



Zachary Murphy-Rogers

Partner

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

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Profile

Zachary is a full-service solicitor and litigator, practicing in the areas of Wills, Estates & Trusts; Charities and Not-for-Profits; and Elder/Adult Guardianship Law.

Zachary assists clients in preparing estate and incapacity plans and in the administration of estates of deceased individuals. His estate planning clients range from young professionals looking to establish their first foundational estate plan, to retired individuals looking to ensure that their estate plans are probate fee minimizing, tax efficient, and litigation resistant. His estate administration clients range from first-time executors, to professional fiduciaries and trust companies. In all cases, he is able to simplify complex legal principles to ensure that the decisions his clients make are well-informed.

Estate Planning & Administration Services

- > Estate planning advice and drafting of wills and trusts
- > Incapacity planning advice and drafting of enduring powers of attorney, representation agreements, nominations of committee, and advance directives
- > Estate and incapacity planning for persons with disabilities, or for persons who wish to name persons with disabilities as beneficiaries (i.e.: disability or "Henson" trust planning)
- > Estate planning for persons or couples pursuing assisted reproductive technology,

including in vitro fertilization and/or surrogacy, and documenting ownership, advanced consent and future use of human genetic material (sperm, ova and/or embryos)

- > Estate planning for persons with digital assets, including cryptocurrencies and non-fungible tokens, as these assets often require special considerations
- > Estate and trust administration services, including probate and non-probate solutions
- > Advising beneficiaries (or potential beneficiaries) of their rights in regard to a will, trust or estate
- > Dealing with foreign grants of probate, including grant resealing, and the administration of local and foreign assets (including complex multi-jurisdictional estate administrations)
- > Advising executors and trustees regarding their duties and obligations to beneficiaries
- > Advising executors, trustees, and beneficiaries regarding the passing of accounts and remuneration

Whether it is a client's first time going through the litigation process or the tenth, it can be an intimidating, confusing and emotionally draining experience. Zachary recognizes that his clients want practical, cost-effective advice and solutions tailored to their unique needs, and he is committed to finding creative and appropriate solutions to resolve legal disputes.

Never one to shy away from a challenging case, Zachary has successfully navigated the litigation process from start to finish for numerous clients. He has represented their interests in the Provincial Court of British Columbia, British Columbia Supreme Court, and the British Columbia Human Rights Tribunal. His competitive edge and ability to distill complex legal concepts into clear, step-by-step solutions give clients the confidence they need when dealing with stressful situations.

Zachary's analytical mindset allows him to effectively evaluate large amounts of data and handle all aspects of the litigation process. This includes case management and client reporting, pleadings, document production and analysis, examinations for discovery, expert engagement, chambers applications, settlement negotiations, mediations, and, when necessary, trial.

Estate & Trust Litigation Services

- > Wills variation claims (to address disinheritance or unfair distributions, and to amend wills that failed to include disability or "Henson" trusts for beneficiaries who are persons with disabilities
- > Will invalidity claims, including by reason of undue influence or incapacity of the will-maker
- > Abuse of powers of attorney claims
- > Executor and trustee compensation disputes
- > Contested and uncontested passing of executor and trustee accounts and remuneration applications
- > Removal of executor and trustee applications
- > Contested and uncontested committee applications
- > Unjust enrichment claims
- > Breach of trust claims
- > Interpretation of wills applications
- > Cremation, burial and other human remains disputes

- > Presumption of death applications (where a missing person is presumed dead, even though no body/remains has been found)

Zachary is motivated by the opportunity to impact the lives of his clients, colleagues and community members through his law practice.

Zachary is a member of Clark Wilson's Student Recruiting Committee.

Credentials

Awards & Distinctions

- > Society of Trust and Estate Practitioners (STEP) Private Client Awards finalist for Contentious Trusts and Estates Team of the Year 2021

Education & Call to Bar

- > Call to Bar: British Columbia, 2015
- > University of New Brunswick, Juris Doctor, 2013
- > Ouellet University, Law Student Exchange Program, 2013
- > Simon Fraser University, Bachelor of Business Administration (Management Information Systems), 2010

Industry & Community Involvement

- > Access Pro Bono Wills Clinic Project, volunteer, 2019 - Present
- > Canadian Association of LGBTQ2S+ Lawyers, board of directors member-at-large, 2022 - Present
- > Canadian Bar Association, Civil Litigation Section member
- > Canadian Bar Association, Elder Law Section member
- > Canadian Bar Association, Wills and Trusts Section member
- > Law Foundation of British Columbia, board of governors
- > Law Society of British Columbia, member
- > Society of Trust and Estate Practitioners (STEP), Associate Member
- > The Advocates' Society, young advocates' standing committee (Vancouver) Member, 2019 - 2022
- > The Advocates' Society, member 2016-2021
- > Trial Lawyers Association of British Columbia, board of governors, 2020 - 2021
- > Trial Lawyers Association of British Columbia, member
- > Vancouver Bar Association, secretary and treasurer, 2020 - Present
- > Vancouver Bar Association, elected member-at-large, 2017 - 2019
- > Vancouver Bar Association, member
- > Young Estate Practitioners, steering committee member, 2019 - 2022

Mentorship

- > Canadian Bar Association of British Columbia Career Starters Mentorship Program, mentor to junior lawyers in practice, 2023 - Present
- > UBC Law School, moot court judge for 1L moot, 2020

- > Canadian Bar Association of British Columbia, student mentorship program mentor to students at each of UVic, UBC and TRU, 2015 - Present
- > First Generation Network National Mentorship Program, University of Victoria Chapter, mentor, 2018 - 2019

Community Commitments

- > Start Proud, Vancouver regional team director of professional engagement, 2019 - 2020

External Presentations

- > "Digital Assets and Estate Administration", private trust professionals, February 2024
- > "Incapacity Planning: Powers of Attorney & Representation Agreements", Estate Planning 2024, Pacific Business & Law Institute, January 2024
- > "Lifetime Planning - Not Dead Yet!", Basics of Wills and Estate Planning 2023, The Continuing Legal Education Society of British Columbia, October 2023
- > "Dealing With a Problem Executor", People's Law School, December 2022
- > Moderator, "The Challenges Of Being A Professional Advisor: Ethics; Professional Responsibility; Practice Management", Estate Planning Conference 2021, Advocis, December 2021
- > "What Has Happened To The Estate Planning Landscape In The Past Year? The 2021 Update", Estate Planning Conference 2021, Advocis, December 2021
- > "Representation Agreements", People's Law School, November 2021
- > "The Difficulties With Disinheritance", private wealth professionals, February 2020
- > "Case Comment: Camusky v Calmusky", CBA BC Wills & Trusts Vancouver subsection, Canadian Bar Association of BC Branch, October 20, 2020
- > "Contesting a Will in British Columbia", Make-A-Will Week 2020, People's Law School, October 2020

External Publications

- > Co-author, "Declarations of death in British Columbia: Navigating presumptions and proof", Law360 Canada, August 10, 2023
- > Co-author, "Supreme Court of Canada Decides Mother 1 Has No Claim to Slain Multimillionaire's Estate", Taxnet Pro, published by Thomson Reuters, 2022
- > Contributing author, Chapter 4 Rectification of a Will, British Columbia Estate Litigation, published by LexisNexis, 2020
- > "There is no Will -- What Happens if my Minor Children Survive Me", Leave a Legacy October 8, 2020
- > "The Benefits of Including a Charitable Gift in Your Will", Leave a Legacy April 27, 2020