

Ensure your skills and knowledge are up-to-date by attending this practical short course

Recent Developments and Complex Issues in Child and Spousal Support

Senior practitioners will provide in-depth and practical guidance on key issues, including:

- The 10 most important support cases under the SSAGs
- Income classification and the preservation of tax deductibility
- What factors will the court consider relevant in awarding lump sum support?
- How not to calculate spousal support under the SSAGs
- Determining spousal support on incomes over \$350,000
- Is a child obligated to contribute to the costs of their own education?
- Settlement techniques - offering something you can't get from a court
- Retroactive child support - is blameworthy conduct an essential element?

Plus! Don't miss the Optional Post-Conference Workshop:
Motion Advocacy on Child and Spousal Support Issues

Chairs

Gary S. Joseph, MacDonald & Partners LLP
George Karahotzitis, Thomson, Rogers



DATE & TIME

Monday, September 26, 2011
9:00 a.m. - 5:15 p.m. EDT/EST

POST-CONFERENCE WORKSHOP

Tuesday, September 27, 2011
9:00 a.m. - 12:00 p.m.

LOCATION

Osgoode Professional
Development Centre
1 Dundas St. W., 26th Floor
Toronto, ON

Conference
Webcast
Available



Recent Developments and Complex Issues in Child and Spousal Support

The legal issues are numerous, and the law is complex. Are you prepared?

Every family law practitioner has either argued for or defended a claim for child and/or spousal support on behalf of a client. Mastery of this area of family law is critical, yet it is constantly evolving, making it difficult for practitioners to ensure they are up-to-date and knowledgeable on the latest court decisions and procedural changes.

This *Osgoode Professional Development* program was designed to be a comprehensive review of child and spousal support by focusing on some of the more challenging aspects of this practice. You'll hear from experienced practitioners who will give you thoughtful analysis on the latest legal developments and their impact, and provide important practice tips, strategies and tactics. Topics covered include:

- Up-to-date case law review – what are the courts saying?
- The applicability of the SSAGs to high income payors
- Equity-based compensation – how to deal with it in support claims
- Lump sum awards – are they appropriate?
- How long does support for an adult child continue?
- What can you achieve by negotiation that a court cannot award?
- Retroactivity – when is it awarded and on what basis?

Plus! Don't miss the Optional Post-Conference Workshop: ***Motion Advocacy on Child and Spousal Support Issues*** on September 27, 2011 from 9:00 a.m. to 12:00 p.m. This session will allow you to refine your advocacy skills with hands-on instruction, constructive criticism and an opportunity to get practical tips and strategies from family law practitioners. Advance preparation is required.

Register now by visiting www.osgoodepd.ca, calling 416.597.9724 or 1.888.923.3394, emailing opd-registration@osgoode.yorku.ca or faxing 416.597.9736.

Chairs

Gary S. Joseph, MacDonald & Partners LLP
George Karahotzitis, Thomson, Rogers

Faculty

Sarah Boulby, Basman Smith LLP
Brian Burke, Epstein Cole LLP
The Hon. Justice George Czutrin
Ontario Superior Court of Justice
Aaron Franks, Epstein Cole LLP
Dani Z. Frodis, Dani Z. Frodis Barristers
Cheryl Goldhart, Goldhart & Associates
The Hon. Justice R. John Harper, Senior Family
Judge, Ontario Superior Court of Justice
The Hon. Justice Ronald P. Kaufman
Ontario Superior Court of Justice

Jodi Kovitz, Torkin Manes LLP
Daniel S. Melamed, Torkin Manes LLP
Kristen Normandin, Goldhart & Associates
Michael Perlman, DIVORCEmate Software Inc.
Steve Z. Ranot, Marmer Penner Inc.
Patrick D. Schmidt, Thomson, Rogers
Geoffrey Wells, MacDonald & Partners LLP
Ann Wilton, MacDonald & Partners LLP
Lorne H. Wolfson, Torkin Manes LLP

8:30 Registration and Continental Breakfast

9:00 Welcome from the Chairs

9:05 Motions to Change and Retroactive Claims Related to Spousal Support

Patrick D. Schmidt, Thomson, Rogers

- Consent orders incorporating agreements with a different threshold: what is the test for varying spousal support in such a case?
- Claims for retroactive spousal support: what is the test?
- Changes or fluctuations in income and the material change threshold: what is a material change?

9:45 Dealing with Equity-Based Compensation in Support Claims

Steve Z. Ranot, Marmer Penner Inc.

Equity-based compensation includes complex items like employee stock options and restricted share units. These must be valued for matrimonial purposes when they may not have vested or when there are still many years left before expiry. These items enter a spouse's NFP and also his/her income afterwards so there may be an element of double-dipping. Learn how these complex financial instruments are valued and later included (with adjustments) into income for support purposes.

10:20 Judge's Panel – The Ten Most Important Support Cases Under the SSAGs

Moderator

Gary S. Joseph, MacDonald & Partners LLP

Panellists

**The Hon. Justice R. John Harper, Senior Family Judge
Ontario Superior Court of Justice**

**The Hon. Justice Ronald P. Kaufman
Ontario Superior Court of Justice**

**The Hon. Justice George Czutrín
Ontario Superior Court of Justice**

Hear from this panel on why these cases are valuable, and what practitioners can learn from the decisions.

11:05 Refreshment Break

11:20 The SSAG Exceptions: What You Need to Know

Ann Wilton, MacDonald & Partners LLP

The 11 SSAG exceptions have been under-utilized to date, but recent cases are giving them greater importance. Hear how the courts have used them and how other possible "new" exceptions could be used in the future.

12:00 How Not to Calculate Spousal Support Under the SSAGs

Michael Perlman, DIVORCEmate Software Inc.

- Common errors and "strange" results in determining spousal support under the SSAGs in DIVORCEmate's Tools 2K11 software
- s.7 special expenses and corresponding tax credits/deductions

- RSPs and pension contributions
- "Adult Children Formula"

12:40 Luncheon

1:30 Demonstration: Are Lump Sum Awards Appropriate?

Judge

Ontario Superior Court Justice - TBA

Counsel

Cheryl Goldhart, Goldhart & Associates

In light of the recent ruling in *Davis v. Crawford*, counsel will argue a motion for a lump sum award of spousal support.

- Is a lump sum award appropriate?
- In what circumstances will a court award a lump sum and what factors will it consider relevant?
- What discretion does the court have?
- Will we see more lump sum awards post-*Davis*?

2:15 The SSAGs and Income Over \$350,000

Daniel S. Melamed, Torkin Manes LLP

- Do the SSAG's apply to high income payors?
- Determining spousal support in high income cases
- How are the courts exercising their discretion?

2:55 Refreshment Break

3:10 Child Support for Adult Children

Aaron Franks, Epstein Cole LLP

- How long does support continue for?
- For how many post-secondary degrees is a parent liable to contribute?
- Must a child contribute to the cost of his/her education?

3:50 Techniques for Settling Family Law Cases

Lorne H. Wolfson, Torkin Manes LLP

- Creating a mood for settlement
- Increasing the pie
- Creative ways to satisfy equalization payments
- Offering something you can't get from a court
- Creating a process to resolve unreasonable issues

4:30 Blameworthy Conduct in Retroactive Child Support Cases *D.B.S. v. S.R.G.* Five Years On

Sarah Boulby, Basman Smith LLP

- What constitutes blameworthy conduct and is it an essential element?
- How protective is compliance with a pre-existing order or agreement?
- Subjective and objective tests
- Recent case law – the development of blameworthy conduct as a factor through the lower court decisions applying *D.B.S.*
- Advising clients on disclosure obligations and the impact of s.24.1 of the Provincial Child Support Guidelines

5:15 Conference Concludes

Agenda [Cont'd]

Optional Post-Conference Workshop *Motion Advocacy on Child and Spousal Support Issues* Tuesday, September 27, 2011 [9:00 a.m. - 12:00 p.m.]

Brian Burke, Epstein Cole LLP

Dani Z. Frodis, Dani Z. Frodis Barristers

Jodi Kovitz, Torkin Manes LLP

Kristen Normandin, Goldhart & Associates

Geoffrey Wells, MacDonald & Partners LLP

This unique "learn-by-doing" workshop was developed to give family law practitioners the opportunity to learn and refine essential advocacy skills when a motion is necessary on a claim for spousal or child support.

Participants will be provided materials in advance, on a matter of spousal and child support, and asked to prepare and be ready to conduct a mock motion.

Family law practitioners will then offer constructive criticism and provide feedback on the preparation, development and delivery of your argument and provide practical tips and strategies on refining your advocacy skills.

It is rare to have a chance to get focused feedback in a supportive and non-intimidating environment.

While advanced preparation is required, the hands-on instruction and feedback received by the faculty will make your efforts worthwhile.

Register now as places will be limited. You'll be glad you did!

Note: Advanced preparation is required to benefit from this workshop.



LSUC (ON) CPD: pending; approved with the **Barreau du Québec**, **BC CPD**, **Law Society of New Brunswick**, **Northwest Territories**, **Nunavut** and **Manitoba** for 6.5 credit hours (9.5 with workshop); the **New York CLE Board** for 8 credit hours (11.5 with workshop) in the Area

CPD Credits of Professional Practice for transitional and non-transitional lawyers. Eligible for CLE/Insurance Premium Credits Program offered by the **Law Society of PEI** and for Alberta CPD credit with the **Law Society of Alberta**. Questions? E-mail: cpd@osgoode.yorku.ca or refer to the program website.

Registration

Please complete all registrant information.

Register me for: **Child and Spousal Support**

Conference Only Conference + Workshop Workshop Only

I will attend: On Site via Webcast (single viewer - conference only)

I am unable to attend. Please send me information about ordering program materials.

Name: _____

Title: _____

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Fee Per Delegate

Conference only: \$465 plus 13% HST for a total of \$525.45. Conference plus workshop: \$665 plus 13% HST for a total of \$751.45. Workshop only: \$300 plus 13% HST for a total of \$339.00.

Fees include attendance, program materials, continental breakfast, lunch (conference only) and break refreshments. Group discounts are available for both on site and webcast participants. Visit www.osgoodepd.ca for details. Please inquire about financial assistance.

Payment Options

Cheque enclosed (payable to York University — HST# R119306736)

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Cancellations and Substitutions

Substitution of registrants is permitted at any time. If you are unable to find a substitute, a full refund (less \$75 administration fee) is available if a cancellation request is received in writing 14 days prior to the program date. No other refund is available.

Program Changes

We will make every effort to present the program as advertised, but it may be necessary to change the date, location, speakers or content with little or no notice. In the event of program cancellation, York University's and Osgoode Hall Law School's liability is limited to reimbursement of paid fees.

Dates & Times

Monday, September 26, 2011
9:00 a.m. - 5:15 p.m. EDT/EST

Optional Workshop: September 27, 2011
9:00 a.m. - 12:00 p.m.

Please arrive a half hour early for sign-in and material pick-up.

Dress is business casual.

Location

Osgoode Professional Development
Downtown Toronto Conference Centre

1 Dundas St. W., 26th Floor
Toronto, ON M5G 1Z3

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