



Estate Administration: Thoughtful Solutions for Complex Scenarios

Co-Chaired by

David Hunter
Hamilton Duncan
Law Corporation

Aubrie Girou
Alexander Holburn
Beaudin + Lang LLP

January 19th, 2023 • UBC Robson Square (800 Robson Street) • Vancouver, BC
Live Webinar also available!



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CO-CHAIRS



Aubrie Girou, Associate, Alexander Holburn Beaudin + Lang LLP, Vancouver, BC. Aubrie is an associate in the Wills, Estates + Trusts practice group at AHBL. Her practice focuses on estate planning, administration and litigation. She represents clients on estate, trust and incapacity matters. She also advises clients on incapacity and estate planning and assists clients with complex estate administrations. Her experience in litigation and administration directly informs her ability to provide thoughtful and appropriate planning advice.



David Hunter, Partner, Hamilton Duncan Law Corporation, Surrey, BC. David Hunter is a partner of Hamilton Duncan and Co-Chair of its Estate and Trust Litigation department. David has a civil litigation practice with a primary focus on estate and trust litigation. He represents executors, trustees, attorneys, beneficiaries, and other individuals in all levels of court in British Columbia. David has experience in a variety of estate and trust-related disputes, including undue influence and capacity claims, construction and variation of wills and trusts, determination of spousal status, and contentious matters of estate and trust administration. He also advises executors and trustees in the administration of estates and trusts, as well as clients concerned about elder financial abuse. David is a past president of the Fraser Valley Estate Planning Council and has been recognized by Best Lawyers in Trusts and Estates since 2020.

FACULTY



Scott Boucher, Partner, Norton Rose Fulbright Canada LLP, Vancouver, BC. Scott Boucher is a partner in Norton Rose's litigation group, practising general commercial litigation with an emphasis on insolvency and restructuring and estates litigation. He assists clients and other lawyers on a wide variety of matters, including contract and property disputes, insolvency files including receivership, CCAA, bankruptcy and foreclosure proceedings, wills variation claims, and trusts litigation. He has appeared before the Supreme Court of British Columbia, the British Columbia Court of Appeal and the Supreme Court of Canada.



Janis Ko, Associate, Fasken Martineau DuMoulin LLP, Vancouver, BC. Janis Ko is a trusts and estate litigation lawyer in Fasken's Vancouver office. Janis has over a decade of experience in estate litigation and is passionate about this area of law. Over the years, Janis has assisted numerous clients in a variety of complex estate litigation cases dealing with matters such as wills variation, contested spousal status, unjust enrichment, undue influence, and lack of capacity. Janis is a member of the Trial Lawyers Association and a Past Chair of the CBA Wills and Trusts section executive.



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, KC, Partner, Fasken Martineau DuMoulin LLP, Vancouver, BC. Helen Low is the leader of Fasken's Wills, Trusts, Estates and Charities Group in BC. She assists clients with contentious disputes regarding wills, trusts, inheritances, powers of attorneys and elderly and incapable family members, as well as estate planning for both simple and complex estates with a goal to avoid post-death disputes. She has been litigation counsel on a broad range of cases, including: challenges to estate plans; variation of wills and trusts; abuse of powers of attorney and trustee breach claims; committees proceedings, asset disputes arising from undue influence, lack of capacity, joint tenancy and other transfers. Helen is consistently recognized by Best Lawyers in Canada, Martindale-Hubbell, Lexpert and the American College of Trial Lawyers as a leader in estate law.



Jamie Porciuncula, Associate, McLellan Herbert, Vancouver BC. Jamie joined McLellan Herbert after having practiced primarily in estate litigation and elder law in the Fraser Valley since 2012. Before being admitted to the BC Bar, Jamie practiced as an associate attorney at a boutique law firm in Seattle, Washington where she appeared before the Washington District and Superior courts. Jamie is a member of the Canadian Bar Association and the Trial Lawyers Association of BC.



Kelsey Sherriff, Partner, Miller Thomson LLP, Vancouver, BC. Kelsey Sherriff has a general commercial litigation practice with a focus on administrative and regulatory health law, wills and estates, and class actions. Kelsey has a diverse litigation practice that includes trust and estate litigation and dispute resolution. She acts for executors on probate matters and for individuals and charities on issues concerning the validity of wills and variation claims. In addition, Kelsey acts for clients assisting with the care of adults, including applications for committeeship.

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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. To best serve and protect your clients' wishes, it is imperative that all those involved in estate planning and administration stay current on the most troubling issues facing administrators today, and how best to navigate them.

This program assembles a faculty of leading experts in the field who will examine some of the most challenging issues arising in estate administration today, and provide you with techniques to effectively avoid these problems where possible, as well as best practices and advice to address the issues if and when they do arise.

KEY AREAS TO BE ADDRESSED:

- Dealing with property disputes in the estate context
- Where charities fit as beneficiaries and potential litigants
- Options for interim administration
- When can a will be corrected
- Bringing estate administration questions to the court

WHO SHOULD ATTEND:

- Wills, trusts and estate lawyers and their paralegals
- Personal representatives
- Accountants and tax professionals
- Financial planners
- Trust officers
- Notaries



Geoffrey White, KC, Counsel, Geoffrey W. White Law Corporation/Clark Wilson LLP, Kelowna, BC. Geoffrey White has 25+ years of expertise in will, estate and trust matters. He assists clients both at his "heritage" office in Kelowna and at Clark Wilson LLP in downtown Vancouver. Geoff is an editor of BC's Probate & Estate Administration Practice Manual, which is acknowledged as the primary source for all estate matters in the province.

He has litigated estate and trust matters at all levels of court including the BC Court of Appeal and Supreme Court of Canada. These matters include: discretionary trusts, multiple wills, removal of an executor, and international conflict of laws. He is currently the chair of the BC Law Foundation, and has held leadership roles with national Canadian Bar Association, the Society of Estate and Trust Practitioners, and Estate Planning Societies. Geoffrey White has been recognized by Best Lawyers Canada for Trusts and Estate Law since 2019.

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JANUARY 19TH, 2023

9:00 Welcome and Introduction by PBLI

9:05 Chairs' Welcome and Introduction

David Hunter, Hamilton Duncan Law Corporation

Aubrie Girou, Alexander Holburn Beaudin + Lang LLP

9:10 Section 86: Little Matters of Discretion, Momentous Decisions, and the Slayer Rule

David Hunter, Hamilton Duncan Law Corporation

Aubrie Girou, Alexander Holburn Beaudin + Lang LLP

- Section 86: what it's for and how to use it
- Responsibility for death: recent caselaw
- Momentous decisions

10:00 Questions and Discussion

10:10 Refreshment Adjournment

10:25 Charities and Estate Litigation

Kelsey Sherriff, Miller Thomson LLP

- Interactions between charities and estates
- Rights of the charity as beneficiary (and risks of seeking to enforce those rights)
- What the courts are saying
- Gift law and the role of charities as quasi-trustee

11:15 Questions and Discussion

11:25 Administration Issues for International Estates

Geoffrey White, KC, Geoffrey W. White Law Corporation/Clark Wilson LLP

- Client identification, translation and document verification
- Probate jurisdictions, re-seals and additional grants
- Multiple wills and global wills
- Applicable law
- International intestacies
- Income tax filings and compliance

12:15 Questions and Discussion

12:25 Catered Lunch

1:25 Estate Property Claims: Contentious Property Issues Between Executors and Beneficiaries

Jamie Porciuncula & Jeffrey Locke, McLellan Herbert

- Vacant possession: evicting beneficiaries from the estate property
- Occupational rent
- Division of family property
- Testamentary trusts – life estate or license to occupy

2:15 Questions and Discussion

2:25 Refreshment Adjournment

2:40 Interim Administration and Other Administration Disrupters

Helen Low, KC & Janis Ko, Fasken Martineau DuMoulin LLP

- Priority of applicants and related strategy (ss. 129-132)
- Chain of executorship (s. 145)
- Passing over or substituting personal representatives: ss. 158, 159
- Notices of dispute, citations

3:30 Questions and Discussion

3:40 Rectifying Wills under WESA: section 59

Scott Boucher, Norton Rose Fulbright Canada LLP

- Section 59 overview and history
- Case law update

4:30 Questions and Discussion

4:40 Chairs' Closing Remarks – Program Concludes

INFORMATION

Two Ways to Register:

1. Telephone us: 604-730-2500
2. Register at www.pbli.com/estates23

Registration: The registration fee for in-person attendance is \$795.00 plus GST of \$39.75 totalling **\$834.75**. The registration fee for webinar attendance is \$695.00 plus GST of \$34.75 totalling **\$729.75**. Registration fee covers your attendance at the program, electronic materials, a catered lunch and refreshments throughout the day.

Early Bird Discount: For in-person attendance, register by December 19th, 2022 and receive a \$100 discount on the registration fee (\$695.00 plus GST). Early Bird Discount does not apply to webinar attendees. Discounts cannot be combined.

Group Discounts: Register four persons from the same organization at the same time and you are entitled to a complimentary fifth registration. Discounts 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. (PST)**. UBC Robson Square is located at the basement level of **800 Robson Street** in Vancouver, BC. Please visit <http://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/Transfers: Refunds will be given for cancellations or transferring registration from in-person to webinar (less a \$60.00 administration fee) if notice is received in writing five full business days prior to the program (**January 12th, 2023**). 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 hours** of continuing professional development credits with the Law Society of BC. For practitioners in other jurisdictions, please check your governing body's CPD requirements.

Registration Form

Pacific Business & Law Institute

Unit 2 - 2246 Spruce Street
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Telephone: 604-730-2500; Fax: 604-730-5085
E-mail: registrations@pbli.com

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