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**1. TD Canada Trust Approves Protocol Closings in Manitoba**

TD Canada Trust has now incorporated the Western Law Societies Conveyancing Protocol into its mortgage instructions to Manitoba lawyers for the closing of residential real estate transactions. The inclusion of the Protocol into TD Canada Trust's residential mortgage lending processes will enhance its array of services and streamline the mortgage funding process. TD Canada Trust requires a lawyer closing a Protocol transaction to maintain errors and omissions insurance coverage per occurrence in an amount equal to or greater than the financing related to that transaction. All practising lawyers (except those employed by the government, government agencies other than Legal Aid Manitoba and municipalities) have mandatory professional liability insurance coverage of \$1 million per occurrence with an aggregate limit of \$2 million.

The Protocol closing process is available from lawyers in the West at no additional cost to the consumer or lender. Protocol closings have now been approved by Bank of Montreal, the Royal Bank of Canada, and TD Canada Trust. For more information about the Protocol closing process please go to <http://www.lawsociety.mb.ca/conveyancing.htm>.

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**2. Comportment of Counsel**

The decision in [Re Dool \(Estate of\)](#), 2007 ABQB 12 (CanLII) serves as a reminder to counsel of the potential costs of uncivil behaviour. The court was hearing a motion by the challengers of a will to discontinue their claim on the basis of financial and health reasons. The respondent was seeking costs. On the facts, the applicants were permitted to withdraw without costs, and with their own costs being paid from the estate. Aside from the discussion on costs, the reasons also include a section specifically entitled "Comportment of Counsel" which addresses the manner in which counsel for the respondent (mis)behaved toward both opposing counsel and the court.

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**3. Nieces and Nephews Defined by B.C. S.C.**

The court in [Estate of Cecil Charles Herbert Holmes et al.](#), 2007 BCSC 51 (CanLII) finds that a gift in a will to "all my nieces and nephews" includes the children of the testator's siblings as well as those of his late wife's siblings.

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**4. Current Resources for Solicitors**

Solicitors will find the following articles useful in their practices:

- [The collapsing deal and dispute resolution techniques for solicitors](#)
  - [Ties that bind? Support and the payor's estate](#)
  - [Manitoba May Deviate from Ontario's Lead in Use of Multiple Wills to Lower Probate Fee](#)
  - [Checklist Helps Avoid Litigation Over Independent Legal Advice](#)
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## **5. CBA's Elder Law Conference**

The CBA's annual Elder Law Conference will take place on June 15-16, 2007 in Fredericton, New Brunswick. For complete program details and to register, visit the CBA [website](#).

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