



NEW CHIEF JUSTICE PLACES FOCUS ON CONTESTED ESTATE MATTERS

Western Australian Chief Justice Peter Quinlan has focussed attention on what he has described “the largest growth area of contested civil matters in the General Division (Civil)” of the Supreme Court of WA, namely contested probate matters and Family Provision Act claims for provision out of an estate.

Announced on 5 September 2018, the Hon Justice Jeremy Curthoys will sit full time in the Supreme Court of WA from 1 November 2018 with responsibility for the judicial case management of those matters, with case management directed towards improving their timely and cost-efficient resolution.

A copy of the Supreme Court Media Statement is at:

<https://www.supremecourt.wa.gov.au/files/Ceremonies/Curthoys%20J%20announcement%205%20Sept%202018.pdf>

The Supreme Court reported a steady 14 % increase in non-contested probate applications each year for the last 4 years. With increased estate values and increased numbers of estates requiring probate, disputes about estates are significant in number and have become a specialist area of legal practice. Those claims include lack of capacity to have made the will and elder abuse issues, disputes about the validity and interpretation of the will, and claims by spouses and close relatives claiming need for provision.

Many issues arise from poor estate planning or poor will drafting despite the fact that the transfer of a deceased’s estate will likely be the largest wealth transfer they will ever do. Circumstances may have changed since their will was prepared. Or one may not have been prepared at all.

Trying to avoid expense while alive often causes family dispute and significant cost to be incurred after a person passes away.

To discuss how we can assist with estate planning issues and in relation to any potential or existing dispute, contact Murfett Legal on +61 8 9388 3100, email reception@murfett.com.au or view our website at www.murfett.com.au .