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**1. Trust Conditions 101**

On October 23, 2007, the Law Society of Manitoba will present [Trust Conditions and Undertakings for Lawyers and Support Staff](#), a lunchtime CLE program that will provide an overview of your professional obligations in accepting trust conditions and giving undertakings. For complete details, visit the [Law Society website](#). If you can't attend, give yourself a quick update by taking some time to review [Chapter 16](#), Commentary 7 of the *Code of Professional Conduct* as well as the on-point and eloquent judgment of the Alberta Court of Appeal in [Carling Development Inc. v. Aurora River Tower Inc.](#), 2005 ABCA 267 (CanLII).

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**2. Forgiving a Loan: A Cautionary Tale**

The recent British Columbia Court of Appeal decision in [Singh Estate v. Shandil](#), 2007 BCCA 303 (CanLII) serves as a cautionary tale for lawyers trying to document a client's intention to forgive (or seek repayment of) a loan. The testator made a 2003 will giving his daughter a limited cash gift which was explained by an attached Statutory Declaration whereby the testator forgave a \$100,000 loan made to the daughter. In 2004, after the relationship with his daughter had soured, the testator signed a document revoking the 2003 declaration and executed a new will that specifically instructed his executor to collect this loan. Around the same time, he also made a demand for repayment of the loan. The court did not enforce the provision of the 2004 will, finding the elements for a successful gift of \$100,000 to the daughter in 2003 and further found that the 2003 statutory declaration was irrevocable.

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**3. Significant Costs Against Solicitor: ON S.C.**

In [Rand Estate v. Lenton](#), 2007 CanLII 6906 (ON S.C.) the court ordered the solicitors for the respondents to pay costs to the estate of more than \$63,000. The court found that the conduct of the solicitors was "unprofessional" and resulted in the estate incurring "wasted legal costs" and gave numerous examples of the kind of ongoing (mis)behaviour that formed the basis for the award.

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**4. Elder Law CLE Online**

The Canadian Bar Association is presenting [Advising the Elder Client](#), an online CLE program, on Tuesday, October 30, 2007 from 10:00 - 11:30 a.m. Registration is open to all CBA members and can be completed [online](#).

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