



*Protect against  
incapacity & undue  
influence challenges!*



# Testamentary Capacity & Undue Influence in Estate Planning

*with Mark Weintraub, Q.C.*

**Thursday, June 20, 2019**

**Live webinar with chat  
includes 60 day replay\***

9:00 am – 10:30 am (Pacific)  
10:00 am – 11:30 am (Mountain)  
11:00 am – 12:30 pm (Central)  
12:00 pm – 1:30 pm (Eastern)  
1:00 pm – 2:30 pm (Atlantic)

*\*This program features real-time audio of the presenter with synchronized presentation slides, and a chat feature that allows for live Q & A. SK attendees please verify whether you align with Central (MB) or Mountain (AB) time based on season and location.*

## WHO SHOULD ATTEND

Litigators, trust and estates law lawyers, and general practitioners will benefit from attending this course.

## ABOUT THE PROGRAM

Will challenges are often based on claims that the testator lacked the capacity to execute a will, or that the will was the result of undue influence. These are not easy matters to assess, especially with new clients for whom you have no frame of reference. As a practitioner, you must assume that the will you are drafting could be contested, and take clear steps to rule out issues of incapacity and undue influence, and build a record documenting your conclusions. This exciting new webinar featuring experienced estates counsel Mark Weintraub, Q.C. will review your duties when taking will planning instructions, offer practical techniques you can use to evaluate capacity and undue influence, and discuss how to better help or decline to help a prospective client, while protecting your practice from claims of negligence. By the end of the program you will:

- Better understand the concepts and context that govern testamentary capacity and undue influence
- Be more alert to signs of testamentary incapacity or undue influence
- Improve your ability to assist clients where capacity may be in issue, and respond to concerns of undue influence
- Know how to protect yourself and assist the court by creating a complete and accurate record

Don't miss this highly practical presentation exploring issues involved in assessing incapacity and undue influence in will planning engagements and in litigation!

## SCHEDULE (Eastern)

**12:00 pm - 1:30 pm**

### Welcome and Introduction

### Testamentary Capacity

- Definition of Testamentary Capacity
- Common Scenarios that Give Rise to Capacity Issues
- Documenting Testamentary Capacity: Key Questions to Ask
- Additional Measures to Establish Testamentary Capacity

### Undue Influence

- Test for Testamentary Undue Influence
- Burden of Proof
- Recommended Practices to Avoid Issues of Undue Influence
- Risk Factors/Red Flags for Undue Influence and How to Respond

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## PRAISE FOR PAST ESTATES PROGRAMS

- “Very practical presentation that dealt with matters that arise constantly in my practice.”
- “Good practical info. I do a lot of this work and found it very useful.”
- “Excellent coverage of the topic. Right on point.”
- “Enjoyed the practical approach. One of the best CPD programs I have ever experienced.”
- “A dream presenter. Knowledgeable but very down to earth. Answers questions we deal with every day.”
- “Excellent. I do a lot of work in this field, and I learned several new things.”



**ON:** This program contains 1.5 Professionalism hours.

**SK & NB:** CPD application is pending.

**BC:** This program has been approved for 1.5 CPD hours of professional responsibility and ethics, client care & relations, and/or practice management.

Lawyers in other mandatory CPD jurisdictions may count their attendance towards their CPD requirement/plan.

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## MEET YOUR PRESENTER



**Mark S. Weintraub, Q.C.**, is a partner with Clark Wilson LLP in Vancouver. He is the firm's senior estate and trust litigator. He is a frequent presenter and author on issues related to estate and trust litigation. Mark has acted as

counsel in a wide spectrum of litigation, including Wills Variation Act claims, negligent or fraudulent estate administration and wills and trusts interpretation, as well as committees and claims involving elder abuse. For many years he coordinated the authorship of various topics in the BC Continuing Legal Education Society's Probate Estate Administration Practice and Estate Planning Manuals (2000-2019), and is a contributing author to the *British Columbia Law Society Wills and Estates Practice Checklist Manual* (2016) and *LexisNexis Online Practice Advisor – Estate Litigation – British Columbia Modules* (2016-2018). Mark is ranked, by peer reviews, as a Lexpert Accredited Estate Litigator, and in the Distinguished category in Martindale-Hubbell's compendium.

## ✓ Yes, I want to attend Testamentary Capacity & Undue Influence in Estate Planning Thursday, June 20, 2019 • Live webinar (slides and audio) with chat and 60 day replay\*

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\* Materials will be distributed electronically in advance. Live webinars feature real-time audio of the presenter with synchronized presentation slides, and a chat feature that allows for live questions and verbal responses by the presenter. The recording of the webinar is available for 60 days.

### REGISTRATION FEE:

On or before May 24, 2019: \$140.00 + \$18.20 (13%) HST\* = \$158.20 - **Save \$25.00!**

After May 24, 2019: \$165.00 + \$21.45 (13%) HST\* = \$186.45

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