



Legal Education
Society of Alberta

44th Annual Refresher Course

Wills & Estates



Piecing it
Together

THE *Fairmont*
CHATEAU LAKE LOUISE

April 30 – May 3, 2011

44th Annual Refresher Course **Wills & Estates**

HONORARY CHAIR

Hon. Justice S. J. LoVecchio
Court of Queen's Bench of Alberta
Calgary, Alberta

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Court of Queen's Bench of Alberta
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Bennett Jones LLP
Calgary, Alberta

Dr. Arlin Pachet, Ph. D.
Pachet Services
Calgary, Alberta

Malcolm F. Pritchard
Pritchard & Company LLP
Medicine Hat, Alberta

KEYNOTE SPEAKER



Egil "Bud" Krogh joined the Center for the Study of the Presidency and Congress in January 2009 as a Senior Fellow on Leadership, Ethics, and Integrity, a year after speaking at the Center's National Consortium for Character-Based Leadership. Over the last 5+ years, Bud has focused on spreading the message of integrity-based decision making through youth, corporate, public service, and legal education. In 2007, Public Affairs Press published his book *INTEGRITY: Good People, Bad Choices, and Life Lessons from the White House*.

Bud's work in integrity is rooted in his experiences at the highest levels of decision-making. After a tour with the Navy during the Vietnam War followed by graduation from law school (where he was an editor at the University of Washington Law Review), Bud joined John Ehrlichman's staff as Assistant to the Counsel to the President at the beginning of Richard Nixon's first term.

During his time on the White House staff, Bud's responsibilities included District of Columbia governmental affairs, work with the early Special Investigations Unit (eventually known as the "Plumbers"), law enforcement, narcotics control policy, and transportation policy.

As co-director of the White House "Plumbers," Bud approved a covert operation as part of a national security investigation into the leak of the Top Secret Pentagon Papers to the New York Times. He later pleaded guilty to conspiracy and served four and a half months in prison. Bud has had 35 years to reflect on the lessons learned from his experience in the White House and their relevance to more recent political and business scandals. Some of his conclusions have resulted in The Integrity Zone®, a decision-making model intended to help people make choices based on integrity in their professional and personal lives.

The New *Wills & Succession Act* what's in it, and what you need to do now!

Saturday, April 30, 2011
9:00 AM - 4:30 PM

\$295 + GST

If attending the Refresher.

\$395 + GST

The New *Wills & Succession Act* seminar only.

Early Bird! \$355 + GST

The New *Wills & Succession Act* seminar only - before February 21, 2011

A substantial discount is offered for The New *Wills & Succession Act* if attending the Refresher Course. Please see the attached registration form.

CHAIR

Averie McNary
Alberta Justice
Edmonton, Alberta

FACULTY

Dennis J. Pelkie Q.C.
Borden Ladner Gervais LLP
Calgary, Alberta

Janice Henderson-Lypkie
Lypkie Henderson
Edmonton, Alberta

Jodie Hierlmeier
Alberta Justice
Edmonton, Alberta

Barbara A. Krah
Fraser Milner Casgrain LLP
Calgary, Alberta

Lois J. MacLean
de Villars Jones
Edmonton, Alberta

The *Wills & Succession Act*, which was introduced to the legislature on November 1, 2010, will come into force in early 2012. This allows a year for practitioners to learn about the statute and to prepare their practices and clients for the new law. Attend this seminar and gain a general overview of what's new and walk away with tips on what you need to do to prepare yourself and your clients.

ACCOMMODATIONS: The Fairmont Chateau Lake Louise

RESERVATIONS



111 Lake Louise Drive
Lake Louise, Alberta T0L 1E0
FAX: 403.522.3834
CALL: 1.866.540.4413
or 1.800.441.1414

SPECIAL RATE: \$265 per night (applicable taxes and resort fees extra)
Standard Fairmont Lakeview Room

LESA has obtained this room rate by contracting a total meeting package at the Fairmont Chateau Lake Louise. LESA must meet certain minimum food & beverage and hotel room pickup requirements or LESA will face attrition and/or meeting room rental. In order for LESA to continue to provide a reasonable registration fee, we need your help. Please take advantage of the room rate we have negotiated. (*There are a limited number of Fairmont Mountain View Rooms available*).

Reservations must be made no later than March 30th, 2011 for conference rate.

To reserve a room, please call The Fairmont Chateau Lake Louise at **1.866.540.4413** or call the central reservation line **1.800.441.1414**. To obtain the LESA group rate, please note that you are with the Legal Education Society of Alberta. **Your hotel reservation DOES NOT constitute registration in the course.**

Online hotel reservations: <https://resweb.passkey.com/go/legaled>

ARRIVAL

Check-in time is 4:00 PM, Check-out time is 12:00 noon. If you require a late check-in, please notify the hotel. Otherwise, reservations are held until 6:00 PM. Early departure fee is in effect. Departure date can be changed with no penalty up to and including check-in time.

PARKING

Parking rates for guests staying at The Fairmont Chateau Lake Louise are \$15 per day for self-parking. Valet parking is available for \$25 per day.

LOSS PREVENTION REBATE



SERVING
the
PUBLIC
INTEREST

The Law Society of Alberta has approved this course as a Loss Prevention Program entitling the lawyer attending six sessions to a rebate of **\$75** on their Alberta Professional Liability Insurance levy. These rebates will be paid directly by The Law Society of Alberta following the course and are payable once a year.

Please provide LESA with your Law Society roll number on the registration form in order to receive this rebate.

SATURDAY, APRIL 30, 2011

9:00 AM - 4:30 PM

The New *Wills & Succession Act*

FACULTY: (For list, see previous page)

Wills – Creation & Revocation

INSTRUCTOR: Lois J. MacLean, de Villars Jones

The new Act substantially changes the law concerning the creation and revocation of a will, particularly with respect to the impact of marriage and divorce on validity. This discussion will look at the changes both for planning new wills, and the effect of the changes on existing wills.

10:00 AM - 10:15 AM Coffee & Networking Break

Wills – Interpretation & Validation

INSTRUCTOR: Barbara A. Krahn, Fraser Milner Casgrain LLP

This topic will focus on issues related to the interpretation and validation of wills. In particular, it will highlight changes to the *Wills Act*.

Matrimonial Property Division on Death

INSTRUCTORS: Janice Henderson-Lypkie, Lypkie Henderson; Jodie Hierlmeier, Alberta Justice

Death is now a triggering event under the *Matrimonial Property Act*. What principles govern matrimonial property division on death? What is the new process to be followed to bring a matrimonial property action on death? How does this tie into a claim under the *Dependants Relief Act*?

12:30 PM - 1:30 PM Networking Lunch

Family Maintenance & Support – Dependent Relief

INSTRUCTOR: Dennis J. Pelkie Q.C., Borden Ladner Gervais LLP

Know who has the right to claim maintenance and support from an estate. We will also discuss what matters the Court will consider when an application is made.

SATURDAY.....Continued

Family Maintenance & Support – Possession of the Family Home

INSTRUCTOR: Lois J. MacLean, de Villars Jones

More than one lawyer has been faced with a dispute as to possession of the home of a recently deceased person. This discussion will look at this topic in light of the provisions of the new WSA and some of the proposed changes in the family law area.

2:30 PM - 2:45 PM Coffee & Networking Break

Survivorship

INSTRUCTOR: Dennis J. Pelkie Q.C., Borden Ladner Gervais LLP

Learn how to deal with an estate when everyone dies at once.

Amendments to the *Family Law Act*

INSTRUCTOR: Barbara A. Krahn, Fraser Milner Casgrain LLP

We will discuss amendments to the *FLA* which will impact succession law.

Advancement and Abolition of Presumption

INSTRUCTOR: Jodie Hierlmeier, Alberta Justice; Averie McNary, Alberta Justice

The Act relegates a number of outdated common law presumptions to the dustbin. The impact of these abolitions will be reviewed and discussed as well as the new provisions dealing with advancement. We plan to generate some discussion about how the new provisions might be used.

Intestacy

INSTRUCTOR: Lois J. MacLean, de Villars Jones

The *Intestate Succession Act* is being rolled into the new *Wills and Succession Act*, and there are significant changes to the legislated share of the surviving spouse and children. There are also changes to what happens if there is no spouse or children.

Registration & Reception

5:00 PM - 7:00 PM

Refresher course registration. Join us for an informal reception and meet your colleagues as we kick off the conference!

SUNDAY, MAY 1, 2011**7:30 AM - 8:15 AM Continental Breakfast****8:15 AM - 8:30 AM Course Welcome**

Paul F. Wood, Legal Education Society of Alberta

HONORARY CHAIR: Hon. Justice S. J. LoVecchio, Court of Queen's Bench of Alberta**8:30 AM - 11:30 AM****Integrity****HONORARY CHAIR:** Hon. Justice S. J. LoVecchio, Court of Queen's Bench of Alberta**KEYNOTE SPEAKER: Bud Krogh**

In his course, *INTEGRITY: Good People, Bad Choices, and Life Lessons from the White House*, Egil "Bud" Krogh describes his **unique experiences on Richard Nixon's White House staff**. He explains how the "slippery slope" of little decisions that lack integrity - such as a police badge for Elvis Presley, the fat content in the American hot dog, and a botched nomination of a US Supreme Court Justice can lead to a major meltdown such as a break-in to the office of Dr. Louis Fielding, Dr. Daniel Ellsberg's psychiatrist. Dr. Ellsberg had leaked the **Pentagon Papers**, a top secret history of the Vietnam War, to the New York Times. This leak infuriated President Nixon and he instructed Mr. Krogh that such leaks "would not be allowed." The Fielding break-in led to **Watergate**, a massive cover-up, and the first resignation of a serving US President. From his experience, Krogh has developed The Integrity Zone®, a model for making decisions that are based on integrity and are whole, right, and good. He offers examples of how critical it is to be aware of the context in which one is working to avoid external and internal threats to integrity, including secrecy, groupthink, pressure for results, arrogance, misplaced loyalty, and blind ambition.

Model Mode of Conduct**INSTRUCTOR:** Ross G. McLeod Q.C., The Law Society of Alberta

The Federation of Law Societies of Canada has proposed a Model Code of Conduct - What can lawyers expect? Our new Code will look a little different. Ross will introduce the model code and provide guidance for lawyers for implementation.

SUNDAY.....Continued**11:30 AM - 12:25 PM Networking Lunch****12:30 PM - 2:00 PM Plenary**

Getting to Know You...Getting to Know All About You...

CHAIR: Helen R. Ward, Duncan & Craig LLP**Know Your Client****INSTRUCTOR:** Barbara J. Kimmitt, Bennett Jones LLP

Hear an update on case law and a review of lawyer's duties when capacity is an issue. What is the duty when taking instructions? What types of notes should practitioners be taking following a meeting? What questions are you asking and how are you asking those questions? Leave with practical tips to know your client!

Capacity**INSTRUCTOR:** Dr. Arlin Pachet, Ph. D., Pachet Services

Dr. Arlin Pachet, neuropsychologist, Pachet Assessment & Rehabilitation Services Inc., will lead a discussion focused on capacity providing lawyers with ideas of things to look for when dealing with clients.

2:00 PM - 2:15 PM Coffee & Networking Break**Bringing your spouse?***The Art of the Reception*

Join us Monday at 1 PM for a cooking class including canapés, hors d'oeuvres, and simple food decorations.

Limited spots are available! See registration form to register.

Learn secret recipes and tricks of the trade from the Fairmont Chateau Lake Louise Chefs. Let us show you how to impress your guests with recipes that show how easy it can be to make a fantastic impression! (\$35 + GST)

SUNDAY.....Continued

2:15 PM - 3:30 PM Breakout Sessions
Planning and Drafting Considerations
CHAIR: F. Murray Pritchard, Milne Pritchard

Option 1: Farm Transition Issues

CHAIR: Dean L. Gallimore FCA*CBV, KPMG

This topic will focus on tax issues arising from intergenerational transfers of farm property, both during a taxpayer's lifetime and also on death. Dean will touch on tax traps involving these transactions and will provide you practical information for your assistance.

Option 2: US Property Issues

CHAIR: Gregory J. Gartner Q.C., Felesky Flynn LLP

Attend this session to learn how to recognize and avoid tax issues arising from clients holding US properties during their lifetime and upon death.

Option 3: Trusts

CHAIR: James R. Farrington, Krushel Farrington

This topic will cover the 'softer side' of trusts including trustee responsibilities, practical considerations when setting up trusts, and trustee remuneration.

MONDAY, MAY 2, 2011

7:30 AM - 8:25 AM Continental Breakfast

8:30 AM - 11:30 AM Plenary Session
To Show You The Way
CHAIR: Dennis J. Pelkie Q.C., Borden Ladner Gervais LLP

Surrogate Forms

INSTRUCTOR: Karen M. Rackel Q.C., Rackel Belzil LLP

Join us for a review of the Surrogate Rules, the exceptions and how to work your way through the guiding principles. We will discuss sample changes to forms, the philosophy behind them and discuss experiences on when to make changes.

Duties to Beneficiaries

INSTRUCTOR: Karen A. Platten Q.C., McLennan Ross LLP

Learn about the duties and obligations of a personal representative beyond good faith.

MONDAY.....Continued

Prudent Investor Principles

INSTRUCTOR: Craig M. Jones Q.C., Felesky Flynn LLP

Discuss the application of the prudent investor principles as they relate to tax implications on trusts.

11:30 AM - 12:25 PM Networking Lunch

12:30 PM - 3:30 PM Plenary Session
Minding the Fort
CHAIR: Paul J. Dunn, Greenan O'Neil Dunn

Estate Claims

INSTRUCTOR: Nancy L. Golding Q.C., Borden Ladner Gervais LLP

This will cover the role of a personal representative where the estate is facing claims from beneficiaries and statutory claims.

Estate Debts

INSTRUCTOR: Sherrilynn J. Kelly, Parlee McLaws LLP

This topic will cover statute barred and other unenforceable debts in estate administration.

RDSPs & RESPs

INSTRUCTOR: Monica Johnson, Office of the Public Trustee

Compare and contrast RDSP and RESP. Learn about RDSPs, their issues and advantages and what happens upon the death of the holder or the beneficiary. Learn about RESPs, the issues and challenges during the administration of the estate and what happens upon the death of the subscriber.

GALA BANQUET & LIVE MUSIC



Join us Monday
for an evening
of good food and
good company.

5:30 - 6:00 PM
Cocktails

6:00 - 7:30 PM
Dinner and
Entertainment

Additional tickets are available for \$95 + GST
(gratuities included) please see the registration
form on the reverse side of this brochure.

TUESDAY, MAY 3, 2011**7:30 AM - 8:25 AM Continental Breakfast****8:30 AM - 11:30 AM Plenary Session*****Adult Guardianship and Trusteeship Act*****CHAIR: Cynthia Bentz, Office of the Public Trustee****AGTA Panel Discussion**

INSTRUCTORS: Hon. Justice B. L. Rawlins, Court of Queen's Bench of Alberta; C. Suzanne McAfee Q.C., Office of the Public Trustee; Brenda Lee Doyle, Office of the Public Guardian; Malcolm F. Pritchard, Pritchard & Company LLP

The *Adult Guardianship and Trusteeship Act* contains a number of changes from the previous *Dependant Adults Act*. This session will discuss the underlying philosophy of the AGTA.

The panel will review the changes and provide practice tips on completing the required forms for guardianship and trusteeship applications. Throughout the session we will explain the numerous safeguards which the AGTA contains to ensure assisted or represented adults' rights are protected and how those safeguards impact your role.

The panel will explain the more rigorous capacity assessment, screening of suitability of all new decision makers and the ability for any interested party to make a written complaint about the actions of a co-decision maker, guardian and/or trustee.

The Public Guardian's Office will explain their new roles in the capacity assessment, the role of the review officer, complaints officer and investigator.

Hear from the bench on the various applications that make their way to the courts and what you can do to assist in ensuring a successful application.

**Practice Tips, Review Officers,
Applications Under the AGTA,
A View From the Bench...**

***You will not want to miss
this unique session!***

TUESDAY.....Continued**11:30 AM - 12:25 PM Networking Lunch****12:30 PM - 3:30 PM Plenary Session*****How to Avoid Unnecessary Estate Litigation: When Reason Doesn't Prevail and Common Sense Fails*****CHAIR: Hon. Justice B. L. Rawlins, Court of Queen's Bench of Alberta****Alternative Dispute Resolution**

INSTRUCTOR: Peter J. M. Lown Q.C., Alberta Law Reform Institute

The new Rules make some kind of consideration of ADR appropriate. Discuss how best to use the ADR process to address your key issues and the expectations of mediation.

When to Call a Mentor

INSTRUCTOR: Roy D. Boettger Q.C., Field LLP

When reason, compromise and circumstance fail to resolve issues in conflict, how can you mitigate litigation problems?

Litigation Plans

INSTRUCTOR: Anne S. de Villars Q.C., de Villars Jones

Discuss what a litigation plan should look like and the types of applications you may need to put it in place.

Refresher registration includes:**Opening reception****3 Continental breakfasts****3 Networking lunches****6 Networking breaks****1 Gala banquet ticket****Course materials**

REGISTRATION FORM

www.lesa.org

44th ANNUAL REFRESHER COURSE - WILLS & ESTATES

PLEASE CHECK ALL THOSE THAT APPLY:

- ☐ Refresher Course May 1 - 3, 2011, **\$1,845 + GST**
- ☐ Refresher Course May 1 - 3, 2011, **EARLY BIRD! (Before February 21, 2011) \$1,595 + GST**
- ☐ The New Wills & Succession Act April 30, 2011 (If attending the Refresher Course) **\$295 + GST**
- ☐ The New Wills & Succession Act April 30, 2011 (only) **\$395 + GST**
- ☐ The New Wills & Succession Act April 30, 2011 (only) **EARLY BIRD! (Before February 21, 2011) \$355 + GST**
- ☐ My spouse will be participating in "The Art of the Reception" on Monday at 1 PM, **\$35 + GST**
- ☐ I will be attending the Gala Banquet on May 2, 2011 (Included in Refresher Course registration fee)
- ☐ I will require _____ additional Gala Banquet tickets **\$95 + GST (gratuities included) per additional ticket**

**Refresher Course registration fee includes:
opening reception, 3 continental breakfasts,
3 lunches, 6 networking breaks, 1 Gala
Banquet ticket, and course materials.**

SUBTOTAL: _____

+ 5% GST: _____

TOTAL: _____

BREAKOUT SESSIONS: Sunday PM (May 1, 2011)

To best prepare our space, please select which optional session you plan to attend.

- ☐ Option 1: Farm Transition Issues ☐ Option 2: US Property Issues ☐ Option 3: Trusts

REGISTRATION AND PAYMENT

NAME: _____ ROLL NO.: _____

NAME FOR TAG: _____

NAME FOR GUEST TAG: _____

FIRM: _____ PHONE: _____ FAX: _____

ADDRESS: _____ EMAIL: _____

CITY: _____ ☐ MASTERCARD ☐ VISA EXPIRES: _____

PROVINCE: _____ POSTAL CODE: _____ CARD NUMBER: _____

DIETARY RESTRICTIONS/SPECIAL NEEDS: _____

(Please make cheques payable to the Legal Education Society of Alberta)

CANCELLATIONS Registration fees, less an administrative fee of **\$250 + GST**, will be refunded for cancellations received in writing at least 14 days prior to the course. Refunds cannot be given after that date, however course materials, if any, will be forwarded. Registrant substitution is permitted at all times.

REGISTER BY MAIL: Legal Education Society of Alberta Suite 2610, 10104 - 103 Avenue Edmonton, Alberta T5J 0H8

FAX: 780.425.0885 **REGISTER ONLINE:** www.lesa.org **EMAIL:** lesa@lesa.org

PHONE: 780.420.1987, Toll Free Within Alberta 1.800.282.3900

LESA Privacy Policy can be found online at www.lesa.org

GST REGISTRATION NUMBER: R122368533

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Mixed Sources

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