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**COMPENSATION & DUTIES  
OF ESTATE TRUSTEES,  
GUARDIANS & ATTORNEYS**

**Jennifer J. Jenkins**

**Edward Olkovich, Contributing Editor**

**Release No. 27, September 2019**

**What's New in this Update:**

This release features updates to Chapters 16 and 21 as well as updates to the Index.

- **Chapter 16: Will Challenges**

The Court of Appeal in *Gefen v. Gaertner*, 2019 CarswellOnt 4099, 2019 ONCA 233 (Ont. C.A.), comments on compensation for

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Estate Trustees during litigation. A sample compensation agreement for a noncorporate Estate Trustee during litigation is provided in the appendix.

- **Chapter 21: Evidence, Procedure and Limitation Periods**

This chapter has been revised and updated. It refers to professional conduct rules and new requirements for lawyers to remove themselves from the record. Included are recent cases on summary judgment motions and limitation periods for will contests.

- **Procedural note:**

Amendments to the *Rules of Civil Procedure* were made effective January 1, 2019 by Ontario regulations 536/18 and 537/18. One key change covers lawyers applying to remove themselves from the court record. Amendments to Rule 15.04 prevent disclosure of solicitor-client privileged or prejudicial information to other parties or the public.