

## Succession Law

Friday 21 March 2025 | 5 hours | 5 CPD points

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### Year in Review: Case Law Update

A review of cases from the last twelve months examining recent key developments in succession case law and legislation, including:

- *Hawkins v Whitla* [2024] QSC 201
- *Re Smadja (dec'd)* [2024] QSC 273
- *Linkenbach v Turner* [2024] QSC 316
- *Re McGilchrist (dec'd)* [2024] QSC 322
- *Taylor v Friday* [2024] QSC 329
- *Morris v Morris* [2025] QSC 7
- *Sorati & Anor v Sorati* [2025] QSC 14
- *Smith v Kennedy* [2025] QSC 27
- *Lewis v Watson* [2025] QSC 35

Presenter: **Chelsea Baker**, Senior Associate, Cornford-Scott Lawyers

Chair: **Karen Gaston**, Barrister, Queensland Bar; Member, Queensland Law Society Succession Law Committee



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### SMSFs and TDTs: friends or foes?

This session discusses the range of superannuation strategies available to us as practitioners in estate planning, as well as testamentary considerations. When is each strategy more advantageous? Can one size actually fit all? Through the lens of the needs of a couple as they go through different life stages, we will explore the testamentary options most suitable at each stage and consider various super solutions that are often overlooked in the estate planning process.

Presenters:

**Clinton Jackson**, Partner, Cooper Grace Ward

**Ann Janssen**, Special Counsel and Divisional Head, Estate First Lawyers; Accredited Specialist (Succession Law) – Qld

Chair: **Caite Brewer**, Barrister, Queensland Bar



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### Lifestyles of the rich and famous – issues in the administration of trusts

The purpose of this session is to consider recent decisions of the Supreme Courts of Victoria and NSW that deal with disputes in relation to the administration of trusts. The focus will be on the principles that emerge from those decisions that could be used to inform and assist practitioners in advising parties to a trust arrangement including trustees, beneficiaries, guardians & appointors.

Presenter: **Dr Bill Orow**, Barrister, Queensland Bar

Chair: **Sonia Smith**, Special Counsel – Legal Policy, Queensland Law Society



### Introduction to estate litigation and contested probates

This early career lawyer session will introduce the fundamentals of estate litigation and contested probates, focusing on common challenges and key legal principles involved in administering estates and resolving disputes. The session will cover:

- The concept of the legal personal representative
- Ensuring all the deceased's debts are paid
- Cost and other issues for administrators
- Bankruptcy of beneficiaries
- Family provision applications
- Solemn form challenges
- Construction and rectification, where a will is ambiguous
- Challenges to the nomination of executors

Presenter: **David Topp**, Barrister, Queensland Bar

Chair: **Sonia Smith**, Special Counsel – Legal Policy, Queensland Law Society



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### Defining dementia capability: A framework for legal practitioners

Through extensive consultation with legal practitioners nationwide, as well as people with dementia and their support networks, a research project identified five essential attributes of a 'dementia capable' legal practitioner: knowledge, legal rights and risks, capacity, communication, and advocacy. These attributes aim to guide legal professionals in delivering competent and compassionate services to clients with dementia, ensuring their rights are upheld and their unique needs are met.

Presenters:

**Nola Ries**, Professor, Faculty of Law, University of Technology Sydney; Director, Law Health Justice Research Centre

**Karen Williams**, Principal Solicitor, ADA Law – Community Legal Service

Facilitator: **Rebecca Anderson**, Solicitor, Aged and Disability Advocacy Law; Chair, Queensland Law Society Elder Law Committee

Chair: **Katrina Harper**, National Manager Health & Personal Injury, Equity Trustees

