

Margaret O'Sullivan

MANAGING PARTNER

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Overview

Margaret's practice involves all aspects of trust and estate work for domestic and international private clients, including estate planning; will and trust planning; incapacity planning; estate litigation; advising executors, trustees and beneficiaries and administration of estates and trusts, with a focus on high net worth domestic, cross border and multijurisdictional succession issues.

Margaret is recognized in The Best Lawyers in Canada 2022, Legal Week's Private Client Global Elite 2020-21 representing the top 250 private client lawyers worldwide, in the 2021 Edition of The Canadian Legal Lexpert Directory as one of the most frequently recommended estate planning lawyers, in The Who's Who Legal: Private Client 2021 and in The Who's Who Legal: Canada 2021.

She is one of nine top-ranked Band 1 private wealth client lawyers in Canada in Chambers High Net Worth 2021 Guide.

Her firm was selected as one of the "Top 10 Wills, Trusts and Estates Boutiques" by Canadian Lawyer Magazine for 2021-22.

AREAS OF PRACTICE

- Estate Planning including High Net Worth and Cross Border and Multijurisdictional Succession
- Trust Planning
- Will Planning
- Incapacity Planning
- Trust and Estate Administration
- Advice to Executors and Trustees, Attorneys, Guardians and Legal Representatives
- Estate Dispute Resolution

BAR ADMISSIONS

Ontario, 1983

EDUCATION

- Queen's University, Faculty of Law, Kingston, Ontario, Canada
 L.L.B. – 1981
- Queen's University, Faculty of Arts and Science, Kingston, Ontario, Canada B.A. magna cum laude 1978

She is the recipient of the 2014 Society of Trust and Estate
Practitioners (STEP) Founder's Award for Outstanding Achievement
and the Ontario Bar Association's 2013 Award of Excellence in
Trusts and Estates Law.

Prior to establishing an independent practice, Margaret was a partner in the Toronto office of the national Canadian law firm Stikeman Elliott where she directed the firm's trusts and estates practice.

She has practiced exclusively in the area of trusts and estates since her call to the bar in 1983.

Testimonials

"She is a renowned expert in the field. She completely knows her stuff and has in-depth expertise in this area. She is highly professional, solution-oriented, calm and collected, and very precise. She is very effective in her work, a true professional and her clients are always happy."

Chambers High Net Worth 2019 Canada

"She finds solutions, not problems."

Chambers Hight Net Worth Guide 2018

"Expertise and technical skills are excellent."

Chambers Canada 2017

"She provides all-round knowledge and always works towards the best solution for the client."

Who's Who Legal Canada, Private Client 2016

"Margaret O'Sullivan is extensively experienced handling complex trust and estate work for domestic and international private clients. She is particularly highly regarded for her expert knowledge of cross-border succession issues."

Who's Who Legal Canada, Private Client 2017



The "excellent" Margaret O'Sullivan ranks as one of Canada's leading private client lawyers. Market sources report that "she is amazing" and that "her name stands out" among peers.

Who's Who Legal Canada, Private Client 2019

Awards and Accolades

- Ranked as one of the top nine Band 1 leading private wealth lawyers in Canada in Chambers High Net
 Worth 2021 Guide
- O'Sullivan Estate Lawyers LLP has been designated a Top 10 Wills, Trusts and Estates Boutique Law
 Firm for 2021-22 by Canadian Lawyer Magazine
- Member of Legal Week's Private Client Global Elite 2020-21
- Recognized in the 2021 Edition of The Canadian Legal Lexpert Directory Most Recommended Leading Practitioners in Estate Planning
- Recognized in The Best Lawyers in Canada 2022 in Trusts and Estates
- Recognized in The Who's Who Legal: Private Client 2021
- Recipient of the 2014 STEP Founder's Award for Outstanding Achievement
- Recipient of the Ontario Bar Association's 2013 Award of Excellence in Trusts and Estates Law
- Awarded "Volunteer of the Year" by the Society of Trust and Estate Practitioners (Canada) 2008

Professional Activities

- Academician of the International Academy of Estate and Trust Law
- Member, Private Client Global Elite
- Elected member, STEP Cross Border Estates Global Steering Committee
- Fellow, The American College of Trust and Estate Counsel (ACTEC)
- Member, Canadian Bar Association
- Member, American Bar Association
- Member, New York State Bar Association
- Member, International Bar Association
- Member, Canadian Tax Foundation
- Immediate Past Chair for the Queen's University Gift Planning Advisory Committee
- Chair of Program Committee for STEP Global Congress, Vancouver, September 13-14, 2018
- Past Deputy Chair and past member, Board of Directors and Council for STEP Worldwide
- Past Chair, Professional Standards Committee, STEP Worldwide
- Founding member and former Deputy Chair, Society of Trust and Estate Practitioners (Canada)
- Former Chair of the Editorial Board of its newsletter STEP INSIDE



- Past Chair, Trusts and Estates Section of the Ontario Bar Association
- Past elected member, Ontario Bar Association Council, 1993-1998
- Immediate Past Chair of the Queen's University Gift Planning Advisory Committee

Presentations

Upcoming

- Margaret is a Member of the Advisory Board for the Private Client Forum Americas in Mayakoba, Mexico, in February 2022.
- Margaret will speak on "Cross-Border Estate Planning Considerations, at the "Institute Across Borders:
 Legal Issues and Best Practices for Ontario Lawyers Around the World," organized by the Ontario Bar
 Association (OBA) on November 9, 2021.
- Margaret will participate with other international private client advisors in a roundtable discussion on global mobility for the Butterfield Bank on October 22, 2021.

Recent

- Margaret presented "Powers of Attorney: The Hurdles Associated With the Practical Use of a Power
 of Attorney in Today's World" on the topic of "Cross-Border Recognition of Powers of Attorney" at
 the Elder Law Online Symposium, organized by the Canadian Bar Association (CBA), on September
 24, 2021.
- Margaret spoke on the topic "The Importance of Keeping Your Affairs in Order," a private event for clients of Cumberland Private Wealth Management Inc., on July 21, 2021.
- Margaret designed and moderated an international webinar, titled "Civil Law and Common Law: A
 Comparison of Estate Administration on Death," on Wednesday, June 2, 2021. This event was hosted by
 the Cross-Border Special Interest Group of the Society of Trust and Estate Practitioners (STEP)
 Worldwide.
- Margaret spoke at the International Estate Planning Committee meeting, the American College of Trust and Estate Counsel (ACTEC) Annual Meeting on March 2, 2021, on taxation on death in Canada and inheritance and wealth taxes.
- Margaret presented to advisors at Cumberland Private Wealth Management, February 25, 2021, on the topic of "Protecting a Child's Inheritance."



- Margaret and the O'Sullivan team hosted a private webinar for advisors and clients of Scotia Private Wealth Management, "Foreign Property and Connections: It's Complicated," on February 18, 2021.
- Margaret spoke at the Global Elite panel on February 10th, 2021. The panel discussed the pandemic's impact on the perception of wealth, and shone a spotlight on the topic of a wealth tax (or its lack thereof) across several jurisdictions. Margaret was representing Canada; other panelists were from UK, Italy, Spain, and Switzerland.
- Margaret and the O'Sullivan team hosted a webinar, "Using Multijurisdictional Wills and Powers of Attorney," on January 20, 2021, in conjunction with Chambers and Partners. Registrants spanned 43 countries around the world.
- Margaret spoke on a panel of senior trust and estate practitioners at the OBA Trusts and Estates Section
 Program on topical issues in estate planning on January 14, 2021.
- "A Comparative Review of the Use of Will Substitutes." Margaret moderated this session which included panelists Lionel Smith, law professor at McGill University (expert in common law, estate planning and trusts), and Dr. Gregor Christandl, LL.M. (Yale), associate professor at the University of Innsbruck (expert in civil law and estate planning) on December 1, 2020. The live webcast was part of STEP (Society of Trust and Estate Practitioners) Worldwide Spotlight Sessions.
- Margaret spoke on the topic of wealth taxes for a presentation by Queen's University Alumni, on November 24, 2020.
- "Incapacity at Home and Abroad: Jurisdictional Challenges" Margaret O'Sullivan was one of three panelists who explored the challenges that can arise from the perspective of both civil-law jurisdictions, such as France, Portugal, and Mexico, and common-law jurisdictions, such as Florida, California, and Arizona, on October 27, 2020.
- Margaret and the O'Sullivan team of estate lawyers hosted a webinar, "Planning and Administering an
 Estate with Foreign Connections," in conjunction with Key Media, publishers of Canadian Lawyer
 magazine and The Law Times, on September 23, 2020.
- Margaret attended the American College of Trust and Estate Counsel Annual Meeting in Boca Raton,
 Florida on March 4-8, 2020.
- Margaret was a member of the Global Legal Week Private Client Forum Americas Advisory Board that
 organized the Forum held in Riviera Maya, Mexico on February 5-7, 2020. She spoke on the issue of
 death taxes and wealth taxes.
- Margaret helped organize and spoke at the STEP Cross-Border Estates program "Multiple Taxation on Death", London, U.K. on November 22, 2019.



- Speaker, **OBA Trusts & Estates Section Program** on November 11, 2019 on a panel of senior estate planning lawyers to discuss best practices in the area of estate planning.
- O'Sullivan Estate Lawyers hosted a webinar on the topic "Protecting a Child's Inheritance,"
 October 24, 2019.
- Attended the annual conference of the International Academy of Estate and Trust Law, May 20-23, 2019, Tokyo, Japan.
- Speaker, "Recent Canadian Estate Planning Developments," STEP International Tax and Estate Planning Forum: Around the Globe, Laguna Beach, CA May 9 and 10, 2019.
- Speaker, "Canadian Estate Planning Developments," Global Legal Week Private Client Forum Americas 2019, Newport Beach, CA March 27-29.
- Presenter to Faculty Leadership on "Gift Planning on Death," Queen's University, Kingston, January 28, 2019.
- Attended Senior Trust and Estate Practitioners Forum October 14-16, 2018.
- Presenter, Wills & Estates Planning Seminar, Pal Insurance, October 11, 2018.
- Chair, Program Committee, STEP Global Congress, Vancouver, September 13-14, 2018.
- Speaker, Conflict of Laws, STEP Annual Conference, Toronto, May 28-29, 2018.
- Speaker, Contingency Planning on Death, BloombergSen Women's event, May 1, 2018.
- Speaker, Key Estate Planning Issues, Georgian Triangle Lifelong Learning, Collingwood, April 20, 2018.
- Attended American College of Trust and Estate Counsel Annual Meeting, San Antonio, Texas, March 8 – 11, 2018.
- Co-chair and presenter, STEP Cross-Border Estates- Mental & Incapacity Session, London, U.K., November 30, 2017.
- Presenter, Estate Planning Breakfast Workshop, Pal Insurance, November 14, 2017.
- Attended American College of Trust and Estate Counsel Fall Meeting, Nashville, October 12-22, 2017.
- Presenter, Cidel Provence Estate Planning Conference, September 2017.
- Speaker, "Discretionary Trusts Practical Concerns", STEP Canada 19th National Conference, Toronto, June 12 -13, 2017.
- Presenter, Canada-U.S. Cross Border Estate Planning Issues, National Bank, Toronto, June 7, 2017.
- Speaker, "Estate Planning for Global Families", STEP Toronto, April 12, 2017.



- Speaker, Technologic: Technological Liberation and the Transparency of Trust", Mayan Riviera, Mexico, February 15-17, 2017.
- Presenter, Gluskin Sheff + Associates Inc., Private Client Lunch Seminar, February 9, 2017.
- 2016 CBA Wills, Estates and Trusts Fundamentals for Estate Practitioners program, "Conflicts of Laws",
 Toronto, October 26, 2016.
- Canadian Tax Foundation, 2016 Ontario Tax Conference, Co-Presenter: "Multijurisdictional Estate Planning", Toronto, October 25, 2016.
- Law Society of Ontario Practice Gems: The Administration of Estates program, Presenter:
 "Issues Arising Where There Are Foreign Beneficiaries or Legal Representatives of an Estate",
 Toronto, September 20, 2016.
- 2016 STEP National Conference, Panel Presentation: "The Impact of the European Regulation on Succession in Canada", Toronto, June 10, 2016.
- CBA Wills, Estates and Trusts Fundamentals for Estate Practitioners program, "Conflict of Laws,"
 Toronto, October 15-18, 2015.
- 2015 Cidel Provence Conference, "Multijurisdictional Incapacity and Will Planning for the Mobile Client,"
 Provence, France. September 2015.
- OBA Litigation and Administration of Foreign Trusts and Assets program, "Critical Guidance for the Planning and Administration of Foreign Assets," Toronto, April 9, 2015.
- Estate Planning & Litigation Forum, "Losing Your Marbles at Home and Abroad: Mental Incapacity and Multijurisdictional Planning," Langdon Hall, Cambridge, Ontario, April 28, 2015.
- STEP Journal, Book Review of John Poyser's Capacity and Undue Influence, March 2015.
- Private Client Forum Americas 2015, "War Within: Mental Incapacity and Cross-Border Planning for Assets in Multiple Jurisdictions" (Panel Discussion), Papagayo Bay, Costa Rica, February 4-6, 2015.
- Knowledge Bureau Workshop, "Attorney School: Handling Financial Affairs for a Loved One,"
 Toronto, November 29, 2014.
- STEP Global Congress 2014, "Multijurisdictional assets challenges for estate planning and dealing with mental incapacity," Miami, Florida, November 6 & 7, 2014.



Recent Publications

2021

- Co-author of Canada Chapter for "International Succession Laws."
- Author of Canada Chapter for "Practical Law—Private Client Global Guide."
- Co-author of Canada Chapter for Mondaq, "Private Client Comparative Guide," August 31, 2021.
- "The Importance of Integrity When Providing Trust and Estate Advice," The Lawyer's Daily, August 11, 2021.
- "Will We Meet Again? The Zoom Boom," The Lawyer's Daily, June 18, 2021.
- "Fiduciary Crash Course: 5 Estate Law Dos and Don'ts," The Lawyer's Daily, April 22, 2021.
- "Will Canada Have a Wealth Tax?" STEP Toronto Connection, the newsletter of the Society of Trust and Estate Practitioners, Toronto Chapter, January 2021. [See pages 9 to 11 of the URL for Margaret's article.]
- Canada Chapter "Private Wealth and Private Client Review 2021" Margaret O'Sullivan has contributed the Canada Chapter for "Private Wealth and Private Client Review" for more than eight years.

- The Lawyer's Daily, Wills, Trusts & Estates "Choosing an executor: Who's in charge?" on October 7, 2020. This article was originally published by The Lawyer's Daily (www.thelawyersdaily.ca), part of LexisNexis Canada Inc.
- The Lawyer's Daily, Wills, Trusts & Estates "Owning international real estate can result in multiple taxation on death," on July 28, 2020. This article was originally published by The Lawyer's Daily (www.thelawyersdaily.ca), part of LexisNexis Canada Inc.
- Margaret O'Sullivan, "<u>Key Succession Issues for the Multi-jurisdictional Estates</u>," on September 1, 2020. [A checklist]
- "Owing International Real Estate Can Result in Multiple Taxation on Death," The Lawyer's Daily, July 28, 2020.
- The Lawyer's Daily, Wills, Trusts & Estates "Powers of attorney for mobile clients: International protection of adults," on April 15, 2020. This article was originally published by The Lawyer's Daily (www.thelawyersdaily.ca), part of LexisNexis Canada Inc.



- The Lawyer's Daily, Wills, Trusts & Estates "Powers of attorney for mobile clients: Other jurisdictions and Ontario," on March 11, 2020. This article was originally published by The Lawyer's Daily (www.thelawyersdaily.ca), part of LexisNexis Canada Inc.
- The Lawyer's Daily, Wills, Trusts & Estates "Powers of attorney for mobile clients: Multijurisdictional incapacity planning," on March 5, 2020. This article was originally published by The Lawyer's Daily (www.thelawyersdaily.ca), part of LexisNexis Canada Inc.
- The Lawyer's Daily, Wills, Trusts & Estates "Powers of attorney for mobile clients: Separate situs," on February 27, 2020. This article was originally published by The Lawyer's Daily (www.thelawyersdaily.ca), part of LexisNexis Canada Inc.

- STEP Journal, 'The Psychology of Wealth', October 2019.
- The Lawyer's Daily, Wills, Trusts & Estates "Powers of attorney and advanced care planning: Assisted dying." on October 3, 2019. This article was originally published by The Lawyer's Daily (www.thelawyersdaily.ca), part of LexisNexis Canada Inc.
- The Lawyer's Daily, Wills, Trusts & Estates "Powers of attorney and advanced care planning: Wish list," on September 25, 2019. This article was originally published by The Lawyer's Daily (www.thelawyersdaily.ca), part of LexisNexis Canada Inc.
- Co-author, The Private Wealth & Private Client Review, 8th Edition, Chapter: "Canada" (Law Business Research, September 2019).
- The Lawyer's Daily, Wills, Trusts & Estates "Powers of attorney and advanced care planning: Wishes and directives" on September 4, 2019. This article was originally published by The Lawyer's Daily (www.thelawyersdaily.ca), part of LexisNexis Canada Inc.
- Practical Law Global Guide: Private Client, "Private Client Law in Canada: Overview", Thomson Reuters (updated August 2019)
- Practical Law Global Guide: Private Client, "Key Considerations in Multijurisdictional and Separate Situs Will Planning", Thomson Reuters (updated August 2019).
- Lawyer's Daily, Wills, Trusts & Estates "Powers of attorney and advanced care planning: Substitute decision making" on August 20, 2019. This article was originally published by *The Lawyer's Daily* (www.thelawyersdaily.ca), part of LexisNexis Canada Inc.
- The Lawyer's Daily, Wills, Trusts & Estates "Powers of attorney and advanced care planning: Personal care" on August 12, 2019. This article was originally published by The Lawyer's Daily (www.thelawyersdaily.ca), part of LexisNexis Canada Inc.



- Lawyer's Daily, Wills, Trusts & Estates "Powers of attorney and advanced care planning: Revocation and alternatives" on August 6, 2019. This article was originally published by The Lawyer's Daily (www.thelawyersdaily.ca), part of LexisNexis Canada Inc.
- The Lawyer's Daily, Wills, Trusts & Estates "Powers of attorney and advanced care planning: Property" on July 31, 2019. This article was originally published by The Lawyer's Daily (www.thelawyersdaily.ca), part of LexisNexis Canada Inc.
- The Lawyer's Daily, Wills, Trusts & Estates "Powers of attorney and advanced care planning: Disability" on July 24, 2019. This article was originally published by The Lawyer's Daily (www.thelawyersdaily.ca), part of LexisNexis Canada Inc.
- Margaret O'Sullivan, <u>"Age is only a number"</u> STEP Journal (Vol28 Iss5), June 2019.
- The Lawyer's Daily, Wills, Trusts & Estates "Non-resident executors: From ancillary grants to foreign trusts" May 27, 2019. This article was originally published by The Lawyer's Daily (www.thelawyersdaily.ca), part of LexisNexis Canada Inc.
- The Lawyer's Daily, Wills, Trusts & Estates "Non-resident executors and legal reps in estate law" on May 16, 2019. This article was originally published by The Lawyer's Daily (www.thelawyersdaily.ca), part of LexisNexis Canada Inc.
- The Lawyer's Daily, Wills, Trusts & Estates "Foreign beneficiaries: From multiple taxation to transfer of interests" May 8, 2019. This article was originally published by The Lawyer's Daily (www.thelawyersdaily.ca), part of LexisNexis Canada Inc.
- The Lawyer's Daily, Wills, Trusts & Estates "Foreign beneficiaries: It's complicated" April 29, 2019. This article was originally published by The Lawyer's Daily (www.thelawyersdaily.ca), part of LexisNexis Canada Inc.
- Margaret O'Sullivan, "Privacy v Transparency", STEP Journal (Vol27 Iss3), p.26, April 2019.
- The Globe and Mail "When kids squander money, parents are squarely to blame" published on January 14, 2019.

- The Law Times "Update on the European Succession Regulation What Every Canadian with EU
 Connections Needs to Know", October 22, 2018.
- STEP Journal, "Equity and equality are not the same thing," October 2018.
- Co-author "<u>The Private Wealth & Private Client Review</u>," 7th Edition, Chapter: Canada" (Law Business Research, September 2018).



- The Lawyer's Daily, Wills, Trusts & Estates "Cross-border estate administration: The U.S.-Ontario mix" September 24, 2018. This article was originally published by The Lawyer's Daily (www.thelawyersdaily.ca), part of LexisNexis Canada Inc.
- The Lawyer's Daily, Wills, Trusts & Estates "Cross-border estate administration: The two-country connection." September 11, 2018 This article was originally published by The Lawyer's Daily (www.thelawyersdaily.ca), part of LexisNexis Canada Inc.
- The Lawyer's Daily, Wills, Trusts & Estates "Cross-border estate administration: U.S. beneficiaries"
 August 28, 2018.
- The Lawyer's Daily, Wills, Trusts & Estates "Cross-border estate administration: It's complicated," August 15, 2018. This article was originally published by The Lawyer's Daily (www.thelawyersdaily.ca), part of LexisNexis Canada Inc.
- The Lawyer's Daily, Wills, Trusts & Estates "Planning for succession of a cottage or vacation home: Matrimonial issues," June 13, 2018.
- The Lawyer's Daily, Wills, Trusts & Estates "Planning for succession of a cottage or vacation home: Consider the taxes." June 4, 2018.
- The Lawyer's Daily, Wills, Trusts & Estates "Planning for succession of a cottage or vacation home: Getting personal." May 28, 2018.
- STEP Journal, "Put the 'success' back into succession." May 2018.
- Morningstar "Estate planning and charities: Know your options," May 14, 2018.

- "Key Considerations in Multijurisdictional and Separate Situs Will Planning" Private Client Global Guide 2017.
- "Private Client Law in Canada: Overview" Private Client Global Guide 2017.
- The International Comparative Legal Guide to: Private Client 2018 (7th Edition), Chapter 4: "Best Interest

 Conflict of Interest: The Fiduciary Rule and Financial Advisory and Financial Planning Services"

 Global Legal Group, December 2017.
- Co-author, *The Private Wealth & Private Client Review, 6th edition*, chapter 12: "Canada" (Law Business Research, November 2017).
- STEP Journal, Money Talks, October 2017.
- Best interests or conflict of interest? June 2017.



• The Law Times (Family Law and Trust Law focus), "Confidentiality Matters: Thoughts on Death and Privacy" February 27, 2017.

2016

- The International Comparative Legal Guide to: Private Client 2017 (6th Edition), Chapter 4: "Special Issues Arising for Estates with Foreign Beneficiaries or Legal Representatives," Global Legal Group, December 2016.
- STEP Journal, Volume 24/issue 9, Confidential Matters, November 2016.
- Practical Law Global Guide: Private Client (online), "Private client law in Canada: Overview," Thomson Reuters (updated November 2016).
- Practical Law Global Guide: Private Client (online), "Key Considerations in Multijurisdictional and Separate Situs Will Planning," Thomson Reuters (updated November 2016).
- "The Private Wealth & Private Client Review, 5th edition, chapter: Canada" (Law Business Research, October 2016).
- The Law Times (Family Law and Trust Law focus), "Family Law and the Treatment of Discretionary Trust Interests on Marital Breakdown," February 22, 2016.

- The International Comparative Legal Guide to: Private Client 2016 (5th Edition), Chapter 4:
 "The European Union Succession Regulation Now in Effect How it Impacts Planning,"
 Global Legal Group, December 2015.
- Estates, Trusts & Pensions Journal, "Conflict of Laws Issues in Drafting and Using Powers of Attorney for the Mobile Client," volume 35, December 2015.
- The Law Times (Estates & Trust Law focus), "How New EU Rules for Cross-Border Succession Apply to Canadians," October 26, 2015.
- "The Private Wealth & Private Client Review, 4th edition, chapter: <u>Canada</u>" (Law Business Research, October 2015).
- Book Review: The International Protection of Adults, eds R. Frimston et al., STEP TQR: Volume 13/Issue 3, 2015.



- The International Comparative Legal Guide to: Private Client 2015 (4th Edition), Chapter 4: "When Trust Law Meets Family Law: A Comparative Review of Discretionary Trusts and Marital Property Division," Global Legal Group, December 2014.
- "The Private Wealth & Private Client Review, 3rd edition, chapter: <u>Canada</u>" (Law Business Research, October 2014).

Advisor.ca

Margaret has been an expert columnist for <u>Advisor.ca</u> and Advisor's Edge magazine since 2011.
 You may read her columns <u>here.</u>

Contact Us For An Appointment >

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