

FIRST TIME
IN CANADA



The *Osgoode* Certificate in Elder Law

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

March 24 - May 13, 2015 | 5 Days over 8 Weeks | Toronto, Canada

Health Leadership
& Learning Network
York University Faculty of Health

accredited
cpd



OSGOODE
OSGOODE HALL LAW SCHOOL
PROFESSIONAL
DEVELOPMENT

YORK
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Why You Should Attend

Program Details

Dates

Day 1

Introduction to Elder Law
March 24, 2015

Day 2

Consent and Capacity
March 31, 2015

Day 3

Dealing with Thorny but
Common Scenarios
April 16, 2015

Day 4

Long Term Care Homes, Retirement
Homes, Community Based Services
& Homecare: Navigating the System,
Understanding the Legal Rules
April 30, 2015

Day 5

Effective Advocacy for the Elderly
May 13, 2015

The program will be held at *Osgoode Professional Development's* Downtown Toronto Conference Centre.

The *Osgoode Certificate in Elder Law* is a unique 5 day intensive program specifically designed by legal and health care experts to provide you with the knowledge and tools needed to navigate the demanding, complex environment that is Elder Law. It will serve as a forum where participants can develop a comprehensive knowledge of fundamental issues, expand their networks, and tap into a deep reservoir of practical, relevant information.

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, the Office of the Chief Coroner, the Ombudsman for Banking Services and Investments and 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 ageing process and recognizing and combating ageism
- How to develop effective client-centered communications skills
- How to recognize and be sensitive to cultural issues
- The latest on capacity, substitute decision making and health care consent
- Tackling the misuse of powers of attorney
- The role of The Public Guardian and Trustee
- Dealing with conflicts in blended families
- Admissions to and living in long term care – addressing the issues
- Recognizing and preventing elder abuse
- Privacy rights in long term care, retirement and community settings
- Tackling elder investment fraud and financial exploitation
- Geriatric and Long Term Care Review Committee – lessons from the Coroners' office to improve patient care
- Protecting and promoting the human rights of older persons
- Criminal law matters – ageing in jails and Crown Diversion programs
- The role of advocacy: tips for being an effective advocate for older adults

Who Should Attend

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



THE OSGOODE CERTIFICATE IN ELDER LAW

This program has been designed for lawyers, healthcare professionals and other service providers who work with older persons. There is an emphasis on practical education, and over the course of the 5 intensive one day modules, classes are taught using a blended-delivery method that includes lectures, case studies, role play simulations and peer discussion.

THE CURRICULUM

DAY 1

March 24, 2015, 9:00 a.m. - 5:00 p.m.

Introduction to Elder Law

Overview of the Legal Framework

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

Recommendations for Reform

The Law Commission's 2012 recommendations for advancing substantive equality for older persons and status

Ethical Issues in Dealing with Older Persons

While the focus of this session is on the roles of professional conduct for 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 Ageing Process

Led by geriatrician Dr. Heather Gilley, this discussion will focus on understanding human ageing, 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
- How to be sensitive to pain and fatigue
- How to recognize and be sensitive to cultural issues

Luncheon Keynote Address

“Confronting Ageism”

Dr. Jane Barratt, Secretary General, International Federation of Ageing

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, Academic Educator, Standardized Patient Program Faculty of Medicine, University of Toronto

DAY 2

March 31, 2015, 9:00 a.m. - 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
- The role of The Public Guardian and Trustee
- Understanding the Consent and Capacity Board process

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.

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 and consent.

Luncheon Keynote Address

An introduction to Day 4:

“Geriatric and Long Term Care Review Committee – Lessons from the Coroners’ Office to Improve Patient Care”

Dr. Roger P. Skinner, Regional Supervising Coroner, Office of Chief Coroner for Ontario

Faculty

Lonny J. Rosen, CS, Rosen Sunshine LLP

Judith Wahl, Executive Director, Advocacy Centre for the Elderly (ACE)

Saara Chetner, Counsel, Public Guardian and Trustee of Ontario

Susan E. Opler, Vice Chair and Senior Lawyer Member

Consent and Capacity Board, Ontario; Adjudicator, Law Society Tribunal

Dr. Nadia Incardona, Toronto East General Hospital

Marshall A. Swadron, Swadron Associates, Barristers & Solicitors

DAY 3

April 16, 2015, 9:00 a.m. - 4:45 p.m.

Dealing with Thorny but Common Scenarios

The Life Course Approach to Ageing

Building upon concepts introduced in Day 1, Dr. Lynn McDonald will provide an overview of the life course approach to understanding the physical, psychological, social and cultural aspects of ageing. Armed with this framework, attendees will be better placed to understand and address the challenges presented in the “common scenarios” session that 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

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, with each group facilitated by a lawyer.

Faculty

Dr. Lynn McDonald, Director, Institute for Human Development Life Course and Aging, University of Toronto

Jan Goddard, Goddard Gamage Stephens LLP

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

Karon C. Bales, Bales Beall LLP

Kimberly A. Whaley, Whaley Estate Litigation

Jordan M. Atin, Hull & Hull LLP

Mark Handelman, Whaley Estate Litigation

Hilary E. Laidlaw, McCarthy Tétrault LLP

DAY 4

April 30, 2015, 9:00 a.m. – 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
- Retirement Homes Regulatory Authority and the *Retirement Homes Act*: key features
- 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
 - death in long term care
- Addressing privacy rights in long term care

Elder Abuse

Recognizing the signs and responding to the challenges of:

- Physical and emotional abuse
- Financial abuse

Luncheon Keynote Address

An introduction to Day 5:

“Confronting the Problems Faced by the Elderly in Jail”

Howard Sapers, The Correctional Investigator, Canada

Faculty

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

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

Kenneth Hale, Legal Director, Advocacy Centre for Tenants Ontario

Joanne Dykeman, Vice President, Clinical Services and Quality Revera Inc.

Douglas Melville, Ombudsman and CEO, Ombudsman for Banking Services and Investments (OBSI)

Graham Webb, Staff Litigation Lawyer, Advocacy Centre for the Elderly (ACE)

Mercedes Perez, Swadron Associates, Barristers & Solicitors

Debbie Taciuk, Supervisor, Client Services - Placement, Central Community Care Access Centre (CCAC)

DAY 5

May 13, 2015, 9:00 a.m. – 4:30 p.m.

Effective Advocacy for the Elderly

The Critical Role of Advocacy

Two experienced lawyers will kick off the discussion by providing insights, tips and strategies on how to be an effective advocate for older adults.

Advocacy in Specific Practice Areas, including:

- Long term care home negligence and personal injury
- Medical malpractice / advancing regulated health complaints
- Protecting and promoting the Human Rights of older persons

Advocacy When the Older Adult is an Accused

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

Roundtable Panel Discussion: “The Future of Elder Law”

Faculty

Alex Procope, Swadron Associates, Barristers & Solicitors

Nimali Gamage, Goddard Gamage Stephens LLP

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

Richard M. Bogoroch, Bogoroch & Associates LLP

Michael R. Newell, Assistant Crown Attorney, Durham Region

Duncan Embury, Torkin Manes LLP

Mindy Noble, Legal Counsel, Human Rights Legal Support Centre

Avvy Go, Clinic Director, Metro Toronto Chinese & Southeast Asian Legal Clinic

At the end of Day 5 students will be given a take home assignment. In order to obtain the certificate participants must attend all modules and successfully complete the take home assignment.



The *Osgoode Certificate in Elder Law* draws on the expertise and experience of lawyers, healthcare and other professionals, including:

Jordan M. Atin, Hull & Hull LLP

Karon C. Bales, Bales Beall LLP

Dr. Jane Barratt, Secretary General
International Federation of Ageing

Lauren Bates, Senior Lawyer
Law Commission of Ontario

Richard M. Bogoroch, Bogoroch &
Associates LLP

Clare Burns, WeirFoulds LLP

Saara Chetner, Counsel, Public Guardian
and Trustee of Ontario

Joanne Dykeman, Vice President Clinical
Services and Quality, Revera Inc.

Nimali Gamage, Goddard Gamage Stephens LLP

Avvy Go, Clinic Director, Metro Toronto Chinese
& Southeast Asian Legal Clinic

Jan Goddard, Goddard Gamage Stephens 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

Kenneth Hale, Legal Director
Advocacy Centre for Tenants Ontario

Mark Handelman, Whaley Estate Litigation

Dr. Nadia Incardona, Toronto East General
Hospital

Kerry Knickle, Academic Educator, Standardized
Patient Program, Faculty of Medicine, University
of Toronto

Hilary E. Laidlaw, McCarthy Tétrault LLP

Dr. Lynn McDonald, Director, Institute for
Human Development, Life Course and Aging
University of Toronto

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

Douglas Melville, Ombudsman and CEO
Ombudsman for Banking Services and
Investments (OBSI)

Michael R. Newell, Assistant Crown Attorney
Durham Region

Mindy Noble, Legal Counsel, Human Rights
Legal Support Centre

Susan E. Opler, Vice Chair and Senior Lawyer
Member, Consent and Capacity Board of Ontario
Adjudicator, Law Society Tribunal

Mercedes Perez, Swadron Associates
Barristers & Solicitors

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

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Howard Sapers, The Correctional Investigator
Canada

Dr. Roger P. Skinner, Regional Supervising
Coroner, Office of Chief Coroner for Ontario

Marshall A. Swadron, Swadron Associates
Barristers & Solicitors

Debbie Taciuk, Supervisor, Client Services -
Placement, Central Community Care Access
Centre (CCAC)

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Centre for the Elderly (ACE)

Laura Tamblyn Watts, Senior Fellow
Canadian Centre for Elder Law

Graham Webb, Staff Litigation Lawyer
Advocacy Centre for the Elderly (ACE)

Kimberly A. Whaley, Whaley Estate Litigation

ADVISORY BOARD

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, Geriatrician
Division of Geriatric Medicine
St. Michael's Hospital, Toronto
Division of Geriatric Medicine
Department of Medicine
University of Toronto

Mark Handelman
Whaley Estate Litigation

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

Osgoode Hall Law School's Osgoode Professional Development offers both credit and non-credit programming to meet the life-long learning needs of lawyers and other professionals who need legal information. Osgoode Hall Law School is one of the world's pre-eminent law schools. *Osgoode Professional Development* embodies the law school's commitment to meeting the educational needs of the broader community and has offered many continuing legal education programs for health care, law enforcement and other professionals.

Register online today at www.osgoodepd.ca

THE OSGOODE CERTIFICATE IN ELDER LAW SPRING 2015

This unique program will fulfill your annual
LSUC CPD requirement for 2015

Name: _____ Title: _____
Firm/Company: _____ Practice Area: _____
Address: _____
City: _____ Province: _____ Postal Code: _____
Email: _____
Telephone: _____ Fax: _____ Priority Service Code:

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Fee Per Delegate

\$2,495 plus 13% 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.

Payment Options – Payment must be made prior to the program

- Cheque enclosed (payable to York University – GST# R119306736)
 Bill my credit card: VISA Mastercard

Card# _____

Expiry: _____

Signature: _____

Payment Amount: _____

Cancellations/Rainchecks/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 3, 2015 will be subject to an administration charge of \$700. Non-attendance or withdrawal after the program start date (March 24, 2015) will result in complete forfeiture of the program fee. Payment must be received by March 17, 2015.

Location

Osgoode Professional Development
Downtown Toronto Conference Centre
1 Dundas St. W., 26th Floor
Toronto, ON, M5G 1Z3

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.



Osgoode Professional Development has been approved as an Accredited Provider of Professionalism Content by The Law Society of Upper Canada.

CPD Credits Eligible CPD/MCLE Hours: **LSUC (ON):**



Day 1: 6.75 CPD Hours (5.25 Substantive, 1.5 Professionalism)

Day 2: 6.5 CPD Hours (6.0 Substantive, 0.5 Professionalism)

Day 3: 6.75 CPD Hours (6.0 Substantive, 0.75 Professionalism)

Day 4: 7.25 CPD Hours (7.25 Substantive, 0.0 Professionalism)

Day 5: 6.5 CPD Hours (5.75 Substantive, 0.75 Professionalism)

BC: 30.25 credit hours; **NB/NT/NU/YK/QC:** 31.25; **SK/PEI:** 31.0 credit hours; **NS/MB:** 33.5 credit hours; **NY CLE Board (onsite participants only):** 37.0 credit hours in the Area of Professional Practice for Transitional and Non-transitional lawyers. Also eligible for CLE/Insurance Premium Credits Program offered by the **Law Society of PEI** and for Alberta CPD credit with the **Law Society of Alberta**. Questions? E-mail: cpd@osgoode.yorku.ca or refer your respective regulatory body to ensure compliance.

For Further Program-Related Information

Please contact: David Thomas, Senior Program Lawyer, Certificate Programs
416-673-4672 or email dthomas@osgoode.yorku.ca

Certificate of Program Completion

You will receive a certificate upon completion of The *Osgoode Certificate in Elder Law*. Participants must attend all program modules and satisfactorily pass the take-home assessment to receive a certificate.

Public CLE Seminars

Customized CLE Programs

Skills Training & Certification

ITAW

Professional LLM

4 Convenient Ways to Register

- MAIL** your registration form to:
Osgoode Professional Development
Downtown Toronto Conference Centre
1 Dundas St. W., 26th Floor
Toronto, ON M5G 1Z3
- ONLINE** at www.osgoodepd.ca
- FAX** your registration to 416.597.9736
- CALL US** at 416.597.9724 or 1.888.923.3394

