

# Caroline Abela

Partner

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**Practice Areas**

Commercial Litigation

Litigation & Dispute

Resolution

Wills, Trusts & Estates

Caroline Abela specializes in complex business and estate litigation matters.

Focusing on commercial and corporate litigation and estates and trusts litigation, Caroline represents clients ranging from large corporations and institutions to small business owners and professionals. Caroline has appeared as counsel before all levels of courts in Ontario and the Federal Court of Canada.

Caroline has been named in the *Lexology Index* for Asset Recovery, in the *Canadian Legal Expert Directory*, and in *Best Lawyers in Canada* as a leading lawyer in Corporate and Commercial Litigation. She was selected as a Litigation Lawyer to Watch in *Lexpert's* 2014 US/Canada Cross-border Litigation Guide.

As the past Co-Chair of the International Private Client Committee, American Bar Association – Section of International Law, National Representative (Canada) for the International Association for Young Lawyers, and a member of the OBA Council and Chair of the OBA Executive, Estates and Trusts Section, Caroline is actively involved in the legal community. She has been an adjunct professor at the University of Western Law School and is a regular speaker on a variety of legal topics.

In 2017, Caroline was named a Fellow of the American Bar Foundation (ABF). The ABF is an honorary organization of attorneys, judges, law faculty and legal scholars whose careers have demonstrated extraordinary leadership in their communities and legal profession. Membership is limited to one per cent of lawyers admitted to practice in Canada with worldwide fellowship limited to one per cent of licensed lawyers.

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Called to the Bar	Education	Affiliations
<ul style="list-style-type: none"> <li>• Ontario (2002)</li> </ul>	<ul style="list-style-type: none"> <li>• LL.B., University of Western Ontario, 2000</li> <li>• Mediating Disputes Workshop, Harvard Law School Program on Negotiation, 2015</li> <li>• B.A. (Hons.), University of Toronto, 1997</li> <li>• Exchange Program, Bond University, 2000</li> <li>• French Program, Université de Laval, 1996</li> </ul>	<ul style="list-style-type: none"> <li>• TEP (Trusts &amp; Estates Professional) Designation, STEP Canada</li> <li>• The Advocates' Society (Director)</li> <li>• International Association of Young Lawyers (AIJA)</li> <li>• Canadian Bar Association</li> <li>• Ontario Bar Association</li> <li>• Women's Law Association</li> <li>• Women in Capital Markets</li> </ul>

## Significant Cases

*Shaw v. Shaw*, [2007] O.J. No. 2758 (S.C.J.): was successful in obtaining an anti-suit injunction restraining the plaintiff and defendants by counterclaim from continuing with actions in the United States notwithstanding the defendants were not parties to that litigation.

*Shaw v. Shaw*, [2006] O.J. No. 1716 (S.C.J.); leave to appeal denied [2007] O.J. No. 73 (Div. Crt): was successful in obtaining an injunction restraining the plaintiff from interfering in or compromising foreign litigation. Also successful in obtaining carriage of the foreign litigation.

*Grass (Litigation guardian of) v. Women's College Hospital*, [2007] O.J. No. 2918 (C.A.): co-counsel for the intervenor the Children's Lawyer dismissing an appeal to set aside a settlement which was not approved by a judge.

*Law Society of Upper Canada v. Canada (Minister of Citizenship and Immigration)* (2006), 59 Imm. L.R. (3d) 179 (Fed. Trial Div.): co-counsel for the Law Society of Upper Canada in its attack against the regulation establishing the Canadian Society of Immigration Consultants (an organization responsible for governing immigration consultants).

*John Doe v. Institute of Chartered Accountants of Ontario*, [2005] O.J. No. 3013: co-counsel to the Institute of Chartered Accountants of Ontario dismissing an application for judicial review.

*Uniform Custom Countertops Inc. v. Royal Designer Tops Inc.*, [2004] O.J. No. 3306 (S.C.J.): successfully set aside an Anton Piller order.

## Reported Cases

- *Sunderland v. Toronto Regional Real Estate Board*, 2023 FC 1293
- *Bradley J. Grant Investments Inc. v. Nestig Inc.*, 2023 ONSC 4373
- *Caroti v. Kegalj*, 2023 ONCA 455
- *Caroti v. Vuletic*, 2022 ONSC 4695
- *Reichmann v Reichmann* (2015), 48 BLR (5th) 37 (Ont Sup Ct)
- *Foss v. Foss* 2013 ONSC 1345

- *Orfus Estate v Samuel & Bessie Orfus Family Foundation*, 71 ETR (3d) 210, 208 ACWS (3d) 224, 2011 ONSC 3043 (Ont Sup Ct).
- *Orfus Estate (Re)* (2010), 62 ETR (3d) 290 (ONSC).
- *Law Society of Upper Canada v Canada (Minister of Citizenship & Immigration)*, 295 DLR (4th) 488, 72 Imm LR (3d) 26, 2008 FCA 243 (FCA).
- *Former Student of the Institute of Chartered Accountants (Ontario) v Institute of Chartered Accountants (Ontario)*, 140 ACWS (3d) 1052, 200 OAC 293, 2005 CarswellOnt 3113 (Ont Sup Ct).

## Awards

- Repeatedly recognized by *Best Lawyers in Canada* as a leading lawyer in Corporate and Commercial Litigation, and Trusts and Estates.
- Repeatedly recognized as a leading lawyer in the Asset Recovery and Professional Negligence categories in *Lexology Index: Canada*
- Recognized as a leading lawyer in the Private Client category in *Lexology Index: Canada* (2023, 2024)
- *Lexpert Zenith Award Celebrating Mid-Career Excellence*, 2018
- Named a Fellow of the American Bar Foundation (ABF), March 2017
- Repeatedly recognized in the *Canadian Legal Lexpert Directory* as a leading practitioner in Estate & Personal Tax Planning (Estate Litigation) and Litigation – Corporate Commercial
- Named as “Litigation Lawyer to Watch” in *Lexpert US/Canada Cross-border Litigation Guide*, 2014
- International Association of Young Lawyers (AIJA), 52nd Congress Prague 2014 Past Presidents’ Award for Best National Report, Private Client and Immigration Working Session (with Hayley Peglar)
- *Lexpert Top 40 Under 40 Leading Lawyer*, 2013
- Law Society of Upper Canada Award (University of Western Ontario Law School for outstanding cumulative achievement in the top 10 percent of graduating class)
- Dean’s Honour List (University of Western Ontario for top 15 per cent of the third year class)
- Australian Government and Politics Award (Faculty of Law, Bond University)
- Shibley Righton Tax Award (University of Western Ontario)
- J. Edward Chamberlain Graduation Award (University of Toronto for cumulative achievement in literature)
- All Souls Historical Essay Award (University of Toronto for outstanding historical research essay)

## Professional Activities

- Chair, Estates Litigation Practice Group, The Advocates’ Society (2019-2020)
- Vice-Chair, Estates Litigation Practice Group, The Advocates’ Society (2018-2019)
- Director, The Advocates’ Society (2021-2024)
- Chair, Ontario Bar Association, Trusts and Estates Law Section (July 2017 to June 2018, July 2018 to June 2019)
- Council Member, Ontario Bar Association (July 2017 to June 2018)
- Co-Chair, International Private Client Committee, ABA Section of International Law (September 2016 – Present)
- Vice-Chair, Ontario Bar Association, Trusts and Estates Law Section (July 2016 to June 2017)
- Vice-Chair, International Private Client Committee, ABA Section of International Law

(September 2015 – Present)

- Secretary, Ontario Bar Association, Trusts and Estates Law Section (September 2015 – June 2016)
- Extended Bureau, National Representative of Canada, International Association of Young Lawyers (September 2016 – Present)
- Chair, Ontario Bar Association, Trusts and Estates Law Section, Statutory Review Committee (2014 – 2015)
- Executive Board Member-at-large, Ontario Bar Association, Trusts and Estates Law Section (2013 – present)
- Committee Member, Ontario Bar Association, Trusts and Estates Law Section, Statutory Review Committee, (2012 – 2013)
- Extended Bureau, National Representative Canada, International Association for Young Lawyers (2010 – September 2013)
- Member, Advocates' Society, Sub-Committee on Advocacy and Practice (May 2012 – Present)
- Active Member, Young Advocates' Committee, Advocates' Society, (2008 – 2010)

## Speaking Engagements

- Speaker, "Module 2 - Non-Contentious & Contentious Proceedings", The Osgoode Certificate In Estate Litigation, Osgoode Professional Development, Toronto, ON, October 16, 2024
- Co-Chair, "Litigation Skills Part 2: Appellate Advocacy for Estate Litigators", Ontario Bar Association, April 16, 2024
- Speaker, "Conducting Effective Virtual Examinations", Seminar Partners, Online, November 25, 2021
- Speaker, "Effective Witness Preparation", A Litigator's Guide to Case Preparation, The Advocates' Society, Webinar, December 9, 2020
- Speaker, "Objection to Issuing a Certificate of Appointment", Osgoode Professional Development's Estate Litigation Program, Toronto, May 21, 2019
- Speaker, "When Estate Law Meets Business Litigation", Scarborough Estate and Financial Planning Council, Scarborough, ON, December 4, 2018
- Discussion Leader, "Who Pays The Piper Calls The Tune: The Effect of Costs Consequences on Estate Litigation Strategy", Cambridge Estates & Trusts Practitioners' Forum, Cambridge, ON, November 6, 2018
- Panel Member, "Dealing with Challenges in Will and Trust Administration", STEP Toronto Seminar, October 10, 2018
- Panel Member, "Intergeneration Transfers: Lessons to be Learned from Family Owned Enterprises in Transition – Avoiding the Family Breakdown: Minority Shareholder's Rights and Oppression Claims in Context of Intergenerational Transfers", American Bar Association 2018 Spring Conference, New York
- Speaker, "Estate Tax Planning Gone Awry", B'nai Brith Canada, Toronto, ON, May 30, 2018
- Instructor, "Cross-Examination", The Advocates' Society, Toronto, ON, January 30, 2018
- Panel Member, "Experts in Contested Passings of Accounts – Ethics regarding Communication with Experts", Estate Accounting Program, Law Society of Upper Canada, January 15, 2018
- Instructor, "Leading Your Case: Opening Statements and Examination-in-Chief", The Advocates' Society, Toronto, ON, December 15, 2017

- Speaker, "The Agreement: The Key Components of an Effective Shareholder Agreement", FEX Cafe Lunch Series Presentations, Toronto, ON, December 7, 2017
- Speaker, "Make a Will Talk", Don Mills Toronto Public Library, Toronto, ON, November 15, 2017
- Speaker, "The Process: Creating a Values Based Shareholder Agreement", FEX Cafe Lunch Series Presentations, Toronto, ON, November 14, 2017
- Speaker, "Make a Will Talk", Leaside Toronto Public Library, Toronto, ON, November 1, 2017
- Panelist, "Master Winning Discovery Techniques", The Advocates' Society, Toronto, ON, October 30, 2017
- Panel Member, "How to Win an Undue Influence Case", 20th Annual Estates and Trusts Summit, Law Society of Upper Canada, October 16, 2017
- Speaker, "Shareholder Disputes: The Anatomy of a Shareholders' Dispute", FEX Cafe Lunch Series Presentations, Toronto, ON, October 12, 2017
- Speaker, "The Anatomy of a Shareholder Dispute", Shareholder Disputes Lunch Series, Webinar, CAFÉ/FEX Central Ontario, Fall 2017
- Speaker, "Successful Settlements 2017: Strategies and Tactics For Civil Litigators", Osgoode Hall Law School, Toronto, ON, March 24, 2017
- Panel Member, "Preparing Winning Court Documents (Key Principles: Drafting Proper Affidavits)", The Advocates' Society, Toronto, ON, March 23, 2017
- Skilled instructor, "Leading Your Case: Opening Statements and Exam-in-chief", The Advocates' Society, Toronto, ON, December 14, 2016
- Skilled instructor, "Mastering Winning Discovery Techniques", The Advocates' Society, Toronto, ON, October 31, 2016
- Moderator, "Keeping the Property in the Family: Succession and Heirship", AIJA Half-Year Conference, Chicago, May 18-21, 2016
- Speaker, "Residency and Constitution: Attacks on Trusts by the Canada Revenue Agency", presented as part of "Trusts in Family Wealth and the 3D Problem Is It Child's Play", ABA Section of International Law Spring Meeting, New York, April 12-16, 2016
- Skills Instructor, "Mastering Winning Discovery Techniques", The Advocates' Society, October 7, 2014 and October 29, 2015
- Panel Moderator, "Game of Thrones: Jousting for Power in the Family Enterprise", American Bar Association Section of International Law, 2015 Fall Meeting, October 22, 2015
- Presenter, "Top Estates Cases of 2014", RBC Trust, July 28, 2015
- Co-Chair, "Litigation and Administration of Foreign Trusts Assets", Ontario Bar Association, April 9, 2015
- Co-Presenter, "Tips, Tricks and Tragedies: The Law of Privilege", 2015 Professional Development Seminar, WeirFoulds LLP, February 24, 2015.
- Presenter, "Top Estates Cases of 2014", The Advocates Society, February 10, 2015
- Skills Instructor, "Cross-Examinations: Strategies for Success", The Advocates' Society, January 23, 2015
- Presenter, "Essential Tax Issues Every Estate Litigator Should Know", Ontario Bar Association, October 9, 2014
- Presenter, "Insurance Broker's Errors and Omissions Awareness, Attention & Avoidance Seminar", Pro-Form Sinclair Professional, September 24, 2014
- Panel Presenter on "Mental Incapacity, Movement of High Net Worth Individuals", AIJA Congress, Prague, August 2014
- Instructor, Intensive Trial Advocacy Workshop, Osgoode Hall, July 2012, July 2013 and July

2014

- Skills Instructor, "Ready, Set, Litigate", The Advocates' Society, February 25, 2014
- Presenter, "Top Estates Cases of 2013", The Advocates' Society, February 20, 2014
- Speaker, "Crime and Punishment: An Overview of the Enforcement of the *Corruption of Foreign Public Officials Act* in Canada", Association of Caribbean Corporate Counsel, Trinidad & Tobago, December 2013
- Speaker, "Ontario Bar Association Sunrise Series: Offers to Settle", OBA, November 26, 2013
- Mentor, "Practice Makes Perfect", The Advocates' Society, Mentoring Dinner Series, November 2013
- Skills Instructor, "Mastering Winning Discovery Techniques", The Advocates' Society, October 8, 2013
- Speaker, "The Recovery of Stolen Assets in Canada: Civil and Criminal Remedies", American Bar Association, Section of International Law 2013 Fall Meeting, London, United Kingdom, October 2013
- Presenter, *The Six Minute Estate Lawyer*, The Law Society of Upper Canada, April 24, 2013.
- Presenter, "Top Estates Cases of 2012", The Advocates' Society, February 27, 2013
- Speaker, "Natural Disasters and Human Catastrophes: A Global View on How to Prevent, Manage and Litigate Crisis", AIJA, Montreal, November 2012.
- Speaker, "How to Avoid Family Litigation After You Die", CAFE Central Ontario, November 6, 2012.
- Co-Chair, "Ready Set Litigate", The Advocates' Society, Upcoming Program, February 2012
- Speaker, "Summary Judgment Motions: Persuasive Advocacy - Winning Tactics", Ontario Bar Association, May 2, 2011
- Speaker, "Leading Your Case: Opening Statements and Examination-in-chief", The Advocates' Society, March 1, 2011
- Speaker, "Ontario Rules of Pre-trial Documentary Discovery: Top Ten Reasons to Choose Ontario for Your Litigation", 48th AIJA Congress (International Association of Young Lawyers), Charleston, SC, August 24-28, 2010
- Speaker, "Managing E-Litigation Costs and Timelines", 4th E-Discovery Conference, Toronto, March 2010
- Co-Chair, "ReAct Like A Pro", The Advocates' Society, October 2009
- Speaker, "Managing E-Litigation Costs and Timelines", E-Discovery Conference, Calgary, 2008

#### Additional Publications:

- Co-author (with Natalia Sidlar), "[Interim Possession of Personal Property \(Rule 44 of the Rules of Civil Procedure\)](#)", *Civil Procedure & Practice in Ontario*, September 7, 2021
- Author, "Success and Failure: The Advocate's Road Map to Domestic Contracts in SLRA Applications", B'Nai Brith Canada, May 30 2018
- Co-author (with Mike McDonald), "Avoiding the Family Breakdown: Minority Shareholder's Rights and Oppression Claims in the Context of Intergenerational Transfer", American Bar Association 2018 Spring Conference, New York
- Co-Author (with Shalome Barrow), "Expertly Passing the Ethics Test: Experts, Ethics and Passing of Accounts", *Law Society of Upper Canada, Estate Account 2018*, January 15, 2018
- Co-Author (with Lia Boritz), "Top Ten Reasons Wills are Litigated", Editorial for the OBA's Make a Will Month, *Lawyers' Weekly*, November 2017
- Co-Author (with Lia Boritz), "Subtle, Secret and Circumstantial Evidence: The Intricacies of

Winning an Undue Influence Case”, *The Advocates’ Quarterly*, Volume 48, Issue 1, February 2018 (also presented at the 20th Annual Estates and Trusts Summit, LSUC, October 16, 2017)

- Co-Author (with Nabila Khan), “The Impact of Alternative Fee Structures on Settlement”, *The Advocates’ Quarterly*, Volume 47, Number 1, June 2017
- Co-Author (with Robert Bell), “A Lawyer’s Duty to the Court”, *The Advocates’ Society*, January 2009 (Cited in: *The Roman Catholic Episcopal Corporation for the Diocese of Sault St. Marie v Axa Insurance (Canada)*, 2015 ONSC 4755, and *Healthy Lifestyle Medical Group Inc. v. Chand Morningside Plaza Inc.*, 2019 ONCA 248)

## Publications

- The Collapse of a House of Cards: Estoppel by Convention and the Need for a Shared Assumption, August 31, 2020
- The Standard of Appellate Review for Standard Form Contracts versus CCAA Plans – *SFC Litigation Trust v. Chan*, 2019 ONCA 525, July 06, 2019
- International Commercial Arbitration Awards: When Does an Arbitration Award Become Binding?, August 03, 2018
- Equity Rules the Day: The Supreme Court of Canada Clarifies the Tenets of Proprietary Estoppel, January 08, 2018
- Webinar Series: All About Shareholders, December 07, 2017
- Make a Will Month provides an annual checkup for lawyers and the public, November 21, 2017
- “Investing in Justice: Expanding the Litigation Funding Industry to Estates and Trust Litigation, July 10, 2017
- “Wealth Planning for Personal Equity Plans (PEPs) and “High Risk” Clients: Risks and Challenges , July 10, 2017
- A Year in Review: The Far Reach of the IRS in Canada Foreign Account Tax Compliance Act, January 23, 2015
- “Litigating Through the Grey Zone: The Law of Testamentary Capacity” in *Annual Review of Civil Litigation 2014*, December 31, 2014
- Tactical summons barrage leads to big indemnity, December 10, 2014
- Preservation, Patience and Persistence: The Dilemmas of a Litigator in Estates, October 09, 2014
- “Canada” in *Global Legal Insights – Litigation & Dispute Resolution 3rd Ed.*, August 20, 2014
- *The Recovery of Stolen Assets in Canada: Civil and Criminal Remedies*, October 17, 2013
- “Canada” in *Global Legal Insights – Litigation & Dispute Resolution 2nd Ed.*, August 13, 2013