupper LLP

- What is capacity?
- Who can make a decision?
- The effect of incapacity

9:40 Questions and Discussion

9:45 Government Benefits and Tax Considerations: What You Need to Know Now

Shane Onufrechuk
KPMG LLP

Samuel Turcott
Disability Alliance BC

- Federal and Provincial programs and benefits, including recent 2015 changes
- Avoiding clawbacks to benefits
- Tax credits and other income tax benefits
- 2016 revisions to the income tax rules

10:40 Questions and Discussion

10:50 Refreshment Adjournment

11:05 Old and New Ways of Thinking About Registered Disability Savings Plans

Sadie Wetzel
DLA Piper (Canada) LLP

- Planning considerations when establishing an RDSP
- Tips and traps:
  - Contributions
  - Withdrawals

11:50 Questions and Discussion

12:00 Networking Lunch

1:00 The Latest and Greatest Estate Planning Tools for Disabled Persons and Their Families

Genevieve N. Taylor
Legacy Tax + Trust Lawyers

- Testamentary planning in wills
- Inter vivos trusts
- Other opportunities and considerations

1:50 Questions and Discussion

2:00 Current Approaches to Substituted Decision Making

Andrea E. Frisby
Legacy Tax + Trust Lawyers

- Powers of Attorney
- Representation Agreements
- Advance Directives
- Appointment of Committee
- Practical applications of the planning tools

2:45 Questions and Discussion

2:55 Refreshment Adjournment

3:10 Unique Family Law Considerations

Emma Ferguson
DLA Piper (Canada) LLP

- Determining ongoing support upon marriage breakdown
- Support obligations when disability arises after marriage breakdown

3:40 Questions and Discussion

3:45 Stakeholder Roundtable: Learning From the Policy Makers

Ted Kuntz
Planned Lifetime Advocacy Network

Ian Ross & Ivan Elieff
Ministry of Social Development and Social Innovation

Sarah Watson
Office of the Public Guardian and Trustee of BC

- An update on key developments and points of interest from the Ministry of Social Development and Social Innovation; the Public Guardian and Trustee of BC; and PLAN Canada

4:45 Questions and Discussion

5:00 Chairs' Closing Remarks – Program Concludes

Information

Four Ways to Register:
1. Telephone us: 604-730-2500 or toll free 877-730-2555
2. Fax us: 604-730-5085 or toll free 866-730-5085
3. Mail your registration form with payment
4. Register at www.pbli.com/1264

Registration: The registration fee is $770.00 plus GST of $38.50 totalling **$808.50** covering your attendance at the program (in person or by live webinar), written materials, a light breakfast, a networking lunch and refreshments throughout the day.

Early Bird Discount: Register by March 11th, 2016 and receive a $100 discount on registration fee ($670.00 plus GST).

Group Discount: Register four persons from the same organization at the same time and you are entitled to a complimentary fifth registration. Early Bird and Group Discount cannot be combined.

Payment: You may pay by VISA, MasterCard or cheque. Cheques should be made payable to the Pacific Business & Law Institute. Registration fees must be paid prior to the program.

When and Where: Check-in begins at 8:30 a.m. The program starts at **9:00 a.m.** UBC Robson Square is located at the basement level of 800 Robson Street in Vancouver, BC. Please visit **http://www.robsonsquare.ubc.ca/find-us/** for directions.

Materials: The faculty will prepare papers and/or other materials explaining many of the points raised during this program. Materials will be available for pick-up at the program. Please contact us at **registrations@pbli.com** if you are unable to attend the program and wish to purchase a set of materials.

Your Privacy: We will keep all information that you provide to us in strict confidence, other than to prepare a delegate list containing your name, title, firm and city for our faculty and the program delegates. We do not share our mailing lists with any non-affiliated organization.

Cancellations: Full refunds will be given for cancellations (less a $60.00 administration fee) if notice is received in writing five full business days prior to the program (**April 5th, 2016**). After that time we are unable to refund registration fees. Substitutions will be permitted. We reserve the right to cancel, change or revise the date, faculty, content, availability of webinar or venue for this event.

Course Accreditation: Attendance at this course can be listed for up to **6.5 hours** of continuing professional development with the Law Society of BC.

Registration Form

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Essential Tools for Disability Planning and Practice

April 12th, 2016
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