Pacific Business & Law Institute

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Contentious Issues in Estate Administration

Chaired by

Emma A. McArthur

Farris, Vaughan, Wills & Murphy LLP

January 29th, 2019 • UBC Robson Square • Vancouver, BC

***Live Webinar* also available!**

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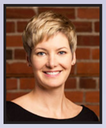

Emma A. McArthur, Lawyer, Farris, Vaughan, Wills & Murphy LLP, Victoria, BC. Emma focuses her practice on estate planning, estate administration, incapacity planning and special purpose trusts. Emma develops and implements estate and tax planning strategies for individuals through the use of wills, powers of attorney, representation agreements for health care, co-ownership agreements and inter vivos trust documents. Emma also acts as counsel to trust companies and other financial institutions on related matters. Emma is Past Chair of the Canadian Bar Association Wills and Trusts – Vancouver section. She has taught estate planning to lawyers in training at the Professional Legal Training Course and presents regularly at continuing education conferences for lawyers, accountants and financial planning professionals. Emma has been listed in *The Best Lawyers in Canada* directory under Trusts and Estates since 2015 and has a BV Distinguished peer-review rating from LexisNexis – Martindale-Hubbell.

Faculty

Tara Britnell, Partner, Hamilton Duncan Armstrong + Stewart Law Corporation, Surrey, BC. Ms. Britnell practises in the area of estate and trust litigation, including undue influence and incapacity claims, adult guardianship, wills variation, contentious estate administrations, variation and construction of trusts, and elder law issues. Ms. Britnell's clients include executors, trustees, beneficiaries, people disappointed in a will and those concerned about elder financial abuse. Ms. Britnell practised commercial litigation in Vancouver until joining Hamilton Duncan in 2001. She has litigated at all levels of the court system and has extensive experience as counsel at mediations.

Barbara Janzen, Associate Counsel, Hamilton Duncan Armstrong + Stewart Law Corporation, Surrey, BC. Barbara practises in all areas of estate administration, including informing executors and trustees of their duties and powers, obtaining representation grants, and dealing with multi-jurisdictional issues, such as non-Canadian beneficiaries, foreign assets and conflicts of law. She also assists her clients by crafting estate plans which meet their unique circumstances, including the preparation of wills, powers of attorney, representation agreements for health care, and *inter vivos* trusts. Barbara is a Past Chair of the Vancouver Branch of the Society of Trust and Estate Practitioners and has been recognized by *Lexpert* as repeatedly recommended in the area of Estate and Tax Planning.

Roger Lee, Partner, DLA Piper (Canada) LLP, Vancouver, BC. Since his call to the bar, Roger has developed an extensive practice in trust and estate litigation. He assists individuals with respect to their rights under the governing legislation, as well as issues relating to the validity of wills. He also advises corporate and individual trustees, as well as personal representatives, of their legal obligations and duties on a regular basis, and also acts for beneficiaries who question the actions of the trustees of their particular trusts. Roger has appeared as counsel before all levels of provincial courts, including the provincial family, small claims, and criminal courts, the British Columbia Supreme Court, the British Columbia Court of Appeal, and the Queen's Bench of Saskatchewan. Roger is a frequent speaker on topics associated with estate litigation. He has been listed in the *The Best Lawyers in Canada* directory under Trusts and Estates (Litigation) since 2006, and is recognized by Lexpert and Benchmark Canada as a leading practitioner in the field of estate and trust litigation.

Jeffrey Locke, Lawyer, McLellan Herbert, Vancouver, BC. Mr. Locke has been an adjunct professor with the University of British Columbia law school since 2011. He has also acted as a supervising lawyer for the legal research program at Thompson Rivers University law school and a supervising lawyer for the co-op program at the University of Victoria law school. He is a member of the Canadian Bar Association committee and a former contributor to the Continuing Legal Education's Annual Review of Law and Practice.

Helen Low, Q.C., Partner, Fasken Martineau DuMoulin LLP, Vancouver, BC. Helen Low practises primarily in the areas of wills, estates and trusts litigation, estate administration and estate dispute resolution, with some incapacity, estate and business succession planning to avoid future disputes. She has been counsel on various estate-related litigation proceedings, including wills variation claims, proof of will claims, trust and unjust enrichment claims and abuse of powers of attorney/trustee actions, committeeships and capacity challenges. Helen advises executors and administrators on estate and trust administration, including contentious court proceedings in relation to same. Helen currently is a regular presenter at continuing education seminars in estate law and contributes to the Estate British Columbia Probate & Estate Administration Practice Manual (*Wills Variation* chapter) and the Annotated Estates Practice (*Trust & Settlement Variation Act* and *Trustee Act* chapters). She served as a member of the Estate Administration Committee for the Succession Law Reform Project. Helen has been recognized in her area of practice by Martindale Hubbell, *Best Lawyers in Canada* and *Lexpert*.

Mark Slay, Partner, North Shore Law LLP, North Vancouver, BC. Mark is a graduate of the University of Victoria law school and was called to the Bar in British Columbia in 1984. Mark's practice is primarily in the areas of family and estate litigation. Mark has appeared at all levels of court in the province. Mark has been active in both the CBA BC and local bar association organizations. Outside of the law Mark is known as a regular participant in the Battle of the Bar Bands, The Lawyer Show and is a drummer in classic rock bands. He is also a closet Elvis impersonator.

Contentious Issues in Estate Administration

The administration of wills and estates is an increasingly complex area of law, and disputes can be time-consuming and emotionally and financially draining for all involved. Unfortunately, estate litigation is on the rise and certain topics and issues seem to come up repeatedly. To best serve and protect your clients' wishes, it is imperative that all those involved in estate administration stay current on the most contentious issues facing administrators and advisors today, and how best to avoid and address them.

This program assembles a faculty of leading experts in the field who will examine the most commonly arising areas of contention in administering estates, and provide you with techniques to effectively avoid these problems, as well as best practices and advice to address the issues if and when they do arise.

Key Areas To Be Addressed:

- Recent court cases dealing with estate administration and lessons to take away
- Navigating probate when the circumstances are not simple
- Applications to remove or replace an executor or attorney
- Issues arising from complex family dynamics
- Contested committeeships
- Challenges around the passing of accounts

Who Should Attend?

- Wills, trusts and estate lawyers and their paralegals
- Estate litigators
- Personal representatives
- Trust officers
- Notaries

Contentious Issues in Estate Administration

January 29th, 2019

9:00 Welcome and Introduction by PBLI

9:05 Chair's Welcome and Introduction

Emma A. McArthur
Farris, Vaughan, Wills & Murphy LLP

9:15 Estate Administration in the Courts

Barbara Janzen & **Tara Britnell**
Hamilton Duncan Armstrong + Stewart Law Corporation

- A review of recent cases where estate administration has ended up in court
- Take-away lessons

10:05 Questions and Discussion

10:15 Refreshment Adjournment

10:30 Navigating Probate

Emma A. McArthur
Farris, Vaughan, Wills & Murphy LLP

- Filing when there are multiple wills
- Filing in the face of wills variation actions
- Issues surrounding the registry's mandated forms

11:20 Questions and Discussion

11:30 Applications to Remove or Replace an Executor or Attorney

Helen Low, Q.C.
Fasken Martineau & DuMoulin LLP

- Test for removal by beneficiaries
- Test for removal by co-trustees
- Discharge on removal applications
- Interim removal during litigation

12:20 Questions and Discussion

12:30 Networking Lunch

1:40 All in the Family: Can't We All Just Get Along?

Mark Slay
North Shore Law LLP

- Multiple spouses
- Illegitimate or adopted children
- Children excluded from the process

2:30 Questions and Discussion

2:40 Refreshment Adjournment

2:55 Contested Committeeships

Jeffrey Locke
McLellan Herbert

- Who is your client: Patient or family?
- Medical evidence
- Opposition to a proposed committee

3:45 Questions and Discussion

3:55 Passing Accounts

Roger Lee
DLA Piper (Canada) LLP

- Record-keeping obligations
- Charitable beneficiaries
- Challenges to fees and expenses
- Remuneration

4:45 Questions and Discussion

4:55 Chair's Closing Remarks

5:00 Program Concludes

INFORMATION

Four Ways to Register:
1. Telephone us: 604-730-2500 or toll free 877-730-2555
2. Fax us: 604-730-5085 or toll free 866-730-5085
3. Mail your registration form with payment
4. Register at www.pbli.com/1469

Registration: The registration fee is $770.00 plus GST of $38.50 totalling **$808.50** covering your attendance at the program, materials, a light breakfast, a networking lunch and refreshments throughout the day. In-person attendees have the option to receive their materials electronically in advance of the program, or in a hard copy binder on the day of the program. If an in-person attendee requests both hard copy and electronic materials, an additional $50 charge will apply. Webinar attendees will always receive their materials electronically.

Early Bird Discount: Register by January 2nd, 2019 and receive a $100 discount on the registration fee ($670.00 plus GST).

Group Discount: Register four persons from the same organization at the same time and you are entitled to a complimentary fifth registration. Early Bird and Group Discount cannot be combined.

Payment: You may pay by VISA, MasterCard or cheque. Cheques should be made payable to the Pacific Business & Law Institute. Registration fees must be paid prior to the program.

When and Where: Check-in begins at 8:30 a.m. The program starts at **9:00 a.m.** UBC Robson Square is located at the basement level of **800 Robson Street** in Vancouver, BC. Please visit http://www.robsonsquare.ubc.ca/find-us/ for directions.

Materials: The faculty will prepare papers and/or other materials explaining many of the points raised during this program. Please contact us at registrations@pbli.com if you are unable to attend the program and wish to purchase a set of materials.

Your Privacy: We will keep all information that you provide to us in strict confidence, other than to prepare a delegate list containing your name, title, firm and city for our faculty and the program delegates. We do not share our mailing lists with any non-affiliated organization.

Cancellations: Full refunds will be given for cancellations (less a $60.00 administration fee) if notice is received in writing five full business days prior to the program (**January 22nd, 2019**). After that time we are unable to refund registration fees. Substitutions will be permitted. We reserve the right to cancel, change or revise the date, faculty, content, availability of webinar or venue for this event.

Course Accreditation: Attendance at this course can be listed for up to **6.25 hours** of continuing professional development with the Law Society of BC.

Registration Form

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January 29th, 2019
UBC Robson Square • Vancouver, BC

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