



## Get estate planning right

BY [ADMIN](#) ON JANUARY 15, 2015 · [LEAVE A COMMENT](#)



By Dorothy Hagel

Happy New Year 2015! As this is my very first blog entry, perhaps an introduction is in order. I am a lawyer practicing in Mississauga, Port Credit area. My practice focuses on estate matters. I aim to assist my clients with their own succession planning, draft wills and trust documents, help with administration of estates or take matters to the Court if conflicts arise.

Estates is a complex area of law as it interacts and overlaps over numerous other areas such as business law, family law, real estate or civil litigation.

It is also a difficult area not only because of legal complexities that it can involve, but also because it often deals with complex emotions and family dynamics that our legal system is often ill prepared to address. It is therefore my job to navigate between all these different complexity levels to provide my clients with practical solutions addressing their specific needs. And the best solutions are these that actually have a chance to get implemented. Sounds simple, but it truly may not be so.

Generally estate solutions fail either because they too simplistic or overly complex. The proportionality is the key to success here. The simplistic estate plan will leave insufficient directions. The most common example is failing to name a proper trustee for the estate, leaving to beneficiaries to administer the estate without taking into consideration the conflicts between the beneficiaries or their ability to deal with financial matters. The other extreme would be leaving such a complex distribution instruction that the estate trustee is unable to act without constantly asking for the Court's opinion.

In the end it all finding the right people to do this job. The needs and dynamics between the family members have to be addressed either by leaving clear instructions or sufficient discretion but someone will have to be carry the torch in the end. Your estate trustee is the key person for your estate plan. Without the proper estate trustee who is given sufficient instructions or sufficient discretion, your estate plan will fail, regardless how skilled is the lawyer who drafted your will.

**Dorothy Hagel JD, CFP** is a Barrister, Solicitor & Notary Public with HAGEL LAW FIRM. She can be reached

at [dorothy.hagel@dhestatelaw.com](mailto:dorothy.hagel@dhestatelaw.com)