



Albert Oosterhoff

Barrister & Solicitor

Professor Emeritus, Faculty of Law, Western University

Firm Counsel, Whaley Estate Litigation Partners

EDUCATION

Western University, London ON, JD, 1964; BA, 1968

The Law Society of Upper Canada, Toronto ON, Barrister, 1966

University of Toronto, Toronto ON, LLM, 1970 (Thesis: *The Prudent Man Rule in Trust Investments*)

EMPLOYMENT AND ASSOCIATIONS

WEL Partners / Whaley Estate Litigation, Toronto ON
Counsel, 2014 to date

The University of Toronto, Toronto ON
Adjunct Professor, 2005 - 2013 (teaching Trusts)

The University of Western Ontario, London ON
Associate Professor, 1972-80
Professor 1980-2005
Associate Dean (Student Affairs), 1982-85
Associate Dean (Administration) 1989-92
Acting Dean, 1999-2000
Associate Dean (Academic) 2001-03
Retired June 30, 2005, with title Professor Emeritus
Member of the University Senate for three terms and served on numerous University and Faculty Committees

University of Windsor, Faculty of Law, Windsor ON
Assistant Professor, 1969-70
Associate Professor, 1970-72, with tenure

Shepherd, McKenzie, Plaxton, Little & Jenkins, Barristers & Solicitors, London ON
Articles of Clerkship, 1964-65
Associate, 1966-68

HONOURS

Distinguished Service Award, Ontario Bar Association, 2019.

Award for Excellence in Trusts and Estates Law, Ontario Bar Association (Trusts and Estates Section), 2019.

Named Honorary Member by the Society of Trust and Estate Practitioners, 2019.

ACADEMIC SPECIALIZATION

Property, Wills, and Trusts.

I have taught the Property, Wills, and Trusts courses for most of my academic career, as well as courses in Real Estate Transactions, and Legal Research, Writing and Advocacy.

PUBLICATIONS

Articles

“Fiduciary Compensation and Passing of Accounts” (2019), 50 *The Advocates Quarterly* 54-79.

“Implications of *Re Milne Estate*: Are Multiple Wills the Tip of the Iceberg?” *STEP Inside*, January 2019, vol. 18, No. 1, pp. 3-7 (co-author Katy Basi).

“Powers of Attorney for Property and Personal Care: The Good, the Bad, and the Ugly” *STEP Inside*, January 2019, vol. 18, No. 1, pp. 10-11 (co-author Corina Weigl).

“Predatory Marriages” (2018) 48 *The Advocates Quarterly* 253-338. (Co-author Kimberly A Whaley).

“Locus of Title in an Unadministered Estate and the Law of Assent” (2018) 48 *The Advocates Quarterly* 41-79.

“The Discrete Functions of Courts of Probate and Construction” (2017), 46 *The Advocates Quarterly* 316-373.

- “Trust Law Reform: The Uniform Trustee Act” (2015), 34 Estates, Trusts and Pensions Journal 329-356.
- “Predatory Marriages – Equitable Remedies” (2015), 34 Estates, Trusts and Pensions Journal 269-287. (Co-author Kimberly A. Whaley).
- “Predatory Marriages” (2013), 32 Estates, Trusts and Pensions Journal 24-63.
- “Indemnity of Estate Trustees as Applied in Recent Cases” (2013), 41 Advocates Quarterly 123-147.
- “Mutual Wills” (2008), 27 Estates, Trusts and Pensions Journal 135-157. Republished with permission in *Blended Families: Practical Estate Planning Considerations* (Vancouver: Continuing Legal Education Society of British Columbia, May 2010).
- “Secret and Half-Secret Trusts” (2007), 26 Estates, Trusts and Pensions Journal 173-196.
- “Testamentary Capacity, Suspicious Circumstances, and Undue Influence” (1999), 18 Estates, Trusts and Pensions Journal 369-395.
- “Consequences of a January/December Marriage: A Cautionary Tale” (1999), 18 Estates, Trusts and Pensions Journal 261-284.
- “Great Expectations: *Spes Successionis*” (1998), 17 Estates, Trusts and Pensions Journal 181-201.
- “Succession Law in the Antipodes: Proposals for Reform in New Zealand” (1996-97), 16 Estates and Trusts Journal 230-256.
- “The New Quebec Trust” (1990-91), 10 Estates and Trusts Journal 322-333.
- “The Law of Covenants: Background and Basic Principles” (1991), 4 National Real Property Law Review 25-45; reprinted (1993), 2 National Real Property Law Review (2d) 166-209.
- “Some Aspects of Support of Dependants” (1983), 12 Estates and Trusts Reports 197-204.
- “Religious Institutions and the Law in Ontario: An Historical Study of the Laws Enabling Religious Organizations to Hold Land” (1981), 13 Ottawa Law Review 441-468.
- “The Effect of Death on Familial Obligations” (1981), 23 Reports of Family Law (2d) 272-299.
- “The Application of the Rule in *Howe v. Earl of Dartmouth* to Residuary Real Property” (1980), 5 Estates and Trusts Quarterly 127-145.
- “Indemnification of Trustees: The Rule in *Hardoon v. Belilios*” (1978), 4 Estates and Trusts Quarterly 180-194.
- “The Law of Mortmain: An Historical and Comparative Review” (1977), 27 University of Toronto Law Journal 257-334.

“Problems in Ascertaining Lives in Being under Ontario's Perpetuities Act (On Limiting Lives and Relevant Factors)” (1977), 4 Estates and Trust Quarterly 119-133. (Co-author: Gordon D. Cudmore).

“Reform of the Law of Succession in Ontario” (1976), 3 Estates and Trusts Quarterly 191-285.

Comments and Annotations

“Causative Mistake of Sufficient Gravity, or Retroactive Tax Planning? A Comment on *Re Pallan Trust*” (2015), 35 Estates, Trusts and Pensions Journal 135-145. Reprinted in Histrop, Estate Planning Precedents, A Solicitor’s Manual.

“Marriage – Validity – Marriage between elderly man with Alzheimer’s disease and younger woman invalid for lack of capacity” (2001), 20 Estates, Trusts and Pensions Journal 115-123.

“Wills — Beneficiaries — Rights while testator is living - Whether beneficiary, having been granted intervenor status, can veto settlement entered into by testator’s litigation guardian in proceedings against testator’s former attorney” (2000), 19 Estates, Trusts and Pensions Journal, 257 - 262.

Case Comment: *Gennaro v. Gennaro* (2 R.F.L. (4th) 179), (1994), 2 Reports of Family Law (4th Series) 184-189.

“Wills — Ademption — Devise to A for life, then to sell and pay the proceeds to B — Testator selling property — Whether remainder interest adeemed” (1989), 9 Estates and Trusts Journal, 191-198.

“Family Law — Election — Effect on Other Gifts in Will — Acceleration” (1989), 9 Estates and Trusts Journal, 187-190.

“Assents” (1988), 9 Estates and Trusts Journal 83-86.

“Wills — Delegation of Will-Making Power — General Powers of Appointment — Validity” (1988), 9 Estates and Trusts Journal 1-12.

“Dependants' Support — New Principles under the Succession Law Reform Act” (1982), 6 Estates and Trusts Quarterly, 1-10.

“Support of Adult, Capacitated Beneficiaries” (1980), 7 Estates and Trusts Reports, 166-168.

“Support of Adult, Capacitated Beneficiaries” (1980), 7 Estates and Trusts Reports, 166-168.

“Circumventing Capital Endowments in Favour of Charity” (1980), 7 Estates and Trusts Reports, 129-132.

“Wills — Void Conditions — Conditions Precedent — Distinction Between Conditions Malum Prohibitum and Malum in Se — Applicability in Canada” (1980), 5 Estates and Trusts Quarterly 97-106.

“Remedial Constructive Trusts — Matrimonial Property Disputes — Justice and Equity or ‘Palm Tree’ Justice?” (1979), 57 Canadian Bar Review 356-373.

Blog Posts

“Gifts Over on Death Before Receipt”. <http://welpartners.com/blog/2020/05/gifts-over-on-death-before-receipt/>. 7 pp.

“Executing Wills and Powers of Attorney During the Pandemic”. <http://welpartners.com/blog/2020/04/executing-wills-and-powers-of-attorney-during-the-pandemic/>. Posted 23 April 2020. 6 pp.

“Can You Sever a Joint Tenancy by a ‘Zombie’ Transfer”? <http://welpartners.com/blog/2020/04/can-you-sever-a-joint-tenancy-by-a-zombie-transfer/>. Posted 9 April 2020. 5 pp.

“Modernizing the Law of Wills in Manitoba”. <http://welpartners.com/blog/2020/03/modernizing-the-law-of-wills-in-manitoba/>. Posted 30 March 2020. 7 pp.

“Locus of Title in an Unadministered Estate Redux”. <http://welpartners.com/blog/2020/02/locus-of-title-in-an-unadministered-estate-redux/>. Posted 10 February 2020. 5 pp.

“Bare Trusts and Perpetuities?” <http://welpartners.com/blog/2019/11/bare-trusts-and-perpetuities/>. Posted 28 November 2019. 3 pp.

“Curbing the Scourge of Predatory Marriages by Legislation”. <http://welpartners.com/blog/2019/11/curbing-the-scourge-of-predatory-marriages-by-legislation/>. Posted 12 November 2019. 11 pp.

“Anti-lapse Legislation and Unsatisfied Conditions”. <http://welpartners.com/blog/2019/07/anti-lapse-legislation-and-unsatisfied-conditions/>. Posted 29 July 2019. 6 pp.

“Time Whereof the Memory of Man Runneth Not to the Contrary”. <http://welpartners.com/blog/2019/07/time-whereof-the-memory-of-man-runneth-not-to-the-contrary/>. Posted 5 July 2019. 2 pp.

“Admissible Evidence in Construing Wills”. <http://welpartners.com/blog/2019/05/admissible-evidence-in-construing-wills/>. Posted 7 May 2019. 8 pp.

“Power of Attorney and Attorney: Correct Usage”. <http://welpartners.com/blog/2019/02/power-of-attorney-and-attorney-correct-usage/>. Posted 4 February 2019. 2 pp.

- “Is a Notice of Objection to Estate Accounts Subject to Limitations”.
<http://welpartners.com/blog/2019/01/is-a-notice-of-objection-to-estate-accounts-subject-to-limitations/>. Posted 15 January 2019. 5 pp.
- “What Is a Will and What is the Role of a Court of Probate Redux: Re Milne and Re Panda”.
<http://welpartners.com/blog/2018/11/what-is-a-will-and-what-is-the-role-of-a-court-of-probate-redux-re-milne-and-re-panda/>. Posted 17 November 2018. 5 pp.
- “There Is No Presumption of Undue Influence in Probate!”
<http://welpartners.com/blog/2018/11/there-is-no-presumption-of-undue-influence-in-probate/>. Posted 15 November 2018. 3 pp.
- “What Is a Will and What is the Role of a Court of Probate”.
<http://welpartners.com/blog/2018/09/what-is-a-will-and-what-is-the-role-of-a-court-of-probate/>. Posted 26 September 2018. 6 pp.
- “Delegating the Power to Appoint Executors – Update”.
<http://welpartners.com/blog/2018/08/delegating-the-power-to-appoint-executors-update/>.
Posted 26 August 2018. 1 p.
- “Public Appeals – Update on the Humboldt Broncos Memorial Fund”.
<http://welpartners.com/blog/2018/08/public-appeals-update-on-the-humboldt-broncos-memorial-fund/>. Posted 26 August 2018. 2 pp.
- “Delegating the Power to Appoint Executors”. <http://welpartners.com/blog/2018/08/delegating-the-power-to-appoint-executors/>. Posted 7 August 2018. 7 pp.
- “Benjamin Orders Redux”. <http://welpartners.com/blog/2018/08/benjamin-orders-redux/>. Posted 2 August 2018. 2 pp.
- “Republication of Wills: A Forgotten Doctrine?”
<http://welpartners.com/blog/2018/07/republication-of-wills-a-forgotten-doctrine/>. Posted 6 July 2018. 5 pp.
- “Public Appeals.” <http://welpartners.com/blog/2018/07/public-appeals/>. Posted 6 July 2018. 3 pp.
- “The Rule in *Saunders v. Vautier*: Use It Or Lose It?” <http://welpartners.com/blog/2018/07/the-rule-in-saunders-v-vautier-use-it-or-lose-it/>. Posted 23 June 2018. 2 pp.
- “An Irrevocable Right of Survivorship?” <http://welpartners.com/blog/2018/02/an-irrevocable-right-of-survivorship/>. Posted 15 February 2018. 8 pp.
- “Equitable Remedies for Financial Abuse of the Elderly: *Fowler Estate v. Barnes*.”
<http://welpartners.com/blog/2017/10/equitable-remedies-for-financial-abuse-of-the-elderly-fowler-estate-v-barnes/>. Posted 23 October 2017. 4 pp.

- “Equitable Remedies for Financial Abuse of the Elderly: *Granger v. Granger*.”
<http://welpartners.com/blog/2017/10/equitable-remedies-for-financial-abuse-of-the-elderly-granger-v-granger/>. Posted 23 October 2017. Pp. 3.
- “Equitable Remedies for Financial Abuse of the Elderly: *Servello v. Servello*.”
<http://welpartners.com/blog/2017/10/equitable-remedies-for-financial-abuse-of-the-elderly-servello-v-servello/>. Posted 23 October 2017. Pp. 4.
- “Indemnity of Estate Trustees Redux.” <http://welpartners.com/blog/2017/08/indemnity-of-estate-trustees-redux/>. Posted 16 August 2017. Pp. 5.
- “Passing of Accounts and Limitations.” <http://welpartners.com/blog/2017/07/passing-of-accounts-and-limitations/>. Posted 19 July 2017. Pp. 2.
- “When is an Estate Trustee Entitled to Take Compensation?”
<http://welpartners.com/blog/2017/07/when-is-an-estate-trustee-entitled-to-take-compensation/>. Posted 19 July 2017. Pp. 3.
- “The Rule in *Cherry v. Boulton*.” <http://welpartners.com/blog/2017/05/the-rule-in-cherry-v-boulton/>. Posted 31 May 2017. Pp. 2. Reprinted in *A Dead Giveaway: Best of Our Blog* (Toronto: WEL Partners, 2017). Pp. 18-21.
- “Nature of the Trust Beneficiary’s Interest.” <http://welpartners.com/blog/2017/03/nature-of-the-trust-beneficiarys-interest/>. Posted 8 March 2017. Pp. 4.
- “*In Specie* Estate Distribution.” <http://welpartners.com/blog/2016/12/in-specie-estate-distribution/>. Posted 20 December 2016. Pp. 4. Reprinted in *A Dead Giveaway: Best of Our Blog* (Toronto: WEL Partners, 2017). Pp. 8-14.
- “Untraceable Beneficiaries in Estate Administration.”
<http://welpartners.com/blog/2016/12/untraceable-beneficiaries-in-estate-administration/>.
Posted 8 December 2016. Pp. 1-5
- “Discrete Functions of Courts of Probate and Construction Revisited.”
<http://welpartners.com/blog/2016/12/discrete-functions-of-courts-of-probate-and-construction-revisited/>. Posted 8 December 2016. Pp. 1-4. Reprinted in *A Dead Giveaway: Best of Our Blog* (Toronto: WEL Partners, 2017). Pp. 22-28.
- “Abatement and General Powers of Appointment.”
<http://welpartners.com/blog/2016/09/abatement-and-general-powers-of-appointment/>.
Posted 8 September 2016. Pp. 1-9. Reprinted in *A Dead Giveaway: Best of Our Blog* (Toronto: WEL Partners, 2017). Pp. 33-47.
- “Executor’s Right of Retainer.” <http://welpartners.com/blog/2016/08/executors-right-of-retainer/>.
Posted 22 August 2016. Pp. 1-5.

Books and Monographs

Oosterhoff on Wills: Text, Commentary and Materials, 8th ed. (Toronto: Thomson Reuters/Carswell, 2016). (Co-authors: David Freedman, Mitchell McInnes, Adam Parachin) Pp. i-clxvii, 1-1013. (Previous editions 1980, 1985, 1990, 1995, 2001, 2007, 2011 (by A.H. Oosterhoff)). Also republished in electronic format on CD-Rom in *Estates Partner*, Carswell, 2001, 2007, 2011, 2016.

Oosterhoff on Trusts: Text, Commentary and Materials, 8th ed. (Toronto: Thomson Reuters/Carswell, 2014). (Co-authors: Robert Chambers and Mitchell McInnes). Pp. xcvi, 1254. (Previous editions 1980, 1983 (by A.H. Oosterhoff); 1987, 1992, 1998 (with E.E. Gillese); 2004, 2009 (with Robert Chambers, Mitchell McInnes, and Lionel Smith)).

Anger and Honsberger, Law of Real Property, 2nd ed. (Aurora: Canada Law Book Inc., 1985). (Co-author: W.B. Rayner). Vol. 1, pp. cccvi, 896; vol. 2, pp. xxiv, 897-2099.

Losing Ground: The Erosion of Property Rights in Ontario, Ontario Real Estate Association, 2nd ed., 1980, (Co-author: W.B. Rayner). Pp. xix, 123.

Succession Law Reform in Ontario: A Section by Section Commentary on the Succession Law Reform Act, 1977 (Toronto: Canada Law Book Limited, 1979). Pp. xii, 125.

Contributions to Books and Monographs

“Foreword” and several blogs. *A Dead Giveaway: Best of Our Blog* (Toronto: WEL Partners, 2017), p. iii.

“Advising Fiduciaries: In Specie Estate Distribution: Can an Estate Trustee Distribute Residuary Personality in Specie?”, in *A Dead Giveaway: Best of Our Blog* (Toronto: WEL Partners, 2017). Pp. 8-14.

“The Rule in *Cherry v. Boulbee*: Treatment of Debts & the Right to Share in Residue”, in *A Dead Giveaway: Best of Our Blog* (Toronto: WEL Partners, 2017). Pp. 18-21.

“Probate: Discrete Functions of Courts of Probate and Construction Revisited”, in *A Dead Giveaway: Best of Our Blog* (Toronto: WEL Partners, 2017). Pp. 22-28.

“Powers of Appointment: Abatement and General Powers of Appointment”, in *A Dead Giveaway: Best of Our Blog* (Toronto: WEL Partners, 2017). Pp. 33-47.

“Indemnity of Estate Trustees as Applied in Recent Cases”, reprint of 41 *Advocates Quarterly* 123-147. *WEL on Fiduciary Accounting: Guardianship, Attorney, Estate & Trust Accounts*, 2nd ed. (Toronto: Whaley Estate Litigation, 2016). Chapter 9, pp. 211-229.

“Some Aspects of Indemnification of Trustees”, reprint of paper prepared for the Law Society of Upper Canada 16th Annual Estates and Trusts Summit – Day One, 11 November 2013. pp. 1-10. *WEL on Fiduciary Accounting: Guardianship, Attorney, Estate & Trust Accounts*, 2nd ed. (Toronto: Whaley Estate Litigation, 2016). Chapter 10, pp. 231-240.

“Indemnity of Estate Trustees as Applied in Recent Cases”, in *WEL on Fiduciary Accounting: Guardianship, Attorney, Estate & Trust Accounts*, 2nd ed. (Toronto: Whaley Estate Litigation, 2016). Pp. 212-229. (Originally published in (2013), 14 *Advocates Quarterly* 123-147.)

“Some Aspects of Indemnification of Trustees”, in *WEL on Fiduciary Accounting: Guardianship, Attorney, Estate & Trust Accounts*, 2nd ed. (Toronto: Whaley Estate Litigation, 2016). Pp. 231-240. (Originally a paper prepared for the Law Society of Upper Canada, 16th Annual Estates and Trusts Summit – Day One, 11 November 2013). ß

“Preface”, *Whaley Estate Litigation on Guardianship* (Toronto: Whaley Estate Litigation, 2015), pp. ii-iii.

“Covenants Running with Freehold Land,” chapter 20 in *Property Law: Cases, Texts and Materials*, 2nd ed., by E.E. Gillette (Toronto: Emond Montgomery Publications Limited, 1990). Pp. 20:1-20:71.

Reviews

Robert Chambers, *Resulting Trusts* (Clarendon Press, 1997), (1998), 17 *Estates, Trusts and Pensions Journal* 388-395.

Estates Partner, an electronic compilation on CD-ROM of cases, statutes and texts on estate law (Carswell, 1996). (1997), 16 *Estates and Trusts Journal* 365-372.

I. Grunfeld, *The Jewish Law of Inheritance* (Targum Press, Inc., 1987), (1988), 9 *Estates and Trusts Journal* 92-96.

Brian A. Schnurr, *Estate Litigation* (The Carswell Co. Ltd., 1987), (1988), 9 *Estates and Trusts Journal* 89-92.

D.W.M. Waters, *Law of Trusts in Canada* (The Carswell Co. Ltd., 2nd ed., 1984), (1985), 23 *University of Western Ontario Law Review* 119-121.

B.J. Reiter and R.C.B. Risk, *Real Estate Law* Edmond-Montgomery Ltd., 1979), (1981), 19 *University of Western Ontario Law Review* 186-190.

Ronald H. Maudsley, *The Modern Law of Perpetuities* (Butterworth & Co. (Publishers) Ltd., 1979), (1980), 25 *New York Law School Law Review* 1083-1094.

Thomas G. Feeney, *The Canadian Law of Wills: Probate* (Butterworth & Co. (Canada) Ltd., 1976), (1976), 15 *University of Western Ontario Law Review* 259-263.

Practice Notes for LexisNexis

“Charitable and Non-Charitable Purpose Trusts – Charitable Purpose”, 2017. 2 Pp.

“Charitable and Non-Charitable Purpose Trusts – Charitable Trusts”, 2017. 2 Pp.

“Charitable and Non-Charitable Purpose Trusts – Non-Charitable Purpose Trusts”, 2017. 2 Pp.

“Trustee Indemnity – Lien Over Trust Property”, 2017. 1 P.

“Trustee Indemnity – Reimbursement of Expenses”, 2017. 2 Pp.

REPORTS AND STUDIES

Report of the Working Group on Crowdfunding, forthcoming. For the Uniform Law Conference of Canada. The Report was that of the Working Group, of which I was a member.

Report of the Working Group on a Uniform Public Appeals Act, August 2011. Pp. 33. For the Uniform Law Conference of Canada. The Report was that of the Working Group, of which I was a member. The Draft Act was attached to the Report. See http://www.ulcc.ca/images/stories/2011_pdf_en/2011ulcc0011.pdf.

The Conference promulgated the Act at its annual meeting in Winnipeg in 2011. See http://www.ulcc.ca/images/stories/2011_pdf_en/2011ulcc0018.pdf at p. 15.

Charitable Fundraising: Report, June 15, 2005. Pp. 11. For the Uniform Law Conference of Canada. I wrote the Report and was co-chair of the Working Group. See the Report, to which the draft Uniform Charitable Fundraising Act was attached as an Appendix at http://www.ulcc.ca/images/stories/2005_English_pdf/2005-Charitable-Fundraising_E.pdf. The Conference promulgated the Act at its annual meeting in St. John's in 2005. See minutes at <http://www.ulcc.ca/en/annual-meetings/250-2005-st-johns-nf/civil-section-minutes/84-civil-section-minutes-2005-2>. And see the Act at <http://www.ulcc.ca/en/uniform-acts-new-order/current-uniform-acts/664-charitable-fundraising/1433-charitable-fundraising-act>.

Charitable Fundraising: Research Paper, April 15, 2004. Pp. 39. For the Uniform Law Conference of Canada. I wrote the Report and was co-chair of the Working Group. See the Report at <http://www.ulcc.ca/en/uniform-acts-new-order/current-uniform-acts/664-charitable-fundraising/1529-charitable-fundraising>. The Conference receive the Report at its Annual Meeting in Regina in 2004. See minutes at http://www.ulcc.ca/images/stories/2004_English.pdf/2004ulcc0033.pdf.

Report on Basic Principles of Land Law, 1997. Pp. x, 165 (Member of the Working Group) For the Ontario Law Reform Commission.

Succession Aspects of the Family Law Act, 1993. Pp. iii, 44. (For the Ontario Law Reform Commission).

Positive and Restrictive Covenants Affecting Freehold Land, 1985. Pp. viii, 420. (For the Ontario Law Reform Commission).

Report on The Religious Institutions Act and The Mortmain and Charitable Uses Act, 1976. Pp. v, 75. (Director of project, for the Ontario Law Reform Commission. N.B: The report resulted in the enactment of the *Religious Organizations' Land Act*, S.O. 1979, c. 45, the *Charities Accounting Amendment Act*, S.O. 1982, c. 11, and the *Mortmain and Charitable Uses Repeal Act*, S.O. 1982, c. 12.).

Trustees' Powers of Investment, 1970. Pp. x, 257. (Background paper for the Ontario Law Reform Commission's *Report on the Law of Trusts* (Toronto: Ministry of the Attorney General, 1984)).

CONTINUING EDUCATION MATERIALS

Papers and Presentations

““Compensation and Passing of Accounts” for the Osgoode Professional Development Program, Passing of Accounts and Fiduciary Accounting, 7 April 2020, pp. 1-34. And member of panel (presented virtually via Zoom).

“Are Beneficiary Designations Testamentary?” for the Ontario Bar Association Institute 2020, Elder Law Program, Rights and Limitations on an Attorney Under a Power of Attorney, and member of panel on the topic, 7 February 2020, pp. 1-38. The program was presented virtually on ZOOM.

“A Review of Testamentary Capacity in Canada with Reference to Recent Cases” for the Isaac Pitblado Lectures in Winnipeg, 8 November 2019. pp. 1-54.

“Predatory Marriages and Financial Abuse of Elders” for the National Association of Public Trustees and Guardians 2019 Conference, held in Toronto. 27 May 2019 (Co-authors of paper Kimberly A. Whaley and Sareh Ebrahimi), pp. 1-88.

“Compensation and Passing of Accounts” for the Osgoode Professional Development Program, Passing of Accounts and Fiduciary Accounting, 7 April 2020, pp. 1-31. And member of panel.

“Predatory Marriages” for the STEP 20th National Conference program Powers of Attorney for Property and Personal Care, held in Toronto on 29 May 2018 (Co-author of paper Kimberly A. Whaley). See also 5.1 Articles, for the published paper.

“Compensation and Passing of Accounts” for the Osgoode Professional Development Program, Passing of Accounts and Fiduciary Accounting, 13 February 2018, pp. 1-26.

- “Predatory Marriages” for the CBA – NS 1917 Annual Conference, Halifax, NS, 1 December 2017, pp. 1-85 (with Kimberly Whaley).
- “Equitable Remedies for Elder Abuse: A Case Law Review” in the STEP Canada, Toronto Branch Program, Elder Abuse and Ways of Protecting the Elderly, 18 October 2017, pp. 1-17. With Kate Stephens.
- “Locus of Title in an Unadministered Estate and the Law of Assent” in The Law Society of Upper Canada, 20th Annual Estates and Trusts Summit – Day One, 16 October 2017, pp. 1-52. See also 5.1 Articles, for the published paper.
- “Compensation and Passing of Accounts” in The Law Society of Upper Canada, Practice Gems: The Administration of Estates 2017 Program, 29 September 2017, pp. 1-26.
- “Elder Law: Marriage, Divorce & Predatory Marriages” in the OBA Program, Law & the Older Adult Client, 16 November 2016, pp. 1-71. With Kimberly A. Whaley.
- “The Discrete Functions of Courts of Probate and Construction,” for the Law Society of Upper Canada 19th Annual Estates and Trusts Summit – Day One, 3 November 2016, pp. 1-54.
- “The Discrete Functions of Courts of Probate and Construction,” for the STEP Annual Conference in Toronto, 9-10 June 2016, pp. 1-53. And member of panel with Archie Rabinowitz and John Poyser, chaired by Kimberly Whaley. See also 5.1 Articles, for the published paper.
- “The New Tax Rules: Spousal Trusts – Problems and Possible Solutions,” for the STEP Toronto Conference 18 May 2016, pp. 1-15. And member of Panel with Rachel Blumenfeld and Brian Cohen.
- “Crowdfunding and the Law of Trusts” for The Law Society of Upper Canada, 18th Annual Estates and Trusts Summit, Day One, 7 October 2015, Tab 3, pp. 3-1 to 3-22.
- “Ensuring Full Indemnification of Legal Fees and Disbursements” for The Law Society of Upper Canada program Practice Gems: The Administration of Estates, 10 September 2015, pp. 1-19. And member of Panel with the Honourable Susan Greer.
- “Indemnification of Trustees” for the Ontario Bar Association’s Institute 2015, Trusts and Estate Law – No Bones About It: Critical Issues and Essential Updates in Trusts and Estate Law, 4 February 2015, with John O’Sullivan and Sara Beheshti. Tab 2, pp. 1-41. And Member of Panel with John O’Sullivan. See also 5.1 Articles, for the published paper.
- “Reform of the Law of Trusts: The *Uniform Trustee Act 2012*” for The Law Society of Upper Canada, 17th Annual Estates and Trusts Summit, Day One, 3 November 2014, Tab 6, pp. 6-1 – 6-22. See also 5.1 Articles, for the published paper.

- “The Court’s Role under the Health Care Consent Act: With Specific Reference to *Grover v. Grover*,” for the B’nai Brith Seminar, 2 June 2014. Tab 3, pp. 1-17. And member of Panel with Marshall Swadron and Craig Vander Zee.
- “Causerie on Trust Law Reform,” at the Hull & Hull law firm, 6 January 2014. Pp. 1-17.
- “Some Aspects of Indemnification of Trustees,” for The Law Society of Upper Canada, 16th Annual Estates and Trusts Summit, Day One, 11 November 2013, pp 1-10. Reprinted WEL on Fiduciary Accounting: Guardianship, Attorney, Estate & Trust Accounts, 2nd ed. (Toronto: Whaley Estate Litigation, 2016). Pp. 231-240.
- “Indemnity of Estate Trustees as Applied in Recent Cases,” for the STEP Toronto Branch Conference, 9 January 2013, pp. 1-19. And member of Panel with the Honourable Maurice Cullity and Archie Rabinowitz.
- “Predatory Marriages,” for The Law Society of Upper Canada, 14th Annual Estates and Trusts Summit, 9 and 10 November 2011, Day 1. Pp. 1-47. See also 5.1 Articles, for the published paper.
- “Mutual Wills”, for the Ontario Bar Association, Trusts and Estates Program, “Trusts, Trustees, Trusteeships II”, 24 September 2007. Pp. 1-31. See also 5.1 Articles, for the published paper.
- “Secret and Half-Secret Trusts”, for the Ontario Bar Association, Trusts and Estates Program, “Trusts, Trustees, Trusteeship – All You Need to Know and More,” 18 September 2000, Pp. 1-35. See also 5.1 Articles, for the published paper.
- “Canadian Fundraising Laws: An Overview”, for the Canadian Bar Association/Ontario Bar Association, Third National Symposium on Charity Law, 6 May 2005, Pp. 1-20.
- “Testamentary Capacity, Suspicious Circumstances, and Undue Influence,” in the 1999 Mid-Winter Meeting Proceedings, *Chicken Soup for Lawyers*, Manitoba Bar Association, Winnipeg, 4 February 1999, pp. 1-49. See also 5.1 Articles, for the published paper.
- “Every Child’s Nightmare: January/December Marriages - The *Banton Case*,” in the 1999 Annual Institute of Continuing Legal Education Proceedings, *Estates: The Outer Limits: Current Issues in Agency, Guardianship and Power of Attorney Law*, Canadian Bar Association - Ontario, Toronto, 28 January 1999, Tab 3, pp. 1-34. See also 5.1 Articles, for the published paper.
- “The Fiduciary Obligation,” in *Civil Law Seminar*, for the National Judicial Institute, Ottawa, 22 May 1997, pp. 1-45.
- “The Law of Covenants: Background and Basic Principles,” in *Easements and Restrictive Covenants*, The Law Society of Upper Canada, Department of Education, 1989, pp. B1-

B55. In The Law Society of Upper Canada Program on Easements and Restrictive Covenants, 7 December 1989. See also 5.1 Articles, for the published paper.

“The Agreement of Purchase and Sale,” *Real Estate Conveyancing*, The University of Western Ontario Technical Services, 1982, pp. 1-64, in the Continuing Legal Education Program on Real Estate Conveyancing, sponsored by the Faculty of Law, The University of Western Ontario, March 1981.

“The Effect of Death on Familial Obligations,” *Current Problems in Family Law*, The University of Western Ontario Technical Services, 1981, pp. 1-55, in the Continuing Legal Education Program on Current Problems in Family Law, sponsored by the Faculty of Law, The University of Western Ontario, June 1981. See also 5.1 Articles, for the published paper.

“Remedies After Closing,” *Real Estate Remedies*, The University of Western Ontario Technical Services, 1980, pp. 1-43, in the Continuing Legal Education Program on Real Estate Remedies, sponsored by the Faculty of Law, The University of Western Ontario, October 1980.

Other Presentations and Lectures

Chaired a panel on Capacity Assessments at the Isaac Pitblado Lectures in Winnipeg, 8 November 2019. Kimberly Whaley, John Poyser and Dr. Barry Campbell were the panellists.

“Fiduciary Obligations where an Estate Has Potential Dependents under the Succession Law Reform Act”. Presentation to CIBC Private Wealth Management, 22 July 2019.

“Unjust Enrichment, Constructive Trust, Resulting Trust, and Quantum Meruit” Lecture to WEL Partners, 11 April 2019

“Removal of Fiduciaries, Including an Estate Trustee, and Exoneration of Trustees” Lecture in the Estates Litigation course at Western University Faculty of Law, 3 April 2019.

“Marriage Contracts; Conflicts in Blended Families; Sibling Struggles; Predatory Marriages; Family Meetings” Panel discussion in Osgoode Certificate in Elder Law, 26 February 2019. Chair of panel.

“Unjust Enrichment, Constructive Trust, Resulting Trust, and Quantum Meruit” Lecture in the Estates Litigation course at Western University Faculty of Law, 13 February 2019.

“Compensation and Passing of Accounts” to Junior Trusts and Estates Practitioners, WEL Partners, Toronto, 31 July 2017.

“Critical Update on Predatory Marriages & Later Life Partnerships,” in the Osgoode Professional Development Program, “Advising the Elderly Client,” 29 September 2016. With

Kimberly Whaley.

“The Discrete Functions of Courts of Probate and Construction” to Junior Trusts and Estates Practitioners, WEL Partners, Toronto, 29 August 2016.

“New Spouse/Old Money: Claims Arising out of Later in Life Partnerships,” Webinar in the Osgoode Professional Development, Elder Law Webinar Series, 4 February 2016. With Kimberly Whaley.

“Predatory Marriages” Carswell Webinar, 4 June 2013. With Kimberly Whaley.

“Predatory Marriages,” for the National Initiative for the Care of the Elderly, 2013 Annual Conference, 4 June 2013.

“*Spes Successionis*,” address to the Middlesex Family Lawyer’s Association, 12 April 1998.

Presented demonstration on Future Interests Program (rewritten for the IQ program) in “Helping You to be There — Electronically: Enhancing Your Course Using Technology,” in “Fall Perspectives on Teaching,” UWO, 3 September 1997.

“Why Saying So, Won’t Make it So.” Lecture in the Canadian Bar Association - Ontario Program, “‘Righting’ Wills: Practice Improvement and Loss Prevention,” London, 20 September 1995.

“Introduction to the Law of Property,” in the Civil Law/Common Law Summer Exchange Programme, sponsored by the Department of Justice, held at the Faculty of Law, Dalhousie University, June-July, 1981.

EDITORSHIPS

Editor-in-Chief, *Estates and Trusts Journal* (Canada Law Book Inc.). 1987-89.

Member, Advisory Board, *The Philanthropist*. 1986-97.

Associate editor of *Dominion Law Reports* (Canada Law Book Inc.). (Selection of cases for publication and writing of catchlines, headnotes, and cases considered). 1973-2007.

Associate editor of *Canadian Criminal Cases* (Canada Law Book Inc.). (Selection of cases for publication and writing of catchlines, headnotes, and cases considered). 1973 - 2007.

Associate editor of *Ontario Reports* (Canada Law Book Inc., for Law Society of Upper Canada). (Selection of cases for publication and writing of catchlines, headnotes, and cases considered.) 1973-1981; 1983-1990.

CONSULTANSHIPS HELD

Uniform Law Conference of Canada, member of the Working Group on Informal Public Appeals. 2009-2012. The Report of the Working Group resulted in the *Uniform Informal Public Appeals Act*, 2011.

Uniform Law Conference of Canada, Charitable Fundraising Project. Co-chair of Working Group, author of Research Paper and the Report. 2004-05. NB: The Project resulted in the promulgation of the *Uniform Charitable Fundraising Act 2005*.

Ontario Law Reform Commission, Project on the *Family Law Act*. Contributed research paper on Succession Aspects of the Family Law Act. 1993.

Ontario Law Reform Commission, Law of Property Project, Positive Covenants. Contributed research paper on positive and restrictive covenants. 1984-85.

Ontario Law Reform Commission, Reference re The Mortmain and Charitable Uses Act and The Religious Institutions Act. Director of Reference. 1974-76. N.B.: The report resulted in the enactment of the *Religious Organizations' Land Act*, S.O. 1979, c. 45, the *Charities Accounting Amendment Act*, S.O. 1982, c. 11, and the *Mortmain and Charitable Uses Repeal Act*, S.O. 1982, c. 12.).

Ontario Law Reform Commission, Law of Property, Project, The Trustee Act and related Acts. Contributed research paper on "Trustees' Powers of Investments." 1969-72.

MEMBERSHIP IN ACADEMIC/PROFESSIONAL SOCIETIES

The Law Society of Ontario (formerly The Law Society of Upper Canada), since 1966

The Canadian Bar Association, since 1966

The Ontario Bar Association (formerly The Canadian Bar Association – Ontario), since 1966

The Ontario Bar Association (formerly The Canadian Bar Association – Ontario) – Wills and Trusts section

The National Initiative for the Care of the Elderly

PROFESSIONAL COMMITTEES' MEMBERSHIPS

Uniform Law Conference of Canada, Crowdfunding Project. Member of Working Group. 2019-.

Ontario Bar Association, Wills and Trusts Subsection, ad hoc Committee on the Wolfe Goodman Award. 2017. Member. April-May 2017; April-May 2020.

Ontario Bar Association, Predatory Marriages Working Group. Member. 2016-17.

Canadian Bar Association, Charity Law Reform Committee, formerly Provincial Initiatives Committee on Charity Law Reform, a subcommittee of the CBA Charities and Not-for-Profit Law Section. Member. 2013-16.

Ontario Bar Association, ad hoc Committee on submission to the Ontario Law Foundation on Predatory Marriages. Co-chair. 2013-14.

Uniform Law Conference of Canada, Informal Public Appeals Project. Member of Working Group. 2009-12. NB: Project resulting in promulgation of the *Uniform Informal Public Appeals Act 2011*.

Uniform Law Conference of Canada, Working Group on Charitable Fundraising. Co-chair. 2003-2005. NB: Project resulted in promulgation of the *Uniform Charitable Fundraising Act 2005*.

Ontario Law Reform Commission, Law of Property Project, Basic Principles of Land Law, Draft Proposals. Member, Advisory Board. 1992.

Legal Aid Ontario, Area Committee of Middlesex County, member, 1999 - 2000.

Legal Aid Ontario, Area Committee of Middlesex County, member, 1999 - 2000.

The Law Society of Upper Canada Advisory Council: Member. 1976-77; 1978-82.

Professional Training Committee of The Ontario Legal Education Council: Member. 1976-77; 1978-79.

Ontario Legal Education Council: Member. 1976-77; 1978-79.

SERVICE TO THE COMMUNITY

“Predatory Marriages” on “Heirs and Omissions” program, Cable 14 TV, Hamilton ON, taped 4 November 2013 (with Kimberly Whaley).

Paideia Centre for Public Theology, Hamilton ON, member of board of directors, 2012-2013

Health Research Council (U.W.O. Faculty of Medicine and Dentistry), member, 1999-2000.

Address, “Legal Liability of Governments, Hospitals, and Physicians Arising from Health Care Restructuring,” to the London Health Sciences Centre, Bioethics Committee, 27 January 1998.

London Health Sciences Centre, Bioethics Committee: Member. 1997- 2003.

Address, "Living Wills: You and Your Property," to the Law Alumni and guests, UWO: Invited lecturer. 4 October 1997.

Address, "Powers of Attorney and Living Wills: The New Legislation," to the Faculty and Staff Retirees Assoc., UWO: Invited lecturer. 19 January 1995.

Address, "Wills, Will Substitutes and Substitute Decisions," to the Lou Gehrig's Disease Assoc., London: Invited Lecturer. 29 March 1993.

Address, "Making a Will" to the Staff Retirees Association (U.W.O.): Invited Lecturer. 16 November 1992.

Address, "Making a Will" to the U.W.O. Staff Association: Invited Lecturer. 1 April 1992.

"Legal Eagles" Television Program on Wills & Estates. Cable Television, London: Panel member. Spring 1991.