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HOT TOPICS IN ESTATE PLANNING

Chaired by

Emma A. McArthur

Farris, Vaughan, Wills & Murphy LLP

January 27th, 2016 • UBC Robson Square • Vancouver, BC

Live Webinar also available!



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CHAIR



Emma A. McArthur, Associate, 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* (2015 and 2016), and has a BV Distinguished peer-review rating from LexisNexis – Martindale-Hubbell.

HOT TOPICS IN ESTATE PLANNING

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 provide a comprehensive over-view of 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:

- Best practices for deathbed planning
- Opportunities and considerations for planned giving
- How to best navigate the new tax laws surrounding charitable donations
- Estate administration in consideration of WESA and the corresponding Rules of Court
- The scope and role of the testamentary trust in the current tax and legal environment
- Family law considerations surrounding the use of trusts and when they become family property

WHO SHOULD ATTEND?

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

FACULTY



Michael Blatchford, Associate, Bull Housser & Tupper LLP, Vancouver BC. Michael works with charities, not-for-profit organizations and other entities in the voluntary sector and advises on all aspects of their operations and governance, helping them to effectively carry out their programs while complying with regulatory obligations. Michael is the co-founder and co-chair of the BC Charity and Non-Profit Law Section of the Canadian Bar Association. Michael's clients include registered charities and non-profit organizations in every area, and he also assists professional bodies, associations, clubs and religious and faith-based organizations. Michael advises these clients with regard to governance, meetings, fundraising and tax matters, as well as legal compliance. Michael represents organizations in their dealings with regulators, including the Canada Revenue Agency. He advises on fundraising and receipting issues for charities and has assisted numerous charities in carrying out their work abroad. He also provides advice to charities and not-for-profit organizations that carry on a social enterprise or other revenue generating activities. Michael works with donors to plan and implement charitable gifts and other structures for effective philanthropy.



Stephanie Daniels, LLB, TEP, Farris, Vaughan, Wills & Murphy LLP, Vancouver, BC. Stephanie is a partner in the Tax and Wealth Management Group at Farris. Since her call to the bar in 2004, Stephanie has practised in the areas of taxation, wealth management, and trust and estate planning. She has completed Parts I and II of the Canadian Institute of Chartered Accountants In-depth Tax Course and the Minerva Foundation of British Columbia's Women Leading the Way course. Stephanie joined Farris, a full service firm, in 2009 after practising for five years at Legacy Tax + Trust Lawyers, a boutique tax and estate planning firm. As an expert in both tax and estate planning, Stephanie creates tax-effective estate plans (including estate freezes and family trusts) and corporate structures for families and high net worth individuals. Stephanie also establishes charitable organizations and assists charities with their tax compliance matters. She is a frequent presenter and author, a member of the Canadian Tax Foundation, the Society of Trust and Estate Practitioners and the Canadian Bar Association's Tax, Wills & Trusts and Business subsections, and served for five years as a director of the Association of Women in Finance.



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.



Anna Laing, Partner, Fasken Martineau DuMoulin LLP, Vancouver, BC. Anna Laing's practice bridges estates and family law and she has a particular interest in how these areas of law intersect. She is a firm believer in alternate dispute resolution but will proceed to Court when her clients' interests require it and has acted as counsel at all levels of Court. Anna has been recognized by *The Best Lawyers in Canada* for 2015-16 in the areas of Family Law and Trusts and Estates; and is listed in the *Canadian Legal Expert Directory* as "repeatedly recommended" in the areas of Estate & Personal Tax Planning - Estate Litigation and Estate & Tax Planning. Anna is the former Chair of the Will and Trusts Section- Vancouver, of the Canadian Bar Association. She also taught wills drafting to lawyers in training at the Professional Legal Training Course (1999- 2006) and is a regular contributor to continuing education seminars for other lawyers.



Rebecca Morse, Partner, Farris, Vaughan, Wills & Murphy LLP, Vancouver, BC. Rebecca's practice is focused on corporate and commercial litigation matters. She has experience in a broad variety of areas including estate litigation, trust disputes, corporate and commercial matters and matters involving administrative law and judicial review. She has acted for a variety of corporations, individuals and financial institutions. Rebecca has appeared before the British Columbia Supreme Court as well as the British Columbia Court of Appeal. She has also represented clients in matters before the High Court of Justice of England and Wales.



Ingrid Tsui, Partner, Alexander Holburn Beaudin + Lang LLP, Vancouver, BC. Ingrid advises individuals regarding estate planning and estate administration, including wills, trusts, incapacity planning and other tools to achieve effective estate planning results. Ingrid regularly updates a chapter of the CLE Probate Practice Manual and the annotated *Power of Attorney Act*. She is a member of the Estate Planning Council of Vancouver, and has written and lectured on a wide variety of estate planning topics for both legal and non-legal audiences.

HOT TOPICS IN ESTATE PLANNING

JANUARY 27TH, 2016

9:00 Welcome and Introduction

Emma A. McArthur

Farris, Vaughan, Wills & Murphy LLP

9:10 Deathbed Planning Done Right

Emma A. McArthur & Rebecca Morse

Farris, Vaughan, Wills & Murphy LLP

- Validity (capacity, undue influence and execution requirements)
- A witness is more than just a witness
- Beyond the legal test – looking at the medical evidence
- The risky business of deathbed planning
- When you can't help – knowing when to walk away

10:00 Questions and Discussion

10:10 Refreshment Adjournment

10:25 Planned Giving: How You Can Support the Causes that Matter to You

Michael Blatchford

Bull, Housser & Tupper LLP

- Bequests
- Life insurance
- Donor advised funds
- Private foundation issues
- Gifts of residual interest

11:15 Questions and Discussion

11:20 Ensuring Your Charitable Donation Gets the Credit it Deserves

Stephanie Daniels

Farris, Vaughan, Wills & Murphy LLP

- Implications of the new tax rules for charitable giving
- *Inter vivos* planning
- Donations in wills
- Beneficiary designations
- Donations from alter ego and joint partner trusts

12:10 Questions and Discussion

12:20 Networking Lunch

1:30 Estate Administration in Consideration of WESA and the Corresponding Rules of Court

Ingrid Tsui

Alexander Holburn Beaudin + Lang LLP

- Estate administration rules to consider when creating an estate plan
- Discussion of default administration provisions which affect planning
- Tips for creating an effective estate plan which compliments administration rules

2:20 Questions and Discussion

2:30 Refreshment Adjournment

2:45 Pulling the Plug on the Testamentary Trust?

Andrea E. Frisby

Legacy Tax + Trust Lawyers

- Life support for existing testamentary trusts
- Reviving the planning: Future testamentary trusts
- Alternative planning choices

3:35 Questions and Discussion

3:45 No Trust in Trusts: Should You Rely on Trusts to Protect Against Property Division?

Anna Laing

Fasken Martineau DuMoulin LLP

- When will trust property and trust interests be at risk?
- Is there a way to quantify the value of a trust interest?
- The claims that can be made in the estate freeze context

4:35 Questions and Discussion

4:45 Chair's Closing Remarks

4:50 Program Concludes

INFORMATION

Four Ways to Register:

1. Telephone us: 604-730-2500 or toll free: 1-877-730-2555
2. Fax us: 604-730-5085 or toll free: 1-866-730-5085
3. Mail your registration form with payment
4. Register at www.pbli.com/1218

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 December 29th, 2015 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://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 (**January 20th, 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 **6.25 hours** of continuing professional development with the Law Society of BC.

Registration Form

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☐ In person ☐ Live webinar

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