



## Scott Kerwin

### Partner

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[Indigenous Law](#)  
[Estate & Trust Administration](#)  
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Scott has a broad litigation practice, with specific expertise in trust, estate and incapacity disputes, Indigenous law, constitutional law and general litigation.

In his estates and trusts litigation practice, Scott counsels his clients in a variety of matters, including:

- probate litigation (disputes concerning the validity of wills)
- claims to rectify, validate or vary wills under the *Wills, Estates and Succession Act*
- claims relating to joint bank accounts or other joint assets, or the misuse of a power of attorney
- restitution claims against estates
- the appointment of committees under the *Patients Property Act*
- applications concerning the administration of estates and trusts, including executor's accounts, and the removal and replacement of executors and trustees

Scott also has significant expertise in Indigenous law, with a primary focus on Indigenous rights and title claims, and the Crown's duty to consult Indigenous groups.

Scott is the regional leader of our Estate Litigation Group, regional co-leader of our Family Wealth Counsel Group, and national co-leader of our Indigenous Law Group.

Prior to being called to the bar, Scott completed a judicial clerkship with the British Columbia Court of Appeal.

Scott provides legal services through a Law Corporation.

## Civil Litigation

- Successfully represented Bauer Hockey Corp. in a three-month trial and at the B.C. Court of Appeal in a complex product liability claim concerning the design and manufacture of a hockey helmet: [More v. Bauer Nike Hockey Inc., 2011 BCCA 419, aff'g 2010 BCSC 1395.](#)
- Successfully represented a securities dealer at a summary trial to successfully strike out an enforcement proceeding brought by the BC Securities Commission: [British Columbia Securities Commission v. Bapty \(2006\), 52 BCLR \(4th\) 372, 2006 BCSC 638.](#)
- Has resolved many claims at mediation and other forms of alternative dispute resolution.

## Insights & Events

- Speaker/co-author, "Avoiding the Pitfalls, Part II: Drafting to Avoid Trust Litigation," The Changing Landscape of Trusts, PBLI, June 2018
- Speaker, "It's a New Dawn, It's a New Day - WESA - The Court's Curative Power", Canadian Bar Association webinar, May 2018
- Speaker/author, "Commencing an Estate Litigation Claim: Pleadings, Proof in Solemn Form, and the 'Culture Shift' in Probate Litigation," Estate Litigation Basics, 2018, CLE BC, April 2018
- Speaker/co-author, "Avoiding the Pitfalls: Drafting Around Commonly Litigated Issues," Estate Planning Done Right, PBLI, January 2018
- Speaker, "The Duty to Consult Indigenous Groups: An Update," presentation to the BLG Mining Group, September 2017
- Federal Government Seeks Comments on CETA Implementation Regulations
- *Stick v. Onion Lake Cree Nation*, 2017 SKQB 176, Saskatchewan Court of Queen's Bench (Barrington-Foote J.), 15 June 2017
- Supreme Court of Canada Will Not Hear "Site C" Appeals
- *Vienneau V. The Queen*, 2017 NBCA 20, New Brunswick Court Of Appeal (Richard, Quigg And Green Jj.a.), 4 May 2017
- *Enbridge Pipelines Inc. V. Williams*, 2017 ONSC 2840, Ontario Superior Court Of Justice (Broad J.), 8 May 2017
- *Fort Nelson First Nation V. British Columbia (Environmental Assessment Office)*, Supreme Court Of Canada, Case No. 37449, 15 June 2017
- *Spookw v. Gitxsan Treaty Society*, 2017 BCCA 225, British Columbia Court Of Appeal (Harris, Goepel And Savage Jj.a.), 9 June 2017
- *Yahey v. British Columbia*, 2017 BCSC 899, Supreme Court Of British Columbia (Burke J.), 31 May 2017
- *Courtoreille V. Canada (Aboriginal Affairs And Northern Development)*, Case No. 37441, Supreme Court Of Canada (McLachlin C.J.C., Wagner And Gascon Jj.), 18 May 2017
- *Gitwangak Indian Band V. Davis*, 2017 BCSC 744, Supreme Court Of British Columbia (Punnett J.), 21 February 2017
- *Aboriginal Title Claim Dismissed Due To Lack Of Standing: Hwlitsum First Nation V. Canada (Attorney General)*, 2017 BCSC 475, Supreme Court Of British Columbia (Abrioux J.), 24 March 2017
- *Blackjack V. Yukon (Chief Coroner)*, 2017 YKSC 17, Supreme Court Of Yukon (Veale J.), 6 March 2017

- Ontario Court Grants Injunction To Prevent Interference With Pipeline Maintenance Work: Enbridge Pipelines INC. V. Williams And Hill, 2017 ONSC 1642, Ontario Superior Court Of Justice (Broad J.), 15 March 2017
- R.A., As Guardian Ad Litem For Her Minor Child, I.A V. S.K. And D.K., 2017 NUCJ 5, Nunavut Court Of Justice (Cooper J.), 16 March 2017
- Admissibility Of Expert Evidence: Songhees Nation V. British Columbia, 2017 BCSC 387 (Bracken J.), 8 March 2017
- US Court Of Appeals Affirms Application Of Winters Doctrine Of Aboriginal Reserved Water Rights To Groundwater
- Anderson V. Manitoba, 2017 MBCA 14, Manitoba Court of Appeal (Hamilton, Mainella and Pfuetzner JJ.A), 25 January 2017
- Northern Superior Resources Inc. V. Ontario, 2016 ONSC 3161, Ontario Superior Court Of Justice (Lederer J.), 25 May 2016
- R. V. Suggashie, 2017 ONCJ 67, Ontario Court Of Justice (Gibson J.), 18 January 2017
- Samson Indian Nation V. Canada; Ermineskin V. Canada, File Nos. 37280 and 37277, Supreme Court Of Canada (Moldaver, Côté and Rowe JJ.), 9 March 2017

## Beyond Our Walls

### Professional Involvement

- Member, Canadian Bar Association, Aboriginal Law, Wills and Trusts, Elder Law, Constitutional and Civil Liberties Sections
- Member, Trial Lawyers Association of British Columbia (TLA BC)
- Student Member, Society of Trusts and Estates Practitioners (STEP)
- Member, Osgoode Society for Canadian Legal History

### Community Involvement

- Volunteer/pro bono lawyer, Access Pro Bono

## Awards & Recognition

- Recognized in the 2022 (and since 2014) editions of *The Best Lawyers in Canada*® (Trusts and Estates)

## Bar Admission & Education

- British Columbia, 2001
- LLB, Osgoode Hall Law School, 1999, (top 1% of class)
- MA, University of British Columbia, 1996
- BA (Hons.), University of British Columbia, 1994



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