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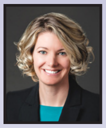
Estate Planning: The Tricky Issues

Chaired by
Emma A. McArthur
Farris, Vaughan, Wills & Murphy LLP

January 30th, 2020 • UBC Robson Square • Vancouver, BC

***Live Webinar* also available!**

Chair



Emma A. McArthur, Lawyer, Farris, Vaughan, Wills & Murphy LLP, Victoria, BC. Emma focuses her practice on estate planning, estate administration, incapacity planning and special purpose trusts. Emma develops and implements estate and tax planning strategies for individuals through the use of wills, powers of attorney, representation agreements for health care, co-ownership agreements and *inter vivos* trust documents. Emma also acts as counsel to trust companies and other financial institutions on related matters. Emma is Past Chair of the Canadian Bar Association Wills and Trusts – Vancouver section. She has taught estate planning to lawyers in training at the Professional Legal Training Course and presents regularly at continuing education conferences for lawyers, accountants and financial planning professionals. She was recognized in *Best Lawyers in Canada* and has a BV Distinguished peer-review rating from LexisNexis – Martindale-Hubbell.

Faculty

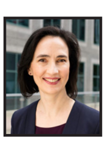
Tyler Berg, Associate, Thorsteinssons LLP, Vancouver, BC. Tyler's practice focuses on taxpayer representation and litigation. He has appeared before the Tax Court of Canada and the Federal Court. Tyler also assists in implementing tax planning structures and reorganizations for corporations, trusts, and individuals. Tyler graduated from the Juris Doctor program at the University of British Columbia, where he completed the Business Law Concentration and participated in the Bowman National Tax Moot.

Alexander Demner, Partner, Thorsteinssons LLP, Vancouver, B.C. Alexander's practice covers several areas of taxation, including owner-manager remuneration, estate planning, pre-sale and divestiture structuring, and taxpayer representation (both at the administrative appeal stage and in front of the Tax Court of Canada and beyond). Alexander has routinely advised on and implemented reorganizations for individuals, trusts, and private corporations in both the domestic and international context, and has overseen the successful resolution of several complex tax litigation matters. Alexander regularly speaks and presents at numerous conferences, seminars, and other speaking engagements, including at the Canadian Tax Foundation's 2016 Annual Tax Conference and multiple Regional Conferences, and has written several papers and articles on a variety of tax-related matters. Alexander is a former Chair of the Steering Committee of the Canadian Tax Foundation Young Practitioner's Vancouver Chapter, is a Director on the Canadian National Institute for the Blind BC & Yukon Division Board of Directors, and was recently named a CLEBC Rising Star Contributor.

Emma Ferguson, Associate Counsel, Alexander Holburn Beaudin + Lang LLP, Vancouver, BC. Emma has a broad wills, estates and trusts practice. She advises clients on all aspects of estate and incapacity planning, including wills, alter ego, joint partner and family trusts, powers of attorney and healthcare representation agreements. Emma also advises clients on the administration of estates, including applications for grants of probate and letters of administration. Emma regularly presents on topics related to wills, estates and trusts and family law, and has a particular interest in the intersection of these two areas of law. She is a member of the Canadian Bar Association (Wills, Estates and Trusts, and Family Law subsections); Vancouver Bar Association; Society of Trust and Estate Practitioners; and Estate Planning Council of Vancouver.

David Hunter, Partner, Hamilton Duncan Armstrong + Stewart Law Corporation, Surrey, BC. David has a civil litigation practice with a primary focus on estate and trust litigation and represents individuals in all levels of court in British Columbia. David joined Hamilton Duncan in 2011 after practising with a national law firm in Vancouver. He has experience in a variety of estate and trust-related disputes, including contentious estate and trust administration matters, wills variation claims, resulting trust and unjust enrichment claims, and actions involving issues of capacity and undue influence. He also has experience with elder law litigation, including committeeships and cases concerning elder financial abuse and fraud. David is also a Past President of the Fraser Valley Estate Planning Council, and was recently recognized in the 2020 Best Lawyers guide for his works in Trusts and Estates.

Mark Slay, Partner, North Shore Law LLP, North Vancouver, BC. Mark graduated from the University of Victoria law school and was called to the Bar in British Columbia in 1984. His practice is primarily in the areas of family and estate litigation. Mark has appeared at all levels of court in the province. He has been a frequent presenter at various Continuing Professional Development courses and has been active in both the CBA and local bar association organizations. Outside of the law Mark has performed in various Battle of the Bar Bands, The Lawyer Show and classic rock bands. He is also a closet Elvis impersonator.



Genevieve Taylor, Principal, Legacy Tax + Trust Lawyers, Vancouver, BC. Genevieve practises in the areas of wills, estates, trusts, and adult guardianship. Genevieve works in all aspects of trust and estate planning and administration. Her services to clients include crafting estate plans, preparing applications for probate or administration and advising executors, trustees and beneficiaries in contentious and non-contentious matters. Genevieve has authored numerous papers in the area of wills, estates, trusts and adult guardianship and is a frequent speaker on these topics. She has been recognized by *Best Lawyers in Canada* (Trusts and Estates) and *Lexpert* and is a member of the Society of Trust and Estate Practitioners. She is a former chair of the Vancouver Wills and Trusts section of the Canadian Bar Association, BC Branch and a former adjunct professor of Succession at the Allard School of Law at the University of British Columbia.

Estate Planning: The Tricky Issues

The legal landscape for estate planners is evolving. The issues involved in preparing for the future have become more diverse and complex than ever before. This program will keep you current on some of the most recent developments and challenges faced by estate planners today, bringing together leading experts on estate planning and taxation issues to provide you with practical, current advice.

You will gain a solid understanding of tricky issues and discuss potential approaches and opportunities to structure and implement estate plans that meet your clients' needs. You will leave with an up-to-date awareness of important developments in this area and how to successfully put them to work in your practice.

Key Areas To Be Addressed:

- Estate planning using trusts
- Drafting wills clauses for unique assets
- Unique considerations for preparing Powers of Attorney
- Important family law considerations
- Essential tax considerations for estate planners
- Risk management: Planning tips from a litigator's perspective

Who Should Attend?

- Wills, trusts and estate lawyers and their paralegals
- Personal representatives
- Accountants and tax professionals
- Financial planners
- Trust officers
- Notaries

Estate Planning: The Tricky Issues

January 30th, 2020

9:00 Welcome and Introduction by PBLI

9:05 Chair's Welcome and Introduction

Emma A. McArthur
Farris, Vaughan, Wills & Murphy LLP

9:10 Estate Planning Using Trusts

Genevieve Taylor
Legacy Tax + Trust Lawyers

- *Inter vivos* vs. testamentary trusts
- Alter ego and joint partner trusts
- Trusts for disabled and minor beneficiaries
- Transferring real property to trusts
- The 21-year rule

9:55 Questions and Discussion

10:05 Refreshment Adjournment

10:20 Wills Drafting: Interesting Clauses for Unique Assets

Emma Ferguson
Alexander Holburn Beaudin + Lang LLP

- Blockchain and cryptocurrency
- Intellectual property
- Pets and other unique chattels

11:00 Questions and Discussion

11:10 Unique Considerations for Preparing Powers of Attorney

Emma A. McArthur
Farris, Vaughan, Wills & Murphy LLP

- Bank requirements
- Trouble with third party acceptance
- Springing vs. immediate
- Additional powers worth including
- Multiple appointments, limited appointments and alternate appointments: Some issues for consideration
- Ways to avoid misuse and abuse

11:50 Questions and Discussion

12:00 Networking Lunch

1:00 Select Family Law Considerations

Mark Slay
North Shore Law LLP

- Valuing an interest in a trust
- Who is a spouse these days?
- Transferring assets into joint ownership with a spouse

1:45 Questions and Discussion

1:55 Refreshment Adjournment

2:10 Essential Tax Considerations for Estate Planners

Tyler Berg & **Alexander Demner**
Thorsteinssons LLP

- The tax consequences of death
- Estate freezes
- Attribution rules and *inter vivos* gifts
- Charitable donations
- Unique real estate considerations

3:00 Questions and Discussion

3:10 Planning Tips from a Litigator's Perspective

David Hunter
Hamilton Duncan Armstrong + Stewart Law Corporation

- The most commonly litigated issues
- Managing risk at the front end
- Drafting tips to avoid challenges

3:55 Questions and Discussion

4:05 Chair's Closing Remarks

4:10 Program Concludes

PBLI Pacific Business & Law Institute

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/1546

Registration: The registration fee is $820.00 plus GST of $41.00 totalling **$861.00** covering your attendance at the program, materials, a light breakfast, a networking lunch and refreshments throughout the day. In-person attendees have the option to receive their materials electronically in advance of the program, or in a hard copy binder on the day of the program. If an in-person attendee requests both hard copy and electronic materials, an additional $50 charge will apply with applicable taxes. Webinar attendees will always receive their materials electronically.

Early Bird Discount: Register by December 30th, 2019 and receive a $100 discount on the registration fee ($720.00 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. 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 (**January 23rd, 2020**). 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 **5.5 hours** of continuing professional development with the Law Society of BC.

Registration Form

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January 30th, 2020
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- ❑ **Live webinar** [PDF]

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