

MH Law Blog



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MH Law partners with ClearEstate Technologies Inc.

Canadian-owned ClearEstate Technologies Inc., based in Montreal, Québec, has added MH Law to its network of estate planning and administration lawyers.

ClearEstate services individuals and families across Canada and has a strong presence in Ontario, due to its partnership with Meridian Credit Union. MH Law handles ClearEstate customers dealing with complex or technical issues in estate planning and administration.

MH Law's recent affiliation with ClearEstate is one in a series of partnerships reached with alternative legal service providers (ALSPs) including *Notary Pro*, an internet-based network of notaries, *Legalhood*, a Québec-based legal referral network, and the hugely popular, *Legal Shield*, a legal service company with endorsements from Yahoo! Finance and Forbes Magazine.

MH Law's work with alternative legal service providers (ALSPs) has not only grown MH Law's client base. Exposure to novel approaches to legal service delivery has also enhanced the quality of MH Law's own services by making them more accessible and effective for all clients.

clearestate₊

Legalhood

NotaryPro

LegalShield™

In this newsletter
you can expect:

Seasons
Greetings

25% Discount

Scope of
Practice Update

Cross-Border
Contracts

Attorneys for
Property



New Years DISCOUNT

Refer a Friend or Family
Member and Receive
25% off Legal Services!*

-25%

DISCOUNT

Merry
Christmas

*Thank you for a wonderful year
and best wishes for the New Year
2025! Have a safe and happy
holiday season.*

From: Matt Holowatsch

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DISCOUNT



Scope of Practice Update



Family Law

MH Law has added Family Law to its scope of practice and now deals with clients facing issues involving domestic contracts such as marriage contracts, separation agreements and cohabitation agreements. Family Law was once known as a high intensity, stressful and emotional field of practice for lawyers, who faced troubled clients in their darkest moments. Recently, however, the area of family law has seen the rise of **Collaborative Family Law**, a practice style centered on the use of alternative dispute resolution mechanisms such as mediation, arbitration and adjudication. These out-of-court processes have been praised for their ability to produce meaningful and long-lasting results in a cost and time-conscious manner. MH Law is actively accepting cases which fall within the latter case-type.

Collaborative Family Law

“Reaching a negotiated settlement not only saves resources but also reduces the need for future court applications by setting up a less acrimonious relationship between the parties” -Meloche v. Meloche, 2021 ONCA 640.

One of the advantages of mediation and collaborative practice is that there is an interplay of advocacy by the lawyers and neutrality by the mediator or jointly retained neutral collaborative professionals.

Commercial Contract Management

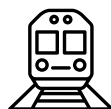


Local Lawyer. Worldly Advice.

Helping Small Businesses Expand their Reach with Cross-Border Commercial Contracts

International transactions involving the sale of goods have traditionally been the realm of large corporations and retail giants like Amazon and Walmart. With the proper guidance, even small businesses can now engage in the flow of cross-border international commerce. Such was the case for a recent client of MH Law, a business specializing in custom financial solutions for small and medium-sized businesses.

MH Law's client required a custom solution to finance a transaction for the purchase of goods located in Britain. The goods would be shipped by ocean carrier to a port in Texas. From there, the goods were to be sent by rail to Alberta and finally delivered by truck to a retailer in downtown Edmonton. MH Law's commercial contract library - available on its website - was used extensively in this transaction to properly manage the client's risk, all the while securing the borrower's obligation to repay the initial loan used to finance the purchase, which began in Britain.



Attorneys for Property

This article provides a brief overview of the key roles and responsibilities of attorneys appointed under a Power of Attorney document.



- The duties and obligations of an Attorney for property are codified in section 32 of the Substitute Decisions Act, 1992 (SDA) and apply to both a Guardian and Attorney for property. The SDA is the appropriate starting point for any consideration regarding an Attorney for property.

Fiduciary Duty

An Attorney for property is a fiduciary and should act with diligence, honesty, integrity and good faith for the incapable person's benefit. An Attorney who receives compensation will be held to a higher standard of care (that of a person in the business of managing the property of others).



Seek Guidance

The job of an Attorney for property is an onerous one, but few Attorneys seek legal advice even though they often have no idea of their actual duties and obligations. Advisors should encourage clients to get legal advice when acting.

An Attorney must consult family members and friends who are in regular contact with the incapable person. An Attorney shall encourage the incapable person to voice their opinions and participate in decision making to the extent possible.




Attorneys for property can't work in a vacuum, they need to act in a manner consistent with personal care decisions unless the adverse financial consequences "significantly outweighs" the personal care benefit. Coordination between Attorneys for property and personal care is crucial.

An Attorney has a duty to account. If called upon by family members, the Courts or other interested parties, the attorney must “pass accounts”, i.e. make available for inspection all receipts and other records of expenses made with the grantor’s funds.



Thank you for reading!

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