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# Estate Litigation Fundamentals



**REVIEW** the fundamentals of estate litigation and court practice – from questioning, to applications, to trial. Analyze common issues, and discover practical litigation strategies.

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## Dates & Locations

### EDMONTON

April 5, 2017

Chateau Louis Hotel  
& Conference Centre  
11727 Kingsway NW

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### CALGARY

April 12, 2017

Glenmore Inn  
& Convention Centre  
2720 Glenmore Trail SE

9:00 AM–4:30 PM

### Who Should Attend

This program is targeted to lawyers with some familiarity in wills and estates, but who are new to – or who want to revisit the basics of – estate litigation. The content may also be of interest to legal support staff active in this area.

### CHAIR

**Françoise Belzil**  
Biamonte LLP  
Edmonton, Alberta

### FACULTY

**Malkit Atwal**  
Field LLP  
Edmonton, Alberta

**Bruce Comba**  
Emery Jamieson LLP  
Edmonton, Alberta

**Jennifer Lamb**  
Borden Ladner Gervais LLP  
Calgary, Alberta

**Joseph T. Schuck**  
Miles Davison LLP  
Calgary, Alberta



*This course will be available  
as a seminar on demand.*



## Estate Litigation Fundamentals

### Overview of the Litigation Process in the Wills and Estates Context | Jennifer Lamb

Learn about the estate litigation process, from a review of basic documents (C1 and C2 vs. statement of claim or Originating Application), to consideration of the interplay between the *Rules of Court* and the *Surrogate Rules*. Discuss Act One (“pre-death litigation”) including incapacity and disputes over enduring Powers of Attorney or Personal Directives. Discuss Act Two (“after-death litigation”) including will challenges, formal proof of wills, various court applications in regular chambers and in special chambers with *viva voce* evidence, and trials.

### Accounting Applications | Malkit Atwal

Gain an understanding of the nature of the duty to account and the court processes available to the parties to pass or require an accounting. Review recent court decisions that touch on some of the most commonly litigated estate accounting issues and the evidentiary requirements to deal with those issues, including a personal representative’s failure to account, mismanagement, PR compensation, and legal fees.

### Questioning – Getting the Answers | Joseph T. Schuck

Review the purpose of questioning, and receive a quick guide on preparation of effective questioning in estate matters. Find out who you can question and the answers you should be looking for. Learn the difference in approach to a generic questioning and a questioning on affidavit. Get tips for dealing with objections, and find out how the principle of proportionality impacts questioning.

### Evidentiary Issues in Estate Litigation | Bruce Comba

Estate litigation invariably relies on hearsay evidence. Learn about the admissibility and reliability of hearsay evidence and of health and financial records. Discuss when corroborative evidence is required, and understand the evidentiary presumptions that frequently arise in this area of litigation.

## Thank You

The success of our programs relies on the generous contributions of time, talent, and energy from all our volunteers. We greatly appreciate the work of our volunteers and their service to the profession.

EDMONTON | April 5, 2017  
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### MORE REGISTRATION OPTIONS

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**PHONE:** 780.420.1987

**TOLL FREE IN AB:** 1.800.282.3900

**EMAIL:** lesa@lesa.org

**FAX:** 780.425.0885

- EDMONTON** April 5, 2017
- CALGARY** April 12, 2017
- EARLY BIRD:** On or before March 7, 2017 \$355 + GST (Lunch is included.)
- REGULAR:** \$395 + GST (Lunch is included.)
- I am unable to attend this seminar, but please email me when the seminar on demand (materials and video recordings) is available.

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