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Communiqué
for Health Industry Clients
on the Legal Retainer Program

Estate Management Program for Charities and Foundations

Introduction

In our work with charities and foundations we frequently get questions about estates when an organization is a beneficiary of a bequest. There are a number of common issues, and as a result, we have developed a program specifically focussing on the charity as bequest recipient. The program also provides an excellent opportunity for networking with colleagues.

The Program

The one-day education workshop focuses on three areas. The first is on estate administration. In this module we cover such things as – what is an estate, what are the steps that take place in administering an estate, the role of the estate trustee and beneficiary, probate, the division of labour between the estate trustee and the estate solicitor, the nature of the liabilities that an estate can encounter and what practical steps and issues should a charity be aware of upon receiving notice of a bequest. This module also focuses on practical considerations such as monitoring the administration and responding to requests such as completing releases.

The second module focuses on estate accounting. This is an interactive hands-on module where the accounting process is reviewed including the proper formatting of accounts. The common issue of trustee compensation and legal fees is also discussed. Tips on how to scrutinize accounts and various levels of responses are also canvassed. Participants have an opportunity to review a set of accounts prepared with errors in small groups with the assistance of an estate audit checklist that has been customized for the workshop. Afterwards, participants are

February 21, 2003

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given the opportunity to discuss the errors found and as well are provided with a correct version of the accounts.

The third module focuses on estate litigation management. After a review of the various types of litigation which can occur during the course of administering an estate and identifying the various players and their duties and obligations, practical tips and guidance is provided as to the various potential responses by a charity after consideration of an organization's duties and obligations and internal factors. Mediation as an alternative dispute process is also discussed.

This program is presented by Jasmine Sweatman, a partner specializing in estate litigation and administration, with a particular focus on representing and advising charities and by Debbie Campbell, an estate law clerk with experience in estate administration and accounting issues. The program is run two to three times a year.

The program has been offered since November 2000 and as a result of the hands-on approach, the program is generally provided in a "small group" format. For more information about the program or about our charities, not-for-profit and estates practice group, please contact Jasmine Sweatman at 416.595.8623 or by email at: jsweatman@millerthomson.ca.

About the Author:

Jasmine Sweatman practices estates and charities law with a particular expertise in estate litigation, planned giving and bequest management. She is a frequent speaker and the author of Guide to Powers of Attorney (Canada Law Book, 2002) and Bequest Management for Charities and their Legal Advisors (Butterworths, forthcoming 2003).

Our National Health Industry Practice Group is dedicated to providing comprehensive and integrated legal services to health industry clients. For more information about our Group, visit our website at www.millerthomson.com.

Malcolm Burrows, Director of Gift Planning, Sick Children Foundation, "Miller Thomson LLP's Bequest Management seminar is a stand out in the field and the best course for charities I have encountered on estate matters. We consider it a basic educational requirement for our gift planning team".

For further information on the Legal Retainer Program contact:

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