

Wealth of Knowledge

Ensuring you – and your loved ones – are ready for the future has never been more important, and the estates team at Siskinds LLP is here to help.

Within the next 20+ years, a staggering transfer of wealth is set to take place. In a report released by CIBC, it was estimated that \$750 billion will be transferred from the baby boomer generation to the next. It will be life-changing for thousands of individuals and their families. In an ideal world, the transition will be smooth and seamless, with everyone agreeing on every last detail. But for many, the reality will be far different.

A real or potential inheritance can be a dangling carrot, all too often bringing about unanticipated personality changes in family members that result in strife, division and disputes. Moreover, the disputes and challenges are not temporally limited; they can arise well before

or after death, and their residual effects can last indefinitely. With the imminent record-breaking transfer of wealth, these disputes are on the rise.

The estates team at Siskinds LLP has seen – and dealt – with it all: from financial abuse under a power of attorney and misappropriation of assets by a trustee to competing applications for guardianship appointments; from Will challenges and disputes over the interpretation of testamentary documents or capacity issues to elder abuse and exertion of undue influence for financial gain, and even cases of predatory marriage.



The Siskinds estates team, from the left: Laura Geddes, Catherine Bruni, Paul Strickland, Michelle Moro, Dagmara Wozniak, Leanne Kuchynski, Paul Morrissey

“We constantly deal with the clash between expectation and reality.”

– Siskinds partner Paul Morrissey

“Excluding family members from a Will and last-minute changes to Wills and beneficiary designations often result in litigation. And with increasing frequency, we are seeing cases where intended beneficiaries are discovering the cupboard is bare, with assets having been transferred into the name of a friend or family member shortly before death. In such cases, we need to move very quickly to secure assets and sort it out,” says Paul Morrissey, whose practice includes estate litigation.

Siskinds partner Dagmara Wozniak, one of the team’s estate litigators, says, “While estate litigation is often initiated by a family member or someone with an interest in the estate, the underlying objective is to discover and give effect to the deceased’s or incapable person’s true intentions, and to achieve a result which they would have pursued, but for their incapacity or while alive.”

Despite a track record of fierce advocacy, litigators caution about the impact estate litigation has on family dynamics. Leanne Kuchynski is an associate with the estates team. She chose to practice within this arm of the law simply to be of help to those who may not be able to help themselves. “I’m passionate about estate litigation, as it allows me to assist people that can be vulnerable to coercion, especially the elderly.”

While some of these legal war zones are unavoidable, there are steps that can be taken to minimize the risks, or the damage. For instance, it’s common advice to plan ahead, and encourage the people you care about to do the same – but you also need to visit your lawyer to make sure your plan makes sense, is up-to-date, and that the loved ones you’ve left behind are in the best possible situation. Laura Geddes, an estate planning lawyer, says, “It’s never too early to create an estate plan once you are of age. It’s not just having a properly drafted Will in place that’s important.

Having a lawyer help guide you through a proper estate plan ensures that your intentions are protected and family relationships are preserved.”

Making sure that the actions one takes as an estate trustee are appropriate will help avoid litigation landmines and save you a lot of headache. The Siskinds estates team is well versed in estate administration. “An executor receiving appropriate guidance early on can help to diffuse or mitigate disputes”, observes Siskinds counsel, Michelle Moro, whose practice is focused on estate planning and administration.

If you are acting as a power of attorney for property or an estate trustee, Siskinds partner Cathy Bruni recommends keeping meticulous records. “You may be required to submit your accounts to the court for approval and every dollar earned or spent must be accounted for. Understanding your obligations and keeping proper records from the outset can save a significant amount of time and expense down the road.”

Given the complexities of managing someone else’s affairs or administering an estate, it’s no wonder not everyone is up for the task. What if there’s nobody willing or able to take on that role? The Siskinds estate team can help with that as well. The Siskinds estate team lawyers act as estate trustees, Henson trustees, and court appointed guardians, to fill that void. Paul Strickland, a partner at Siskinds and one of the lawyers offering this service, has a personal connection to this type of work. “My life experiences have allowed me to develop a unique perspective and skills in dealing with the challenges of assisting families that have members with disabilities.”

It goes without saying that having a team of experienced lawyers behind you while you face estate complexities and disputes offers peace of mind. The Siskinds estate team – one of the largest of its kind in the area – offers services in everything related to estates: planning, administration, litigation, and trustee and guardianship services. What’s unique to Siskinds is that all of these services are available under one roof. You do not have to hire multiple firms or attorneys if your estate matter transforms into an estate dispute. Siskinds can do it all for you with a team of highly experienced lawyers who have seen it all. ■

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If you need any legal guidance regarding your Will or estate, contact the Siskinds estates team at 519-672-2121.