

MARK YOUR CALENDAR

May 5–7, 2019 (Lake Louise)



Legal Education
Society of Alberta

52nd Annual Refresher: Family Law

ACHIEVING EXCELLENCE TOGETHER

KEYNOTE SPEAKER

Hon. Chief Justice Mary Moreau
Court of Queen's Bench of Alberta
Edmonton, Alberta

Sunday, May 5

IMPROVE YOUR PRACTICE BY

exploring some of the most front-of-mind
topics in family law today, including:

- family law court practices and upcoming changes;
- legislative changes, including the *Family Statutes Amendment Act* and Bill C-78;
- arbitration in family law;
- death and divorce;
- how lawyers in other practice areas support family lawyers; and
- current issues in family law.

Visit on.LESA.org/Refresher2019 for full program details and registration options.

HONORARY CHAIR

Hon. Justice M. David Gates

Court of Queen's Bench of Alberta | Calgary

KEYNOTE SPEAKER

Hon. Chief Justice Mary Moreau

Court of Queen's Bench of Alberta | Edmonton

SESSIONAL CHAIRS

Hon. Justice Debbie A. Yungwirth

Court of Queen's Bench of Alberta | Edmonton

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Daunais McKay + Harms | Calgary

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Bell and Stock LLP | Calgary

John-Paul E. Boyd

John-Paul Boyd Arbitration Chambers | Calgary

Tina Huizinga

Huizinga Di Toppa Coles & Layton | Edmonton

Michelle Mackay

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Court of Queen's Bench of Alberta | Calgary

Deputy Chief Judge Lillian K. McLellan

Provincial Court of Alberta | Calgary

Assistant Chief Judge Ken A. Holmstrom

Provincial Court of Alberta | Edmonton

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Sharon Numerow

Alberta Divorce Finances | Calgary

Krysta H. Ostwald

Widdowson Kachur Ostwald Menzies LLP | Calgary

Michele J. Reeves

Attia Reeves | Edmonton

John Tobin

KPMG LLP | Calgary

SESSION 1

INTERSECTIONS: WHAT DO OTHER LAWYERS BRING TO THE FAMILY LAW TABLE?

Sessional Chair: Pam L. Bell

The Corporate Divorce: Where Corporate Law and Family Law Collide

Presenter: Catherine Gerrits

A 'corporate divorce' entails situations when shareholders in a corporation are spouses or common law partners and want to separate their corporate property as part of their overall division of property in divorce. Family lawyers must understand the corporate law remedies available to address shareholder conflicts (and director conflicts) that often arise during this process. Gain best practice tips for identifying your client's potential personal liability in respect to acting as a director/officer or agent of the corporation, and recognizing agreements that can address such liabilities.

The Intersection of Family and Immigration Law

Presenter: Michael Greene QC

Family lawyers are often faced with issues that can arise because one or both parties are not a Canadian citizen. Missteps by family lawyers may have dire immigration consequences for their clients. Become aware of common immigration issues so that you can flag potential problems. Understand how immigration issues may affect your cases and when to consult an immigration specialist.

The Intersection of Family Law and Bankruptcy

Presenter: Daniel Jukes

Unfortunately, financial issues and marital strife frequently go hand in hand. Gain a solid understanding of some of the basic legal consequences of bankruptcy, including how bankruptcy may impact support claims, matrimonial property claims, and matrimonial orders and agreements.

Tips to Make Divorce Less Taxing

Presenter: Sharon Numerow

Divorcing couples can minimize income tax with creative solutions for property division and spousal support. It is also beneficial for many income tax return issues to be negotiated and properly worded in separation agreements (e.g. amount for an eligible dependent, legal fees, spousal support). Gain a better understanding of these issues, and consider how the Canada Child Benefit can net divorcing taxpayers much needed dollars if CRA's rules are followed.

Tips, Trips, Traps: A Tale of Two Systems

Presenter: Michele J. Reeves

Despite a frequent overlap of family and criminal law, many of us last considered criminal law in law school. Even a keen family lawyer who swiftly prepares an Affidavit in an EPO matter where criminal charges are laid, may be in fact compromising that client in the criminal matter. Know when to "phone a friend" so you can provide your client with effective and professionally responsible representation.

SESSION 2

DEATH AND DIVORCE: WHAT HAPPENS WHEN ESTATE MATTERS INTERSECT WITH FAMILY LAW PROCEEDINGS

Sessional Chair: Heather L. McKay QC

Death During Divorce

Presenter: Patricia L. Daunais QC

No one ever has ever died of a divorce, but some have died during a divorce... Nothing is certain but death and taxes. Explore these two idioms through practical scenarios and receive answers to questions such as: What happens when a separated spouse dies, but matrimonial property and divorce proceedings have not yet commenced? What happens when a spouse dies, and a matrimonial property order has been granted, but the order has not been acted upon or enforced in any manner? Can you still have a Family Maintenance and Support claim? What happens if there is no will?

Tax Issues Relating to Death and Divorce

Presenter: John Tobin

Discuss common and sometimes complex tax matters, such as those related to property transferred between spouses in settlement of rights arising out of their marriage or resulting from the death of an individual during the matrimonial property settlement process. Review inadvertent tax issues that may result from provisions in a will or matrimonial property agreement upon the death of an individual.

Death and Divorce: Common Considerations

Presenter: Heather L. McKay QC

Review common considerations for addressing the possible death of a party when advising clients, drafting agreements, and interpreting clauses in agreements. Discover the meaning of the clauses we typically use in our agreements (such as “binding on estate”) as they relate to property and to support. Explore the effects of the *Family Statutes Amendment Act* on how we practice family law, the advice we give our clients, and how we draft our agreements.

SESSION 3

LEGISLATIVE REFORM AND ARBITRATION

Sessional Chair: John-Paul E. Boyd

Advanced Issues in the Arbitration of Family Law Disputes

Presenters: Sherry L. Kachur QC, Doug Moe QC, Wayne A. Barkauskas, Brad Mustard, and Krysta H. Ostwald

Gain insight from an experienced panel on new and emerging issues at the frontier of family law arbitration, including: designing processes that are proportionate to the value and complexity of the issues, hearing the voice of the child in arbitration, taking an evaluative approach to mediation in med-arb processes, and understanding arbitrators’ procedural decisions.

Legislative Update

Presenter: John-Paul E. Boyd

Review recent changes to the *Family Law Act* and the *Matrimonial Property Act*. Discuss the amendments proposed to the *Divorce Act* in Bill C-78 and the impact these amendments may have on your practice.

Attacking Arbitration Agreements

Presenters: Jonathan F. Griffith, Peter Hryniuk, and Jessica A. MacDonald

Costs, lengthy wait times for court intervention, and the desire of parties to avoid “airing their dirty laundry” on the public record are just some of the reasons arbitration has become more common in family law proceedings. Discuss recent developments in the law with respect to arbitration agreements and appeals, including how the courts have interpreted and applied the *Arbitration Act* to address these issues. Analyze critical issues to consider before and after your client signs an arbitration agreement.

SESSION 4

CURRENT ISSUES IN FAMILY LAW

Sessional Chairs: Tina Huizinga and Michelle Mackay

Dependency in the Age of Millennials

Presenter: Tina Huizinga

How long are parents required to support their children? How far does “other cause” go for them to remain dependent? Are parents required to fund all wanted activities and education regardless of cost? What are the courts saying about these issues? What are the effects of the *Family Law Statutes Act*? Engage in an interactive exploration of these and other key child support issues that arise in family law files.

Spotlight on Spousal Support: Retroactive, Stay, Suspension, Variation, and Termination

Presenter: Michelle Mackay

What are the differences? What are the tests? What do you need to know? Focus on updates to legislation, case law, and the evidence required to be successful in each circumstance.

To Disclose or Not Disclose; That Is the Question...

Presenter: Aaron D. Martens

How far do *Roseberry* and *Cunningham* go, and what about privacy rights of employees, customers, and other shareholders? When do we need experts to weigh in, and when do they step into the role of advocate? How do we present expert reports in chambers, and should we? When is a disclosure request too much? Examine these and other fundamental disclosure issues that can arise in family law files.

Income Obligations in Today’s Economic Climate

Presenter: Krysta H. Ostwald

What happens to income in a separation that occurs during harder economic times? How do we impute income when a payor has a job loss and returns to school, or where a dependent spouse is a perpetual student? Engage with the panel on these highly emotionally charged issues, and gain insight from other attendees on their experiences managing these kinds of complex files.

Panel Discussion

Discuss tips and traps of chambers advocacy and practice, and hear suggestions panelists have received over the years.

SESSION 5

THE COURT PERSPECTIVE: IF I KNEW THEN WHAT I KNOW NOW

Sessional Chair: Hon. Justice Debbie A. Yungwirth

Panel Discussions: Hon. Justice C.S. Anderson, Deputy Chief Judge Lillian K. McLellan, and Assistant Chief Judge Ken A. Holmstrom

What Does the Court Need for Parenting and Support Applications?

When family relationships end, parties may face parenting (custody) issues and financial disadvantages flowing from the relationship or its termination. Explore the factors under the *Divorce Act* and *Family Law Act* that judges must consider. Learn what kind of information should be included in applications, get tips for presenting these cases, and consider the impact of child protection proceedings on these types of applications.

Applications for Costs: Do They Require Preparation in Advance?

Much time and energy is spent in preparing for a court application, but preparation to speak to costs is often lacking and submissions are made on the fly. Learn what the court may be looking for in an application for costs and in a response to an application for costs.

What Is Required for a Well Drafted Order?

Proper drafting of orders is necessary for the court record, for the client's file, and for the litigants involved. Discuss the importance of clarity in regard to what was ordered, preambles, and timeliness of completion, and explore what to do when there is a dispute about what was granted.

Desk Divorces: What Is Causing Your Application to be Rejected?

The rejection rate for desk divorce applications is high. Review the common reasons for rejection and discuss unique situations. We will consider the obligation to ensure the court is provided with the information it needs, including information related to step-children and current income information for the parties.

Moving Files Through the System: How Can You Move a Stalled File Forward?

From time to time, we see files stalled in the system. Develop strategies for moving a file toward a conclusion, including settlement conferencing and other alternatives to trial.

Self-Represented Litigants: What are Some Approaches That Work?

The growing number of self-represented individuals in family disputes presents challenges to all participants in the justice system. Gain insight on these matters from a judicial perspective, and consider the impact of *Pintea v Johns*, 2017 SCC 23, relative to the treatment and management of self-represented individuals by the courts.

WHO SHOULD ATTEND

This program is intended for lawyers with experience in family law.



Program materials will be provided to all registrants in **electronic format only** and will be available for download in advance.

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REFRESHER ADD-ON PROGRAM

How to Practice Family Law and Not Go Crazy
Saturday, May 4 | 9:00 AM–4:00 PM (*Lunch is included*)

Register for both Refresher + Refresher add-on program and pay only **\$395 + GST** for **How to Practice Family Law and Not Go Crazy**. Visit on.LESA.org/Refresher2019 for registration options.

Chocolate Tasting | Guest Activity | 1:30 PM–2:30 PM

This unique opportunity is the perfect Monday afternoon activity for your guests to enjoy! They'll immerse themselves in the tastes, textures, and smells of craft single origin chocolate. **\$35 + GST** per person. Contact us for details.

Banquet Dinner | Monday, May 6 | 6:00 PM–9:00 PM

Registration in the Refresher includes 1 banquet ticket. Additional banquet tickets are available for **\$125 + GST** per person. Contact us for details.

THANK YOU The success of our programs relies on the generous contributions of time, talent, and energy from all our volunteers. We greatly appreciate the work of our volunteers and their service to the profession.

SCHEDULE AT-A-GLANCE

+ SATURDAY, MAY 4 REFRESHER ADD-ON

How to Practice Family
Law and Not Go Crazy
9:00 AM–4:00 PM

REFRESHER
REGISTRATION &
OPENING RECEPTION
5:00 PM–7:00 PM

SUNDAY, MAY 5
Breakfast & Registration
7:45 AM–8:15 AM

Sessions
8:15 AM–4:30 PM
Session 1
Keynote Address
Session 2

MONDAY, MAY 6
Breakfast
7:45 AM–8:30 AM

Sessions
8:30 AM–4:30 PM
Session 3
Session 4

BANQUET DINNER
6:00 PM–9:00 PM
Additional banquet tickets
available for purchase.

TUESDAY, MAY 7
Breakfast
7:45 AM–8:30 AM
Session
8:30 AM–12:30 PM
Session 5

REGISTER ONLINE

on.LESA.org/Refresher2019



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Extra savings!

BUNDLE & SAVE:

Register for both the Refresher and Refresher add-on program and save **\$100+**. For details and registration options visit on.LESA.org/Refresher2019

Refresher registration includes:

- 3 continental breakfasts
- 3 networking lunches
- 1 banquet ticket
- electronic course materials

How to Practice Family Law and Not Go Crazy (May 4 only)

Early Bird: **\$495 + GST** (Register on or before **March 19, 2019**) | Regular: **\$545 + GST**

52nd Annual Refresher: Family Law (May 5–7 only)

Early Bird: **\$2,095 + GST** (Register on or before **March 19, 2019**) | Regular: **\$2,295 + GST**

Accommodations: A block of standard Fairmont rooms has been reserved at **\$291/night** (\$279 + \$12 per person service charge). Applicable taxes, parking, and resort fees extra. Each extra person sharing a room over double occupancy will be charged an additional \$30 per night (children under 18 sharing a room with parents are exempt). Contact us for details. There are a limited number of rooms available at this rate. Special room rates are in place for other room categories as well.
**If the room block is sold out before April 2, 2019, the hotel will offer the next best available rate.*

Hotel Arrival and Departure: Check-in time is 4 PM. Check-out time is 12 PM. Cancellation and early departure fees are in effect; however, you can change or cancel your reservation or your departure date with no penalty up to and including 72 hours before check-in time.

GUARANTEE: We take pride in offering high quality programs. If this program does not meet your expectations, please contact us.

CANCELLATIONS: Registration fees, less a **\$250.00** administration fee, will be refunded for cancellations received in writing at least **14** full business days prior to the program. Refunds cannot be given after that date; however, program materials, if any, will be forwarded. Registrant substitution is permitted at all times.

RECORDING: This program may be audio/video recorded and retained by LESA for the purpose of providing legal education.

QUESTIONS? Contact us at info@lesa.org.

LESA's Privacy Policy: LESA.org
GST Registration Number: R122368533

HOTEL RESERVATION

<https://resweb.passkey.com/go/lesa2019>

OR RESERVE BY PHONE

Reservations Department: **1.403.522.1830**
Global Reservation Centre: **1.800.441.1414**

To obtain the LESA group rate, please mention LESA2019

NOTE: Hotel reservations do not constitute registration in the Refresher or Refresher add-on program.

PROGRAM REGISTRATION

on.LESA.org/Refresher2019