



# BRITISH COLUMBIA LAW INSTITUTE

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BRITISH COLUMBIA  
LAW INSTITUTE

COMMON-LAW TESTS OF CAPACITY PROJECT

## Backgrounder

### Members of the Common-Law Tests of Capacity Project Committee

Date: 14 December 2011

**Andrew MacKay** practises estate planning and estate litigation at Alexander Holburn Beaudin & Lang LLP. He has been a lawyer for over 25 years. Mr. MacKay has presented and written for the Continuing Legal Education Society of British Columbia, including chapters in the *Probate Practice Manual* and *Annotated Estate Legislation*, and is active with the British Columbia Law Institute in legislative reform in the estates area.

**R. C. (Tino) Di Bella** is a partner with the Victoria law firm Jawl & Bundon, whose preferred areas of practice are wills, trusts, and estates law, elder law, bankruptcy and insolvency law, and real-estate and strata law. Mr. Di Bella is a former adjunct professor at the Faculty of Law, University of Victoria, and a frequent lecturer for the Continuing Legal Education Society of British Columbia, the Canadian Bar Association (BC Branch), and the Professional Legal Training Course program. He is a former president of the Victoria Bar Association and current legislative liaison for the Wills and Trusts (Victoria) Section of the Canadian Bar Association (BC Branch). Mr. Di Bella was appointed to the British Columbia Law Institute board by the Canadian Bar Association (BC Branch) in 2008 and has served as vice-chair since September 2010.

**Russell Getz** is legal counsel in the Justice Services Branch of the British Columbia Ministry of Attorney General. His area of practice is civil-law policy and legislation, and he is the ministry's representative on the federal Advisory Group on Private International Law. Mr. Getz has also been active in law-reform endeavours in his volunteer work. These commitments include serving as the jurisdictional representative for British Columbia to the Uniform Law Conference of Canada. He was chair of the conference's civil section in 2006, and president of the conference in 2009–10. Mr. Getz has contributed to the development of a number of Uniform Law Conference statutes, and has been chair or co-chair of various initiatives, including the current project respecting a *Uniform Trustee Act*, the *Uniform Prevention of Abuse of Process Act* (2010), the *Uniform Apology Act* (2007), and the *Uniform Unclaimed Intangible Property Act* (2003).

**Kimberly Kuntz** is a partner at Bull, Housser & Tupper LLP and practices primarily in the area of estate and trust litigation. Ms. Kuntz represents executors, beneficiaries, and trustees in a variety of estate- and trust-related disputes, including litigation brought pursuant to the *Wills Variation Act*. Ms. Kuntz also assists clients in disputes involving the interpretation of wills and trust instruments, matters involving suspected undue influence or incapacity of testators and settlors of trusts, and applications for committeehip of incapacitated adults.

**Roger Lee** is a partner at Davis LLP. Since his call to the bar in 1994, Mr. Lee has developed an extensive practice in trust and estate litigation, and has dealt with all manners of contested wills and estates. Mr. Lee also deals with construction disputes, commercial fraud and recovery of assets, mortgage fraud, lease issues, and other land-related disputes. Mr. Lee has been listed in *The Best Lawyers in Canada* directory under trusts and estates (litigation) since 2006, and is recognized by Lexpert as a leading practitioner in the field of estate and trust litigation.

**Barbara Lindsay** has been with the Alzheimer Society of British Columbia since 1994 and is currently the society's senior manager of advocacy and public policy. Her work with the society involves planning, implementing, and evaluating public policy and advocacy, and liaising with government agencies and regional health authorities. A lawyer whose passion is for improving the lives of people affected by dementia, Ms. Lindsay also assists society staff in their work supporting families facing dementia with advocacy and legal planning, as well as providing advocacy skills training to staff and volunteers. Ms. Lindsay is committed to ensuring the voices of people with dementia, caregivers, and families are heard as we work toward transforming British Columbia's dementia system of care.

**Catherine M. Romanko** was appointed the Public Guardian and Trustee of British Columbia on 10 October 2011 for a six-year term. Previous to her appointment as PGT, Ms. Romanko held the position of deputy public guardian and trustee, the director of legal services and chief legal counsel to the public guardian and trustee for 10 years, and before that legal counsel to the public guardian and trustee. Ms. Romanko was called to the Bar of British Columbia in 1987 and has a background in wills, estates, and guardianship law. She has balanced her legal practice between the private and public sectors. She is an active member and past chair of the Vancouver Wills and Trusts Section of the Canadian Bar Association (BC Branch) and she is a frequent contributor to continuing legal education programs. Ms. Romanko completed her undergraduate studies at the University of Toronto and obtained both a Master of Arts and a Bachelor of Law from the University of British Columbia.

**Laurie Salvador** became a notary public in 1986. Before becoming a BC notary, Ms. Salvador worked in the travel business as manager of an inbound tour company. In the early 1980s, Ms. Salvador was executive assistant to Grace McCarthy, then minister of human resources. The commonality in her work experience was serving people. When asked why she chose to become a BC notary, Ms. Salvador responded "Working for government taught me something important about myself. I wanted to be self-employed." Her father, Sidney notary John Salvador, was thinking of retiring and encouraged Ms. Salvador to take the no-

tary program with his assistant Susan Davis. Ms. Davis and Ms. Salvador studied together and went on to be successful notary partners. Ms. Salvador has practised exclusively in the area of estate planning for 25 years in Sidney. She has served on the board of the Society of Notaries Public of British Columbia and the Notary Foundation of British Columbia for ten years. She currently develops and teaches estate-planning courses for BC notaries and serves as a director on the Saanich Peninsula Hospital Foundation board. Ms. Salvador has also served as a board member of SANSHA community hall and has been involved in politics, Big Brothers and Sisters, and was a founding director of Victoria AM Tourist Association.

**Jack Styan** has recently joined with Ability Tax Group to launch the RDSP Resource Centre, a social-purpose venture committed to pursuing financial security for Canadians with disabilities. As managing director, Mr. Styan is responsible for outreach, partnerships, and public policy. Previously Mr. Styan was executive director and director of public policy at PLAN. While at PLAN, he led the advocacy efforts to get the federal government to implement the registered disability savings plan. An equally important accomplishment was getting 13 provinces and territories to accommodate the RDSP so that people are able to save in their RDSP and not lose their disability benefits. Mr. Styan authored the RDSP section in PLAN's best-selling book, *Safe & Secure*. Prior to joining PLAN, Mr. Styan was the executive director of the Burnaby Association for Community Inclusion, long recognized as one of British Columbia's most progressive and innovative community living service providers. Mr. Styan is a member of the Wills & Estate Planning Council of Vancouver, treasurer of the Family Support Institute of BC and holds an MSW from the University of British Columbia.

**Geoffrey W. White** is the principal of the Geoffrey W. White Law Corporation. He has received honours in wills, estates, and client counseling. Mr. White is the treasurer of the Canadian Bar Association's National Elder Law Section, chairperson of the British Columbia Elder Law Section, co-chair of the Wills and Trusts (Okanagan) Section, and a member of the Charity Law Section and Tax Law Section. He is past president of the Kelowna Estate Planning Society and a past member of the Succession Law Reform Committee of the British Columbia Law Institute. Mr. White is also a member of the Kelowna Gift Planning Roundtable, the Central Okanagan Foundation Grants Committee, the Planned Lifetime Advocacy Network, the Canadian Tax Foundation, and the International Society of Trust and Estate Practitioners (STEP). Mr. White is currently a director of the BC Centre for Elder Advocacy and Support, which operates British Columbia's only elder-law clinic with the support of the Law Foundation of British Columbia. Mr. White is a frequent lecturer for the Continuing Legal Education Society of British Columbia on topics such as trust law, will-and-estates matters, and elder law. Mr. White is a co-editor of BC CLE's *Probate and Estate Administration Manual* and is helping to design the lawyer-education program for British Columbia's new *Wills, Estates and Succession Act*.