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1. Supreme Court Rules on Joint Account Cases

The Supreme Court of Canada has recently issued decisions in the joint account cases arising out of Ontario, [Pecore v. Pecore](#), 2007 SCC 17 and [Madsen Estate v. Saylor](#), 2007 SCC 18. The cases address the question of how joint accounts are to be treated by the courts when one of the account holders dies. In both cases, a parent added an adult child to their own bank account, creating a joint account. On the death of the parent, the issue became whether or not the account should form part of the estate or should ownership of the account pass by right of survivorship to the adult child. The majority of the court found that the presumption of advancement could apply only in cases where a parent made a transfer to a minor child (and would not even apply to a transfer to a dependant adult child.) Where adult children are involved, the court said that the presumption of resulting trust will apply, shifting the onus to the adult child to rebut the presumption based upon the facts in evidence. For additional commentary on the decisions, read [Legal Presumptions Have Merit, Say Rulings](#) in the Law Times online.

2. Legal Fees for Lawyer/Executor: B.C.C.A.

The Supreme Court recently refused leave to appeal the decision of the British Columbia Court of Appeal in [Jackson v. King](#), 2006 BCCA 563 (CanLII). The case deals with legal fees on an estate matter where the lawyer for the estate was also one of the executors, and had drafted the will which contained a "charging clause" permitting the lawyer to charge the estate for legal fees in dealing with the estate.

3. Report on Title Insurance from MLRC

The Manitoba Law Reform Commission in April released its report [Private Title Insurance - A Joint Project Between the Manitoba Law Reform Commission and the Law Reform Commission of Saskatchewan](#). The Executive Summary is also available on the MLRC website in both [English](#) and [French](#).

4. Upcoming Elder Law & Estates CLE programs

Following are some details on upcoming educational opportunities:

- June 1, 2007 @ 12:00 p.m. - *Canada Pension Plan and Old Age Security* sponsored by the Elder Law Section of the Manitoba Bar Association. For complete details, see the [MBA website](#).

June 25, 2007 @ 1:00 p.m. - [*Whose Decision is it Anyway? Responding to Concerns of Client Capacity*](#) presented by The Law Society of Manitoba and chaired by The Honourable Mr. Justice Schulman. This program will also be presented in Brandon on September 24, 2007.

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