



Amy Mortimore

Partner

Estates & Trusts
Elder Law
Charities & Not-For-Profits

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Profile

Amy's strong legal skills are balanced with her empathetic but practical approach to what are oftentimes highly emotionally charged files. She excels at identifying opportunities and obtaining results for our clients.

Amy's clients include:

- > Executors & Trustees
- > Beneficiaries
- > Trust companies
- > Non-profit organizations and charities
- > Committees

Services

- > Wills variation claims
- > Passing of Executor and Trustee accounts
- > Undue influence and incapacity claims
- > Committeeship applications

- > Unjust enrichment claims
- > Construction of wills applications
- > Applications to have a document declared a Will
- > Abuse of Powers of Attorney claims
- > Breach of trust claims

Amy strongly believes in contributing to BC's legal and professional community. In particular, she has lectured extensively to other lawyers, law students, accountants, gift planners, notaries, trust officers and the public for many years. In 2020, she and co-Chair Mark Weintraub, Q.C., published a comprehensive text, *British Columbia Estate Litigation*, which addresses the key areas faced by British Columbia estate practitioners. The textbook provides historical context, legal analysis, and commentary on practice and strategy.

In addition to speaking at numerous seminars, Amy has co-chaired many successful conferences for lawyers and industry professionals. She was instrumental in creating and organizing three Charities Forum events, which were highly successful conferences that brought together industry practitioners for the sole purpose of providing professional education to gift planners and others involved in charities and not for profits.

She has also been on the host committee for the annual national conference for both the Canadian Bar Association and the Canadian Association of Gift Planners.

In addition to the textbook, Amy is a contributing author to two leading resources for estate and trust law, in addition to writing for various other publications.

Amy has served on the Board of Directors of the Continuing Legal Education Society of British Columbia since 2016, and is currently serving as its Chair.

Credentials

Awards & Distinctions

- > Best Lawyers® in Canada, Trusts and Estates, 2017-2021
- > Canadian Legal Lexpert Directory®, Repeatedly Recommended Lawyer, Estate & Personal Tax Planning - Estate Litigation
- > Society of Trust and Estate Practitioners (STEP) Private Client Awards finalist for Contentious Trusts and Estates Team of the Year 2021

Industry Involvement

- > Director, The Continuing Legal Education Society of British Columbia, 2016 - present; executive committee, 2017 - present; Chair 2020
- > Trial Lawyers Association of British Columbia Women Lawyers Retreat planning committee, 2017 - present; co-Chair, 2018 - present
- > Director, Vancouver Public Library Foundation, 2018 - 2019
- > National Academy of Elder Law Attorneys, since 2005
- > Trial Lawyers Association (Estate Litigation), since 2008
- > Canadian Association of Gift Planners, since 2010
- > Women's Executive Network

- > Canadian Bar Association (Charities and Not for Profit Law; Elder Law; Wills and Trusts)
- > Canadian Association of Gift Planners 2014 Annual Conference Host Committee
- > Charities Forum Planning Committee, 2012, 2013, 2015
- > Canadian Bar Association (BC) Court Services Committee, 2001 - 2006
- > Planning Committee Canadian Bar Association (BC) Annual Legal Conference & Expo, 2005
- > The Continuing Legal Education Society of British Columbia Civil Litigation Practice Advisory Committee, 2000 - 2002
- > Executive Member, Young Lawyer Section of the Canadian Bar Association (BC), 1998 - 2003
- > Canadian Bar Association (BC) Task Force considering the Entrance Examination for the Professional Legal Training course, 2000

Memberships & Associations

- > Law Society of British Columbia
- > National Academy of Elder Law Attorneys
- > Trial Lawyers Association, Estate Litigation Section
- > Canadian Association of Gift Planners
- > Women's Executive Network
- > Canadian Bar Association (Charities and Not for Profit Law; Elder Law; Wills and Trusts)

Education & Call to Bar

- > Call to Bar: British Columbia, 1998
- > Bachelor of Laws, University of Victoria, 1997
- > Bachelor of Arts, French major, The University of British Columbia, 1993

External Publications & Presentations

- > Co-author, British Columbia Estate Litigation textbook, published by LexisNexis, 2020
- > Contributing author, British Columbia Probate and Estate Administration: Chapter 4 Devolution of Assets on Death, Continuing Legal Education Society of British Columbia ("CLEBC"), Practice Manual
- > Contributing author, British Columbia Estate Planning and Wealth Preservation: Chapter 6 Asset Protection, CLEBC Practice Manual
- > Legal content reviewer, "Challenging the Validity of a Will" and "Challenging Your Spouse or Parent's Will", People's Law School, July 2020
- > "Maintaining An Estate Practice in the Time of COVID-19" article, TLABC The Verdict publication, June 2020
- > "Even the best-laid plans can go awry", Vancouver Sun, April 26, 2011
- > "A Gift that Lasts", Your Estate Matters, February 2011. (Republished Quickscribe Reporter, February 2011)
- > "SCGGlobalSpin: Estate Litigation Chat with Clark Wilson's Mark Weintraub and Amy Mortimore" webcast, SCG Legal, January 2021
- > " 'New' Causes of Action in Estate Litigation" presentation, CLEBC Estate Litigation Update 2020, November 2020
- > "Contesting a Will in British Columbia" People's Law School Webinar, Make-A-Will Week

2020, October 27, 2020

- > "Resiliency: Women Lawyers Virtual Mini Retreat", Co-Chair, TLABC, October 2020
- > "Practicing Estate Litigation in the Time of COVID-19" presentation, Trial Lawyers Association of British Columbia ("TLABC"), July 2020
- > "Practicing Wills, Estates & Trusts Law During COVID-19" presentation, CLEBC webinar, April 16, 2020
- > "Building a Stronger Community: Diversity & Inclusion", Co-Chair, TLABC Women Lawyers Retreat, October 2019
- > Co-chair, CBABC Wills & Trusts Conference 2019 two day conference, September 2019
- > "Evolution of Spouse: Practitioners Forum" discussion leader, CBABC Wills & Trusts Conference 2019 two day conference, September 2019
- > "Avoiding Claims in Estate Law: View from a Litigator" presentation, Basics of Wills and Estate Planning, CLEBC, June 2019
- > Co-chair, Estate & Family Law Summit, TLABC, April 2019
- > "The Evolution of Spouse in Estate Law" presentation, CBABC Wills & Trusts Section, April 2019
- > "X-Fit: Cross-Examination Fitness Training" presentation, CBABC Professional Development Webinar, February 2019
- > Discussion Group Leader, Mastering Civil Evidence one day conference, CLEBC, February 2019
- > "2018 Year in Review" presentation, Society of Trust and Estate Planners (STEP Canada), January 2019
- > "Sitting and Meeting in the Middle - Observations on Effective Advocacy in Mediation" presentation, CLEBC Estate Planning Update, November 2018
- > "Women in Law: Leading the Way", Co-Chair, TLABC Women Lawyers Retreat, October 2018
- > "Innovative or Ineffective? How WESA Stacks Up" presentation, The WESA Effect: Where Are We Now? Seminar, Pacific Business & Law Institute, September 2018
- > "Recent Trends in Wills Variation: Second Spouses v. Adult Children" presentation, Estate Litigation Basics seminar, CLEBC, April 2018
- > "Estate Planning: What does your client need - and why?" presentation, Advocis 2018 Financial Planning Summit, March 2018
- > "Is My Cocktail Napkin a Will? WESA section 58", presentation, Advocis 2017 Estate and Financial Planning Conference, October 2017
- > Co-Chair, Essentials in Estate Litigation full day seminar, TLABC, April 2017
- > "How Binding is that Marriage Agreement?" presentation, Estate Planning Express seminar, CLEBC, April 2017
- > "Interlocutory Manoeuvres in Estate Litigation" presentation, Under Pressure: Interim Tactics that Apply Pressure in Commercial Litigation seminar, TLABC, November 2016
- > "Wills Variation in the Modern Age" presentation, Estate Litigation Update 2016 seminar, CLE, October 2016
- > "Senior Practitioners Viewpoint: Fact Pattern Analysis" presentation, Trial Lawyers Association of BC, May 2016
- > "How to prepare your solicitor's file to withstand litigation" presentation, Canadian Bar

Association, Wills & Trusts Section, April 2016

- > "Committeeships" presentation, TLABC webinar, November 2015
- > "Napkins & Notes: Section 58 of WESA (dispensing provision)" presentation, Most Litigated Estate Issues, Pacific Business & Law Institute, September 2015.
- > "A Potpourri of Practical Strategies (Spousal Home Provisions, Distribution Without Representation Grant, and Personal Representatives)" presentation, WESA One Year (and a few months) Later, CLEBC, June 2015
- > "WESA - One Year Later (dispensing provision, notices of dispute, and interim administrators)" presentation, Society of Trust and Estate Planners (STEP Canada), April 2015
- > "What stakeholder expectations require managing for a charity as a beneficiary of an estate", Panel Moderator, Clark Wilson LLP and Vancouver Foundation Charities Forum, February 2015
- > "Section 58 WESA Case Comment" presentation, Estate Planning Council of Vancouver, February 2015
- > "Where There's No Will, There May be a Way" presentation, TLABC WESA Seminar, June 2014
- > "Changes for Charities and Gift Planning under BC Estate Law: What charities need to know about the Wills, Estates and Succession Act" presentation, 21st Annual Canadian Association of Gift Planners (CAGP-ACPDP) National Conference, April 2014
- > "Update on the New Wills, Estates and Succession Act" presentation, Fraser Valley Estate Planning Council, January 2014
- > "Unjust Enrichment: Fairness and the Law" presentation, Estate Litigation Seminar, TLABC, April 2013
- > "The Wills Variation Act", Guest Lecturer at Capilano University Legal Studies Degree Program, March 2013
- > "The Charity's Relationship with a Donor: A Lawyer's Perspective (addressing undue influence & testamentary capacity)" presentation, Charities Forum, March 2013
- > "Solicitor Client Privilege in the Estate Context" presentation, Estate Litigation Basics Seminar, CLEBC, November 2012
- > "Demystifying Estate Accountings" presentation, Charities Forum, February 2012
- > "Estate Planning: A Litigator's Perspective" presentation, Pacific Business & Law Institute Seminar, January 2011
- > "Wills Variation Act Primer" presentation, Estate Litigation Basics Seminar, CLEBC, October 2010
- > "Constructive and Resulting Trusts" presentation, CLEBC, November 2008
- > Estate Dispute Resolution Seminar presenter, June 22, 2005
- > "Estate Litigation" presentation, sponsored jointly by the Law Courts Education Society and the Jewish Community Centre, June 2004
- > "Safely Navigating Estate Litigation", 10th Annual National Conference of the Canadian Association of Gift Planners, May 2003