

# THE OSGOODE CERTIFICATE IN ELDER LAW

April 22, 29, May 6, 13, 20, 2020

- 5 days over 5 weeks
- In Person and Live Webcast Options are Available

*“This program is a must for anyone who regularly works with the elderly. It was a unique opportunity to learn about the legal issues impacting the elderly from experts and to gain insights from fellow attendees from different practices and professions.”*

David Harris-Lowe, Barriston Law

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

This 5-day **intensive** program is specifically designed by legal and health care experts to provide you with the opportunity to tap into a deep reservoir of practical, relevant information, including:

- **Knowledge** and **tools** to navigate the demanding, complex environment that is Elder Law
- A **forum** for developing a comprehensive understanding of fundamental issues
- **Practical skills** for you to better understand and serve your clients
- A **networking** opportunity to connect with professionals and colleagues working with elderly clients

## Featured Faculty:

**Justice Eileen E. Gilles**, Court of Appeal for Ontario  
Commissioner of the Public Inquiry into the Safety and Security of Residents in the Long-Term Care Homes System

## Program Directors

**Jane E. Meadus**  
Barrister & Solicitor,  
Institutional Advocate,  
Advocacy Centre for the  
Elderly (ACE)

**Alexander Procope**  
Perez Bryan Procope LLP

## Location

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

Register today at:

[osgoodepd.ca/  
elderlaw](http://osgoodepd.ca/elderlaw)



# The Osgoode Certificate in Elder Law

*“I took [this certificate] with the intent of better understanding the associated civil laws and to develop a greater appreciation for the civil side of this complex issue. Without a doubt this course met my aim and exceeded my expectations. The course was well structured, extremely well organized, and professionally presented. The subject matter offered insight and thought provoking perspectives from a view not normally available to someone in law enforcement. It strengthened what I knew while increasing my awareness to what I did not know. In addition, the learning environment and meals were excellent. I would recommend this course to any law enforcement officer involved in the investigation of matters associated to vulnerable persons.”*

Martin Franssen, Law Enforcement Officer

Over the course of five intensive one-day modules, this unique, interdisciplinary program will give you **practical** and **relevant** information on the various areas of law that intersect with caring for elderly clients.

This program goes beyond the traditional approach to the subject matter by exploring the aging 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.

Topics include: consent, capacity and substitute decision making; powers of attorney; financial planning; end of life; abuse; and effective advocacy.

You will be able to expand your professional network and learn from: senior lawyers, physicians, representatives from The Office of the Public Guardian and Trustee, Ministry of Health and Long-Term Care, The Judiciary, Consent and Capacity Board, the Office of the Chief Coroner and the Correctional Investigator, Canada. **PLUS!** This year, you will be able to learn first-hand from **Justice Eileen Gillese**, Lead, Long Term Care Inquiry. This diversity ensures you will learn a wide range of perspectives, providing in-depth coverage of the major issues.



## Gain the knowledge you need to handle the challenging area of Elder Law including:

- The role of advocacy: tips for being an effective advocate for older adults
- The aging process and recognizing and combating ageism
- Resident rights and prevention of abuse
- 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
- Estate planning: communicating with elderly clients and their families
- Tackling elder investment fraud and financial exploitation
- The latest on capacity, substitute decision-making and health care consent
- Criminal law issues – older adult as the accused party
- Confronting the problems faced by the elderly in jail
- The future of elder law

## 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/CEO's, Managers, Administrator
- Physicians and nurses
- Law enforcement – those working within vulnerable persons departments
- Social workers
- Allied health professionals

“Case studies and real life examples help bring the learning to life.”

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

## Program Directors



**Jane E. Meadus**

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



**Alexander Procope**

Perez Bryan Procope LLP

## Advisory Board

**Clare Burns**

Weir Foulds LLP

**Arthur Fish**

Borden Ladner Gervais LLP

**Mark Handelman**

Firm Counsel, WEL Partners

**Kathryn Pilkington**

Director of Professional Services and  
Health Policy, AdvantAge Ontario

Register today at:

[osgoodepd.ca/elderlaw](https://osgoodepd.ca/elderlaw)

## Program Faculty

**Justice Eileen Gillese**

Court of Appeal for Ontario, Commissioner for  
the Public Inquiry into the Safety and Security of  
Residents in the Long-Term Care Homes System

**Benjamin Arkin**

Arkin Estate Law Professional Corporation

**Karon Bales**

Bales Beall LLP

**Lauren Bates**

Legal and Policy Writer and Researcher

**Kelley Bryan**

Perez Bryan Procope LLP

**Clare Burns**

WeirFoulds LLP

**Alfonso Campos Reales**

Lerners Lawyers

**Carol Craig**

Nelligan O'Brien Payne LLP

**Jaël Marques de Souza**

Counsel, Office of the Public Guardian and Trustee

**Mary Jane Dykeman**

DDO Health Law

**Suzan Fraser**

Principal, Fraser Advocacy Group

**Jan Goddard**

Goddard Gamage LLP

**Mark Handelman**

WEL Partners

**D'Arcy J. Hiltz**

Barrister & Solicitor

**Kerry Knickle**

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

**Nina Lester**

Vice-Chair and Senior Lawyer Member, Consent  
and Capacity Board

**Wendy Lewis**

Senior Manager, Compliance and Enforcement,  
Ministry of Long-Term Care

**Barbara Liu**

Executive Director, Regional Geriatric Program  
of Toronto; Division Director, Geriatric Medicine,  
University of Toronto; Professor, Department of  
Medicine, University of Toronto,

**Faith Madden**

Manager, Home and Community Care, Mississauga  
Halton Local Health Integration Network

**Kate Mazzucco**

Beyond Law LLP

**Nancy McNaughton**

Educational Consultant, Communication Matters:  
INESRA, Director, Learning Innovation and  
Simulation, The Michener Institute of Education,  
University Health Network

**Jane Meadus**

Barrister & Solicitor, Institutional advocate,  
Advocacy Centre for the Elderly (ACE)

**Angelique Moss**

Casey & Moss LLP

**Patrizia Piccolo**

Piccolo Heath LLP

**Alexander Procope**

Perez Bryan Procope LLP

**Shawn Richard**

Lenkinski Law

**Lonny J. Rosen**

Rosen Sunshine LLP

**Karen A. Steward**

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

**Laura Tamblyn Watts**

President, CanAge

**Judith A. Wahl**

Wahl Elder Law

**Kimberly A. Whaley**

WEL Partners

**Ivan Zinger**

Correctional Investigator of Canada,  
Office of the Correctional Investigator



# Agenda

## DAY 1:

April 22, 2020

8:50 a.m. – 4:30 p.m.

### Introduction to Elder Law

#### Law, Policy and Older Adults: Putting it into Context

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

#### The Intersection of Ageism and Ableism

- Understanding how ageism and ableism interact and can result in discrimination of clients and other older adults
- Determining obligations under the human rights code for the equal treatment of older adults
- Dealing with ageism in the workplace

#### Understanding the Ageing Process

Understanding human aging, its impact on individuals, and what this means for those who work with older adults.

#### Interviewing Elderly People: Understanding Communication and Enhancing Interviewing Skills

##### Interview Technique Demonstrations

Following a presentation on communication skills, you will witness live and interactive demonstrations designed to help you enhance your interview skills. You will learn:

- Different approaches to communication
- When/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**, Visiting Professor (part-time), Osgoode Hall Law School, York University; Adjunct Faculty, University of Toronto Faculty of Law; Chair, AODA Alliance

## Faculty

### Benjamin Arkin

Arkin Estate Law Professional Corporation

### Lauren Bates

Legal and Policy Writer and Researcher

### Kelley Bryan

Perez Bryan Procope LLP

### Kerry Knickle

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

### David Lepofsky

Visiting Professor (Part-time), Osgoode Hall Law School, York University; Adjunct Faculty, University of Toronto; Chair, AODA Alliance

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Executive Director, Regional Geriatric Program of Toronto; Division Director, Geriatric Medicine, University of Toronto; Professor, Department of Medicine, University of Toronto,

### Nancy McNaughton

Educational Consultant, Communication Matters: INESRA, Director, Learning Innovation and Simulation, The Michener Institute of Education, University Health Network

### Jane Meadus

Barrister & Solicitor, Institutional advocate, Advocacy Centre for the Elderly (ACE)

### Patrizia Piccolo

Piccolo Heath LLP

### Alexander Procope

Perez Bryan Procope LLP

## DAY 2:

April 29, 2020

9:00 a.m. – 4:30 p.m.

### Substitute Decision Making

- What is valid 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

## Faculty

### Jan Goddard

Goddard Gamage LLP

### Nina Lester

Vice-Chair and Senior Lawyer Member, Consent and Capacity Board

### Jane Meadus

Barrister & Solicitor, Institutional advocate, Advocacy Centre for the Elderly (ACE)

### Alexander Procope

Perez Bryan Procope LLP

### Lonny J. Rosen

Rosen Sunshine LLP

### Judith A. Wahl

Wahl Elder Law

## DAY 3:

May 6, 2020

9:00 a.m. – 4:30 p.m.

### Common Elder Law Issues

- Predatory marriages
- The marriage contract
- Parent/adult child and sibling struggles
- Conducting family meetings
- Privacy in elder law
- Capacity in family law
- Estate planning: communicating with the elderly client and their family
- Ageism in the workplace
- Family law and property: issues around the elderly

#### Group Role Play/Simulation Exercise

To put your learning into practice, the afternoon of Day 3 is devoted to the *"Betty Scenario"*, a detailed case study that delves deeply into the numerous legal, ethical, professional and practical issues raised in the morning sessions. Attendees will be divided into groups, each group facilitated by a lawyer.

#### Keynote Address:

**Madame Justice Eileen Gillese:**

Long Term Care Inquiry

## Faculty

**Karon Bales**

Bales Beall LLP

**Carol Craig**

Nelligan O'Brien Payne LLP

**Jaël Marques de Souza**

Counsel, Office of the Public Guardian and Trustee

**Mary Jane Dykeman**

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Casey & Moss LLP

**Alexander Procope**

Perez Bryan Procope LLP

**Shawn Richard**

Lenkinski Law

#### DAY 4:

May 13, 2020

9:00 a.m. – 4:30 p.m.

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

- Health Services and other community options: navigating the system
- Complaints against health institutions
- 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
- Admission agreements: what to look out for
- Meeting cultural, linguistic or religious needs

- Detention – use of locked/secured units; use of restraints
- Sex and sexuality in long-term care: Issues regarding intimacy, privacy, consent and human rights

#### Elder Abuse

Recognizing the signs and responding to the challenges of:

- Physical and emotional abuse
- Financial abuse of elders

## Faculty

**Clare Burns**

WeirFoulds LLP

**Wendy Lewis**

Senior Manager, Compliance and Enforcement,  
Ministry of Long-Term Care

**Faith Madden**

Manager, Home and Community Care, Mississauga  
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**Karen A. Steward**

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

**Judith A. Wahl**

Wahl Elder Law

**Kimberly A. Whaley**

WEL Partners

#### DAY 5:

May, 20, 2020

9:00 a.m. – 4:00 p.m.

**Effective Advocacy for the Elderly**

#### 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”

#### Advocacy When the Older Adult is the Accused

- Mandatory charges in spousal abuse cases
- Mandatory obligation to contact police where there is an allegation of sexual assault in a long-term care home

#### Roundtable Panel Discussion: “The Future of Elder Law”

We close out the Certificate with an experienced panel of elder law practitioners who will enlighten us with their thoughts on the future of elder law incorporating every aspect of this practice.

## Faculty

**Alfonso Campos Reales**

Lerners Lawyers

**Suzan Fraser**

Principal, Fraser Advocacy Group

**Mark Handelman**

WEL Partners

**D'Arcy J. Hiltz**

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President, CanAge

**Ivan Zinger**

Correctional Investigator of Canada,  
Office of the Correctional Investigator

# Registration Details

## Fee per Delegate

**\$2595 plus HST**

Fees include attendance, program materials, lunch and break refreshments.

**Financial assistance is available to those who qualify – please visit [www.osgoodepd.ca/financial-assistance](http://www.osgoodepd.ca/financial-assistance) for details.**

## Program Changes

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

## Cancellations and Substitutions

Substitution of registrants is permitted at any time. If you are unable to find a substitute, a full refund is available if a cancellation request is received in writing 21 days prior to the program date. If a cancellation request is made with less than 21 days notice, a \$150 administration fee will apply. No other refund is available.

## For Further Program-Related Information please contact:

Bernard Sandler at 416.619.8930

or email at [bsandler@osgoode.yorku.ca](mailto:bsandler@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 **pass the post-program assessment** to receive a certificate.

# 4 Convenient Ways to Register



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Online



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**Register today at:**

**[osgoodepd.ca/elderlaw](http://osgoodepd.ca/elderlaw)**



OsgoodePD has been approved as an Accredited Provider of Professionalism Content by the LSO.

Eligible CPD Hours – LSO (ON): 32h 40m (26h 40m Substantive, 4h 30m Professionalism, 1h 30m EDI)



MAINTENANCE OF CERTIFICATION – Attendance at this program entitles certified Canadian College of Health Leaders members (CHE/Fellow) to **13 Category II credits** towards their maintenance of certification requirement.



OsgoodePD programs may be eligible for CPD/MCLE credits in other Canadian and US jurisdictions. To inquire about credit eligibility, please contact [cpd@osgoode.yorku.ca](mailto:cpd@osgoode.yorku.ca).

*“The program was quite informative and eye-opening. It delves into the nuances of everything you need to know about consent and capacity.”*

Angeline Douglas  
Paralegal, Advocacy Centre for the Elderly

*“On the whole the course was EXCELLENT and time was well spent. All professions would benefit from it!”*

Terry Tonkovich  
Executive Director, Ivan Franko Homes

*“I really enjoyed the legal perspective and the ability to interact with people working with the same patients that I do.”*

Ross Johnson  
Medical Director and Attending Physician, LTC

*“The knowledge I gained was incredibly valuable and it has helped me in the work I do.”*

Colleen Petersen, PRHC  
Risk and Insurance Consultant