



THE OSGOODE CERTIFICATE IN ELDER LAW

April 5 – May 10, 2017
5 days over 5 weeks
In Person

A unique program for legal advisors, healthcare professionals and others who work with older persons.

A 5-day intensive program specifically designed by legal and healthcare experts to provide you with the knowledge and tools needed to navigate the demanding, complex environment that is Elder Law. This program serves as a forum for developing comprehensive knowledge of fundamental issues, expanding your networks, and tapping into a deep reservoir of practical, relevant information.

Register today at:
osgoodepd.ca/elderlaw

Certificate Details:

PROGRAM DIRECTORS

Jan Goddard, Goddard
Gamage Stephens LLP

Jane Meadus, Barrister and
Solicitor, Institutional
Advocate, Advocacy Centre
for the Elderly (ACE)

LOCATION

Osgoode Professional
Development
1 Dundas St. West, 26th Floor
Toronto, ON



Health Leadership
& Learning Network



Drawing on the expertise and experience of leading lawyers and healthcare professionals, including:

Program Directors

Jan Goddard

Goddard Gamage Stephens LLP

Jane Meadus

Barrister and Solicitor, Institutional Advocate, Advocacy Centre for the Elderly (ACE)

Advisory Board

Clare Burns, WeirFoulds LLP

Jeff Cole, former Director, Contract Services, Central Community Care Access Centre (CCAC)

Arthur Fish, Borden Ladner Gervais LLP

Dr. Heather Gilley, Division of Geriatric Medicine, St. Michael's Hospital, Toronto; Division of Geriatric Medicine, Department of Medicine, University of Toronto

Mark Handelman, Firm Counsel, Whaley Estate Litigation

Kathryn Pilkington, Director of Professional Services and Health Policy, Ontario Association of Non-Profit Homes and Services for Seniors (OANHSS)

Program Faculty

Jordan M. Atin, Hull & Hull LLP

Karon C. Bales, Bales Beall LLP

Lauren Bates, Senior Lawyer, Law Commission of Ontario

Maia Bent, Partner, Lerner LLP

Ellen Bessner, Babbins Bessner Spry

Clare Burns, WeirFoulds LLP

Dr. Carole Cohen, Clinical Director of the Psychiatric Services for the Elderly at Sunnybrook Health Sciences Centre

Resa S. Eisen, M.S.W. RSW, Marathon Mediation

Christine Elliott, Ontario's Patient Ombudsman

Duncan Embury, Nienstein Personal Injury Lawyers

Arthur Fish, Borden Ladner Gervais LLP

Dr. Heather Gilley, Geriatrician, Division of Geriatric Medicine, St. Michael's Hospital, Toronto; Assistant Professor, Division of Geriatric Medicine, Department of Medicine, University of Toronto

Jan Goddard, Goddard Gamage Stephens LLP

Mark Handelman, Firm Counsel, Whaley Estate Litigation

Dr. Nadia Incardona, Toronto East General Hospital

Kerry Knickle, INESRA Interim Co Director, Centre for Learning, Innovation and Simulation, The Michener Institute of Education at University Health Network

Nina Lester, Senior Lawyer Member Consent and Capacity Board

David Lepofsky, Volunteer Chair AODA Alliance, Accessibility for Ontarians with Disability Act Alliance

Jael Marques de Souza, Counsel, Office of the Public Guardian and Trustee

Clara McGregor, Advocacy Centre for the Elderly (ACE)

Nancy McNaughton, PhD, Managing Partner, Specialist Communication Matters: INESRA Interim Co Director, Centre for Learning, Innovation and Simulation, The Michener Institute of Education at University Health Network

Jane Meadus, Barrister and Solicitor, Institutional Advocate, Advocacy Centre for the Elderly (ACE)

Lisa Mizzi, Program Director, Client Services Community Collaboration, Central East Community Care Access Centre

Michael R. Newell, Assistant Crown Attorney, Durham Region

Mary Nestor, Sr. Manager, Ministry of Health and Long-Term Care

Lonny Rosen CS, Rosen Sunshine LLP

Karen A. Steward, Barrister and Solicitor, Advocacy Centre for the Elderly

Marshall A. Swadron, Swadron Associates, Barristers & Solicitors

Diana Tabak, MEd (S), Managing Partner, Specialist, Communication Matters: INESRA

Laura Tamblyn Watts, Senior Fellow, Canadian Centre for Elder Law

Christine Thomlinson, Rubin Thomlinson LLP

Judith Wahl, Advocacy Centre for the Elderly (ACE)

Graham Webb, Executive Director, Advocacy Centre for the Elderly (ACE)

Kimberly A. Whaley, Whaley Estate Litigation

Francesca Yaskiel, Barrister & Solicitor

Ivan Zinger, J.D., Ph.D. Executive Director and General Counsel, Office of the Correctional Investigator

Tap into the expertise of our multidisciplinary faculty of experts

This program goes beyond the traditional approach to the subject matter, and explores the ageing process to better understand the circumstances of older adults. There is an emphasis on skills-based learning, with in-class lectures being supplemented with group exercises, role play simulations, case studies and peer interactions.

Our presenters include lawyers, physicians, representatives from The Office of the Public Guardian and Trustee, Ministry of Health and Long Term Care, Consent and Capacity Board, and the Office of the Correctional Investigator, Canada, ensuring a wide range of perspectives and in-depth coverage of the major issues.



Key Benefits: What You Will Learn

- The role of advocacy: tips for being an effective advocate for older adults
- The ageing process and recognizing and combating ageism
- Tackling the misuse of powers of attorney
- The role of The Public Guardian and Trustee
- Privacy rights in long term care, retirement and community settings
- Tackling elder investment fraud and financial exploitation
- The latest on capacity, substitute decision making and health care consent

Who Should Attend?

- Lawyers in private practice, practicing in the areas of elder law, health law, wills and estates, family law and estate litigation
- In-house counsel
- Government lawyers
- Long term care home personnel including: Owners; Presidents/CEOs; Managers/Administrators;
- Physicians and nurses
- Risk Managers in hospitals
- Social Workers

Agenda

Day 1: April 5, 2017
9:00 a.m. to 4:30 p.m.

Introduction to Elder Law

The Law as it Affects Older Persons

Overview of the complex legal environment that is Elder Law, including legislation and case law

Professionalism, Ethics and Older Clients

While the focus of this session is on the ethical conduct of lawyers, other professionals will also benefit from this discussion. Areas addressed include:

- Access to your client
- When can/should you talk to other family members?
- What to do when the integrity of the lawyer is being impugned
- Dealing with undue influence
- Handling conflicts of interest with family members
- What do you do if your client is being abused - spotting the "red flags"

The Aging Process

Led by geriatrician Dr. Heather Gilley, this session focuses on understanding human aging, its impact on individuals, and what this means for those who work with older adults

Role Play: Interviewing Elderly People

Day 1 ends with an interactive role play exercise designed to help you enhance your interviewing skills. In this session you will learn:

- When and how long to interview
- How to assess the impact of stress
- To be sensitive to pain and fatigue
- To recognize and be sensitive to cultural issues

Keynote Address:

"Ensuring a Fully Accessible Society"

David Lepofsky, Volunteer Chair AODA Alliance, Accessibility for Ontarians with Disability Act Alliance

Faculty

Jan Goddard, Goddard Gamage Stephens LLP

Clare Burns, WeirFoulds LLP

Lauren Bates, Senior Lawyer, Law Commission of Ontario

Dr. Heather Gilley, Geriatrician, Division of Geriatric Medicine, St. Michael's Hospital, Toronto; Assistant Professor, Division of Geriatric Medicine, Department of Medicine, University of Toronto

Kerry Knickle, LLM (ADR), Communication Matters: INESRA Interim Co Director, Centre for Learning, Innovation and Simulation, The Michener Institute of Education at University Health Network

Nancy McNaughton, PhD, Managing Partner, Specialist, Communication Matters: INESRA, Interim Co Director, Centre for Learning, Innovation and Simulation, The Michener Institute of Education at University Health Network

Diana Tabak, MEd (S), Managing Partner, Specialist, Communication Matters: INESRA

Day 2: April 20, 2017
9:00 a.m. to 4:30 p.m.

A Conversation with Dr. Lynn McDonald, The Life Course Perspective and its Impact on Legal Issues

The Life Course and How it Gives Rise to Legal Issues

Building upon concepts introduced in Day 1, this session will provide an overview of the life course approach to understanding the physical, psychological, social and cultural aspects of aging. Armed with this framework, you will be better placed to understand and overcome the challenges when working with older adults in the "common scenarios" session that immediately follows.

Common Scenarios

- Intergenerational transfer of a family business
- The marriage contract – is it carved in stone?
- Parent/adult child and sibling struggles
- Conducting family meetings
- Ageism in the workplace

Consent and Capacity

- The role of The Public Guardian and Trustee
- Understanding the Consent and Capacity Board process

Sex and Sexuality in Long Term Care

The final session of Day 2 focuses on overcoming the challenges for long term care facilities with regard to intimacy, privacy, consent and human rights.

Keynote Address:

"Legal Capacity, Guardianship and Decision Making!"

Lauren Bates, Law Commission of Ontario

Teaching Faculty

Arthur Fish, Borden Ladner Gervais

Jan Goddard, Goddard Gamage Stephens LLP

Dr. Lynn McDonald, U of T Professor, Faculty of Social Work, Scientific Director, National Institute for Care of the Elderly (NICE)

Karon C. Bales, Bales Beall LLP

Jordan M. Atin, Hull & Hull LLP

Christine Thomlinson, Rubin Thomlinson LLP

Resa S. Eisen, M.S.W., RSW, Marathon Mediation

Nina Lester, Senior Lawyer Member, Consent & Capacity Board

Judith Wahl, Advocacy Centre for the Elderly (ACE)

Jael Marques de Souza, Counsel, Office of the Public Guardian & Trustee

Kimberly Whaley, WEL Partners

Day 3: April 26, 2017
9:00 a.m. to 4:30 p.m.

Consent and Capacity

- What is valid consent? – the elements of consent
- Powers of attorney and substitute decision makers
- Determining best interests – what are the considerations?
- The role of the lawyer – ethical considerations when representing clients with diminished capacity

Dealing with Complex Ethical Situations – End of Life and Advance Care Planning

In this session, a lawyer and emergency room physician explore the legal and ethical challenges posed in this thorny area.

Group Role Play/Simulation Exercise

To put your learning into practice the afternoon of Day 3 employs the “Betty Scenario” a detailed case study that delves deeply into the numerous legal, ethical, professional and practical issues raised in the morning session. Attendees will be split into groups, each group facilitated by a lawyer.

Faculty

Judith Wahl, Advocacy Centre for the Elderly

Mark Handelman, Firm Counsel, WEL Partners

Lonny Rosen CS, Rosen Sunshine LLP

Dr. Nadia Incardona, Toronto East General Hospital

Marshall A. Swadron, Swadron Associates, Barristers & Solicitors

Day 4: May 3, 2017
9:00 a.m. to 4:30 p.m.

Long Term Care Homes, Retirement Homes, Community Based Services & Homecare: Navigating the System, Understanding the Legal Rules

- CCAC Services and Other Community Options
- How do you navigate the system?
- Role of CCACs in admission to Long Term Care
- Complaints against CCAC and their services
- Appeals related to care services/eligibility for long term care
- Protecting Retirement Home Residents
- Admissions to and living in long term care
- Discharge to a long term care home from a hospital
- Difficult to place applicants – what do you do about people who “fall between the cracks”
- Admission agreements: what to look out for

- Meeting cultural, linguistic or religious needs
- detention - use of locked/secure units; use of restraints
- Preventing abuse and neglect in long term care settings

Elder Abuse

Recognizing the signs and responding to the challenges of:

- Physical and emotional abuse
- Financial abuse

Keynote Address:

“Confronting the Problems Faced by the Elderly in Jail”

Ivan Zinger, J.D., Ph.D. Executive Director and General Counsel, Office of the Correctional Investigation

Faculty

Jane Meadus, Barrister and Solicitor, Institutional Advocate, Advocacy Centre for the Elderly (ACE)

Lisa Mizzi, Program Director, Client Services, Community Collaboration, Central East Community Care Access Centre

Mary Nestor, Ministry of Health and Long Term Care

Graham Webb, Executive Director, Advocacy Centre for the Elderly (ACE)

Karen Steward, Barrister & Solicitor, Advocacy Centre for the Elderly (ACE)

Day 5: May 10, 2017
9:00 a.m. to 4:30 p.m.

Effective Advocacy for the Elderly

Working Together to Better Serve the Older Client: What Lawyers and Healthcare Professionals Wish the Other Knew

- In this interactive session, led by a doctor and a lawyer, we will discuss how we can break down communications and terminology barriers, fill information gaps and find common understanding between professionals who serve elderly persons

Advocacy in a Variety of Specific Practice Areas

- Long term care home negligence and personal injury
- Medical malpractice

Advocacy When the Older Adult is the Accused:

- Mandatory charges in spousal abuse cases
- Mandatory contacting of police in long term care homes in sexual assault allegations
- Aging in jails - Crown Diversion program

Roundtable Panel Discussion: “The Future of Elder Law”

Keynote Address:

“Ontario’s Patient Ombudsman”

Christine Elliot, Patient Ombudsmen

Faculty

Arthur Fish, Borden Ladner Gervais

Laura Tamblyn Watts, Senior Fellow, Canadian Centre for Elder Law

Michael R. Newell, Assistant Crown Attorney, Durham Region

Graham Webb, Executive Director, Advocacy Centre for the Elderly (ACE)

Mark Handelman, WEL Partners

Maia Bent, Partner, Lerner LLP

Clare Burns, WeirFoulds LLP

Dr. Carole Cohen, Clinical Director of the Psychiatric Services for the Elderly at Sunnybrook Health Sciences Centre

Christine Elliott, Patient Ombudsman

Dr. Heather Gilley, Geriatrician, Division of Geriatric Medicine, St. Michael’s Hospital, Toronto; Assistant Professor, Division of Geriatric Medicine, Department of Medicine, University of Toronto

Jane Meadus, Barrister and Solicitor, Institutional Advocate, Advocacy Centre for the Elderly (ACE)

Jan Goddard, Goddard Gamage Stephens LLP

Francesca Yaskiel, Barrister & Solicitor

“This program (5 days) stimulated a great deal of thought regarding the patients in my practice. Thank you for an excellent and organic course.”

Sharon Duff
Geriatric Psychiatrist, St. Joseph's Healthcare,
Hamilton

“This program is well worth the fees!”

Grace Sun
Lawyer, Sorbara, Schumacher, McCann LLP

“It was truly excellent. The content of the program, spread over 5 days, was topical, informative, and required all 5 days to present. Please do it again (with appropriate updates).”

John Carriere
Lawyer, John S. H. Carriere

Registration Details

Fee per Delegate

\$2,595 plus HST

Fees include attendance, program materials, continental breakfast, lunch and refreshments for each of the 5 days of the program. The price does not include accommodations. Please inquire about group discounts and financial assistance. Payment plan details below. Dress is business casual.

Are you a sole or small firm practitioner who works with diverse, marginalized and low income communities? Please contact financialaid-opd@osgoode.yorku.ca about a limited amount of bursary funding available.

**Note: Applications must be received on or before February 23, 2017.*

Program Changes

We will make every effort to present the certificate program as advertised, but it may be necessary to change the dates, location, speakers or content with little or no notice. In the event of program cancellation, York University and Osgoode Hall Law School's liability is limited to reimbursement of paid fees.

Cancellations and Substitutions

If you are unable to attend the program your organization may name a replacement. A full refund will be issued for cancellations received a minimum of 21 days before the program start date. Written cancellations received after March 15, 2017 will be subject to an administration charge of \$150. Non-attendance or withdrawal after the program start date (April 5, 2017) will result in complete forfeiture of the program fee. Payment must be received by March 17, 2017.

For Further Program-Related Information please contact:

Reheleh Pourkhodayar, Program Lawyer at 416.619.9351 or email reheleh@osgoode.yorku.ca

Certificate of Program Completion

You will receive a certificate upon completion of the Osgoode Certificate in Elder Law. Participants must attend the program modules and pass the post-program multiple choice assessment to receive a certificate.

4 Convenient Ways to Register



Mail



Online



Fax



Call

Register today at:

osgoodepd.ca/elderlaw



OsgoodePD has been approved as an Accredited Provider of Professionalism Content by the LSUC. Eligible CPD/MCLE Hours: LSUC (ON): 33.25 CPD Hours (3.5 Professionalism; 29.75 Substantive)



OsgoodePD programs may be eligible for CPD/MCLE credits in other Canadian jurisdictions. To inquire about credit eligibility, please contact cpd@osgoode.yorku.ca



Osgoode Professional Development
1 Dundas Street West, Suite 2600
Toronto, ON Canada M5G 1Z3



osgoodepd.ca



osgoodepd@osgoode.yorku.ca



416-597-9724



@OsgoodePD

© Osgoode Professional Development, 2016