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1. Compensation of Attorneys: Q.B.

In his decision in [Estate of Ruth Jean Colvin](#), 2006 MBQB 229 (CanLII), Master Harrison addresses the thorny question of compensation for an attorney (under a power of attorney) and allows some compensation to the attorney, but considerably less than had been requested. The issue has been previously considered by Master Lee (as he then was) in his decisions in *Nichol Estate (Re)* [1996] M.J. No. 419 (QL) and in *Flatt Estate v. Flatt* [1997] M.J. No. 84 (2L).

2. Some Comments on Fees from Estate: Q.B.

[The Estate of Eduard Bullert](#), 2006 MBQB 210 (CanLII) is a recent decision of Master Cooper on a passing of accounts that addresses a number of issues related to legal and executor fees. In it, Master Cooper makes a number of statements of principle that counsel on estates should pay attention to:

[21] ...I do not see how I can approve any disbursement from the estate for the costs of the guardianship application. This account should not have been paid by the estate without court approval.

[27] If an administrator wishes court approval for expenses, he should be able to document them clearly.

[38] While I can understand why a client would wish to have a lawyer with whom the client may communicate in the client's own language, one would assume that the lawyer's function is not only to act as a translator or interpreter, but also to deliver the required legal services. However, this appears to be the justification offered in this case for the duplication in fees....The "translator" lawyer cannot expect to be remunerated as a lawyer for services provided on that basis.

[40] Lawyers cannot expect to be remunerated at legal rates for doing administrative tasks.

[41] ...it is not in my view proper to charge the client for rejection fees if a document has been properly rejected by the court because of mistakes made by counsel. This may seem to be a trifling matter, but it is a matter of principle.

3. The Future of Real Estate Practice: CLE Materials

Materials are now available from the sold-out September 25, 2006 Law Society of Manitoba CLE program, *The Future of Real Estate Practice*. [Click here](#) for details and to order your set.

4. Financial Abuse by Attorney: CLE

The Manitoba Bar Association's Elder Law and Wills & Estates Sections are co-presenting a CLE on Financial Abuse by Power of Attorney on November 24, 2006 at noon in the Law Society classroom. [Contact the MBA](#) for details and to register.

5. *Porter v. Henry* Update

In our last issue, we told you about the Queen's Bench decision in [Porter v. Henry](#), 2006 MBQB 218 but were unable to provide a link. You can now link directly to the decision on CanLII.

6. Thanks to eLaw Volunteers

Thank you to the volunteers who help in providing the content for the *eLaw Property & Succession Update* each month: Marvin Giesbrecht, Gwen Hatch, Joanna Knowlton, Charlotte McCurdy, and Anita Southall. If you're interested in being an eLaw volunteer, please contact Karen Dyck, Competence Counsel by phone at 942-5571 or by email to: kdyck@lawsociety.mb.ca.

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