

## CLE for Lawyers & Accountants

### POWER OF ATTORNEY DISPUTES

#### TUESDAY, MAY 23, 2017 PRESENTERS



**CHARLES WAGNER**  
Wagner Sidlofsky  
LLP Chair, Trusts  
& Estates group



**ANDREW FELKER**  
Walker Head Lawyers



**GREGORY SIDLOFSKY**  
Wagner Sidlofsky LLP



**JORDAN ATIN**  
Hull & Hull LLP



**THE HON. SUSAN E. GREER**  
Retired Judge,  
Ontario Superior  
Court of Justice



**SUSAN STAMM**  
Office of The  
Children's Lawyer,  
Ministry of the  
Attorney General



**CLARE BURNS**  
WeirFoulds LLP



**DR. NATHAN HERRMANN**  
Sunnybrook Health  
Sciences Centre



**MARSHALL SWADRON**  
Swadron Associates



**JOHN CLEGG**  
Scotia Private  
Client Group



**IAN HULL**  
Hull & Hull LLP



**RABBI MORDECHAI TORCZYNER**  
Rosh Kollel,  
YU Kollel, Toronto



**RICHARD COUTINHO**  
Office of the Public  
Guardian and  
Trustee, Ministry of  
The Attorney General



**ARCHIE RABINOWITZ**  
Gowling WLG



**CRAIG VANDER ZEE**  
Torkin Manes LLP



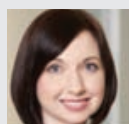
**BRENDAN DONOVAN**  
Wagner Sidlofsky LLP



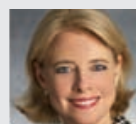
**FELICE KIRSH**  
Schnurr Kirsh  
Oelbaum Tator LLP



**KIMBERLY WHALEY**  
WEL Partners



**ANGELIQUE MOSS**  
Casey & Moss LLP



**MELANIE YACH**  
Aird & Berlis LLP

**Shaarei Shomayim Synagogue | 470 Glencairn Avenue, Toronto**  
**REGISTRATION & BREAKFAST FOR MAY 23, 2017: 7:30 AM**  
**PROGRAM: 8:00 AM-12:00 NOON. COST \$118 PLUS HST**

To register, contact Elyse Gruenspan at 416-633-6224 x109

egruenspan@bnaibrith.ca or online at [www.bnaibrith.ca/trustsandestates](http://www.bnaibrith.ca/trustsandestates)

**This program is eligible for substantive CPD  
hours required of Lawyers by the LSUC**

Sponsored By: B'nai Brith Canada, Bank of Nova Scotia Trust Company,  
Hull & Hull LLP, Torkin Manes LLP, Wagner Sidlofsky LLP and WEL Partners



## Power of Attorney Disputes

### CLE Program



**Charles Wagner**  
Wagner Sidlofsky LLP  
Chair, Trusts & Estates

As I indicated in last week's edition, on May 23rd the B'nai Brith Canada Estates and Trusts Group is presenting its annual continuing legal education seminar for lawyers and accountants on power of attorney disputes. Our seminars qualify for CPD hours and this year we are working with a unique format.

Today's article is about the second vignette and the panel discussion that will follow. Jordan Atin of Hull & Hull LLP will play the mediator meeting with the two fictional litigants. Emily (played by Felice Kirsh of Schnurr Kirsh Oelbaum Tator LLP) and Saul (played by Craig Vander Zee of Torkin Manes LLP) will be arguing about Emily's handling of their parents' money and her inability to provide an accounting. This is often the most contentious issue because an attorney who has not kept proper records gives rise to suspicions of wrong doing and possible court sanction.

Emily has no receipts for any of the money she spent. When asked to explain she indignantly says that she never pretended to be a professional accountant. Her parents appointed her to the position so they

knew what they were getting. She claims that the missing cash is due to donations she made to poor people. She asks, "Do you think poor people give receipts or take cheques?" She also claims to have paid cash to the caregivers to save money and suggests that her parents always paid cash for services why shouldn't she. Saul does not believe her and accuses his sister of taking the money herself. The mediator explains that unless the parties compromise a court may draw an adverse inference against Emily and hold her personally liable for the unsubstantiated withdrawals.

The panel discussion that follows will be chaired by Kimberly Whaley of WEL Partners. The topic of the panel will be Power of Attorney & Accounting. The panelists will discuss issues like the accounting obligations of an attorney for property, the law of adverse inference, and accounting when minors are involved.

The panel is made up of The Honourable Susan E. Greer of Amicus Chambers, Melanie Yach of Aird & Berlis LLP and Susan Stamm of the Office of the Children's Lawyer.



**KIMBERLY WHALEY**  
WEL Partners



**THE HON. SUSAN E. GREER**  
Retired Judge,  
Ontario Superior Court of Justice



**MELANIE YACH**  
Aird & Berlis LLP



**SUSAN STAMM**  
Office of The  
Children's Lawyer,  
Ministry of the Attorney General

The event will take place on May 23rd, 2017 at Shaarei Shomayim-Synagogue at 470 Glencairn Avenue, Toronto, Ontario M5N 1V8 and is open to lawyers and accountants. To reserve your place please contact Elyse Gruenspan at B'nai Brith Canada at (416) 633-6224 or [egruenspan@bnaibrith.ca](mailto:egruenspan@bnaibrith.ca)