



## Kimberly A. Whaley, CS, TEP, LLM

### LITIGATION PRACTICE

Kimberly A. Whaley is the founder and principal of the Toronto Boutique Trusts & Estates Litigation Firm, Whaley Estate Litigation Partners (WEL PARTNERS), having started her own law practice in 2005. Kimberly is also a Solicitor of the Supreme Court of England and Wales. Her practice is restricted to the resolution of estate and related disputes throughout Ontario including:

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

### WEL MEDIATION

Kimberly is a qualified Mediator, mediating estate and trust related disputes within her practice areas.

### RECOGNITIONS

- Designated as a Certified Specialist in Estates and Trusts Law by the Law Society of Upper Canada, 2006
- Distinguished Fellow of the Canadian Centre for Elder Law (CCEL), 2012
- Designated as a TEP, Society of Trusts and Estates (STEP) Worldwide, 2002
- Global Law Experts, (GLE) Trust & Estate Law Firm of the Year in Canada, 2016
- Corporate International Magazine Global Awards, Estate Litigation Lawyer of the Year in Canada, 2018
- Named in National Law Journal's List of Divorce, Trusts and Estates Trailblazers, 2017



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- Ranked annually by Canadian Lawyer since 2014 as one of the Top 5 Trusts and Estates Boutique Firms in Canada
- Peer selected annually since 2008 for inclusion in *The Best Lawyers™ in Canada* for work in Trusts & Estates
- Peer chosen by Lawday Leading Lawyers as one of the top 60 leading lawyers in Canada in Estates and Trusts
- Martindale-Hubbell – BV Distinguished Rating in both Legal Ability and Ethical Standards
- Lexpert ranked in the Canadian Lexpert Legal Directory, an acknowledgement of excellence by peers and colleagues
- Ranked in Chambers and Partners Canada as a leading lawyer, member of a select group at the very top of the profession in the area of Private Client Disputes, Contentious Trusts, and High Net Worth clients

## **AWARDS**

- Awarded the OBA-Hoffstein Book Prize in 2009, recognizing contributions and achievements by Members of the OBA in Wills, Trusts, Estates, Writing and Teaching
- Inducted Fellow, Canadian Center for Elder Law (CCEL)
- Special Lecture Award Recipient, Queens University Law School

## **PROFESSIONAL ASSOCIATIONS, MEMBERSHIPS AND AFFILIATIONS**

### **Current**

- CBA Elder Law Executive, Section Chair, 2017
- OBA Elder Law Executive, Section Vice-Chair, 2017
- Civilian Co-Chair, Toronto Police Service Seniors Community Consultative Committee (TPS SCCC), Abuse of Older and Vulnerable Persons
- Past-Chair of the OBA Trusts & Estates Executive
- Past Member of the CLE Main Committee Executive
- Past Member of the OBA Awards Committee
- Past-Chair Toronto Branch of The Society of Trust and Estate Practitioners (STEP), Toronto, and Past Director of STEP CANADA, and was an Executive Member for 8 years on several sub-committees including Program Officer
- Full Member of STEP Worldwide as a Trust and Estate Practitioner

- Continuing Member of the STEP Canada National Conference Planning Committee
- Past Member of the Ontario Bar Association's JUST Editorial Board
- Honorary Member of The Professional Advisory Group of the BAYCREST Foundation
- Estate Planning Council of Toronto, Member
- Estate List Users Committee of the Ontario Superior Court of Justice at Toronto since its inception in 2003
- Senior's Roundtable Participant, Ontario Securities Commission "Focus On Issues Facing Seniors Managing Investments And Retirement Income"
- Contributor to the Minister of State for Seniors, The Honorable Alice Wong's Financial Elder Abuse discussion group on Bill S-4, The Digital Privacy Act (amendments to the Personal Information Protection and Electronic Documents Act (PIPEDA) and related issues
- Consultation Contributor to Amendments, Re Bill 28, All Families are Equal Act, (Parentage and Related Registrations Statue Law Amendment) facilitated by the Ministry of the Attorney General, Justice Policy Development Branch
- Focus Group Participant, Expert Advisory Panel for the Law Commission of Ontario's (LCO) Law Reform Project and consultation as it relates to: Legal Capacity, Decision-Making and Guardianship; RDSP's, the Law as it Affects Older Adults – Consultation Papers: Shaping the Project; Simplified Procedures for Small Estates; Capacity and Legal Representation for the Federal RDSP; Family Law Reform; The Law and Persons with Disabilities; Older Adults; Framework for the Law as it affects persons with disabilities; and A Framework for the Law as it affects older adults; Last Stages of Life Consultation
- Ontario Seniors Secretariat Roundtable, MPP Soo Wong, 2015 , Contributor to the Attorney General's request by the Premier to develop legislation addressing parentage and assisted reproduction: Estate Issues
- Toronto Police Seniors Community Consultative Committee for Seniors' liaison with professionals/community services/advocates etc., interested in keeping current and improving police services. An Advisory Committee Member, Jason Peddle, Vulnerable Persons Coordinator

- Contributor, CCEL World Study Group - The Canadian Center For Elder Law And Stetson University College
- Member, Law Society of Upper Canada (LSUC)
- Member, Canadian and Ontario Bar Associations (CBA) (OBA)
- Member, Toronto Lawyers Association (TLA)
- Member, Professional Advisory Group of Dental Elder Abuse Response (DEAR) Project
- Member, OBA, Civil Litigation, Family Law, Sole Small Firm and General Practice, Health Law
- Member, Advocates' Society
- Member, Advocacy Centre for the Elderly (ACE)
- Member, National Academy of Elder Law Attorneys (NAELA), Tucson, Arizona USA
- Member, Canadian Association on Gerontology
- National Initiative for the Care of Elderly (NICE)
- Past Member, OBA, Law Reform Initiative, Predatory Marriages
- Member, American Bar Association (ABA)

#### **Other Memberships (Past)**

- Past Member of the CBA Elder Law Executive
- Past Member of the CBA Wills & Trusts Executive
- Past Member, OBA, Young Lawyers Division Executive (YLD)
- Past Member, OBA, Annual Institute Review Committee Executive, 2005 - 2009
- Past Counsel, Senior Peoples' Resources in North Toronto Inc. (SPRINT)

#### **TEACHING**

- Appellate Advocacy, Queen's University, Adjunct Professor, receiving the Queen's University Special Lecturer Award
- University of Toronto Law School, Estates Course, Adjunct Professor
- Instructor at Osgoode Bar Admission Course, Trust & Estates
- External Examiner for the University of Toronto (Estates)

- Regularly presents at Continuing Professional Development programs for lawyers, in-house financial institutions, trust companies, Institute of Law Clerks of Ontario (ILCO), hospitals, accountants, financial advisors, local and rural community centers, Toronto and Ontario Provincial Police Colleges, and other organizations and foundations, universities and colleges and community libraries
- Maintains a teaching affiliation with the University of Toronto as a guest lecturer in a Sociology and Gerontology course on Law and Aging and on Financial Abuse of the Elderly
- Ontario Police College, Elder Abuse Conference, since 2015
- Faculty, Osgoode Certificate in Elder Law, Parent/Adult Child and Sibling Struggles, April 2016 & 2015, 2017, 2018
- York University, Estates Winter Term, Lecturer, Persons Incapable of Managing Their Own Affairs, February 23, 2016
- Toronto Police College, Elder Law Seminar for Investigators, quarterly since 2016
- Portfolio Management Association of Canada (PMAC) Lawyers' Network, "*Fiduciary Challenges and Ethical Obligations when Dealing with Elderly Clients*", December 9, 2015
- University of Toronto, May 2015, Guest Lecturer, Assisted Suicide in Canada: What Does the Law Mean Now?
- Scarborough Hospital –Legal Considerations in Elder Care – May 2015
- University of Toronto, Course in Law and Aging, annually since 2013, Guest Lecturer, Financial Abuse of the Elderly
- Lecturer, University of Toronto: "*Capacity, Understanding and Assessing—Yours and Theirs*", March 3, 2014
- University of Toronto – Capacity—Course: Law and Aging, 2013
- St. Michael's Hospital, Powers of Attorney, 2012
- Queens University Sessional/Adjunct Professor, Appellate Advocacy, 2003 - 2007, \*Recipient Teaching Award, Fall 2003
- University of Toronto -- Wills and Estate Planning, Academic Year 2005, Adjunct Professor
- University of Toronto -- Transmission of Wealth, Academic Year 2006, Adjunct Professor
- LSUC, Continuing Legal Education Programs

- OBA, Continuing Legal Education Programs
- CBA, Continuing Legal Education Programs
- Queens University, Faculty of Law, Guest Lecturer -- Estate Litigation
- Ryerson University, Mini Law School -- Estate Litigation, 2004
- Retirement Planning Association of Canada (RPAC), In-House Banking Institutions
- LSUC, Practice Gems Series, The Administration of Estates, Chair, 2011-2017

## **PUBLICATIONS**

### **Books, Legal Journals and Publications**

Support Rights and Obligations in Ontario Family Law, Halpern, Chapter -"Support on Death", Thomson Reuters, publication pending 2018

Histrop Estate Planning Precedents: A Solicitor's Manual, Solicitor's Negligence: Estates and Trusts Context, The Myth of a Hierarchy of Decisional Capacity: A Medico-Legal Perspective, November 2017, (2017- Rel.6), 6.1-777

STEP Trust Quarterly Review, Volume 15, Issue 2017, Independent Legal Advice and Incapacity, Under the Influence, Kimberly A. Whaley

Whaley Estate Litigation, WEL on Powers of Attorney, Fall 2016

WEL on Powers of Attorney, 2016

Armstrong, Estate Administration, A Solicitor's Reference Manual: Fiduciary Accounts and Court Passings: 2016-Rel.4

Canadian Lawyer, The Elder Law Boom, October 2016

Single by Choice, Chapter 9, The Law Always Has Its Say, October 2016

Développements Récents En Successions Et Fiducies, Barreau Du Québec, Service De la Formation Continue, Volume 411, Predatory Marriages, 2016

Whaley Estate Litigation on Guardianship, 2015

Whaley Estate Litigation on Fiduciary Accounting: Guardianship Accounts, Attorney Accounts, Estate Accounts, Trust Accounts, 2014, Whaley Estate Litigation, updated 2016

The Advocates Quarterly: *"Independent Legal Advice: Risks Associated with "ILA" Where Undue Influence and Capacity are Complicating Factors"* Vol. 47, No. 4, December, 2017

The Advocates Quarterly: *“Standardizing the Assessment of Testamentary Capacity”*, Vol. 46, No. 4, March 2017, Kimberly A. Whaley, Megan Brenkel, Kenneth I. Shulman and Kerri Crawford

The Advocates Quarterly: *“The Myth of a Hierarchy of Decisional Capacity: A Medico-Legal Perspective”*, Vol. 45 No. 4, July 2016, Kimberly Whaley, Kenneth I. Shulman and Kerri Crawford

The Advocates Quarterly: *“Solicitor’s Negligence: Estates and Trust Context”* Volume 45, No.1, February 2016

The Advocates Quarterly: *“Where There’s (Not) a Will: Partial Intestacies and Remedies”* co-authored with Ameena Sultan, Volume 44, No. 4, November 2015

The Advocates Quarterly: *“Between a Rock and a Hard Place: The Complex Role and Duties of Counsel Appointed Under Section 3 of the Substitute Decisions Act, 1992”*, Volume 40, Number 3, November 2012

The Advocates Quarterly: *“The Intersection of Family and Estates Law: Post-Mortem Claims Made by Modern Day Spouses”*, Vol. 40, Number 1, June 2012

The Advocates’ Journal, *“The Landscape of Elder Abuse”*, Vol. 34, No. 3, Winter 2015

Money and Family Law: Capacity to Marry, Co-habit, Separate and Divorce-Part III, January 2017, Issue 32-1

Money and Family Law: Capacity to Marry, Co-habit, Separate and Divorce-Part II, December 2016, Issue 31-12

Money and Family Law: Capacity to Marry, Co-habit, Separate and Divorce-Part I, November 2016, Issue 31-11

Money and Family Law: "New Spouse/Old Money: Claims Arising Out of Later in Life Partnerships" - Part III, September 2016, Issue 31-9

Money and Family Law: "New Spouse/Old Money: Claims Arising Out of Later in Life Partnerships" - Part II, August, 2016, Issue 31-8

Money and Family Law: "New Spouse/Old Money: Claims Arising Out of Later in Life Partnerships" - Part I, July 2016 Issue 31-7

Money and Family Law: “Spousal Claims Against Estate and Other Claims Arising out of Re-Marriages”, Part VI, Issue 29-7

Money and Family Law: “Spousal Claims Against Estate and Other Claims Arising out of Re-Marriages”, Part V, Issue 29-6

Money and Family Law: “Spousal Claims Against Estate and Other Claims Arising out of Re-Marriages”, Part IV, June, 2014, Issue 29-5

Money and Family Law: “Spousal Claims Against Estate and Other Claims Arising out of Re-Marriages”, Part III, Issue 29-4

Money and Family Law: “Spousal Claims Against Estate and Other Claims Arising out of Re-Marriages”, Part II, March, 2014, Issue 29-3

Money and Family Law: “Spousal Claims Against Estates and Other Claims Arising out of Re-Marriages”, Part I, December, 2013, 29-2

*Key Developments in Estates and Trusts Law in Ontario, Update on Joint Accounts, Chapter 7, Canada Law Book, 2016 Edition*

*Key Developments in Estates and Trusts Law in Ontario, Contempt Orders in Estate Disputes”, Chapter 9, Canada Law Book, 2014-2015 Edition*

*Key Developments in Estates and Trusts Law in Ontario, “Passings of Accounts”, Chapter 5, Canada Law Book, 2012 Edition*

*Key Developments in Estates and Trusts Law in Ontario, “Passings of Accounts”, Chapter 6, Canada Law Book, 2011 Edition*

*Key Developments in Estates and Trusts Law in Ontario, “Passings of Accounts”, Chapter 6, Canada Law Book, 2010 Edition*

*Key Developments in Estates and Trusts Law in Ontario, “Passings of Accounts”, Chapter 5, Canada Law Book, 2009 Edition*

*Key Developments in Estates and Trusts Law in Ontario, “Passings of Accounts, including Contested Passings”, Chapter 7, Canada Law Book, 2008 Edition*

JUST Magazine, *Finding Time for Fitness*, January 2016, co-authored with Micheal Okumura

JUST Magazine, “*Capacity Considerations and your Client*”, Fall 2015

JUST Magazine: “*Cautions against Boilerplate Language [in “End of Life” Clauses in Powers of Attorney for Personal Care]*”, January 2014

JUST Magazine, “*Executors Gone Wild*”, April 2013



JUST Magazine: *“Planning for the Protection of Older Adults—How Can We Protect our Elderly Friends and Family Members who may be Vulnerable to Abuse or Exploitation?”*, December 2012

JUST Magazine, *“Planning for the Protection of Older Adults”* December 2012, co-authored with Erin Cowling

Estates and Trusts Pension Journal (ETPJ): *“Attacking and Defending Gifts”* (2016), 35 E.T.P.J.269

Estates and Trusts Pension Journal (ETPJ): *“Predatory Marriages – Equitable Remedies”*, co-authored with Albert Oosterhoff, Volume 34, No. 3, May 2015

Estates and Trusts Pension Journal (ETPJ): *“Capacity and the Estate Lawyer: Comparing the Various Standards of Decisional Capacity”* E.T. & P.J., Volume 32, No. 3, May, 2013

Estates and Trusts Pension Journal (ETPJ): *“Life after Death: Modern Genetics and the Estate Claim”*, Vol. 28, Number 2, March 2009

Estates, Trusts and Pensions Journal (ETPJ): *“Powers of Attorney and Financial Abuse”* Vol. 27, Number 4, September 2008

Estates and Trusts Pension Journal (ETPJ): *“The Use of DNA in Contested Estate Matters”*, E.T. & P.J. Volume 23, Number 2, page 140, April 2004

Kimberly authored the chapter, *“Conundrums in Cognition: Planning for the Future”*, in *“What Next? Navigating Later Life Transitions”*, Senior Solutions, Release 2012

Kimberly authored the chapter, *“Fiduciary Accounts and Court Passings”*, in *“Armstrong, Estate Administration: A Solicitor’s Reference Manual”*, Carswell and Thomson Reuters, Release 2012-13, Vol. 4, p. SLL-32 – SLL-46.58, and Release 2014-15, and 2015 – Rel.12 SLL-32

Kimberly authored the chapter, *“Estates Issues Relating to Ontario Family Law, Property Rights and Obligations.”* in *“Property Rights and Obligations Under Ontario Family Law”*, Canada Law Book, Thomson Reuters, 2012

Kimberly authored and edited the Canada Law Book yearly publication *“Capacity to Marry and the Estate Plan”* in 2010, with co-authors: Dr. Michel Silberfeld, Heather McGee and Helena Likwornik

## Media

Toronto Star Newspaper, quoted in the January 6, 2018 Toronto Star article about a recent predatory marriage case, *Hunt v. Worrod*, 2017 ONSC 7397 (CanLII), by Moira Welsh

Newstalk 1010 AM Radio, appeared live on NewsTalk 1010 AM on December 12, 2017 discussing comments in Moira Welsh's Toronto Star article, How Ontario's Laws make seniors an easy target for 'predatory marriages'

Law Times, Vol. 26, No.33, "Lawyers Can Help Stop Abuse of Power of Attorney" interview by Dale Smith, October 23, 2017

Lawyered Podcast: "*Predatory Marriages, Power of Attorney Litigation, and Treatment of Joint Accounts*", May 2016

Caregiving Matters, quoted in the article: '*How Ontario's laws make seniors an easy target for 'predatory marriages'*', April 22, 2016

Saskatchewan News, quoted in the article: "*Hitched then ditched by marriage 'predator'*", April 17, 2016

Waterloo Chronicle, quoted in "*Hitched then ditched by marriage 'predator'*", April 17, 2016

Toronto Star, quoted and referenced in the article: "*How Ontario's laws make seniors an easy target for 'predatory marriages'*", April 17, 2016

CBC.ca, 'In Depth' article: referenced in '*Marriage-like relationships hard to prove in court, B.C. case shows Sex, love and the courts: When is a spouse a spouse?*' November 1, 2015

Canadian Bar Association's ENews: "*Attacking and Defending Inter Vivos Gifts*" published in the August 2015 edition

CBC Broadcasting Centre: Ontario Today, "*Disputes over Inheritance*" January 15, 2015

TV Cable 14 – Heirs & Omissions Program: Interview by Adam Cappelli on "*Predatory Marriages*" (with Professor A. Oosterhoff), November 4, 2013

## Newsletter and Articles

Whaley Estate Litigation Publications: <http://welpartners.com/resources/publications>

Whaley Estate Litigation Blogs: <http://welpartners.com/blog/>

Whaley Estate Litigation Practice Checklists  
<http://welpartners.com/resources/practicechecklists>

Whaley Estate Litigation Newsletter: <http://welpartners.com/resources/newsletterarchive>

CBA Elder Law article, Elder Abuse Case Looked at when Non-Parties May Attend Cross-Examinations, November 7, 2017

OBA Section Insider, Trusts and Estates Law, Joint Tenancy Dispute Strikes Again, April 28, 2017

OBA Section Insider, Trusts and Estates Law, Capacity and Undue Influence Concerns When Providing Independent Legal Advice, January 2017  
Canadian Lawyer, The Elder Law Boom, October 2016

Single by Choice, Chapter 9, The Law Always Has Its Say, Insomniac Press, Canada, October 2016

STEP Toronto Connection: "Retirement Home Vicariously Liable for Employee's Theft of Older Adult? Hoyle (Estate) v. Gibson-Heath", November 2017, Vol. 5, No. 3

STEP Toronto Connection: "The B.C. Court of Appeal reviews the "curative powers" of the Court under section 58 of Wills, Estates and Succession Act", October 2017, Vol. 5 No.2

STEP Toronto Connection: "Joint Tenancy Dispute Strikes Again: Severed? Gift? Forms Residue of Estate?", September 2017 - Vol. 5 No. 1

STEP Toronto Connection: "*Brown v. Rigsby* – Court of Appeal Denies Estate Trustees Indemnification Based on Unreasonable and Self-Interest Behaviour", October 2016 – Vol. 4, No. 2

STEP Toronto Connection: "*Court Provides Costs Guidance in Latest McLaughlin Decision*", May 2016, Vol. 3, No. 7

STEP Toronto Connection: "*In Grocery Bags and Under Pads of Paper: The Validity of a Found Holograph Codicil*", April 2016 - Vol. 3 No. 6

STEP Toronto Connection, "*Nova Scotia Court of Appeal Warns of Costs Consequences for Unfounded Undue Influence Claims*" February 2016 - Vol. 3 No. 5

STEP Canada Connection Toronto Branch Newsletter, November 2015, Vol. 3 No. 3.: "*Blood Rules on Intestacy: Peters Estate (re) 2015 ABQB 168*"

STEP Canada Connection Toronto Branch Newsletter, May 2015, Vol.2 No.4. "*An*

*update on Dependant's Support Claims under the Succession Law Reform Act: Morasutt v. Jaczynski*

STEP Canada Connection Toronto Branch Newsletter, April 2015, Vol. 2, No.3, "*Ontario Court Addresses Drafting Solicitors' Duties and Red Flags for Undue Influence and Testamentary Incapacity*"

STEP Canada Connection Toronto Branch Newsletter, February 2015, Vol. 2, No. 2, "*Case Update, Leibel: Blended Costs Award*"

The Lawyers Weekly: "*Remedy for a Broken Family Promise: Ontario Appeal Court looks at proprietary estoppel in a pair of cottage cases*", December 5, 2014, Vol. 34, No. 29

STEP Canada Connection Toronto Branch Newsletter, November 2014, Vol. 1 No. 7, "*Leibel v. Leibel: Clarity on Limitation Period for Will Challenges?*"

STEP Canada Connection Toronto Branch Newsletter, October 2014, Vol.1, No.6: "*A Novel Approach to Remedy the Injustice of Predatory Marriages*"

STEP INSIDE, May 2014, Volume 13, No. 2: "*Trust Companies and Lawyers: What You Should Know About Recent Amendments to Regulations Under the Proceeds of Crime (Money Laundering) and Terrorists Financing Act*", co-authored with Heather Hogan

The Lawyers Weekly, "*Challenging the predatory marriage: A pair of New York rulings offer an alternate path*", July 25, 2014

Law Times Supplement: "*What is Elder Law?*" December 9, 2013

LSUC: "*How to Make a Dependent's Support Claim*" Update, November 2013 and updated May 2016.[<http://www.lsuc.on.ca/For-Lawyers/Manage-Your-Practice/Practice-Area/Trusts-and-Estates-Law/How-to-Make-a-Dependant-s-Support-Claim-Against-an-Estate/#s1>]

CBA National Elder Law Section Newsletter: Sage Advice: "*Lawyer's Checklist of Circumstantial Inquiries*", November 2013

ERAssure Newsletter: "*The Fractured Family Estate Litigation in Complex, Blended and Extended Families in an Era of Social and Demographic Change*" Issue 15, October, 2013

Deadbeat: "*Joint Tenancy Dispute Strikes Again: Severed? Gift? Residue?*", January 10, 2018

Deadbeat: "*DNR Tattoo Crates Uncertainty*". January 10, 2018

Deadbeat: "*Joint Tenancy Dispute Strikes Again*" April 28, 2017

Deadbeat: "Capacity and Undue Influence Concerns When Providing Independent Legal Advice", January 17, 2017

Deadbeat: "*Inter Vivos Gifting: The Risk & Reward*", November 18, 2016

Deadbeat: "Joint Accounts – Ontario: *Sawdon Estate*, 2012 ONSC 4042", March 24, 2014

Deadbeat: "*McConnell v Huxtable: Clarification of Limitation Period for Constructive Trust Claims?*" October 2013

Deadbeat Magazine: "*Case Comment on Haines v Haines Estate: Judge Warns of Potential Modern Day Bleak House in Litigation to Remove Estate Trustees*", January 2013

Deadbeat -- *Re Drago Barbulov v. Dr. R. Cirone*, April 2009

Deadbeat -- Trusts and Estates Section, Volume 26, No. 4 -- *De Zorzi Estate v. Read*, 2008 WL 673479 (Ont. S.C.J.) 2008 CarswellOnt 1330, May 2008

Deadbeat, *Strickland v. Thames Valley District School Board*, December 2007

Deadbeat, Vol. 24, No.2, *Estates List Update*, January 2006

Deadbeat, Vol. 22, No. 2, article mentioned: "*DNA testing in contested Estate matters*", December 2003

Law Times: Quoted in article: "*Wills and Estates Litigation: Decision Show Need for Greater Attention to Undue Influence*" by M. McKiernan, October 21, 2013

CBA National Elder Law Section Newsletter: Sage Advice: "*Planning for the Protection of Older Adults*", March 2013

The Lawyers Weekly: "*Executor Exit: Removing a Trustee*", Volume 32, No. 29, November 2012

Law Times: "*DeLorenzo Sends Cautionary Message to Estate Trustees*", September 10, 2012 [co-author Avi Dahary]

LawPro Webzine; Wills Estates and Trusts, "*Late Life Marriage and Will Amendments: Lawyers, Proceed with Caution*", Whaley quoted, September 2012

The Lawyers Weekly: "*Predatory Marriage Challengers have Limited Options*", Volume 32, No. 19, September 2012

Money and Family Law, *“Remarriages and Common Law Arrangements: Estate Claims by Spouses”*, Vol. 27, No.7, July 2012

OBA Briefly Speaking, *“From the Ground Up, Building Your Own Law Firm”*, Student Edition 2011

Law Times, *“Lawyers ordered to Give Will to Perspective Trustee”*, Whaley quoted, October 21, 2011

The Lawyers Weekly, *“How Predatory Marriages Affect Property and Estates”* Vol. 30, No. 13, August 13, 2010

Law Times, Vol. 21. No. 23, *“Elder Law Practitioners gearing up for boom”* Whaley quoted, July 12, 2010

Law Times, *“Who Watches the Watchers? Lawyers ponder changes to laws dealing with the elderly as population ages”*, Whaley quoted, October 26, 2009

Law Times, *“The ATM is closed courts saying”* Whaley quoted, October 26, 2009

Briefly Speaking, March 2008, Volume 33, N. 2, Book Review, Jennifer Greenam’s *The Executor’s Handbook*, Third Edition. *“A Greta Asset for the Executor or Estate Trustee”*, Kimberly A. Whaley, pages 4, 5, March 2008

The Law Times, Vol. 19, No. 4: *“Focus on Family Law Trusts and Estates, Conflicts Involving blended Families Increasing”*, Page 12, February 4, 2008

*“Litigation Issues and Power of Attorney Disasters: Avoiding Conflict in Litigation”*, presented at the Retirement Planning Association of Canada (RPAC) Ontario South Education Day, November 16, 2007

Ontario Editorial Correspondent for the Canada STEP INSIDE Newsletter, 2005  
Law Times Focus, *“Treat Powers of Attorney with Care”* Whaley quoted, February 16, 2004

STEP Inside, Vol. 3, Practitioners Update, Whaley quoted, November 2, 2003

CALU Magazine, 2003, Vol. 3: *RRSP: Recent Cases -- Amherst Crane Renta Ltd. v. Perring, 2002, 46 E.T.R.(2d) 1; Bramley v. Bramley Estate [2003] B.C.J. No. 457*, September 2003

*Hall v. Bennett Estate -- Will Power Issue #102*, June 2003

*“A Will: Don’t Shuffle Off this Mortal Coil Without One”*, Toronto Star, Whaley quoted, January 12, 2003

*Precatory Memoranda -- Are they legally binding? Should they be disclosed? What are the Courts Saying? -- Will Power 85, January 2002*

## **PERSONAL**

Most rewarding achievement and outright passion is her daughter, Sammi, now age 19. Kimberly has an affection for cooking, baking, cycling with her Trek Cali SLX, and photography with her Nikon D800 and growing collection of lenses. Kimberly also runs marathons and other races in her spare time and has given up on her guitar lessons. Loves Bewitched, Audrey Hepburn and Peanuts – favorite is Snoopy! Favorite Movie: Breakfast at Tiffanys. Favorite Indulgence: fresh home baked hot Chocolate Chip Cookies

## **LEGAL EMPLOYMENT HISTORY**

Whaley Estate Litigation Partners, (WEL PARTNERS), founder and principal -- Estate, Trust, Capacity, Power of Attorney, Fiduciary, Elder Law, Litigation and Mediation, [since May 2005]

Dickson MacGregor Appell LLP, Partner -- Estate, Trust and Capacity Litigation [from Sept. 2001 – April 2005]

Hull & Hull, Associate -- Estate Trust and Capacity Litigation [2000 - 2001]

Borden & Elliot, Associate -- Corporate [1998 – 1999]

Beale and Company, Solicitors, London, England -- Litigation - Commercial, Financial, Construction, [1995 - 1998]

International Human Rights Law Group, Washington D.C., Legal Intern -- Affiliated with UNESCO, OAU and the International Commission of Jurists; Country-specific fact-finding research; Management of UN documents; Assistant on UNESCO and UN Arbitrary Working Group cases; Advocate Human Rights issues before Congressional End State Policymakers, [1993]

Allen & Overy, Solicitors, London, England -- Banking and Property Law, [1993]

## **CALL TO BAR**

Ontario Call to the Bar, [February 1999]

Ontario Bar Admissions Course -- Phase Three, Abridgement of Articles, [1998]



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Solicitor of the Supreme Court of England and Wales, The Law Society of England and Wales, [1997]

## **EDUCATION**

Cambridge University, College of Law, England -- Diploma in Professional Skills (Cantab.) -- Accounts; Professional Conduct; Personal Work Management, Advocacy, Investment Business, [1995 - 1997]

University of Bristol, England -- Diploma in Legal Practice (with Commendation), [Sept. 1994 - June 1995]

Nottingham Law School, England -- Diploma in Law, Common Professional Examinations (LLB), [Sept. 1992 - June 1994]

University of Bristol, England -- Masters of International Law (LL.M.), [Sept. 1991 - Sept. 1992]

University of Exeter, England -- LLB, [Sept. 1989 - June 1990]

University of Western Ontario, Canada -- BA, Political Science Major, English Minor, [Sept. 1984 - April 1988]

Bishop Strachan School, Canada -- Ontario Secondary School Honors Graduation Diploma, (OSSHGD), [Sept. 1979 - June 1984]

## **OTHER QUALIFICATIONS**

Osgoode Hall Law School, York University – Advanced Mediation Advocacy Forum and Canadian National Mediation Advocacy Competition Forum, [2009]

Institute for Conflict Management, Santa Monica, California – 40 Hour Mediation Certification [2008]

Osgoode Hall Law School, York University - Essential Curriculum in Trusts, Wills and Estates - Focus on Estate Litigation, [2000]

National Committee on Accreditation, Canada -- Certificate of Qualification -- Tax and Constitutional Law, [1998]

## **SPEAKER | PRESENTER | CHAIR | AUTHOR OF ARTICLES**

Speaker, Toronto Police Seminar, Elder Abuse, March 9, September 28, November 2, 2018

Chair and Speaker, B’Nai Brith Seminar, Estate Planning Gone Awry, May 30, 2018

Speaker, STEP National Conference, Medical-Legal Issues Involving Capacity, Estate &



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Trust Planning, and Litigation, May 28-29, 2018

Speaker, LSUC, The Six-Minute Estates Lawyer, Predatory Marriages, May 3, 2018

Speaker, CBA, WEL Fundamentals Course, Passing of Accounts, April 18, 2018

Speaker, Iranian Canadian Legal Professionals, Elder Law, Elder Abuse, March 9, 2018

Speaker, Osgoode Certificate in Elder Law, Marriage Contracts; Conflicts in Blended Families; Sibling Struggles; intergenerational Transfer of a Family Business; and Family Meetings, March 6, 2018

Speaker, Osgoode Hall Law School, Passing of Fiduciary Accounts, February 13, 2018

Speaker, CBA Nova Scotia, Predatory Marriages, November 30 – December 1, 2017

Speaker, CBA Calgary, Independent Legal Advice and Incapacity, November 14, 2017

Speaker, CCEL BC, Independent Legal Advice where Capacity and Undue Influence are at Play, November 2-3, 2017

Speaker/Presenter, Toronto Public Library, Predatory Marriages and POA Abuse, October 23, 2017, October 25, 2017, November 21, 2017, and December 6, 2017

Speaker, Advocis, (The Financial Advisors Association of Canada) Power of Attorney, October 19, 2017

Speaker, Legal Capacity Assessment Panel Discussion and Technology Demonstration, October 18, 2017

Speaker, STEP Toronto, Civil, Criminal & Equitable Remedies - Elder Abuse and Manners of Protecting the Elderly, October 18, 2017

Speaker, National Ethnic Press, Toronto City Hall, Predatory Marriages, October 16, 2017

Speaker, LSUC 20<sup>th</sup> Annual Estates and Trust Summit, Primer on Standardized Cognitive Functioning Testing, October 16, 2017

Speaker, National Ethnic Press and Media Council of Canada, Toronto City Hall Press Gallery, Predatory Marriages, October 16, 2017

Speaker, Toronto Police Seminar, Elder Abuse, Civil and Criminal Remedies, October 6, 2017

Speaker, Toronto Police Seniors, Planning for Incapacity and Powers of Attorney, October 3, 2017

Co-Chair, LSUC, Practice Gems, The Administration of Estates 2017, September 29, 2017

Speaker, CBA Wills Estates and Trusts PEI, Presenter/paper/, Capacity and Undue Influence, Solicitor's Negligence and Attacking and Defending Gifts, June 23, 2017

Speaker, Ontario Police Conference, Elder Abuse Seminar, June 22, 2017

Speaker, STEP 19<sup>th</sup> National Conference, A Case for the Standardized Assessment of Capacity, June 13, 2017

Speaker, B'Nai Brith Seminar, Panel Discussion, Power of Attorney and Accounting, May 23, 2017

Speaker, LSUC, The Six-Minute Estates Lawyer, Powers of Attorney Litigation, May 8, 2017

Speaker, Estate Planning and Litigation Forum, Langdon Hall, *Pecore* – 10 years later, April 23-25, 2017

Speaker, Osgoode Certificate in Elder Law, The Life Course Perspective and its Impact on Legal Issues, April 20, 2017

Speaker, Legal Education Society of Alberta (LESA), Calgary, Capacity and Undue Influence, March 8, 2017

Speaker, OBA Elder Law, Financial Abuse of the Older Client: Practical legal strategies to prevent and respond to the exploitation of seniors, Exploring Civil and Criminal Remedies for Financial Abuse of Seniors, March 7, 2017

Speaker, Legal Education Society of Alberta (LESA), Edmonton, Capacity and Undue Influence, March 1, 2017

Speaker/Chair, Osgoode Hall Law School, Passing of Accounts and Fiduciary Accounting, February 9, 2017

Speaker, Ontario Police Conference, Elder Abuse Seminar, February 2, 2017

Speaker, OBA, Law and the Older Client, Elder Law: Marriage, Divorce & Predatory Marriages, November 16, 2016

Speaker, CBA WET Fundamentals Course, Contested Passing of Accounts, October 29, 2016

Speaker, LSUC Summit, Solicitors Negligence, October 24-25, 2016

Speaker, STEP, Attacking and Defending Gifts, October 19, 2016

Speaker, Osgoode Professional Development, Advising the Elderly Client, A Practical Guide for Working with Seniors, *Update on Later Life Partnerships, Predatory Marriages*, September 29, 2016

Co-Chair, and Co-Presenter LSUC Administration of Estates 2016, September 20, 2016, Dispute Over What Remains: Bodies, Burial, Ashes, and New Development

Speaker, B'Nai Brith Seminar, June 21, 2016

Speaker, STEP 18<sup>th</sup> National Conference, *Capacity and Undue Influence*, June 9, 2016

Moderator, Nice Knowledge Exchange 2016, May 26, 2016

Speaker, Ontario Police Conference, Elder Abuse Seminar, April 26, 2016

Speaker, Osgoode Elder Law Certificate Program, *Parent/Adult Child and Sibling Struggles*, April 19, 2016

Speaker, CLE, Montreal, March 18, 2016, *Predatory Marriages*

Speaker, Estates and Succession Practice Group, Low Murchison Radnoff LLP Estates and Succession Group, Ottawa, March 2, 2016, Skype Presentation, *Decisional Capacity-the Lawyer's Role & Its Importance*

Speaker, Osgoode Professional Development, February 4, 2016, Webinar Series, *New Spouse/Old Money: Predatory Marriages*

Speaker, Toronto Police Series, Elder Abuse Seminar, January 22, May 12, October 20, 2016,

Speaker, Osgoode Professional Development, January 21, 2016, Webinar Series, *Show me the Money! Navigating Unique Issues with Seniors' and their Financial Institutions*

Speaker, PMAC Lawyers Network, December 9, 2015, *Fiduciary Challenges and Ethical Obligations when Dealing with Elderly Clients*

Speaker, STEP Calgary, Alberta, November 25, 2015, *Attacking and Defending Inter Vivos Testamentary Gifts*

Speaker, CCEL 2015 Elder Law Conference, BC, November 12-13, 2015, *Capacity and Predatory Marriages*

Speaker, Osgoode Professional Development, Key Issues – Best Practices – Practical Approaches, Advising the Elderly Client, November 4-5, 2015, *New Spouse/Old Money: Claims Arising Out of Later in Life Partnerships*

Panelist, LSUC, October 30, 2015, *The Intersection of Estate Law and Bankruptcy Law: Administration of the Insolvent Estate*

Speaker, CBA Wills, Estate and Trust Fundamentals for the Estate Practitioner, October 15-17, 2015, *Trends in the Practice of Estates and Trusts: Building an Estates Practice and Predatory Marriages*

LSUC 18<sup>th</sup> Annual Estates and Trusts Summit, October 7 and 8, 2015, *Undue Influence*

Speaker, OBA, YLD Wills and Estate Planning: A Primer, September 29, 2015, *The Best of Times and the Worst of Times: The Initial Client Meeting in an Estate Practice*

Speaker, Frontenac Law Association, Kingston and the 1000 Islands Legal Conference, September 18-19, 2015, *Contested Passing of Accounts and Predatory Marriages*

Chair, LSUC, Practice Gems, September 10, 2015, *The Administration of Estates 2015*

Ontario Seniors' Secretariat (OSS), Ontario Elder Abuse Strategy, July 23, 2015

STEP CANADA National Conference, June 18-19, 2015, *Attacking and Defending Gifts*

The Scarborough Hospital's Annual Geriatric Education Day, Scarborough General Hospital, June 12, 2015, *Planning for Future Disability*

Speaker, LSUC Program, Family Law and the Elderly Client, June 9, 2015, *Capacity To Marry, Divorce, Separate, Divorce, And Live Common Law*

Speaker, B'Nai Brith Conference, June 2, 2015, *Gironda Estate – Undue Influence: 10 Tips and Techniques for Cross-Examinations in an Undue Influence Case*

Speaker, ILCO Conference, Sheraton on the Falls, Niagara Falls, May 29, 2015, *Fiduciary Accounting*

10<sup>th</sup> Annual Nice Knowledge Exchange, May 28, 2015, *Physician-Assisted Suicide*

Speaker, Elder Abuse Conference, Ontario Police College, Aylmer Ontario, May 20, 2015, *Predatory Marriages*

LSUC 6-Minute Estate Lawyer, May 6, 2015, *Estate Court Update*

Speaker, Estate Planning and Litigation Forum, Cambridge, Langdon Hall, Attacks on Gifts, April 26 – 28, 2015

LSUC, 12<sup>th</sup> Annual Real Estate Law Summit, April 23, 2015, *Capacity and the Elder Real Estate Client: A Medico-Legal Perspective*

Osgoode Professional Development, Osgoode Hall Law School, April 16, 2015, Parent/Adult/Child and Sibling Struggles – Estate Claims After Death, Elder Law

Ontario Psychological Association, February 19, 2015, Powers of Attorney

STEP Ottawa, Decisional Capacity, February 18, 2015

STEP Canada, Financial Abuse: Detection and Intervention, February 11, 2015, Chair

CBC Broadcasting Centre, Ontario Today, January 15, 2015, *Disputes Over Inheritance*

STEP Canada, Guardianships Dealing with Minors and Adults Under Disability, January 14, 2015, Presenter, paper

Barreau du Quebec, Trust and Estate Law, Montreal, November 28, 2014, *“Predatory Marriages”*

STEP Canada, Global Congress, Miami, November 6-7, 2014, Board of Directors

Speaker, LSUC, Estate and Trust Summit, *“Intestacies, Partial Intestacies & Remedies”* November 3, 2014

Speaker, STEP Winnipeg, *“Predatory Marriages”*, October 23, 2014

CBA, Alberta Branch, Elder Law Section: *“Responsibility of Solicitors Concerning Undue Influence Issues”*, October 6, 2014

RBC Women in Wealth Management, Toronto, October 5-7, 2014, “Strength from Within, Empower your Business, presentation on “Advising your Advisor”

Elder Abuse Prevention Advocate, Council on Aging, Education Day, October 1, 2014, Kingston, Kimberly Whaley, Mark Handelman, Heather Hogan on *“Power of Attorney Documents: Financial Abuse, Risks and Misuse ”*

Podcast contributor, Caregiving Matters Initiative, Fall 2014, The Power of Attorney Project

Chair, LSUC, Practice Gems: *"The Administration of Estates 2014"*, September 23, 2014

MD Management, Seize the Moment, All Advisor Conference 2014, Ottawa, September 8, 2014, Speaker, "Decisional Capacity"

Speaker, CBA CLC National Conference, St. John's, Newfoundland, *"Claims arising out of Partnerships"*, August 15-17, 2014

Speaker, CBA Webinar: *"Protecting Older Adults from Financial Abuse: Are we doing enough?"* Elder Law, Wills and Estates, Family Law, Criminal Law, June 18, 2014

Speaker, Baycrest Professional Advisory Committee, June 17, 2014

Baycrest Foundation, Estate Planning and Elder Care, Kimberly A. Whaley and Dr. Michael Gordon, June 2014

Speaker, Osgoode Professional Development (Webinar): *"Estate Litigation Arising from Later Life Partnerships"*, June 5, 2014

Speaker, B'Nai Brith: *"Review of the Court's Role under the Health Care Consent Act The 'Rasouli Case': The Impact on Doctors, Patients and their Families in End-of-life Situations"* June 2, 2014

Chair, National Initiative for Care of the Elderly (NICE) Network Knowledge Exchange 2014: *"Law and Aging Interview Panel" Supreme Court of Canada Case: Cuthbertson v. Rasouli*", May 21, 2014

Speaker/Discussion Leader, Cambridge Forums, Estate Planning and Litigation Forum *"Family Law Issues"*, Predatory Marriages, May 12-14, 2014

Speaker, LSUC Six Minute Estate Lawyer 2014, *"Responsibility of Solicitors Facing Undue Influence"*, April 29, 2014

Speaker, Osgoode: *"Advising the Elderly Client: Key Issues, Best Practices, Practical Approaches"*, Remarriages and Common Law Arrangements – Estate Claims by Spouses, February 20, 2014

Chair, STEP: *"Current Cases and CRA Developments"*, February 13, 2014

Participant, Discussion Group, Law Commission of Ontario Focus Group: *“Capacity of Adults with Mental Disabilities and the Federal RDSP”*, February 6, 2014

Lecturer, University of Toronto: *“Financial Issues—What’s Money Got to Do With It?”*, January 27, 2014

Speaker, Federated Press: *“Elderly Client” Providing Legal and Financial Planning Advice to an Increasingly Expanding Segment of the Canadian Population*, January 21-22, 2014

Speaker, AJAG (Accounting Forum): *“Estate Planning to Avoid Litigation”*, January 2014

Speaker, OBA: *“Clients Clients Everywhere: Essential Tips for Aspiring Rainmakers” Developing Your Brand,*” November 15, 2013

Speaker, LSUC, 16th Annual Estates and Trusts Summit: *“Aging and the Fractured Family”*, November 11-12, 2013

Chair, STEP: *“Powers of Attorney for Personal Care and Advanced Planning”*, November 7, 2013

Speaker, OBA CLE: The Other Side of the Coin: *“Personal Care and the Estate Lawyer”*, October 16, 2013

Speaker, International Federation on Ageing (IFA): International Istanbul Initiative on Ageing, Istanbul Turkey: *“Current and Emerging Issues Facing Older Canadians”*, October 4-6, 2013

Chair, International Istanbul Initiative on Ageing, Istanbul, Turkey: International Session *“Policy Initiatives”* with delegates from Malta, Greece and United Kingdom, October 4-5, 2013

CBC: The National and Radio 99.1: *“Financial Abuse and Financial Literacy affecting the Older Adult”*, October 31, 2013

Chair, LSUC, Administration of Estates Program, September 19, 2013

Speaker, CBA National Conference-Elder Law Section, Saskatoon, Saskatchewan: *“Capacity and Undue Influence”*, August 18-20, 2013

Speaker, University of Toronto: *“Careers – becoming an Estate Lawyer”* 2013

Speaker, CBA, Southern Alberta Elder Law Section: *“Capacity to Marry, Predatory Marriages and the Practice Tips”*, June 13, 2013

Keynote Speaker, Ontario Network for the Prevention of Elder Abuse (ONPEA)-Northumberland Elder Abuse Network Education Day: *“Aging in Northumberland with Respect, Dignity and Protection”*, June 12, 2013

Speaker, LSUC – 2nd Annual Civil Litigation Summit: *“Estates Law”* Mini Law School – Update in Estate Litigation, June 11, 2013

Speaker, STEP Canada 15th National Conference: *“In the Barrister’s Briefcase: Current Issues in Estate Litigation”*, June 10-11, 2013

Speaker, B’Nai Brith: *“Estate Planning & Fraudulent Conveyance: When Does Estate Planning Cross the Line and Become a Fraudulent Preference or Conveyance?”*, June 4, 2013

Carswell Webinar, Predatory Marriages, co-presenting with Professor Albert Oosterhoff, June 4, 2013

Speaker, LSUC Solo and Small Firm Conference: The Fractured Family *“Estate Litigation in Complex, Blended and Extended Families in an Era of Social and Demographic Change”*, May 23-24, 2013

Paper, National Initiative for the Care of the Elderly (NICE) Knowledge Exchange: *“Predatory Marriages: Its Consequences and Costs in Capacity Proceedings”*, May 23, 2013

Chair, STEP Toronto Seminar – Make your Golden Years Golden ... Planning for and Advising on Personal Care Powers of Attorney and Advanced Directives, May 8, 2013

Speaker, CCLA Solicitors Conference Montebello, *“Predatory Marriages and Financial Abuse and Misuse of Authority Pursuant to POA’s”*, May 3-4, 2013

Speaker, LSUC Practice Gems: *“Best Practices for Passing of Accounts Applications by Fiduciaries”*, April 24, 2013

Speaker, LSUC Six Minute Lawyer: *“Elder Law Issues”*, April 24, 2013

Speaker, Harris Jones Study Group Meeting, April 2013

Chair and Organizer, CBA Spring 2013 Two-Day Conference - Substitute Decision Making and Elder Law – National Elder Law Section, April 15-16, 2013

Speaker, International Federation on Ageing – Financial Abuse of Seniors: *“The Misuse and Abuse of Powers of Attorney, Joint Bank Accounts, why it occurs and how it can be*



*addressed?”* March 26, 2013

Speaker, Osgoode Professional Development, Advising the Elderly Program, *“Remarriages and Common Law Arrangements: Estate Claims by Spouses”*, February 12, 2013

Speaker, CBA – New Brunswick – Mid Winter Public Forum on Elder Law: *“Predatory Marriages and Financial Abuse and Misuse of Authority Pursuant to POA’s”*, February 9, 2013

Chair, STEP Toronto Seminar – Estate Trustee Liability, January 9, 2013

Speaker, Canadian Centre for Elder Law, Vancouver – 2012 World Elder Law Study Group: *“Advocacy and Aging: From Storytelling to Systemic Change”*, November 16-17, 2012

Speaker, LSUC Estates and Trust Summit: *“Estate and Related Claims Arising from Remarriages”*, November 14-15, 2012

Speaker, LSUC – Estate Litigation Practice Essentials 2012: *“Removal of Executors”*, October 30, 2012

Chair, STEP – Toronto Seminar – Digital and Unusual Assets, September 19, 2012

Chair, LSUC Practice Gems – Avoiding the Pitfalls: The Administration of Estates 2012, *“Application for Advice and Directions”* September 13, 2012

Speaker, CLC CBA Elder Law Section, Vancouver: *“Estate Planning for Fractured Families: Spousal Claims, Predatory Marriages and Protecting the Vulnerable Client in an Era of Rapid Social Demographic Change,”* August 12-14, 2012

Speaker, STEP Canada—14th Annual Conference: *“Sometimes Paying the Tax is the Lesser of Two Evils”*, June 11-12, 2012

Speaker, B’Nai Brith: Public Policy: Tataryn Ontario – Rule 76.12 – Summary Trial, June 5, 2012

Organizer, Chair, (Canadian Content) NAELA National Conference, Seattle, WA: Elder Law, April 26-28, 2012

Speaker and Chair, of Canadian Conference Content, NAELA National Conference, Seattle, WA: Elder Law -- Panel Discussion: Jurisdictional issues related to incapable persons residing/visiting in both the USA and Canada: • Identifying legislative differences; • Guardians, Attorneys and Cross-border Issues; • Conflicts of Law; •

Addressing issues where an incapable person has assets—both in the US and in Canada; • What happens when powers are abused and the incapable person is at risk?; • In what forum does resolution take place? [ie. US resident (who is a Canadian Citizen) taken to Canada and not returned to jurisdiction of residency.], April 26-28 2012

Speaker and Chair of Canadian Conference Content, NAELA National Conference, Seattle, WA: Elder Law -- Panel Discussion: Legal and Medical Issues concerning Capacity and Substitute Decision-making: • What is Capacity vs. Incapacity? • What type of decisional capacity concerns prevail and are relevant? • Ascertaining capacity: When is it necessary? What are the implications, both for the person and process of the findings of Assessors? Qualifications of Assessors; Policy Concerns; Common International difficulties and models, April 26-28, 2012

Speaker, LSUC: Six Minute Lawyer, *Dispute over what Remains: Bodies, Burial, Ashes and New Developments*, April 24, 2012

Speaker, Osgoode Professional Development: *Advising the Elderly*, February 15-16, 2012

Speaker, OBA Institute: *Capacity – Capacity to Marry, Divorce and Separate*, February 10, 2012

Speaker, 14th Annual Estates and Trusts Summit, November 9, 2011

Chair, LSUC Practice Gems – *Avoiding the Pitfalls – The Administration of Estates 2011*, October 31, 2011

Chair, OBA – Elder Abuse, October 26, 2011

Speaker, Ontario Tax Conference 2011 – *Keeping Tax Practitioners Informed – Estate Planning – Litigation arising out of Estate Planning*, October 24-25, 2011

Chair, STEP Seminar – *Mistakes and Rectification, Taxes, Wills, Estates – 75(2) Tainted Spousal Trusts in Trust and Estate Context*, September 22, 2011

Chair, LSUC Practice Gems --*The Administration of Estates Program – Avoiding the Pitfalls*, September 14, 2011

Presenter, St. Michael's Hospital: *Powers of Attorney*, May 31, 2011

Co-presenting, STEP Ottawa Seminar -- *Advocating the Rights of Older Clients*, May 18, 2011

B'nai Brith Lawyer's Division, Legal Education Seminar: Financial Predators and the Elderly -- Mock Court Format, Monday, May 16, 2011

Presenter, LSUC: Continuing Professional Development (CPD) program: The Six-Minute Estates Lawyer 2011: *"Predatory Marriages"*, April 27, 2011

Co-Chair, STEP Canada - PGT / Children's Lawyer, April 5, 2011

Presenter, OBA -- *COSTS: Discretion, Proportionality, Access to Justice, and other Considerations*, February 3, 2011

Presenter, Osgoode Professional Development, Conference on Advising the Elderly Client: Remarriages and Common Law Arrangements: *Estate Claims*, January 18, 2011

Presenter, LSUC: Annual Estates and Trusts Summit, November 18, 2010

Presenter, Canadian Centre for Elder Law, October, 2010

Chair, OBA -- Trust Trustee Trusteeship 2010, October 1, 2010

Presenter, LSUC -- *Drafting and Administering Powers of Attorney for Personal Care and Property*, 2010, September 16, 2010

Presenter, CBA, Canadian Legal Conference and Expo, 2010, Niagara, Ontario -- *"Capacity to Marry"*, August 15-17, 2010

Presenter, World Elder Abuse Awareness Day (WEAAD) -- *"Powers of Attorneys and Substitute Decision Making: Friends or Foes for Preventing Elder Abuse"*, June 15, 2010

Facilitator, Advanced Roundtable in Estates 2010 -- *"Duties and Competencies of Estate Trustees and Other Fiduciaries in Uncertain Economic Times"*, May 17, 2010

Chair, STEP Canada -- *"Advocates of the Rights of Older People: Protecting and Advising your Client Where Aging and Capacity are at Issue: Is it Time to Adapt your Practice to Better Accommodate your Emerging Client?"*, April 13, 2010

Presenter, Institute of Law Clerks of Ontario -- *"The Dead and Depressed"*; *"Family Law Act Election and the Estate Claim"*, March 23, 2010

Chair, OBA -- Trust, Trustee, Trusteeship, 2010

Presenter, OBA, Joint Trust and Estates and YLD: *"Primer on Estate Litigation"*, *Costs: Who pays the costs in Estate Litigation? -- Update on Costs*, December 9, 2009

Presenter, LSUC 12th Annual Estates and Trusts Summit: *“Remedies for Non-Compliance with Court Orders”*, November 13, 2009

Presenter, LSUC -- *“Succession Planning for Your Practice”*, May 20, 2009

Presenter, STEP Program -- *“The Litigator’s Perspective on Powers of Attorney: What Advisors and their Clients should know about Granting and Implementing Powers of Attorney”*, April 22, 2009

Presenter, Six Minute Lawyers -- *“The Body, Ashes and Exhumation”*, April 6, 2009

Presenter, OBA Estates and Trusts -- Willful and Wantin’ Estates Practice in the First Half of the 21st Century, *“Power of Attorney Panelist”*, February 2009

Presenter, The Professional Advisory Group of the Baycrest Foundation, Seminar -- *“The Elderly and Power of Attorney Fraud”*, November 26, 2008

Speaker, Law Society of Upper Canada, 11th Annual Estates and Trusts Summit, November 19-20, 2008

Speaker, The Canadian Centre for Elder Law -- A Division of the British Columbia Law Institute, 4th Annual Canadian (International) Conference of Elder Law Issues, *“Aging Citizens, Evolving Practices”* -- *“Getting to Guardianship”*, November 13-15, 2008

Speaker, Dependant’s Support, OBA Conference Centre, *“Using Annuity and Insurance Contracts to Settle Disputes”*, Kimberly A. Whaley and Glenn Davis, October 20, 2008

Speaker, Law Society of Upper Canada, Practice Gems -- *“The Administration of Estates Avoiding the Pitfalls -- Applications for Advice and Direction”*, October 6, 2008

Program Chair, Year III - *Trust, Trustees, Trusteeship III: All you Need to Know and More*, OBA Conference Centre, September 23, 2008

Speaker, Righting Wills IV, OBA Conference Centre -- *“Deceptively Simple: Powers of Attorney, Their Drafting, Their Impact”*, Kimberly A. Whaley and Jan Goddard, May 14, 2008

Speaker, The Six-Minute Estates Lawyer 2008, The Law Society of Upper Canada *“The Passing of Fiduciary Accounts and Recent Court Treatment of Compensation, Care and Management, and Special Fee Claims”*, April 8, 2008

Speaker, Power of Attorney Fraud, March 25, 2008

Chair, OBA Power of Attorney Fraud March 25, 2008

Speaker, Retirement Planning Association of Canada -- *"Litigation Issues and Power of Attorney Disasters: Avoiding Conflict in Litigation"*, March 2008

Speaker, OBA, Annual Institute: *"Genetics and the Estate Claim"*, February 2-5, 2008

Speaker, Vancouver Elder Law: Moving Forward, Moving Beyond, *"Power of Attorney Litigation Issues -- Misuses and Abuses"* November 8, 2007

Co-Speaker, with Professor Lionel Smith -- LSUC, Estates and Trust, 10th Annual Summit: *"The Measurement of Compensation Claims against Trustees and Fiduciaries"*, November 5, 2007

Speaker, OBA, *Constructive Trusts and Resulting Trusts 2007: Bringing Order to Chaos*, October 19, 2007

Speaker, CLE, Thunder Bay, *Estate Litigation and Related Issues*, October 18, 2007

OBA, *Choosing the Right Attorney, Preventing Financial Abuse*, October 2007

Chair, Fall OBA Section Executive Program: *Power of Attorney and Fraud*, September 27, 2007

Speaker, OBA, *Trust, Trustees, Trusteeship II -- All You Need to Know and More*, September 24, 2007

Speaker, Society of Trust and Estate Practitioners (STEP) Canada, 9th Annual Conference: Practitioners Update: *The Future of Estate Planning: Capacity Concerns; Case Law Update; Privacy Issues*, *"Recent Issues and Court Decisions Affecting Estate Planning"*, June 7, 2007

Speaker, OBA, *Kissing Cousins II Revisited: Family and Estate Law -- Keeping up with the Joneses: A Case Study -- "Desirous Dependants": The Case for Support from the Estate"*, June 4, 2007

Speaker, OBA, Kingston, *Righting Wills -- Essential Tips for Practitioners: Solicitor's Negligence in the 21st Century: A Trustee and Estates Perspective*, April 16, 2007

Speaker, LSUC, *The Six-Minute Estate Lawyer 2007: Solicitor's Negligence in Will Preparation, What are the Courts Saying -2007*, April 10, 2007

Chair, OBA, Section Passport -- *Dinner with Your Honourable Estate List Justices*, March 27, 2007

Speaker, STEP Annual Conference -- *Tax Law Update for Estate and Trust Practitioners*, February 27, 2007

Chair, OBA, Annual Institute: *Gone...But Not Forgotten*, February 5-6, 2007

Chair, OBA, Section Passport -- *The A-Z of Trust Law*, November 28, 2006

Speaker, Estate Planning Council Group, Markham: *Upsetting the Apple Cart -- How Dependents and Others Can Make Claims to Upset Your Estate Plan*, November 8, 2006

Speaker, LSUC, 9th Annual Estates and Trusts Summit: *Risk Management Issues: Confidentiality, Privilege, Conflicts and Retainer Letters*, November 3, 2006

Speaker, OBA, Section Passport -- *Challenges and Implications of Transferring "Property"*, October 24, 2006

Chair, OBA, *Death Takes A Client: Your First Estate Administration: Top Dos and Don'ts in Challenging Situations*, October 19, 2006

Speaker, OBA, Section Passport -- *Solicitor's Negligence*, September 26, 2006

Chair, OBA, *Trusts, Trustees, Trusteeships -- "All You Need to Know and More..."*, September 18, 2006

Speaker, OBA, *Kissing Cousins II: Desirous Dependents, The Case for Support from the Estate*, June 12, 2006

Speaker, LSUC, *Estate Administration for Law Clerks: Letters of Wishes*, June 9, 2006

Chair, OBA, Annual Year-End Dinner and Awards Presentation, Elena Hoffstein, June 7, 2006

Speaker, LSUC, Solo and Small Firm Conference and Expo: *The Best of Wills and Estates CLE*, May 12, 2006

Chair, OBA, Section Passport -- *Our Honourable Estate List Judges have the Opportunity to Tell You What You Could be Doing Better*, April 25, 2006

Speaker, In-House Seminar, CIBC Legal: *Litigation Issues and Update -- Power of Attorney Disasters*, April 20, 2006

Speaker, LSUC, The Six-Minute Estates Lawyer 2006: *Memoranda of Wishes*, March 22, 2006

Chair, OBA, Section Passport -- *Tax Law Update for Will and Estate Planners and Administrators*, February 16, 2006

Chair, OBA, 2006 Institute Trusts and Estates -- *Dead, Gone, but the Fight Goes on... or Does it?*, January 23, 2006

Chair, OBA, Section Passport -- *Removal of Estate Trustees*, November 21, 2005

Speaker, YLD: *Top Ten Will Drafting Tips and Traps*, November 9, 2005

Speaker, OBA, Section Passport -- *Challenges to Powers of Attorney*, October 25, 2005

Speaker, OBA, *Righting Wills III, Essential Tips for Practitioners: Solicitors Negligence in the 21st Century -- An Application of White v. Jones*, October 6, 2005

Chair, OBA, Section Passport -- *Solicitor's Negligence and Your Insurer -- LawPro*, September 25, 2005

Speaker, CBA, Elder Law Conference -- *Planning for Legal Life: Legal Financial and Social Challenges of Aging Program -- Litigation Issues and Update -- Power of Attorney Disasters Avoiding Conflict and Litigation; paper updated*, May 13-14, 2005

Speaker, OBA, Litigation Issues and Update, "*Power of Attorney Disasters. Avoiding Conflict in Litigation*" April 29, 2005

Speaker, LSUC, the Six-Minute Estates Lawyer, "*Proof of Paternity*", February 8, 2005

Speaker, OBA -- *Using Spousal Trusts - Tips and Traps*, January 27, 2005

Chair, OBA -- Presentation of the OBA Award of Excellence, Speaker -- *DNA in Contested Estate Planning*, November 16, 2004

Speaker, LSUC, *Estates Planning for your Practice: Protect Your Clients, Safeguard Your Estate*, September 14, 2004 Chair, OBA, YLD -- *Estates and Trusts Conundrums in Cognition, Legal Issues in Capacity*, May 17, 2004

Speaker, OBA Trusts and Estates -- *Estates Practice and the "New Limitations Act, 2002" Effective January 1, 2004*, January 16, 2004

Speaker, LSUC 6th Annual Estates and Trusts Forum: "*Powers of Attorney*", November 19, 2003

Speaker, OBA Estate Litigation: Don't Draft Without It: Pleading, Preparing and Proving Your Client's Case: "*Challenges to the Validity of the Will*", September 15, 2003

Speaker, OBA, *Estates -- Their Creation and Administration -- Present and Future: Litigation Issues -- Power of Attorney Disasters -- Avoiding Conflict in Litigation*, June 2, 2003

Speaker, STEP 5th National Conference, Toronto: “A Review of Two Recent Appeal Cases”, June 16-17, 2003

Speaker, OBA, “*Litigation Issues and Update, Power of Attorney Disasters, Avoiding Conflicts in Litigation*”, May 2003

Speaker, OBA, ADR -- “*Estate Mediation: A Pound of Prevention*”, March 21, 2003

Speaker, OBA, Trusts and Estates: “*Top 10 Litigation Issues -- 2002 Ontario Case Law Review*”, January 14, 2003

Speaker, OBA, “*Top 10 Litigation Issues – 2002 Ontario Case Law Review*”, January 2003

Speaker, LSUC, *Estates and Trusts Forum, Fifth Annual: The Use of DNA in Contested Estate Matters*, November 21, 2002

Speaker, OBA (Updated November 23 for OBA), “*The Use of DNA in Contested Estate Proceedings*”, November 2002

Chair of OBA Trust and Estates Section Program Passport Series; Case Comment and Speaker, 2002 - 2008

Hull and Hull Breakfast Series, 2002

Precatory Memoranda, *The Probater*, Vol 6. Number 1, January 2002

### **Whaley Estate Litigation | Firm Recognitions**

Contributor, FAIR, Canadian Foundation for the Advancement of Investors Rights, The Law Foundation of Ontario, and CCEL (Canadian Center for Elder Law), acknowledged as having assisted in the creation of the report: Report On Vulnerable Investors: Elder Abuse, Financial Exploitation, Undue Influence and Diminished Mental Capacity, released November 2017

Author, “*Advising spouses and estate trustees on Family Law Act elections on the death of a spouse*”, Quicklaw Practice Advisor (Ontario Wills, Trusts & Estates), LexisNexis [current]

Contributing Author to the yearly Canada Law Book publication: “*Key Developments in*



*Estate and Trusts Law in Ontario* (2013 Edition), Co-Author of the chapter *“Financial Abuse of Older Adults: Elder Law Issues, Abuses, Potential Remedies”* (2013-2014 Edition) co-authored with Heather Hogan, and in 2013-2014, and in 2014-2015: *“Contempt Orders in Estate Matters”*, Chapter 9.

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