Debra L. Stephens, Counsel

PRACTICE

Debra is Counsel to WEL Partners and practices exclusively in the following areas:

- Passing of Accounts
- Guardianship
- Fiduciary appointments and representation
- Estate administration
- Mediation

EXPERIENCE

Debra Stephens was called to the Bar of Ontario in 1982. Her practice initially focused on family, estate, trust and guardianship issues. Since 1998 she has specialized in estate litigation, administration and planning.

Debra has worked in private legal practice for most of her career. Prior to joining WEL Partners as Counsel, she practiced at Goddard Gamage Stephens LLP, a firm that specializes in estate and trust matters and guardianship and elder law. Before joining GGS, Debra was The Children's Lawyer for the Province of Ontario. The Office of the Children's Lawyer is responsible for providing legal services to children in various proceedings before Ontario courts and tribunals. Prior to her appointment as The Children's Lawyer, Deb was with Schnurr Kirsh Stephens, a firm that also specializes in trust, estate and mental incompetency issues.

Debra has been an adjunct professor with the University of Toronto Law School teaching estates and trust law, has taught the Estate Law Clerk programme at Humber College, and has lectured on estates, trusts and guardianship issues at Osgoode Hall Law School and for the Osgoode Professional Development programme. Debra is a frequent lecturer and has chaired programmes for the Law Society of Upper Canada, the Ontario Bar Association, regional Estate Planning Councils, and other professional and community organizations. Debra has also authored numerous articles related to estates, trust, insurance, guardianships, and family law.

WEL PARTNERS

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PROFESSIONAL ASSOCIATIONS AND MEMBERSHIPS

Law Society of Upper Canada

The Canadian Bar Association

The Ontario Bar Association

Toronto Lawyers Association

LEGAL EMPLOYMENT HISTORY

April 2017 - Present	WEL PARTNERS, Counsel
October 2010 – March 2017	GODDARD GAMAGE STEPHENS LLP Practice restricted to estate, trust and guardianship (mental incompetency) issues.
August 2008 - 2010	Appointed Children's Lawyer for Ontario An Order-in-Council appointment. The Office of the Children's Lawyer is a branch of the Ministry of the Attorney General. This office investigates, advocates, protects and represents, in proceedings before the courts and tribunals of Ontario, the personal and property rights and obligations of children. Responsible for the delivery of these services on behalf of children across Ontario. In addition to managing a budget in excess of $30 million. 11 property rights lawyers, 13 personal rights lawyers and 11 clinical investigators (social workers), and over 40 other employees as well nearly 600 panel members across Ontario.
January 2001 – August 2008	SCHNURR KIRSH STEPHENS Practice restricted to estate, trust and guardianship issues. In addition to an extensive litigation practice, I specialized in estate administration and planning. While with Schnurr Kirsh Stephens, I appeared in the Ontario Superior Court (including the Estates List, Commercial Court, Bankruptcy Court), the Divisional Court and the Ontario Court of

Appeal.

Significant litigation has been undertaken as agent for The Children's Lawyer involving assets with a value in excess of $100 million, for Lawpro as preferred counsel in defending claims against counsel for amounts in excess of $5 million, on behalf of and against major trust companies, and on behalf of individual clients. A number of these decisions were reported in the Estates and Trusts Reports.

Solicitor's work included complex estate planning involving *inter vivos* trusts, *alter ego* trusts, primary and secondary wills, trusts for the disabled, and substitute decision making documentation. I have also acted, and continue to act, as co-estate trustee and co-attorney for a number of individuals and am very familiar with accounting and income tax issues as they relate to individuals and estates.

1999-2000	HUGHES DORSCH GARLAND COLES STEPHENS Practice primarily involved family and estate litigation, with ancillary involvement in preparation of estate planning documentation and domestic contracts. I appeared in the Ontario Court of Justice, the Ontario Superior Court of Justice, Divisional Court, the Ontario Court of Appeal.
1987 – 1998	Partner, MILLS & MILLS Primary areas of practice were family law and estates litigation, but I was counsel in other civil litigation matters involving shareholder and franchise claims, real property disputes, and child protection issues. I was exposed to many of these areas as an associate and articling student at Mills & Mills, and had the requisite experience in all of these areas.
1982 -1987	Associate, MILLS & MILLS
1981-1982	Articling Student, MILLS & MILLS

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1978-1980	Research Assistant to Professor Graham Parker, Osgoode Hall Law School, York University
1974-1977	Summer Student, CBC WOOD GUNDY

EDUCATION AND QUALIFICATIONS

1982	Called to the Ontario Bar
1980	LL.B. - Osgoode Hall Law School, York University Family Law Intensive Programme, York University
1977	B.A. - Queen's University, Kingston, Ontario Recipient of Queen's Anniversary Scholarship

PROFESSIONAL INVOLVEMENT

2010 – present	Section Executive, Ontario Bar Association – Estates and Trustees; Member of Estates List Users Committee
2008	Adjunct Professor, University of Toronto Law School - Wills and Estate Planning
2002 - present	Speaker, Estates and Trust Forum
1990 - present	Frequent Speaker - Forums and groups other than those noted above: Law Society of Upper Canada Continuing Legal Education Programmes; Ontario Bar Association Programmes, (Operation Update, Trusts, Trustees and Trusteeships, Civil Litigation and Estates Breakfast and Dinner Programmes); Seminars for Financial Planners; Bank of Nova Scotia Trust Company Luncheon Series; other community groups and charities.
1982 - present	Member, Ontario Bar Association, Family and Trusts and Estates Sections; Member, Toronto Lawyers Association, Canadian Bar Association
2005 - 2008	The Teresa Group - Volunteer Speaker and Development of Wills Clinic

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2002, 2006	Presentations to The Children's Lawyer on Estate and Incapacity Planning, and on Family Law Issues
2002	Member, Organizing Committee, Osgoode Reunion
2001 – 2008	Volunteer – AIDS and HIV Wills Clinic

PUBLICATIONS | PRESENTATIONS | MEDIA

2014 *"The Ins, Outs and Idiosyncrasies of Life Insurance Litigation in the Context of an Estate and Trusts Practice"* paper authored by Debra L. Stephens with the assistance of Nicole Davidson, presented at the Seventeenth Annual Estates and Trust Summit, Day One – November 3, 2014

Ontario Bar Association Essential Tax Issues Every Litigator Should Know *"Key Strategies for Settling Dependant's Relief Claims in a Tax Efficient Manner"* paper authored by Debra L. Stephens and Brian Wilson of Wilson Vukelich LLP, presented on October 9, 2014

"Client Interview, Fact Gathering and Investigation" paper authored by Debra L. Stephens and Heather Mountford presented at the Osgoode Professional Development CLE Managing, Mediating and Litigation Estate Disputes, September 24, 2014

"Trustee Resignation / Removal / Passing Over – When is a renunciation not a renunciation" paper authored by Debra L. Stephens for the Law Society of Upper Canada Programme: The Six Minute Lawyer, April 29, 2014

"Funding Support After Death – Drafting and Use of Insurance Trusts" paper authored by Debra L. Stephens presented at the 8th Annual Family Law Summit, March 31, 2014

2013 "Privilege *& Confidentiality in the Estate/Substitute Decision Making Context"* paper authored by Debra L. Stephens and Kathryn Balter presented at the 16th Annual Estates and Trusts Summit – Day One, November 11, 2013.

"Estate Planning & Fraudulent Conveyance: When Does Estate Planning the Line and Become a Fraudulent Preference?" paper authored by Kimberly A. Whaley of Whaley Estate Litigation and Debra Stephens of Goddard Gamage Stephens presented at B'Nai Brith Canada CLE for Lawyers & Accountants Fraud and Estate Litigation, June 4, 2013.

"*Managing, Mediating and Litigation Estate Disputes – Client Interview, Fact Gathering and Investigation*" – paper authored by Debra L. Stephens and Heather Mountford, presented at Osgoode Professional Development CLE, June 3, 2013.

2012 *"Passing of Accounts",* paper authored by Archie Rabinowitz and Debra Stephens, presented at Estate Litigation Practice Essentials Program, October 30, 2012.

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“*A GPS for Directionless Trusts”,* paper presented at the Frontenac and 1000 Islands Conference, September 28 and 29, 2012.

“Pointers, Pitfalls and Other Observations”, presented to Wellington County Estate Planning Council on February 2, 2012 and presented to Dufferin County Estate Planning Council on May 8, 2012

“Trust to Trustees, Marrying Family and Estate Practices”, presented at the Kissing Cousins Program, May 1, 2012.

2011 *Chair, ADR Section, Ontario Bar Association presentation. The Family Conference: Talking About Taboos, November 3, 2011.*

The Use of Insurance as Security for Family Law Support Obligations: Checklists: Precedents presented at the Family Law Summit, February 4, 2011: reprinted in Money and Family Law, Carswell, August and September, 2011, editor, Barry Corbin and Lome H. Wolfson: also reprinted CALU Report, December 2011, and for the Moncton, New Brunswick Bar Association Newsletter.

2010 *The Family Statute Law Amendment Act, 2009, presented at the 13th Annual Estates and Trusts Summit, November 18, 2010.*

Dependant's Relief Claims, Toronto CALU Presentation, October 29, 2010

Update Presentation to the National Association, Public Guardians and Trustees Bi-Annual Conference, June 2010, Newfoundland.

Presentation to the National CALU Conference, May 2010: Avoiding Estate Litigation, Ottawa

Select Issues Involving Family and Estate Law and Children, Osgoode Hall Law School, Professional Development Programme, May 2010.

Children and the Law, Osgoode Hall Law School lecture.

2009 *“Stuff' the OCL thinks is more interesting than the recession, Law Society of Upper Canada Programme: 12th Annual Estates and Trust Summit.*

Update of Trust Issues for Family Law Practitioners, Law Society of Upper Canada Programme: 3rd Annual Family Law Summit.

The Ontario Experience, Association of Family and Conciliation Courts Annual Conference, New Orleans.

The New Children's Lawyer, Child and Family Services Review Board.

Ten Things that Give the Children's Lawyer Headaches (or "Why I'm going grey faster than Obama"). Estate Planners Council, London.

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Cat's Cradle: Meet the New Children's Lawyer, Annual Institute of Family Law, Ottawa.

Trusts: When is a Termination a Variation? Law Society of Upper Canada Programme: The Six-Minute Lawyer.

Family Law - The Voice of the Child, Law Society of Upper Canada Programme - panel member.

"State of the Union" address, Ontario Court of Justice, Judges Conference.

2008 *Minor Settlements: How to Ensure Court approval, Ontario Bar Association Programme: The Essentials of Settlement: From Offers to Handshakes.*

Co-host of National Association of Public Trustees and Guardians Bi-Annual Conference.

Insurance Declarations and Trust, Ontario Bar Association Programme: Trusts, Trustees and Trusteeships.

Ontario Court of Justice - Family Law Program.

2007 *Mutual Wills: A Primer, Law Society of Upper Canada, Continuing Legal Education Seminar.*

Removal of Trustees, Chapter 13, Estate Litigation, Brian A. Schnurr, Carswell.

2006 *Removal of Trustees and Attorneys, 9 Annual Estates and Trusts Summit, November 2, 2006.*

Trustees - Know When to Hold'em; Know When to Fold'em, Ontario Bar Association Programme: Trusts, Trustees and Trusteeships.

Joint Ownership Issues, Law Society of Upper Canada, Continuing Legal Education Seminar.

2004 *Recent Developments in Estate Litigation, Ontario Bar Association, Operation update, with Sender Tator.*

2003 *10 Ways to Avoid Having Lawyers Make Money From Your Client's Estate, Financial Planners Seminar.*

2002 *Solicitor and Client Privilege in Contested Estate Matters - Ontario's Approach, 5th*

Annual Estates and Trusts Forum. Reprinted 2010 for the Advanced Intensive Osgoode Programme, Estates, Wills and Trusts, March 2010.

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1999 *Powers of Attorney and health Care Directives and Special Needs Children, Seminar for Financial and Insurance Specialists.*