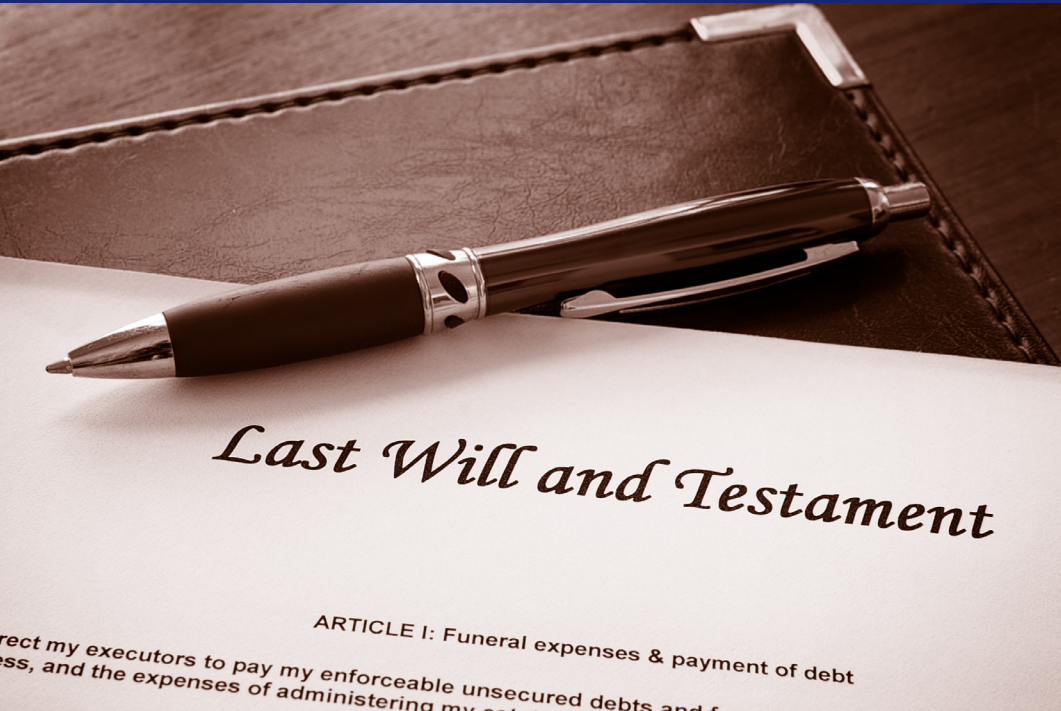




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# ESTATE LITIGATION

Chaired by

**Rebecca Morse**  
Farris LLP

October 21<sup>st</sup>, 2021 • Attend via Live Webinar



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## CHAIR



**Rebecca Morse**, Partner, Farris LLP, Vancouver, BC. Rebecca has a broad range of experience in civil litigation matters including contractual disputes, construction disputes, insolvency and restructuring matters, estate and trust disputes and international trade matters. Rebecca is a member of the Private Enterprise Advisory Services team at Farris which is focussed on mid-market privately owned businesses. It is a multi-disciplinary practice group formed to better deliver the specific legal services that these businesses need. The Farris team works closely together to provide comprehensive advice to private clients and their companies, and Rebecca's contribution is typically focussed on providing advice on litigation matters as well as family estate and trust disputes. She is recognized by The Best Lawyers in Canada for both Corporate & Commercial Litigation and Insolvency & Restructuring Law, and was named as a Litigation Star by Benchmark.

## FACULTY



**Gordon Behan**, Partner, Clark Wilson LLP, Vancouver, BC. Determination, teamwork and skill – the characteristics that are necessary to succeed in sports also apply to achieving legal success. With sports as a major part of Gordon's life, he relies on those characteristics in his legal practice, building a strong case, developing a comprehensive strategy and implementing it with tenacity. Recognizing that a lawsuit can be difficult, time-consuming and distracting for the people involved, Gordon attempts to assume this burden, navigating the legal waters and helping reduce stress for his clients. Gordon enjoys dissecting the opposing party's arguments and responding to the opposing party's tactics.



**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.



**Erin Hatch**, Associate, Harper Grey LLP, Vancouver, BC. Erin is an associate in Harper Grey's Commercial Litigation, Insolvency and Restructuring, Estate Litigation and Defamation, Privacy & Media Law practice groups. In her estate litigation practice, Erin represents executors, trustees, beneficiaries and disinherited family members in estate and trust matters, including matters relating to the validity of wills, rectification of wills, capacity issues, resulting trusts, appointment of committees and wills variation claims.



**Ken Vimalasan**, Associate, Legacy Tax + Trust Lawyers, Vancouver, BC. Ken represents executors, trustees, and beneficiaries in contentious estates and trust matters including the validity of wills, wills variation, estate and trust administration issues, and the interpretation of wills and trust documents. Ken obtained a bachelor of arts at the University of British Columbia and a juris doctor from Dalhousie University. Ken articulated at an international law firm prior to joining Legacy.



**Geoffrey White**, Counsel, Geoffrey W. White Law Corporation, 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.



**Amanda Winters**, Associate, Farris LLP, Vancouver, BC. Amanda is an associate in the Family and Estate Litigation groups at Farris. She represents clients in both family and estate matters, and has a particular interest in matters where these two areas of law intersect. Amanda takes a results-oriented approach to litigation, including negotiating or mediating settlements when in her clients' interests. She has represented clients at all levels of court in British Columbia, as well as courts in other Canadian jurisdictions. Amanda appears frequently in Supreme Court Chambers. She has conducted trials in Provincial Court and Supreme Court, as well as conducted hearings in the Court of Appeal.

## ESTATE LITIGATION

The planning and administration of wills and estates is an increasingly complex area of law, and disputes can be 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 planning and dispute resolution stay current on the most contentious issues facing practitioners 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 litigated estates issues and provide you with planning techniques to effectively avoid these problems at the outset, as well as best practices and advice to address the issues if and when they do arise.

### KEY AREAS TO BE ADDRESSED:

- The construction and interpretation of wills
- Challenges to validity
- Wills asserted under section 58 of WESA
- Wills variation matters
- Trustee or executor removal
- Litigation by or against the estate
- Avoiding contentious passing of accounts

### WHO SHOULD ATTEND:

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



**Roselle Wu**, Partner, Harper Grey LLP, Vancouver, BC. Roselle's practice is focused on commercial litigation, banking and insolvency, estate litigation and real estate disputes. She is Co-Chair of Harper Grey's Commercial Litigation group and the Insolvency and Restructuring group. In her wills and estates practice, Roselle represents executors, beneficiaries, and family members in resolving disputes concerned with the distribution of estates and related matters.

# ESTATE LITIGATION

OCTOBER 21<sup>ST</sup>, 2021

## 9:00 Welcome and Introduction by PBLI

## 9:05 Chair's Welcome and Introduction

**Rebecca Morse**  
Farris LLP

## 9:10 Construction, Interpretation and Rectification of Wills

**Roselle Wu & Erin Hatch**  
Harper Grey LLP

- Common issues in construction and interpretation of wills
- Rectification after the fact – section 59 of WESA

## 9:55 Questions and Discussion

## 10:05 Challenges to Validity

**Amanda Winters**  
Farris LLP

- Appropriate use of a Notice of Dispute
- Capacity
- Undue influence

## 10:50 Questions and Discussion

## 11:00 Morning Break

## 11:15 What Is and Is Not a Will - Section 58 Matters

**Geoffrey White**  
Geoffrey W. White Law Corporation/Clark Wilson LLP

- Is it a will or not?
- Case law update on s. 58 of WESA

## 12:00 Questions and Discussion

**12:10 Lunch Break**

## 1:10 Wills Variation

**Gordon Behan**  
Clark Wilson LLP

- Who has standing to complain and who is a "spouse"
- Case law update on wills variation matters

## 1:55 Questions and Discussion

## 2:05 Removing a Trustee or Executor

**Aubrie Girou**  
Alexander Holburn Beaudin + Lang LLP

- General principles
- What are the confines of a fully discretionary "trust"?

## 2:45 Questions and Discussion

## 2:55 Afternoon Break

## 3:05 Claims By or Against the Estate

**Rebecca Morse**  
Farris LLP

- Seeking leave under section 151 of WESA
- Clawing assets back - resulting trusts & unconscionable procurement
- Tying your hands - agreement to bequeath and anticipatory breach
- Unjust enrichment

## 4:00 Questions and Discussion

## 4:10 Passing Accounts

**Ken Vimalasan**  
Legacy Tax + Trust Lawyers

- The obligation to pass accounts
- The form of accounts
- Procedure and practice
- Substantive issues on a passing of accounts

## 4:55 Questions and Discussion

## 5:05 Chair's Closing Remarks – 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/1689](http://www.pbli.com/1689)

**Registration:** The registration fee is \$720.00 plus GST of \$36.00 totalling **\$756.00** covering your access to the live webinar and electronic materials.

**Group Discounts:** Register four persons from the same organization at the same time and you are entitled to a complimentary fifth registration.

**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:** The program starts at **9:00 a.m. (PDT)**. Attend via Live Webinar: All you need is a computer with a good internet connection and external plug-in speakers or good headphones for optimal audio and volume.

**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](mailto: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 (**October 14<sup>th</sup>, 2021**). 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 **6.5 hours** of continuing professional development credits with the Law Society of BC.

## Registration Form

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OCTOBER 21<sup>ST</sup>, 2021

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