



The Law Society of
Upper Canada | Barreau
du Haut-Canada



20TH ANNUAL Estates and Trusts Summit

Speaker Biographies

DAY ONE
October 16, 2017

BIOGRAPHY OF CAROLINE ABELA

LSUC 20TH ANNUAL ESTATES AND TRUST SUMMIT (HOW TO WIN AN UNDUE INFLUENCE CASE)

(OCTOBER 16, 2017)

Caroline is a partner at WeirFoulds LLP whose practice focuses on estates and trust litigation and commercial and corporate litigation. Caroline's trusts and estates litigation practice includes will challenges, guardianships and dependant's relief matters. Caroline has been involved in leading business litigation cases. She represents clients ranging from large corporations and institutions to small business owners, professionals and individuals. She has appeared as counsel before all levels of courts in Ontario and the Federal Court of Canada. As Chair of the Ontario Bar Association's Trusts and Estates Law Section, and Co-Chair of the International Private Client Committee of the American Bar Association's Section of International Law, Caroline is actively involved in the legal community. She is also National Representative of Canada for the International Association of Young Lawyers (AIJA). Caroline has been an adjunct professor at the University of Western Law School and is a regular instructor on advocacy topics, including at Osgoode Hall's Intensive Trial Advocacy Workshop and the Advocates' Society. Caroline is a contributing author to a looseleaf book regarding electronic documents and e-discovery. In 2013, Caroline was recognized as one of Canada's Lexpert® Leading Lawyers Under 40. In 2014, Caroline was named as one of the Litigation-Lawyers to watch in the Lexpert® US/Canada Cross-Border Guide. In 2016, Caroline was also recognized in Canadian Legal Lexpert® Directory as a leading commercial and corporate litigation practitioner.

Rick Bickhram

Bickhram Litigation P.C.
55 City Centre Drive, Suite #508
Mississauga, Ontario L5B 1M3
rick@askyourlawyer.ca
www.bickhramlitigation.ca

Rick Bickhram is an experienced litigator and a compassionate advocate for his clients. Rick's practice of law includes all areas of estate, trust, capacity and guardianship litigation as well as family law litigation.

Called to the bar in September 2007, Rick is a graduate of the University of Windsor and Thomas M. Cooley Law School. After his call to the bar, Rick articulated and subsequently, practiced as an associate lawyer at a top estate litigation firm in downtown Toronto for many years prior to founding Bickhram Litigation.

Committed to the advancement of legal knowledge, Rick is a regularly published author writing numerous articles relating to estate, trust and family law topics. He is also a frequent speaker lecturing frequently before legal and professional associations, at local conferences and to law students. Rick is a strong supporter of education and student programs. Rick has been recognized as a tutor with the Law Society of Upper Canada, helping law students prepare for their Bar Admission Exam since January 2010.



Howard S. Black

Partner

T: (416)-369-4332
F: (416) 864-9223
E: hblack@mindengross.com

Bio

Howard is Chair of our Wills and Estates group. Howard's practice focuses on estate litigation and mediation of estates disputes with extensive experience in all aspects of estate planning and administration. In addition to a busy estate litigation and mediation practice, Howard provides estate planning advice and advises on wills and powers of attorney to middle and high net-worth individuals.

Howard is passionate about the law and about giving back to the legal community. He has been teaching for over 25 years as an Adjunct Professor of Law in Wills and Estates at Osgoode Hall Law School in Toronto. He has won two teaching awards from Osgoode Hall Law School. Howard was the first recipient of the Osgoode Hall Law School Teaching Award in recognition of teaching excellence and the 2003/2004 Legal and Literary Society Teaching Excellence Award. He recently published *Wills and Estates: Cases, Text, and Materials* (Second Edition). Howard is also ranked as a "Consistently Recommended" lawyer in the *The Canadian Legal Lexpert Directory*.

Clients appreciate Howard's ability to explain complex issues and mediate tense and stressful situations. Clients have stated he exhibits integrity, sincerity, wisdom, and 'out of the box' smarts in a manner that all lawyers should emulate.

Education

- Admitted to the Ontario Bar in 1985
- York University Osgoode Hall Law School (Alternative Dispute Resolution) – LL.M., 2001
- York University Osgoode Hall Law School – LL.B., 1983
- University of Toronto – Bachelor of Arts, 1980

Client Services

- Wills and Estates
- Estate Litigation
- Probate and Estate Administration
- Estate and Succession Planning
- Estate Mediation

Core Specialties

- Mediation of Estate Disputes
- Arbitration of Estate Disputes
- Estate Litigation
- Guardianship
- Probate
- Estate Administration
- Estate Planning
- Powers of Attorney
- Family business
- Trusts
- Wealth Management / Tax Planning
- Succession & Estate Planning



Clare Burns is an experienced litigator who acts in complex and highly sensitive matters. Her practice focuses on trusts, estates and capacity litigation. Outside the firm, she is actively engaged in the profession and broader community. She has been a Director of The Advocate's Society and Vice President of the National Association of Public Trustees and Guardians. Clare has taught estates, children's law and trial advocacy at the University of Toronto Law School, Osgoode Hall Law School and the University of Western Ontario Law School. Contact Clare at cburns@weirfoulds.com or 416.947.5002.



Barry Corbin

Corbin Estates Law Professional Corporation
393 University Avenue, Suite 2000
Toronto, Ontario M5G 1E6
phone: 416-593-4200 fax: 416-593-1352
barry.corbin@corbinestateslaw.com

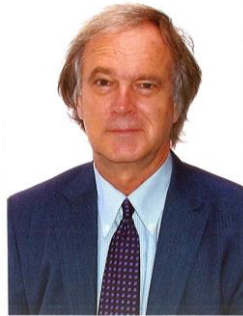
B.Sc., University of Toronto, 1970. M.Sc., University of Toronto, 1971.
LL.B., University of Ottawa, 1980. Called to the Ontario Bar in 1982.

Practises in the areas of income tax and estate planning, estate administration, and acts as a mediator in estate disputes through the Estate Mediation Group.

Certified by the Law Society of Upper Canada as a specialist in estates and trusts law. Chair, Estates Subcommittee of Attorney General's Civil Rules Committee. Fellow of the American College of Trust and Estate Counsel. Past Chair, Executive Committee of the Canadian Bar Association Wills & Trusts Section. Past Chair, Executive Committee of the Ontario Bar Association Trusts & Estates Section. Co-founding editor of *Money & Family Law* (Thomson Reuters). Past Editor-in-Chief (1990 to 2004) of the *Estates Trusts & Pensions Journal* (Canada Law Book).

Has participated in seminars for a number of professional groups, including lawyers, chartered accountants, tax professionals, financial planners, insurance companies and trust companies. Has written articles for a broad range of publications, including *Canadian Tax Journal*; *Estates Trusts & Pensions Journal*; *Estates & Trusts Reports*; *Reports of Family Law*; *Money & Family Law*; *Canadian Family Law Quarterly*; *CA Magazine*.

October 2017



Paul A. Dancause
Barrister and Solicitor
500 - 30 Metcalfe Street *
Ottawa, ON K1P 5L4

613.235.8296 (Tel.)

613.627.2918 (Fax.)

paul.dancause@sympatico.ca

paul@dancauselaw.com

B.A., LL.B. Sole practitioner, Ottawa. Graduate of Dalhousie Law School (as it was then), 1984. Called to the Ontario Bar 1986. Practice restricted to estate-related matters, including solicitor's work and estate litigation, including substitute decision practice and litigation. Has argued cases at all levels of court including the Court of Appeal for Ontario and the Supreme Court of Canada. Taught for many years at the Faculty of Law, University of Ottawa (Wills, Estate Planning, Trusts). Former head instructor at the Bar Admission Course (as it then was) in Ottawa in the Estate Planning and Administration component. Has presented numerous estate-related papers and topics at continuing legal education and CPD programs over the past twenty-five years.

* Not associated with Goldblatt Partners LLP

JUSTIN W. de VRIES

Justin is the Principal of de VRIES LITIGATION LLP. With offices in Toronto and Oakville, the firm specializes in estate, trust, and capacity litigation and administering complex estates. de VRIES LITIGATION LLP is recognized for its expertise and quality of work.

Justin has chaired and lectured at various continuing legal education programs regarding estate, trust and capacity matters. Justin has both mediated and arbitrated disputes and appeared before all levels of the Ontario Court, the Federal Court and litigated Supreme Court of Canada leave applications. His clients include individuals, private banking and wealth management groups, trust companies, estate trustees, as well as private trusts, charities, and foundations.

Justin has acted as a court appointed pre-trial judge, pro-bono disciplinary counsel for Law Society of Upper Canada, and is counsel to the Oakville Community Foundation and The Yonge Street Mission. Justin has been appointed as an estate trustee during litigation by the courts in complex estate litigation proceedings. He is the founder of the popular blog site "allaboutestates.ca", a collaborative, daily blog with a wide audience.

Justin is a member of the Society of Trust and Estate Practitioners (STEP), the Estate Planning Council of Toronto, the Estate Planners' Council of Halton, as well as The Advocates' Society. Justin has consistently been named one of the "Best Lawyers in Canada/Trusts & Estates". He has published articles in Estates & Trusts Pensions Journal, The Litigator, Toronto Law Journal, OBA's Deadbeat, Money & Family Law, Lawyers Weekly, and Gift Planning in Canada. Justin is also a contributor to the annual publication Key Developments in Estates and Trusts law in Ontario. He is recognized as a leader in the estates bar.

Justin can be reached at **416.640.2757 (Toronto)** or **905.844.0900 (Oakville)** or by email at **jdevries@devrieslitigation.com** or visit www.devrieslitigation.com.

C. DAVID FREEDMAN

LLB, MA, PhD, TEP, CS
Certified Specialist (Estates & Trusts Law)

Practice:

Hull & Hull LLP
141 Adelaide St. W., Suite 1700
Toronto, Ontario, M5H 3L5
Telephone: 416.369.1140
Fax: 416.369.1517
Direct Line: 416.640.4819
Email: dfreedman@hullandhull.com

University:

Faculty of Law
Queen's University
Kingston, ON, K7L 3N6
Tel 613 533 6000, ext. 78528
Email: david.freedman@queensu.ca



David is both an academic and a practising lawyer. He teaches Wills & Estates, Trusts, Civil Procedure, and Estate Litigation in the Faculty of Law at Queen's University and has published in all these areas. He also created Canada's first student-staffed Elder Law Clinic in which law students deliver legal services to older adults on issues involving aging. David's practice is restricted to trusts, estates, and capacity litigation and mediation.

Recent Publications:

The Law of Civil Procedure: Cases, Materials & Commentary (Thomson Reuters) [Forthcoming]
'Drafting and Attacking Charging Clauses in a Will' (2017), 36 *Estates, Trusts & Pensions Journal* 160
Co-author, *Oosterhoff on Wills, 8th Edition* ("Dependants' Support" and "Substitute Decision-Making")
"Administration of Trusts" chapter in *The Law Of Trusts: A Contextual Approach*, 3rd Edition (Emond Montgomery)
"Probate Contests And The New Law Of Summary Judgment" (2014), 34 *Estates, Trusts & Pensions Journal* 199
"The 'Opinion, Advice, and Direction' of the Court: Principles, Procedures, and Judicial Blessings" (2013), 32 *Estates Trusts and Pensions Journal* 41



NIMALI D. GAMAGE is a partner at the law firm Goddard Gamage LLP in Toronto. She is recognized in The Best Lawyers in Canada (2013-2017) in the field of Trusts and Estates. Nimali was called to the bar in 2001 and worked as a lawyer for the Walkerton Inquiry with then Associate Chief Justice Dennis O'Connor and commission counsel. In 2002, she joined Jan Goddard as Jan's first associate and became partners with her in 2012. Goddard Gamage LLP has been chosen three times as one of the Top 5 Trusts and Estates boutique firms in Canada by Canadian Lawyer Magazine. In 2014, Nimali was the recipient of the Hoffstein Book Prize, an award from the Ontario Bar Association Trusts and Estates section that recognizes excellence in the field of Trusts and Estates law.

Nimali's practice, comprised of both litigation and solicitor's work, has a special focus on guardianship, power of attorney issues, elder law, estate planning, estate litigation, and Ontario Disability Support Program (ODSP) issues. Since 2009, she has been a member of the Estates Subcommittee of the Civil Rules Committee for the Province of Ontario, a committee whose mandate is to make recommendations to the Attorney General for rules in relation to civil practice and procedure for the Court of Appeal, the Superior Court of Justice and the Small Claims Court. Nimali is frequently asked to present at programs hosted by the Ontario Bar Association, the Law Society of Upper Canada and Osgoode Professional Development on issues such as guardianship, ODSP legal issues, capacity, powers of attorney, estate planning for the disabled and substitute decision-making.



Ian M. Hull

Hull & Hull LLP – Partner

Certified Specialist (Estates and Trusts Law)
Certified Specialist (Civil Litigation)

Direct: (416) 369-7826

E-Mail: ihull@hullandhull.com

Website: www.hullandhull.com

Hull Estate Mediation Inc. – Mediator

Website: www.hullestatemediation.com

Admitted to the Ontario Bar in 1990.

Author of

- Co-author of *Probate Practice* 4th and 5th Edition (Carswell) – 1996 and 2016
- Co-Author – Feeney's Canadian Law of Wills, 4th Edition (LexisNexis)
- Co-Author – Halsbury's Laws of Canada – Wills-Estates (2016 Reissue) (LexisNexis)
- Author – Challenging the Validity of Wills (Carswell)
- Author of *Power of Attorney Litigation*, (CCH) and *Challenging the Validity of Wills* (Carswell) - 2000
- Author of *Advising Families on Succession Planning: The High Price of Not Talking* (LexisNexis) - 2005
- Contributing Author of *Key Developments in Estates and Trusts Law in Ontario*, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016 Editions
- Contributing Author of *Widdifields on Accounts – Annually*
- Canadian Estate Administration Guide (LexisNexis)
- Estates and Trusts Reports (Carswell)
- Contributor to Lexis Practice Advisory – Canada – wills and estates module, passing of accounts and estate litigation modules

Memberships

- Canadian Bar Association
- The Advocates' Society, and member of Estate Litigation Practice Group
- Former member of the Executive of the Trusts and Estates Section of the Ontario Bar Association
- Toronto Lawyers Association
- Halton County Law Association
- Society of Trust and Estate Practitioners (STEP), former member of the STEP National Executive
- Fellow of the American College of Trust and Estate Counsel (ACTEC)
- Academician of The International Academy of Estate and Trust Law
- Chair of the Board of Trustees Law Society Foundation
- Director, Osgoode Society

Jennifer E Jolly – Law Office of Jennifer E Jolly

Jennifer has practised family law since her call to the bar in 1993. She was with a large national law firm before starting her own practise in 2014. While family law has been the main focus of Jennifer's practise, since 2010 she has had a complimentary, and growing Estate Litigation Practise.

Jennifer is a frequent speaker at Continuing Legal Education seminars in Ottawa, and served for many years on the organizing committee for the Annual County of Carleton Law Association's Civil Litigation Updated Conference. She is currently an elected Trustee of the County of Carleton Law Association and sits on the Family Law Bench and Bar Committee in Ottawa.



Tony Lalonde

Director

416-866-7829

tony.lalonde@scotiawealth.com

Tony is a mathematician and former corporate tax lawyer, who joined Scotiabank as a high net worth “Will & Estate Planner” in 2004.

Since then, he has held several increasingly senior roles within Scotia Wealth Management, including Chief Compliance Officer, Head of Estate & Trust Services, and Regional Director (Trust) for Central Canada.

He currently lives in Stoney Creek, Ontario with his wife and 10-year old son, and he is active in his local church and community. He is a past director of “Liberty for Youth” and the current chair of Easter Seals Canada's “National Advisory Committee”.

Business Approach

For over 100 years, Scotiastrust has been helping Canadian families plan, preserve and transfer their wealth. Working with your relationship manager, we deliver specialized services - designed to evolve across a variety of life stages and financial events—tailored to meet your personal goals and objectives. As one of Canada’s oldest and largest trust companies, our comprehensive estate and trust offerings are tailored to your needs and include: planning for your family’s and loved ones’ financial future; executor, attorney and trustee services; practical strategies that balance your family priorities and charitable goals; and administering and protecting your financial assets.

About Us

Scotia Wealth Management is an innovative team-based approach to wealth management that addresses the entirety of your life—your family, your business, your future—one facet at a time. Together with your relationship manager, our Scotia Wealth Management specialists bring their skills and expertise to the consideration of what you’ve accumulated—and how best to administer it through life’s changes. From financial counsel on managing your wealth to careful contemplation of how to transfer it to future generations, it’s your thinking, combined with our thinking, to create Enriched Thinking.™

To learn more about *Scotiastrust®*, *The Bank of Nova Scotia Trust Company* please visit www.scotiawealthmanagement.com

ALBERT H. OOSTERHOFF

Biographical Sketch



Professor Albert H. Oosterhoff holds a BA and a JD from the Western University, and an LLM from the University of Toronto. He was called to the Ontario bar in 1966 and practiced in London with Shepherd, McKenzie, Plaxton, Little & Jenkins until 1968. He taught at the Faculty of Law, University of Windsor from 1969 until 1972. He joined the Faculty of Law at Western University in 1972, where he held the positions of Associate Dean (Academic), Associate Dean (Administration), and Acting Dean. He was awarded the title “Professor Emeritus” on his retirement in 2005. From 2005 to 2013 he served as an Adjunct Professor at the Faculty of Law, University of Toronto.

Albert’s research and teaching interests are in Wills and Estates, Trusts, and Property. He has written numerous articles, comments, and books in those areas, regularly presents papers in Continuing Legal Education programs, and has written several reports and studies for the Ontario Law Reform Commission and the Uniform Law Conference of Canada. He was an Associate Editor of the *Dominion Law Reports* and *Canadian Criminal Cases* from 1973 to 2007, and Associate Editor of *Ontario Reports* from 1973-1981 and 1983-1990. He also served as Editor-in-Chief of the *Estates and Trusts Journal*.

His texts include Anger and Honsberger, *Law of Real Property*, 2nd ed. (with W.B. Rayner) (Canada Law Book, 1985); *Oosterhoff on Wills: Text, Commentary and Materials*, 8th ed. (with C. David Freedman, Mitchell McInnes, and Adam Parachin) (Thomson Reuters/Carswell, 2016); and *Oosterhoff on Trusts: Text, Commentary and Materials*, 8th ed. (with Robert Chambers and Mitchell McInnes) (Thomson Reuters/Carswell, 2014). His texts and articles are cited regularly by all levels of the Canadian courts and the Trusts and Wills texts are widely used in Canadian Law Schools.

Albert is counsel to WEL Partners and provides opinions to lawyers and law firms on issues in estates, wills, trusts, and aspects of property law.

Albert enjoys singing. He also loves writing and making words on the page sing.

Professor Adrian M. Owen is currently the Canada Excellence Research Chair (CERC) in Cognitive Neuroscience and Imaging at the University of Western Ontario, Canada. He directs the Azrieli program in Brain, Mind, and Consciousness funded by the Canadian Institute for Advanced Research (CIFAR), and is on the Executive Committee of the CFREF funded initiative BrainsCAN at the University of Western Ontario, Canada. His research combines structural and functional neuroimaging with neuropsychological studies of brain-injured patients and has been published in many of the world's leading scientific journals, including *Science* (2006; 2008), *The New England Journal of Medicine* (2010), *Nature* (2010) and *The Lancet* (1998; 2011). He is best known for showing that functional neuroimaging can reveal conscious awareness in some patients who appear to be entirely vegetative, and can even allow some of these individuals to communicate their thoughts and wishes to the outside world. These findings have attracted widespread media attention on TV, radio, in print and online and have been the subject of many TV and radio documentaries. Dr. Owen has played multiple editorial roles, including 8 years as Deputy Editor of *The European Journal of Neuroscience*. Since 1990, Prof. Owen has published over 300 articles and chapters in scientific journals and books. His h-index is 95 (Google Scholar).

SAMANTHA PRESHNER

**Counsel, Property Rights
Office of the Children's Lawyer
393 University Avenue, 14th floor
Toronto, ON M5G 1W9
Tel: 416-314-8034/ Fax: 416-314-8056
samantha.preshner@ontario.ca**

Samantha is a lawyer with the Office of the Children's Lawyer's Property Rights Department. Her practice focuses primarily on civil litigation. She has appeared before the Superior Court of Justice and the Ontario Court of Appeal.

She has contributed to a number of publications with various professional associations including the Law Society of Upper Canada, the Ontario Bar Association and the Ontario Trial Lawyers Association and she has presented at several continuing legal education programs.

Samantha has served as a board member for Greenpeace Canada. She also previously served on the the OBA's Animal Law Executive and edited its newsletter.



ARCHIE J. RABINOWITZ
Partner

Year of Call: 1984 – Ontario

Tel: 416-862-4696

Fax: 416-862-7661

Primary Office: Toronto

Email: archie.rabinowitz@gowlingwlg.com

Archie Rabinowitz is a partner and senior litigation lawyer at Gowling WLG. Based in Toronto, he assists clients in the areas of contentious estates and trusts law as a member of the firm's global Private Client Services Group.

With extensive trial and appellate experience, Archie represents trust companies, government agencies and individuals in matters involving breach of trust actions, the validity of wills and estate claims, contested passing of accounts, interpretation of wills, and the appointment or removal of trustees or guardians. He has extensive experience in dealing with the Canada Revenue Agency (CRA) in matters involving voluntary disclosures under the Income Tax Act and rectification/repairs to defective wills and trusts.

Archie has been certified as a specialist in Estates and Trusts Law by the Law Society of Upper Canada, and is preferred counsel for LawPro, advising on professional negligence cases arising out of estates matters.

Consistently recognized as a leading lawyer in directories such as Chambers Canada, Best Lawyers in Canada and the Canadian Legal Lexpert Directory, Archie is a past recipient of the Ontario Bar Association's Award of Excellence in Trusts and Estates, as well as its Widdifield Award. Archie has co-chaired the prestigious Law Society's Annual Summit on Trusts and Estates since 2008.

Shawn Richard

Shawn Richard is the current President of the Canadian Association of Black Lawyers, and was the former Director of Professional Development for CABL.

Before attending law school, Shawn was a qualitative researcher and clinical bioethicist. He has published papers and given several presentations on different issues, including informed decision-making, end-of-life care, priority setting in health care, reproductive technologies, pharmacogenomics, and culture and brain death.

Shawn is a graduate of the University Of Toronto Faculty Of Law, where he has been teaching Trial Advocacy since 2009.

Shawn has successfully represented clients in the Ontario Superior Court and the Ontario Court of Justice on various commercial and family law matters. Shawn also has recent publications in family law, including *The Value of Date of Marriage Debt: Zavarella v. Zavarella*, 2013 ONCA 720 and *34 Days, Two Experts and an Overnight: a Critique of M v F*, 2013 ONSC 6089 and *M. v. F.*, 2015 ONCA 277. His areas of practice include family, estates and civil litigation.

In 2013, Shawn acted as co-counsel for the Elliot Lake Mall Action Committee (ELMAC) at the Elliot Lake Inquiry, representing people injured physically and financially in the collapse of the Algo Centre Mall.

Shawn currently practices family, estates and civil litigation at Lenkinski Law.

Biographic Sketch – Medico-legal

Kenneth I. Shulman

Dr. Shulman graduated from the Faculty of Medicine, University of Toronto. He did his postgraduate training at the University of Toronto and the Institute of Psychiatry in London, England and completed a Master's degree in Health Policy and Management at the Harvard School of Public Health. He is Professor of Psychiatry and the inaugural recipient of the Richard Lewar Chair in Geriatric Psychiatry at Sunnybrook Health Sciences Centre, University of Toronto. Dr. Shulman has had a longstanding interest in testamentary capacity and other related capacities as well as vulnerability to undue influence and has been qualified as an expert witness in Estate matters in Ontario, Alberta and Bermuda. Together with colleagues he has published several papers on testamentary capacity and other capacities in international journals and is a frequent presenter at legal continuing education conferences on Estates and Trusts.



Robin Spurr is an associate at Schnurr Kirsh Oelbaum Tator LLP. Robin's focus has been on estate and guardianship law since the start of her legal career in 2012. Robin summered and articulated at the Office of the Public Guardian and Trustee, and practiced in estate planning and estate administration prior to joining SKOT LLP, where her practice is now exclusively devoted to estate litigation.

Robin has been a member of the Ontario Bar Association (Estates and Trusts Section) Executive since 2016. She has presented case comments at various OBA seminars, and is also a regular editor of Brian Schnurr's leading textbook, *The Annotated Ontario Estates Statutes*.

SUSAN J. STAMM
Counsel, Property Rights
Office of the Children's Lawyer
393 University Avenue, 14th floor
Toronto, ON M5G 1W9
Tel: 416-314-8037/ Fax: 416-314-8056
susan.stamm@ontario.ca

Susan is legal counsel in the Property Rights department at the Office of the Children's Lawyer.

She completed her LLB at the University of Toronto in 1992 and was called to the Bar of Ontario in 1994. She worked in private practice at Gowlings LLP and Goodman and Carr LLP as a civil litigation lawyer, while developing a focus in the areas of estates and trusts.

In 2007, she joined the Office of the Children's Lawyer as counsel.

Susan practices exclusively in the area of estate and trust litigation, as well as following estate administration on behalf of minor beneficiaries. She is an experienced litigator in all aspects of estate accounting, administration, trustee removal and replacement, will and trust interpretation, will challenges, support claims, *quantum meruit* claims, variations of trust and trustee liability.

Susan previously served on the OBA Trusts and Estates Executive and edited its magazine Deadbeat. She is regular contributor at OBA and LSUC programs.



Lionel J. Tupman, BA, JD

PRACTICE

Lionel is a Partner at WEL PARTNERS, ranked nationally by Canadian Lawyer as one of the Top 5 Trusts and Estates Boutique firms in Canada. Lionel's practice focuses on estate and trust related litigation matters, including professional liability, breach of trust and administrative litigation with a particular focus on matters involving breaches of fiduciary obligations.

EXPERIENCE

Lionel regularly appears before the Ontario Court of Appeal, the Divisional Court and the Superior Court of Justice. Lionel also has a unique knowledge of administrative judicial review procedure, and represents clients in judicial review matters in Divisional Court.

Lionel sits as a member of the Trusts and Estates Section Executive of the Ontario Bar Association. He also sits as a founding and current member of the Elder Law Section Executive of the Ontario Bar Association.

Lionel is a member of The Advocates' Society and the Estate Planning Council of Toronto.

Lionel has acted as counsel in a range of litigation matters, including commercial, elder abuse, administrative, education, development and corporate governance related litigation.

Lionel has particular expertise in all aspects of contested passing of accounts matters when acting for both fiduciaries and beneficiaries.

Lionel regularly speaks at educational seminars for other lawyers and estate professionals on fiduciary accounting and passing of accounts procedure. In the past year, Lionel has spoken at seminars hosted by the Law Society of Upper Canada, the Canadian Bar Association, the Ontario Bar Association, the Bar Association of Prince Edward Island and the Quebec Bar Association.

Several times every year, Lionel speaks at the Toronto Police College's Elder Law Investigation Course.



lionel@welpartners.com
(416) 355-3268
welpartners.com



Charles B. Wagner is designated as a Certified Specialist in Estates and Trusts Law by the Law Society of Upper Canada and a Trust and Estate Practitioner by STEP Canada. He is a partner at Wagner Sidlofsky LLP, which is a boutique law firm located in Toronto focusing on commercial and estate litigation.

Charles' estate litigation practice involves will challenges, elder abuse, power of attorney disputes, estate and trust administration, trust and fiduciary issues, and estate and mental capacity concerns.

Both in his capacity as chair of the Estate and Trusts Group, Lawyers Division of B'nai Brith and a senior member of the estates bar, Charles is a frequent speaker at continuing legal education programs as well as a frequent blogger and contributor to academic publications.

Selected Publications

- C. Wagner, G. Sidlofsky and R. Kwan, "Advising the Orthodox Jewish Litigant"
 - a) The abridged version published in the *Advocates' Quarterly* (Vol. 46, No. 2, November 2016); and
 - b) The unabridged version available online at <http://www.wagnersidlofsky.com/advising-orthodox-jewish-litigant>
- C. Wagner and A. Pearl, "Do Canadian doctors have a right to refuse to refer patients to physicians who will assist them to commit suicide?" (2016), 17 E.T.R. (4th) 26.
- C. Wagner and A. Felker, "Power of Attorney Abuse – What Can and Should You Do?", York University Osgoode Hall Law School Professional Development, 2015 Guide to Advising the Elderly Client-Key Issues, Best Practices & Practical Approaches November 4-5, 2015.
- C. Wagner and A. Hummel, "*Spence v. BMO Trust Co.* – Should the decision be overturned at the Court of Appeal?", 9-ETR-CAN-ART 34 Estates and Trusts Reports, 2015.
- B. Donovan and C. Wagner, "Challenging the Wills of the Living" (November 2014), LSUC 17th Annual Estates and Trusts Summit November 3, 2014.



Kimberly A. Whaley, CS, TEP, LLM

Kimberly A. Whaley is the founder and principal of the Toronto Boutique Trusts and Estates Litigation Firm, WEL Partners. Kimberly is also a Solicitor of the Supreme Court of England and Wales. Her practice is restricted to the resolution, litigation and mediation of estate and related disputes throughout Ontario including:

Will, Estate, Trust Disputes; Advising Fiduciaries; Dependant Support Claims; Passing of Estate, Trustee, Attorney, Guardian & Fiduciary Accounts; Capacity Proceedings; Guardianships; Power of Attorney Disputes; Consent and Capacity Board; End-of-Life and Treatment Decisions; Medical Assistance in Dying; Elder Law; Elder Financial Abuse; Solicitor's Negligence; Representation of Persons Under Disability; Probate Applications; Opinions; Agency Services; Approval Motions Under Rule 7

Kimberly mediates estate and trust related disputes within her practice areas.

Kimberly Whaley has been named to the National Law Journal's list of Divorce, Trusts and Estates Trailblazers, May 2017. Kimberly's firm has been ranked annually by Canadian Lawyer since 2014 as one of the Top 5 Trusts and Estates Boutique firms in Canada; and has been recognized since 2012 by Global Law Experts, receiving International awards in Trust and Estate Law in 2014. Kimberly was inducted as a Distinguished Fellow of the Canadian Centre for Elder Law (CCEL) in Vancouver, 2012. Kimberly was designated as a Certified Specialist in Estates and Trusts Law by the Law Society of Upper Canada in 2006. Kimberly has been peer selected annually since 2008 for inclusion in Best Lawyers in Canada in the practice area of Estates and Trusts. Kim was chosen by Lawday Leading Lawyers as one of the top 60 leading lawyers in Canada in Estates and Trusts. She was given the Martindale- Hubbell – BV Distinguished Rating in both Legal Ability and Ethical Standards. Kimberly is peer ranked in the Canadian Legal Lexpert Directory. She is currently a member of the CBA Elder Law Section and an Executive Member, OBA Awards Committee. She is on the Expert Advisory Focus Group for the Law Commission of Ontario (LCO) Law Reform Project as it relates to Ontario's Capacity and Guardianship Laws and to RDSPs. Kimberly is the Past Chair of The Society of Trust and Estate Practitioners (STEP) Toronto Branch. Kimberly is a member of the Estate Planning Council of Toronto. Kimberly has been on the Estate List Users Committee of the Ontario Superior Court of Justice at Toronto since its inception in 2003.

Kimberly's most rewarding achievement and outright passion is her daughter, Sammi, now age 18. Kimberly has an affection for cooking, baking, cycling with her Trek Cali SLX, and photography with her Nikon D800 and new lenses. Kimberly also runs marathons and other races in her spare time and is taking guitar lessons. Loves Bewitched, Audrey Hepburn and Peanuts – favorite is Snoopy!



kim@welpartners.com
(416) 355-3250
whaleyestatelitigation.com

The Honourable Justice Susan J. Woodley

The Honourable Justice Susan J. Woodley is a judge of the Superior Court of Justice appointed to the Central East Region of Ontario.

Prior to her appointment to the bench in February of 2015 Justice Woodley received her LL.B. from Osgoode Hall Law School in 1987 and was called to the Bar of Ontario in 1989. Ms. Woodley is certified by the Law Society of Upper Canada as a specialist in estates and trusts law and has practiced exclusively in the area of estates, trusts and guardianship law since 1990.

Justice Woodley has authored, co-authored and contributed various articles and materials published by the Estates and Trust Journal and the Law Society of Upper Canada and was an original contributing author to Estate Litigation (Schnurr) and Annotated Estates Statutes (Schnurr). She has been an instructor for the Law Society of Upper Canada Bar Admissions Court, Estates and Trusts and Professional Liability – Risk Management, and has been a regular speaker for the Law Society of Upper Canada and Osgoode Hall Continuing Education and various community groups on the topic of estate litigation.

Justice Woodley is married and has two children who attend university in Ontario.