

WHALEY

ESTATE LITIGATION

CURRICULUM VITAE

KIMBERLY ANN WHALEY, C.S., TEP., LLM

Designated as a Certified Specialist in Estates and Trusts Law
by the Law Society of Upper Canada, October 2006

kim@whaleystatelitigation.com – www.whaleystatelitigation.com



LEGAL EMPLOYMENT HISTORY

- MAY 2006 – PRESENT** **WHALEY ESTATE LITIGATION, Principal**
ESTATE, TRUST, CAPACITY, POWER OF ATTORNEY, FIDUCIARY,
ELDER LAW, LITIGATION AND MEDIATION
- OCT. 05 – APRIL 06** **WHALEY HOLLAMAN LLP, Partner**
ESTATE, TRUST, CAPACITY, POWER OF ATTORNEY LITIGATION
- SEPT. 2001 - OCT. 05** **DICKSON MACGREGOR APPELL LLP, Partner**
Estate, Trust, and Capacity Litigation
- 2000 – 2001** **HULL & HULL**
Estate, Trust and Capacity Litigation
- MARCH 1998 - JAN. 1999** **BORDEN & ELLIOT**
Corporate Department
- SEPT. 1995 - MARCH 1998** **BEALE AND COMPANY, SOLICITORS, LONDON, ENGLAND**
Litigation - Commercial, Financial, Construction
- JUNE - OCT. 1993** **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 and
State policymakers; Prepare written memoranda
- 1993** **ALLEN & OVERY, SOLICITORS, LONDON, ENGLAND**
Banking and Property Law Departments

EDUCATION and QUALIFICATIONS

- 2009/ 2010** **PEER RATED AND LISTING IN THE BEST LAWYERS IN CANADA**
in the Specialty of Trusts and Estates
- 2009** **Award Recipient: HOFFSTEIN BOOK PRIZE AWARD** Recognizing
contributions and achievements by younger members of the Ontario Bar
Association to the area of wills, trusts and estates.
- 2009** **LAWDAY LEADING LAWYERS DIRECTORY**
Rated as one of top 60 leading lawyers in Canada in the practice area
of Estates and Trusts for the year 2009
- NOV 18, 2009** **Advanced Mediation Advocacy Forum and Canadian National Mediation
Advocacy Competition Forum, Osgoode Hall, Toronto**
- 2008/ 2009** **PEER RATED AND LISTING IN THE BEST LAWYERS IN CANADA**
in the Specialty of Trusts and Estates
- 2008** **THE INSTITUTE FOR CONFLICT MANAGEMENT,
SANTA MONICA, CALIFORNIA**
Mediation Certification 2008, 40-hour Certification Program
- OCT. 2000** **OSGOODE HALL LAW SCHOOL - YORK UNIVERSITY**
The Essential Curriculum in Trusts, Wills and Estates
Focus on Estate Litigation
- FEB. 25, 1999** **ONTARIO BARRISTER AND SOLICITOR - CALL CEREMONY**
- SEPT. - DEC. 1998** **ONTARIO BAR ADMISSIONS COURSE**
Phase Three-Abridgement of Articles
- APR. - JUNE 1998** **NATIONAL COMMITTEE ON ACCREDITATION, CANADA**
Examinations in Tax and Constitutional Law, August 1998 - Certificate of
Qualification attained
- SEPT. 1995 - JAN. 1997** **CAMBRIDGE UNIVERSITY/COLLEGE OF LAW, ENGLAND**
Diploma in Professional Skills (Cantab.) – Accounts; Professional Conduct;
Personal Work Management; Advocacy; Investment Business
- SEPT. 1994 - JUNE 1995** **THE UNIVERSITY OF BRISTOL, ENGLAND**
Diploma in Legal Practice with Commendation

SEPT. 1992 - JUNE 1994 **NOTTINGHAM LAW SCHOOL, ENGLAND**
Diploma in Law - Common Professional Examinations (LLB)

SEPT. 1991 - SEPT. 1992 **THE UNIVERSITY OF BRISTOL, ENGLAND**
LLM, Masters of International Law

SEPT. 1989 - JUNE 1990 **THE UNIVERSITY OF EXETER, ENGLAND**
LLB

SEPT. 1984 - APR. 1988 **THE UNIVERSITY OF WESTERN ONTARIO, CANADA**
BA, Political Science Major, English Minor

SEPT. 1979 - JUNE 1984 **THE BISHOP STRACHAN SCHOOL, CANADA**
OSSHGD, Ontario Secondary School Honours Graduation Diploma

MEMBERSHIPS

STEP EXECUTIVE, TORONTO BRANCH

OBA, TRUST & ESTATES EXECUTIVE, SECTION CHAIR, 2008-2009, PAST CHAIR 2009-2010

CANADIAN BAR ASSOCIATION (CBA): ONTARIO BAR ASSOCIATION (OBA)

ESTATE PLANNING COUNCIL OF TORONTO

THE PROFESSIONAL ADVISORY GROUP OF THE BAYCREST FOUNDATION

ESTATES BENCH AND BAR LIAISON, YEARS 2006, 2007, 2008, 2009

CBA, ELDER LAW EXECUTIVE (PAST)

OBA, EXECUTIVE MEMBER OF THE ESTATES AND TRUSTS SECTION (CURRENTLY PAST CHAIR)

**OBA SUB-COMMITTEES; ESTATES LIST; PROGRAM COMMITTEE/CLE; ANNUAL INSTITUTE;
SECRETARY; OPGT; PRECEDENT ORDER GIVING DIRECTIONS; ESTATES BENCH AND BAR
LIAISON**

OBA, CIVIL LITIGATION SECTION: SOLO AND SMALL FIRM SECTION

OBA, EXECUTIVE MEMBER OF YOUNG LAWYERS DIVISION (YLD) (PAST)

OBA, CLE MAIN COMMITTEE, EXECUTIVE MEMBER (PAST)

OBA, ANNUAL INSTITUTE REVIEW COMMITTEE EXECUTIVE, YEARS 2005 - 2009

THE LAW SOCIETY OF UPPER CANADA (LSUC)

TORONTO LAWYERS ASSOCIATION (“TLA”)

SOCIETY OF TRUST AND ESTATE PRACTITIONERS (STEP WORLDWIDE) FULL MEMBER

THE ADVOCATES’ SOCIETY

THE ADVOCACY CENTRE FOR THE ELDERLY (ACE)

NATIONAL ACADEMY OF ELDER LAW ATTORNEYS (NAELA) TUSCON, ARIZONA

MANSFIELD SKI CLUB

LECTURER

QUEENS UNIVERSITY SESSIONAL/ADJUNCT PROFESSOR, APPELLATE ADVOCACY, YEARS 2003 TO PRESENT DATE

UNIVERSITY OF TORONTO – WILLS AND ESTATE PLANNING FOR ACADEMIC YEAR 2005

UNIVERSITY OF TORONTO, TRANSMISSION OF WEALTH, FOR ACADEMIC YEAR 2006

LSUC/OSGOODE ONTARIO BAR ADMISSIONS COURSE, TRUSTS, ESTATE PLANNING

LSUC, CONTINUING LEGAL EDUCATION PROGRAMS

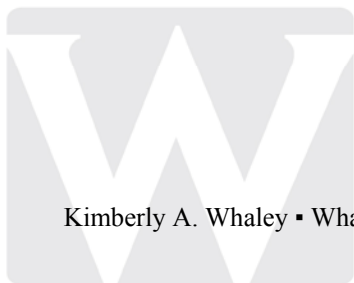
OBA, CONTINUING LEGAL EDUCATION PROGRAMS

QUEENS UNIVERSITY, FACULTY OF LAW, GUEST LECTURER, ESTATE LITIGATION

***RECIPIENT TEACHING AWARD FALL 2003**

MINI LAW SCHOOL, ESTATE LITIGATION, RYERSON UNIVERSITY, 2004

RETIREMENT PLANNING ASSOCIATION OF CANADA (RPAC) IN-HOUSE BANKING INSTITUTIONS



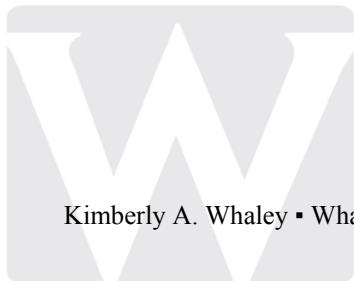
PUBLICATIONS/SPEAKER/PRESENTER/CHAIR

- DEC 9, 2009** Ontario Bar Association—Trust and Estate Litigation: A Primer on Estate Litigation—
Presenter: *Update on Costs*
- NOV 24, 2009** Ontario Bar Association—2009-2010 Trusts and Estates Section Programs Passport Chair—For
Adults Only: Issues and concerns affecting the Elderly and representation of those under the
Substitute Decisions Act.
- NOV 12/13, 2009** Law Society of Upper Canada—12 Annual Estates and Trust Summit—“*Remedies for
Non-Compliance with Court Orders*”
- OCT 2009** *ADR Newsletter “Mediation—the Better Way in Estate Disputes”* By Kimberly
Whaley and Brian Wilson
- SEPT 2009** *What’s New in 2009? The Discretionary Treatment and Application of Costs
Concerning Estates and Estate related matters in the Ontario Superior Court of
Justice. Do we have a new costs regime?*
- AUGUST 2009** Contributing Author to the yearly Canada Law Book Publication “*Key
Developments in Estates and Trusts Law in Ontario [2008] Edition, Chapter
5*” Passing of Accounts [including Contested Passings of Estate Accounts:
2008 Case law Review].
- JUNE 2009** Ontario Bar Association – Briefly Speaking ‘*Spotlight on Sections: Trusts and
Estates Law*’
- MAY 20, 2009** Law Society of Upper Canada – *Succession Planning for Your Practice*
- APRIL 22, 2009** 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 6, 2009** Six Minute Lawyer - “*The Body, Ashes and Exhumation*”
- APRIL 2009** Deadbeat - *Re Drago Barbulov v. Dr. R. Cirone*
- MARCH 2009** Estates Trusts & Pensions Journal – ‘*Life and Death: Modern Genetics and the
Estate Claim*’ Kimberley A. Whaley and Helena Likwornik
- FEBRUARY 2009** OBA Estates and Trusts – *Willful and Wantin’: Estates Practice in the First
Half of the 21st Century, “Power of Attorney Panelist”*
- NOVEMBER 26, 2008** Baycrest Foundation Seminar – “*The Elderly and Power of Attorney Fraud*”

- NOVEMBER 19TH AND 20TH 2008** Law Society of Upper Canada 11th Annual Estates and Trusts Summit
- NOVEMBER 13TH - 15TH, 2008** The Canadian Centre for Elder Law – A Division of the British Columbia Law Institute, 4th Annual Canadian (International) Conference of Elder Law Issue, “*Aging Citizens, Evolving Practices*” - “*Getting to Guardianship*”
- OCTOBER 20, 2008** Dependant’s Support, OBA Conference Centre “*Using Annuity and Insurance Contracts to Settle Disputes*”, Kimberly A. Whaley and Glenn Davis
- OCTOBER 6, 2008** Law Society of Upper Canada, Practice Gems – “*The Administration of Estates, Avoiding the Pitfalls - Applications for Advice and Direction*”
- SEPTEMBER 23, 2008** Year III - Trust, Trustees, Trusteeship III: *All You Need to Know and More*; OBA Conference Centre, Program Chair
- SEPTEMBER 2008** Estates, Trusts and Pensions Journal, “*Powers of Attorney and Financial Abuse*”, Volume 27, Number 4
- JUNE 2008** Contributing Author to the yearly Canada Law Book Publication “*Key Developments in Estates and Trusts Law in Ontario [2008] Edition, Chapter 7*” Passing of Accounts, including contested passings.
- MAY 2008** 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 14, 2008** Righting Wills IV, OBA Conference Centre – “*Deceptively Simple: Powers of Attorney, Their Drafting, Their Impact:*” Kimberly A. Whaley and Jan Goddard
- APRIL 08, 2008** 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*”
- MARCH 25, 2008** Power of Attorney Fraud
- MARCH 2008** Retirement Planning Association of Canada - “*Litigation Issues and Power of Attorney Disasters: Avoiding Conflict in Litigation*”
- MARCH 2008** Briefly Speaking, March 2008, Volume 33, N. 2, pages 4, 5
- FEBRUARY 4, 2008** The Law Times, Vol. 19, No. 4: “*Focus on Family Law Trusts and Estates*”, Page 12.
- FEB 2, 4, 5, 2008** OBA, Annual Institute: “*Genetics and the Estate Claim*”

- NOVEMBER 16, 2007 *“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 8, 2007 Vancouver Elder Law: Moving Forward, Moving Beyond *“Power of Attorney Litigation Issues – Misuses and Abuses”*
- NOVEMBER 5, 2007 LSUC, Estates and Trust, 10th Annual Summit: *“The Measurement of Compensation Claims against Trustees and Fiduciaries”* Co-speaker, Professor Lionel Smith
- OCTOBER 19, 2007 OBA, Constructive Trusts and Resulting Trusts 2007: *Bring Order to Chaos*
- OCTOBER 18, 2007 CLE, Thunder Bay, Estate Litigation
- SEPTEMBER 27, 2007 Fall OBA Section Executive Program: *Power of Attorney and Fraud*
- SEPTEMBER 24, 2007 OBA, Trust, Trustees Trusteeships II
- JUNE 7, 2007 STEP, 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*
- JUNE 4, 2007 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”*
- APRIL 16, 2007 OBA, Kingston, Righting Wills- Essential Tips for Practitioners: *Solicitor’s Negligence in the 21st Century: A Trust and Estates Perspective*
- APRIL 10, 2007 LSUC, The Six-Minute Estate Lawyer 2007: *Solicitor’s Negligence*
- NOVEMBER 8, 2006 Estate Planning Council Group, Markham: *Upsetting the Apple Cart – How Dependants and Others Can Make Claims to Upset Your Estate Plan*
- NOVEMBER 3, 2006 LSUC, 9th Annual Estates & Trusts Summit: *Risk Management Issues: Confidentiality, Privilege, Conflicts, and Retainer Letters*
- OCTOBER 19, 2006 OBA, Death Takes a Client: *Your First Estate Administration: Top Do’s and Don’ts in Challenging Situations*

- JUNE 12, 2006** OBA, Kissing Cousins II: *Desirous Dependants, The Case for Support from the Estate*
- JUNE 9, 2006** LSUC, Estate Administration for Law Clerks: *Letters of Wishes*
- MAY 12, 2006** LUSC, Solo and Small Firm Conference and Expo: *The Best of Wills and Estates CLE*
- APRIL 20, 2006** In-House Seminar, CIBC Legal: Litigation Issues and Update – *Power of Attorney Disasters*
- MARCH 22, 2006** LSUC, The Six-Minute Estates Lawyer 2006: *Memoranda of Wishes*
- NOVEMBER 9, 2005** YLD: Top Ten Will Drafting Tips and Traps
- OCTOBER 6 2005** OBA, Righting Wills III, Essential Tips for Practitioners: *Solicitors Negligence in the 21st Century- An application of White v Jones*
- MAY 13 and 14, 2005** 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
- 2005** The Ontario Editorial correspondent for the Canada STEP INSIDE newsletter
- SEPTEMBER 14, 2004** LSUC, Estates Planning for your Practice: *Protect Your Clients, Safeguard your Estate*
- MAY 17, 2004** OBA YLD, Estates and Trusts *Conundrums in Cognition, Legal Issues in Capacity*
- APRIL 2004** Estates and Trusts Pension Journal: *The Use of DNA in Contested Estate Matters*, E.T. & PJ Volume 23, Number 2, April 2004, page 140
- NOVEMBER 19, 2003** LSUC 6th Annual Estates and Trusts Forum, LSUC: *“Powers of Attorney”*
- SEPTEMBER 15, 2003** OBA Estate Litigation/Don’t Draft Without It: Pleading, Preparing and Proving your client’s case: *“Challenges to the Validity of the Will”*
- SEPTEMBER 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

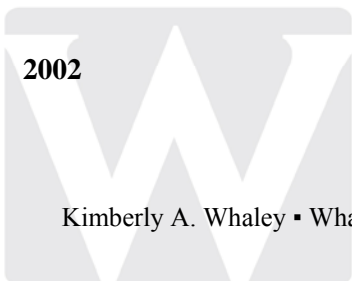


- JUNE 2, 2003** OBA, Estates – Their Creation and Administration – Present and Future: *Litigation Issues – Power of Attorney Disasters - Avoiding Conflict in Litigation*
- JUNE 2003** “*Hall v Bennett Estate*” - Will Power Issue # 102
- JUNE 16-17, 2003** STEP, 5th National Conference, Toronto: “*A Review of two Recent Appeal Cases*”
- MAY 2003** OBA, “*Litigation Issues and Update, Power of Attorney Disasters, Avoiding Conflicts in Litigation*”
- MARCH 21, 2003** OBA, ADR – “*Estate Mediation*”: *A Pound of Prevention*
- JANUARY 14, 2003** OBA, Trusts and Estates: “*Top 10 Litigation Issues – 2002 Ontario Case Law Review*”
- JANUARY 12, 2003** “*A Will: Don’t Shuffle Off This Mortal Coil without One*”, Toronto Star
- NOVEMBER 2002** OBA : Updated November 2003 for OBA - “*The Use of DNA in Contested Estate Proceedings*”
- JANUARY 2002** “*Precatory Memoranda*” – Will Power Issue # 85

CHAIR/ORGANIZER OF THE FOLLOWING PROGRAMS

- SEPTEMBER 23, 2008** Trust, Trustees, Trusteeship III: *All You Need to Know and More; OBA Conference Centre*
- SEPTEMBER 24, 2007** OBA, Trust, Trustees Trusteeships II– *All You Need to Know and More*
- MARCH 27, 2007** OBA, Section Passport Program – *Dinner with your Honourable Estate List Justices*
- FEBRUARY 5 & 6, 2007** OBA, Annual Institute: *Gone ... But Not Forgotten*
- FEBRUARY 27, 2007** STEP Annual Conference – *Tax Law Update for Estate and Trust Practitioners*
- NOVEMBER 28, 2006** OBA, Section Passport – *The A-Z of Trust Law*

- OCTOBER 24, 2006 OBA, Section Passport: *Challenges and Implications of Transferring “Property”*
- SEPTEMBER 26, 2006 OBA, Section Passport: *Solicitor’s Negligence*
- SEPTEMBER 18, 2006 OBA, Trusts, Trusts, Trustees, Trusteeships I: *“All you need to know and more...”*
- JUNE 7, 2006 OBA, Annual Year-End Dinner and Awards Presentation, Elena Hoffstein
- APRIL 25, 2006 OBA, Section Passport – *Our Honourable Estate Lists Judges have the Opportunity to Tell You What You Could be Doing Better*
- FEBRUARY 16, 2006 OBA, Section Passport – *Tax Law Update for Will and Estate Planners and Administrators*
- JANUARY 23, 2006 OBA, 2006 Institute Trusts & Estates, January 23, 2006 – *Dead, Gone, but the Fight Goes on ... or Does It?*
- NOVEMBER 21, 2005 OBA, Section Passport - *Removal of Estate Trustees*
- OCTOBER 25, 2005 OBA, Section Passport – *Challenges to Powers of Attorney*
- SEPTEMBER 25, 2005 OBA, Section Passport - *Solicitor’s Negligence and Your Insurer – LawPro*
- JANUARY 27, 2005 OBA – *Using Spousal Trusts - Tips and Traps*
- NOVEMBER 16, 2004 OBA – Presentation of the OBA Award of Excellence, Speaker – *DNA in Contested Estate Planning*
- MAY 17, 2004 OBA, YLD – *Estates and Trusts Conundrums in Cognition, Legal Issues in Capacity*
- JANUARY 16, 2004 OBA Trust & Estates – *Estates Practice and the “New Limitations Act, 2002” Effective January 1, 2004*
- NOVEMBER 21, 2002 LSUC, Estates and Trusts Forum, Fifth Annual: *The Use of DNA in Contested Estate Matters*
- JANUARY 2002 Precatory Memorandums – *Are they legally binding? Should they be disclosed? What are the courts saying?* – Will Power 85 (January 2002)
- 2002 Hull and Hull Breakfast Series



2002 – 2008

Chair of OBA Trust and Estates Section Program Passport Series; Case Comment and Speaker.

* Kim is Mom of Samantha, age 11, and Yorkshire Terrier, “Pudding” (as in ‘Yorkshire Pudding’), Marathon runner and working towards her Black Belt

