

Beyond the Basics: Tackling Current Issues in Family Law



Date: Thursday, February 5, 2015 | 9:00 am - 4:50pm

Location: Westin Harbour Castle Conference Centre,
2 Harbour Square, Toronto, ON

Program Chairs: **Annie Kenet**, Goldhart and Associates
Sharon Shore, Epstein Cole LLP

This program contains 1 Professionalism Hour
This program is eligible for up to 5.5 Substantive Hours

The OBA has been approved as an Accredited Provider of Professionalism Content by The Law Society of Upper Canada.

It is most often the “out of the ordinary” family law files that give you doubts as to the best approach in a case or correct application of the law. Gain the essential insights and tools you need to effectively represent your client and protect yourself when complicating factors arise. Don't miss our annual “Year in Review” for your critical update on the need-to-know Court of Appeal family law decisions from the past year.

9:00 am Welcome and Opening Remarks

9:10 am **Clarifying Grandparent Rights and Obligations**

Erin Crawford, Grant & Sadvari Family Lawyers

Eric Sadvari, Martha McCarthy & Company LLP

- When is a grandparent required to provide financial support to a child?
- When do grandparents have a right to access?

9:35 am **Exploring the Opportunities and Limitations of Electronic Evidence**

The Honourable Michelle Fuerst, Regional Senior Judge for the Central East Region, Superior Court of Justice

- How to effectively use e-mail evidence in court
- When will an audio or video recording be admitted into evidence?
- Best practices for advising your client on gathering electronic evidence

10:00 am **Mastering Contingent and Notional Liabilities**

Vivian Alterman, ap Valuations Limited

- Missed opportunities: what liabilities are missing from your client's financial statements?
- Common errors in calculating contingent and notional liabilities

10:25 am **Networking Break**

10:45 am **Critical Issues at the Intersection of Criminal and Family Law**

Edward Prutschi, Adler Bytensky Prutschi Shikhman
Criminal Law Firm

- Navigating the web when family law and criminal law cases become inextricably intertwined
- What you *must* advise your client when you get "the" call

11:10 am **A Perspective from the Bench: Costs in Family Law Proceedings**

The Honourable Thomas Wood, Superior Court of Justice (Bracebridge)

- Knowing when not to ask for costs
- Common counsel missteps in cost submissions

11:35 am **Managing Your File When the Children's Aid Society is Involved**

Sara Westreich, Glass and Associates

Haley Gaber-Katz, Glass and Associates

- How to advise your client when they are involved in a CAS case
- What CAS involvement means for your family law proceeding
- Do's and don'ts when working with CAS

12:05 pm **Demystifying *Voir Dires* in Family Law Trials**

Gary Joseph, MacDonald & Partners LLP

- What is a *voir dire* and when do you need one?
- How to effectively conduct a *voir dire*

PROGRAM REGISTRATION IS ONLINE www.oba.org/pd

Questions? pd@oba.org

12:30 pm **Networking Lunch**

1:30 pm **Termination of Solicitor-Client Relationships**

Yvonne Bernstein, Lawyers' Professional Indemnity Company (LAWPRO)

Laurie Pawlitza, Torkin Manes LLP

Andrew Feldstein, Feldstein Family Law Group

- When can you terminate the solicitor-client relationship?
- Critical steps to take when your client terminates the relationship
- Getting paid after termination
- What recourse do you have to protect yourself and your account? Opportunities and limitations of waivers, withholding files and solicitor's liens

2:00 pm **Challenging Expert Reports**

Martha McCarthy, Martha McCarthy & Company LLP

You have just received an unfavourable expert report. Now what? Unravel the pros and cons of the options available to you and your client upon receipt of an inauspicious:

- income or valuation report
- custody and access assessment

2:30 pm **How to Navigate Common Matrimonial Home Issues**

David Winnitoy, Stewart, Esten (Orillia)

- When will a sale before trial be ordered?
- How to reach consensus following a disagreement on value
- Helpful guidance for dealing with a home owned by grandparents
- Who reaps the benefit of an increase in value following the date of separation when the home is only in one party's name?

2:50 pm **Networking Break**

3:10 pm **What To Do When the *Child Support Guidelines* Do Not Apply**

Kenneth Cole, Epstein Cole LLP

- Key concepts in CSG exceptions
- Useful tools for calculating child support for the exceptional cases

3:40 pm **How to Handle Exceptions under the *Spousal Support Advisory Guidelines***

Terry Hainsworth, Harrison Pensa LLP (London)

- Key concepts in SSAG exceptions
- How do you calculate spousal support when the Guidelines don't apply?

4:10 pm **Year in Review: Critical Court of Appeal Decisions**

The Honourable Mary Lou Benotto, Court of Appeal (Ontario)

Get up-to-date on the most interesting and ground-breaking Court of Appeal decisions of 2014

4:45 pm Questions and Concluding Remarks

4:50 pm Program Concludes

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