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The WESA Effect: Where Are We Now?

Chaired by

Sally Dennis
Farris, Vaughan, Wills & Murphy LLP

September 25th, 2018 • UBC Robson Square • Vancouver, BC

***Live Webinar* also available!**

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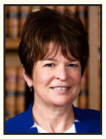
Chair

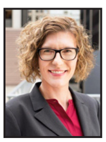


Sally Dennis, Partner, Farris, Vaughan, Wills & Murphy LLP, Vancouver, BC. As head of Farris' private wealth group, Ms. Dennis provides advice on all aspects of inter-generational wealth transfer and estate and business succession planning. She also provides trustee advisory and estate administration services. She has law degrees from Oxford, UBC and UVic and has practised in Vancouver since the mid-80s, initially as a business/securities/M&A lawyer at a major national firm, but as a trusts and estate planning lawyer for the last decade or so. Ms. Dennis is a member of the Society of Trust and Estate Practitioners and the Estate Planning Council (Vancouver), and holds a certificate in family enterprise advising from the UBC Sauder School of Business. She is a director of Rugby Canada and the CKNW Kids' Fund.

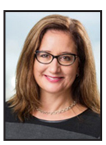
Faculty

Jeffrey Bichard, Associate, Legacy Tax + Trust Lawyers, Vancouver, BC. Jeffrey is a member of Legacy's Trusts, Estates & Estate Planning group. Jeffrey's practice focuses on assisting clients with estate administration and estate planning. He advises executors and trustees on administering trusts and estates, and beneficiaries of their rights and interests in trusts and estates. Jeffrey also assists clients with preparing wills, powers of attorney, representation agreements, trusts and related planning documents. Jeffrey clerked at the British Columbia Court of Appeal before being called to the bar and joining Legacy. Jeffrey is a member of the Canadian Bar Association and a student member of STEP Canada.

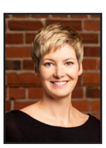
Amy Francis, Principal, Legacy Tax + Trust Lawyers, Vancouver, BC. Amy received a Bachelor of Arts (Honours) from the University of British Columbia in 1994 and a Bachelor of Laws from the University of Toronto in 1999. She was called to the bars of British Columbia and Ontario in 2001. Amy has practised in the litigation departments of national law firms in both Toronto and Vancouver. Prior to joining Legacy, she worked as a tax litigator for the federal Department of Justice. Amy is ranked as "Consistently Recommended" by Lexpert and is named in Best Lawyers in Canada for Trusts and Estates. She is an adjunct professor at Allard School of Law at UBC where she teaches succession law. Amy advises clients on Wills Variation Act actions, validity of wills actions, trust claims, contentious administration issues, and committeeships.



Andrea E. Frisby, Principal, 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 has authored numerous papers in the areas of wills, estate, trusts and capacity issues and is a frequent speaker on these topics. Andrea is a member of the Society of Trusts and Estate Practitioners (STEP) and holds a TEP.



Michelle L. Isaak, Partner, DLA Piper (Canada) LLP, Vancouver, BC. Ms. Isaak practises in the areas of wills, estates and trusts, advising clients on all aspects of estate, trust and incapacity planning. A significant portion of her practice is devoted to advising executors, trustees and beneficiaries on estate and trust administration issues, such as obtaining representation grants; administering assets and trusts; resolving disputes; and passing accounts, both informally and through the court. Michelle has particular expertise in complex trust and estate administration issues such as multijurisdictional estates, insolvent estates, estates administered under the *Indian Act*, and estates where an heir may be responsible for the death of the deceased.



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* (2018), and has a BV Distinguished peer-review rating from LexisNexis – Martindale-Hubbell.

Amy Mortimore, Partner, Clark Wilson LLP, Vancouver, BC. Amy's practice is solely estate and trust litigation. She represents executors and trustees, beneficiaries, trust companies, NPOs, charities, and committees. Amy has been named to Best Lawyers in Canada for Trusts and Estates for 2017 and 2018. She contributes to continuing legal education in many ways, including numerous presentations and papers on estate and trust law, serving on the Board of Directors of the Continuing Legal Education Society of BC, and co-chairing the Women Lawyers Retreat Committee for the Trial Lawyers Association of BC.

The WESA Effect: Where Are We Now?

The *Wills, Estates and Succession Act* (WESA) came into force in early 2014. WESA was viewed as a transformative piece of legislation that would significantly reform the law of succession, estate planning and estate administration. Nearly five years in, has this really been the case?

This Forum brings together leading practitioners to examine and discuss the impact WESA has had, looking at everything from procedural changes to unexpected consequences, and what the courts have had to say to date. You will leave with a better understanding of current practice under WESA, how the rules and procedures have really affected estate planning and administration and how best to work within the WESA framework going forward.

Key Areas Addressed:

- An overview of the fundamental changes WESA made and what has changed in practice
- What the courts have said about sections 58 and 59, and what will-makers and executors can learn from the cases
- What has changed for personal representatives
- Some practical applications of WESA including multiple wills
- The practical impact of WESA on probate and tips for navigating the new regime

Who Should Attend?

- Lawyers of all levels advising on wills, trusts and estates
- Estate planning specialists
- Accountants providing tax and estate planning advice
- Financial planners, investment managers and other professionals involved in estate and wealth management
- Paralegals
- Notaries

Josh Schmidt, Partner, Schmidt & Gilmour Tax Law LLP, Vancouver, BC. Josh restricts his practice to tax litigation, including representation for criminal tax evasion. Josh has appeared before the Tax Court of Canada, British Columbia Provincial Court, British Columbia Supreme Court, and British Columbia Court of Appeal. Prior to founding Schmidt & Gilmour Tax Law LLP, Josh practised tax at two national tax boutiques, working on tax litigation as well as tax planning for corporations, individuals, trusts and partnerships. He is a member of the Canadian Tax Foundation and has completed the CPA's In-Depth Tax Course. Josh is a regular speaker on tax matters for both legal and non-legal audiences.

Richard Weiland, Partner, Clark Wilson LLP, Vancouver, BC. Richard's practice is focused on tax and estate planning. He helps clients to realize their business and succession goals in a tax-effective manner. He also advises trustees on estate and tax matters. Richard teaches Taxation of Trusts and Estates as an adjunct professor at the Peter A. Allard School of Law at UBC, and regularly speaks and writes on tax and estate matters for professional and lay audiences.

The WESA Effect: Where Are We Now?

September 25th, 2018

9:00 Welcome and Introduction by PBLI

9:05 Chair's Welcome and Introduction

Sally Dennis
Farris, Vaughan, Wills & Murphy LLP

- An overview of the day
- The international experience

9:25 Innovative or Ineffective? How WESA Stacks Up

Richard Weiland & **Amy Mortimore**
Clark Wilson LLP

- An overview of WESA's notable changes
- What has WESA *really* changed about the way we practice?
- Have the main objectives of WESA been achieved?

10:20 Questions and Discussion

10:30 Refreshment Adjournment

10:45 Multiple Wills

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

- When are multiple wills a good idea?
- How did WESA help?
- Practical tips: drafting and dealing with the probate registry

11:10 Questions and Discussion

11:15 Napkins & Notes: WESA Sections 58 and 59

Amy Francis
Legacy Tax + Trust Lawyers

- Case law update
- Practical advice for will-makers and for executors

12:05 Questions and Discussion

12:15 Networking Lunch

1:15 Administering Estates Under WESA

Michelle L. Isaak
DLA Piper (Canada) LLP

- What has changed for personal representatives?
- Practical tips for navigating the process

2:05 Questions and Discussion

2:15 Refreshment Adjournment

2:30 Tax Rectification in Disguise?

Josh Schmidt
Schmidt & Gilmour Tax Law LLP

- Using wills variation legislation to rectify tax errors
- Supreme Court of Canada's stance on rectification

2:55 Questions and Discussion

3:00 The Practicalities of Probate Under WESA

Andrea E. Frisby & **Jeffrey Bichard**
Legacy Tax + Trust Lawyers

- How the process has changed
- The practical impact of WESA on probate applications
- Tips for navigating the new regime

3:50 Questions and Discussion

4:00 Chair's 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/1440**

Registration: The registration fee is $770.00 plus GST of $38.50 totalling **$808.50** 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. Webinar attendees will always receive their materials electronically.

Early Bird Discount: Register by August 27th, 2018 and receive a $100 discount on the 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. 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 (**September 18th, 2018**). 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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September 25th, 2018
UBC Robson Square, Vancouver, BC

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