

Law and the Older Adult Client

OBA Professional Development



In-Person



Webcast

Date: Wednesday, November 16, 2016 |
9:00 am to 1:00 pm

Location: Twenty Toronto Street Conferences and Events
20 Toronto Street, 2nd Floor, Toronto

Program Chair: Steve Benmor, Benmor Family Law Group



This program contains 0.25 Professionalism Hours
This program is eligible for up to 3.75 Substantive Hours

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

For lawyers practicing in traditional fields of law, from real estate, family law and trusts & estates, to personal injury, charity law, health law and civil litigation, Elder Law is here. As the baby boomer generation ages, the largest segment of society will soon be those over the age of 65. Get the knowledge and skill-set necessary to advise and represent older adults with this critical program. Join our experienced faculty to explore some of the many substantive, procedural and ethical complexities of Elder Law, and gather the tools you need to develop a best-practices approach to serving this growing demographic.

8:30 am Registration and Coffee

9:00 am Welcome and Opening Remarks
Steve Benmor, Benmor Family Law Group

9:10 am **What is an Elder Law Practice?**
Jan Goddard, Goddard Gamage Stephens LLP
Marion Korn, Barrister & Solicitor
Judith Wahl, Executive Director, Advocacy Centre for the Elderly
Join our panel of experts to break down what it means to have an elder law practice, and the unique challenges that arise.

10:00 am **What Does Legal Capacity Mean?**
Jane Martin, Dickson Appell LLP
Graham Webb, Advocacy Centre for the Elderly

- Understanding capacity as a conclusion of law versus a clinical observation
- What are the relevant legislative tests and practical forums for demonstrating (or assessing) capacity?
- Tackling professional issues in taking instruction from and representing clients where capacity is at issue

10:30 am **What You Need to Know About Substitute Decision-Making**
Jael Marques de Souza, Counsel, Office of the Public Guardian and Trustee
Lisa Toner, SorbaraLaw

- Key principles of litigation guardianship and parties under disability
- What is the role of the Public Guardian and Trustee?
- Expert guidance on attorneyship and guardianship under the *Substitute Decisions Act*
- Important considerations under the *Health Care Consent Act*

11:00 am Networking Break

11:15 am **Unraveling Critical Housing Issues**
Heather Hogan, In-House Counsel, Retirement Homes Regulatory Authority
Jane Meadus, Advocacy Centre for the Elderly

- Exploring the legislative framework: how the *Retirement Homes Act*, *Residential Tenancies Act* and *Long-Term Care Homes Act* fit in
- Common challenges arising from hospital discharge
- When are providers permitted to make changes to care services and/or tenancy agreements? What are the limitations?
- Making sense of your procedural options when issues arise

11:50 am **Marriage, Divorce and Predatory Marriages**
Albert Oosterhoff, Professor Emeritus and Firm Counsel, Whaley Estate Litigation
Kimberly Whaley, Whaley Estate Litigation

- Clarifying the requisite mental capacity to marry, separate and divorce
- What does "predatory marriage" mean in an older adult context?
- Strategies for challenging predatory marriages, including possible equitable remedies and developments in other jurisdictions
- Distilling recent case law and examples

12:25 pm **Dealing with the Elderly Client in Real Estate Transactions**
Alexander Henderson, Oiyehenderson Barristers & Solicitors

- Managing the initial client meeting and family conflicts
- Complying with the Two Lawyer Rule – Independent Legal Advice versus Independent Legal Representation
- Why joint tenancy is not always the solution
- Guidance and cautions on Powers of Attorney in the real estate context
- What you need to know about life leases

12:50 pm Closing Remarks

1:00 pm Program Concludes

PROGRAM REGISTRATION IS ONLINE www.oba.org/pd

Questions? pd@oba.org