



Amy Mortimore, K.C.

Partner

Estates & Trusts
Estates & Trusts Opinions and Appeals
Elder Law
Charities & Not-For-Profits Law

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Profile

Amy acts as litigation counsel on highly complex estate and trust matters, and in contested committee matters. She is also a mediator, assisting other counsel and parties in resolving all manner of estate and trust litigation.

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
- > Mediation Services

Amy firmly 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 Mark Weintraub, K.C., published a comprehensive text, *British Columbia Estate Litigation*, which addresses the key areas British Columbia estate practitioners face. 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. Since 2018, she has co-chaired the TLABC Women Lawyers Retreat, and since 2019, she has co-chaired the CBABC Wills & Estates three-day conference.

She was instrumental in creating and organizing three Charities Forum events, which were highly successful conferences that brought together industry practitioners to provide 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 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, and also writes for various other publications.

Amy has served on the Board of Directors of the Continuing Legal Education Society of British Columbia from 2016 to 2023, and was the Chair, during COVID, from 2020 to 2021.

Amy is also involved in the legal community, serving on the Federal Judicial Advisory Committee, the Board of Governors of the Trial Lawyers Association of British Columbia, and as Referral Counsel to The BC Court of Appeal, through Access Pro Bono.

Credentials

Awards & Distinctions

- > Appointed King's Counsel, 2023
- > Best Lawyers® in Canada, Trusts and Estates, 2017-2024
- > Canadian Legal Lexpert Directory®, Repeatedly Recommended Lawyer, Estate & Personal Tax Planning - Estate Litigation, 2021-2024
- > Society of Trust and Estate Practitioners (STEP) Private Client Awards finalist for Contentious Trusts and Estates Team of the Year 2021

Industry Involvement

- > Federal Judicial Advisory Committee, 2023 - Present
- > Trial Lawyers Association of British Columbia, Governor, 2022 - Present
- > Trial Lawyers Association of British Columbia Women Lawyers Retreat, Co-Chair, 2018 - Present
- > Trial Lawyers Association of British Columbia Women Lawyers Retreat, Planning Committee, 2017 - Present
- > Canadian Bar Association, Charities and Not for Profit Law section member, 2008 - Present
- > Canadian Bar Association, Elder Law section member, 2008 - Present
- > Canadian Bar Association, Wills and Trusts section member, 2008 - Present
- > Trial Lawyers Association, Estate Litigation section member, 2008 - Present
- > Law Society of British Columbia, member, 1998 - Present
- > Women's Executive Network, member
- > The Continuing Legal Education Society of British Columbia, Director, 2016 - 2023; Chair, 2020 - 2021
- > Canadian Bar Association of BC Advisory Committee to the Judicial Council (Provincial Court of British Columbia), 2021 - 2023
- > National Academy of Elder Law Attorneys, member, 2005 - 2020
- > Director, Vancouver Public Library Foundation, 2018 - 2019
- > Canadian Association of Gift Planners, 2010 - 2017
- > Charities Forum Planning Committee, 2012, 2013, 2015
- > Canadian Association of Gift Planners 2014 Annual Conference Host Committee, 2014
- > 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 of BC Task Force considering the Entrance Examination for the Professional Legal Training course, 2000

Education & Call to Bar

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

External Publications

- > Co-author, "Documenting Intentions: Honouring Intentions or Paving the Road to Hell?", STEP Inside (vol 1, no. 3), Society of Trust and Estate Practitioners (Canada), November 2022
- > Author, The Estate and Trust Year in Review, 2021, published by the Verdict, Trial Lawyers Association of BC, Spring 2022
- > 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 of the CLEBC Practice Manual, Continuing Legal Education Society of British Columbia
- > Contributing author, British Columbia Estate Planning and Wealth Preservation: Chapter 6 Asset Protection of the CLEBC Practice Manual, Continuing Legal Education Society of BC
- > Legal editor, "Challenging The Validity Of A Will", People's Law School of British Columbia, July 2020
- > Legal editor, "Challenging Your Spouse or Parent's Will", People's Law School of British Columbia, July 2020
- > Author, "Maintaining An Estate Practice In The Time of COVID-19", The Verdict, Trial Lawyers Association of BC, June 2020
- > "Even The Best-laid Plans Can Go Awry", Vancouver Sun, April 26, 2011
- > "A Gift That Lasts", Quickscribe Reporter, February 2011

External Presentations

- > Chair, Estate Litigation Basics, CLEBC, June 2024
- > Co-Chair, CBABC Wills, Estates & Trusts 2024 three-day conference, Kelowna, May 2024
- > "Estates from a Litigator's Perspective", Tax and Succession Planning for the Family Business, Pacific Business and Law Institute, November 2023
- > "Dealing With A Death In BC", People's Law School, November 2023
- > "Avoiding Claims: Common Pitfalls and Tips to Avoid Them", Basics of Wills & Estate Planning 2023 Conference, The Continuing Legal Education Society of British Columbia, October 2023
- > "Litigation Updates - Undue Influence, Fraudulent Conveyance & Wills Variation", Wealth Preservation & Succession for the Family Enterprise Conference, Continuing Legal Education Society of BC, June 2023 (paper and PowerPoint only)
- > "Challenging and Defending the Validity of a Will", Estate Litigation Essentials Plus Conference, Trial Lawyers Association of British Columbia, June 2023
- > "Commercial Interests in Estate Matters", Under Pressure: Pressure Tactics in Litigation Conference, Trial Lawyers Association of British Columbia, May 2023
- > "Dealing with a Problem Executor", People's Law School of British Columbia, December 2022
- > Allard Women's Caucus and TLABC Oral Advocacy Society Litigation Workshop, UBC Law School at Allard Hall, November 2022
- > "Lesser Known Tools in Estate Litigation", Estate Litigation Update 2022 Conference, Continuing Legal Education Society of BC (CLEBC), November 2022
- > Co-Chair "Pushing the Boundaries", TLABC Women Lawyers Retreat, Trial Lawyers Association of BC, October 2022
- > Co-Chair, CBABC Wills & Estates Conference 2022, June 10 - 12, 2022, Kelowna
- > "Documenting Intentions: Honouring Mens Rea or Paving the Road to Hell?", 2022 STEP Canada National Conference, Society of Trust and Estate Practitioners (STEP), June 2022

- > "Estate Litigation Essentials", Trial Lawyers Association of British Columbia, March 2022
- > "Courtroom Brawl: Are You Ready To Be Drawn Into The Battle Of The Lawyers?", Estate Planning Conference, Advocis, December 2021
- > "Avoiding Claims In Estate Planning: Tips For Solicitors", Basics of Wills & Estate Planning Conference, Continuing Legal Education Society of BC (CLEBC), November 2021
- > "Representation Agreements", People's Law School, November 2021
- > Co-Chair "Journeys To the Bench", TLABC Women Lawyers Retreat, Trial Lawyers Association of BC, October 2021
- > "Estate Litigation Fundamentals: What Every Practitioner Needs To Know", LexisNexis Canada, October 2021
- > "Definition Of Spouse Under FLA And WESA", Interplay Between Aging, Death & Divorce Conference, Continuing Legal Education Society of BC (CLEBC), September 2021
- > "Equitable Fraud", Making Equity Work for Your Practice Joint Commercial and Estate Conference, Trial Lawyers Association of BC (TLABC), June 2021
- > "Recent Trends In Estate Law - Section 58, Spouses, And Secret Trusts", Wealth Preservation and Succession for the Family Enterprise Conference, Continuing Legal Education Society of BC (CLEBC), May 2021
- > "SCGGlobalSpin: Estate Litigation Chat with Clark Wilson's Mark Weintraub And Amy Mortimore", SCG Legal, January 2021
- > "New Causes Of Action In Estate Litigation", CLEBC Estate Litigation Update 2020, Continuing Legal Education Society of BC, November 2020
- > "Contesting A Will In British Columbia", Make-A-Will Week 2020, People's Law School, October 2020
- > Co-chair, "Resiliency: Women Lawyers Virtual Mini Retreat", Trial Lawyers Association of BC (TLABC), October 2020
- > "Practicing Estate Litigation In The Time of COVID-19", Trial Lawyers Association of British Columbia (TLABC), July 2020
- > "Practicing Wills, Estates & Trusts Law During COVID-19", Continuing Legal Education Society of BC (CLEBC), April 16, 2020
- > Co-chair, "Building a Stronger Community: Diversity & Inclusion", TLABC Women Lawyers Retreat, Trial Lawyers Association of BC, October 2019
- > Co-chair, CBABC Wills & Trusts Conference 2019, Canadian Bar Association BC Branch (CBABC), September 2019
- > "Evolution of Spouse: Practitioners Forum" discussion leader, CBABC Wills & Trusts Conference 2019 Conference, Canadian Bar Association BC Branch (CBABC), September 2019
- > "Avoiding Claims In Estate Law: View From A Litigator", Basics of Wills and Estate Planning Conference, Continuing Legal Education Society of BC (CLEBC), June 2019
- > Co-chair, Estate & Family Law Summit, Trial Lawyers Association of BC (TLABC), April 2019
- > "The Evolution of Spouse in Estate Law", CBABC Wills & Trusts Section, Canadian Bar Association BC Branch (CBABC), April 2019
- > "X-Fit: Cross-Examination Fitness Training", CBABC Professional Development Webinar,

Canadian Bar Association BC Branch (CBABC), February 2019

- > Discussion group leader, Mastering Civil Evidence Conference, Continuing Legal Education Society of BC (CLEBC), February 2019
- > "2018 Year In Review", Society of Trust and Estate Planners (STEP Canada), January 2019
- > "Sitting And Meeting In The Middle - Observations On Effective Advocacy In Mediation", CLEBC Estate Planning Update, Continuing Legal Education Society of BC, November 2018
- > Co-chair, "Women in Law: Leading the Way", TLABC Women Lawyers Retreat, Trial Lawyers Association of BC, October 2018
- > "Innovative or Ineffective? How WESA Stacks Up", The WESA Effect: Where Are We Now? Seminar, Pacific Business & Law Institute (PBLI), September 2018
- > "Recent Trends In Wills Variation: Second Spouses v. Adult Children", Estate Litigation Basics Seminar, Continuing Legal Education Society of BC (CLEBC), April 2018
- > "Estate Planning: What Does Your Client Need - And Why?", 2018 Financial Planning Summit, Advocis, March 2018
- > "Is My Cocktail Napkin a Will? WESA Section 58", 2017 Estate and Financial Planning Conference, Advocis, October 2017
- > Co-Chair, Essentials in Estate Litigation Seminar, Trial Lawyers Association of BC (TLABC), April 2017
- > "How Binding is that Marriage Agreement?", Estate Planning Express Seminar, Continuing Legal Education Society of BC (CLEBC), April 2017
- > "Interlocutory Manoeuvres in Estate Litigation", Under Pressure: Interim Tactics that Apply Pressure in Commercial Litigation Seminar, Trial Lawyers Association of BC (TLABC), November 2016
- > "Wills Variation in the Modern Age", Estate Litigation Update 2016 Seminar, Continuing Legal Education Society of BC (CLEBC), October 2016
- > "Senior Practitioners Viewpoint: Fact Pattern Analysis", Trial Lawyers Association of BC, May 2016
- > "How To Prepare Your Solicitor's File To Withstand Litigation", Canadian Bar Association Wills & Trusts Section, April 2016
- > "Committeeships", Trial Lawyers Association of BC (TLABC), November 2015
- > "Napkins & Notes: Section 58 Of WESA (Dispensing Provision)", Most Litigated Estate Issues, Pacific Business & Law Institute (PBLI), September 2015.
- > "A Potpourri of Practical Strategies (Spousal Home Provisions, Distribution Without Representation Grant, and Personal Representatives)", WESA One Year (And A Few Months) Later Conference, Continuing Legal Education Society of BC (CLEBC), June 2015
- > "WESA - One Year Later (Dispensing Provision, Notices of Dispute, And Interim Administrators)", Society of Trust and Estate Planners (STEP Canada), April 2015
- > Panel moderator, "What Stakeholder Expectations Require Managing For A Charity As A Beneficiary Of An Estate", Vancouver Foundation Charities Forum, February 2015
- > "Section 58 WESA Case Comment", Estate Planning Council of Vancouver, February 2015

- > "Where There's No Will, There May Be A Way", TLABC WESA Seminar, Trial Lawyers Association of BC, June 2014
- > "Changes for Charities And Gift Planning Under BC Estate Law: What Charities Need To Know About The Wills, Estates And Succession Act", 21st Annual Canadian Association of Gift Planners (CAGP-ACPD) National Conference, April 2014
- > "Update On The New Wills, Estates And Succession Act", Fraser Valley Estate Planning Council, January 2014
- > "Unjust Enrichment: Fairness And The Law", Estate Litigation Seminar, Trial Lawyers Association of BC (TLABC), April 2013
- > Guest lecturer, "The Wills Variation Act", Capilano University Legal Studies Degree Program, March 2013
- > "The Charity's Relationship With A Donor: A Lawyer's Perspective (Addressing Undue Influence & Testamentary Capacity)", Charities Forum, March 2013
- > "Solicitor Client Privilege in the Estate Context", Estate Litigation Basics Seminar, Continuing Legal Education Society of BC (CLEBC), November 2012
- > "Demystifying Estate Accountings", Charities Forum, February 2012
- > "Estate Planning: A Litigator's Perspective", Pacific Business & Law Institute (PBLI), January 2011
- > "Wills Variation Act Primer", Estate Litigation Basics Seminar, Continuing Legal Education Society of BC (CLEBC), October 2010
- > "Constructive and Resulting Trusts", Continuing Legal Education Society of BC (CLEBC), November 2008
- > "Estate Dispute Resolution", June 2005
- > "Estate Litigation", 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, Canadian Association of Gift Planners, May 2003