



## Program Details

**FRIDAY, JUNE 12, 2009**

**9:00 – 9:20**

### **A View from the Bench**

**Speaker:** **Madam Justice Marion Allan**, *Supreme Court of British Columbia, Vancouver, BC*

**9:20 – 10:50**

### **Capacity: Assessing the Assessor**

**Moderator:** **Ms. Wendy L. Griesdorf**, *Wendy L. Griesdorf Estate Litigation Counsel, Kingston, ON*

**Speakers:** **Dr. Ken LeClair**, *Queen's University, Kingston, ON*  
**Dr. Michel Silberfeld**, *Psychiatrist, Toronto, ON*  
**Mr. Mark Handelman**, *Health Law Matters, former vice chair Ontario Consent and Capacity Board, Toronto, ON*  
**Ms. Judith Wahl**, *Executive Director, Advocacy Centre for the Elderly, Toronto, ON*

This medical-legal panel will offer a fresh look at capacity issues. Get the latest research on the science of aging, and pointers on selecting and instructing a capacity assessor, follow-up and re-assessment, and the use of capacity evidence. Learn how to challenge a finding of incapacity, who assesses what kind of capacity, and current case law in this area.

**11:00 – 11:50**

### **Family Law and the Elderly I: Spousal Support Guidelines**

**Speaker:** **Prof. Carol Rogerson**, *Faculty of Law, University of Toronto, Toronto, ON*

The co-author of the Spousal Support Advisory Guidelines discusses the effect of retirement on spousal support, how to deal with "double-dipping", and spousal support obligations in cases of later-life remarriage. Prof. Rogerson will discuss how the Advisory Guidelines apply in an estates context, and how to factor in prior support obligations.

### **Family Law and the Elderly II: Topical Issues in Family Law**

**Speaker:** **Mr. Philip Epstein**, *Epstein Cole LLP, Toronto, ON*

Second marriages can create conflict between children of a first marriage and the new spouse. Marriage contracts and cohabitation agreements are often used to reduce this conflict. When are they necessary? What can they accomplish? When will the courts set them aside?

**11:50 – 12:20**

### **The Real Dirt on Real Estate**

**Speaker:** **Mr. Timothy Kennedy**, *Nelligan O'Brien Payne LLP, Barristers & Solicitors, Ottawa, ON*

Real estate held by older clients is often a focus for conflict. Tim Kennedy of the CBA National Real Property Section will discuss issues relating to shared property, "granny suites", and the ever-controversial family cottage. He will also explore the concept of life leases.

**14:30 – 15:10**

### **Age Discrimination**

**Moderator:** **Ms. Nancy Birt**, *Birt & McNeill, Barristers & Solicitors, Charlottetown, PEI*

**Speakers:** **Ms. Peggy E. Smith**, *Barrister and Solicitor, Kingston, ON*  
**Mr. David A. Wright**, *Vice-Chair, Human Rights Tribunal of Ontario, Toronto, ON*  
**Prof. Richard Chaykowski**, *School of Policy Studies, Kingston, ON*

Our discrimination panel will discuss equality rights and the role of provincial human rights institutions, including the new process at the Human Rights Tribunal of Ontario. The panel will also cover a new trend in 'pre-retirement' dismissals, and the position of older workers.

**15:10 – 16:00 Criminal Law and the Elderly**

**Moderator:** **Prof. David Freedman**, *Faculty of Law, Queen's University, Kingston, ON*

**Speakers:** **Det. Con. Michael Payne**, *Waterloo Regional Police, Elder Abuse Response Team, Waterloo, ON*

**Det. Christina Wolfe**, *Ottawa Police, Elder Abuse Section, Ottawa, ON*

**Det. Sgt. Robin Sanders**, *OPP, Seniors Assistance Team, Orillia, ON*

**Ms. Lisa Jacek**, *Ministry of The Attorney General, Toronto, ON*

Looking at community resources for prevention of crime against the elderly, our criminal law panel will also consider the elderly accused and effective representation, emerging investigative practices, prosecutorial policy, and evidentiary issues.

**19:00 Aging in Afghanistan**

**Speaker:** **The Honourable Flora MacDonald**, *Officer of the Order of Canada, Ottawa and Kingston, ON*

**SATURDAY JUNE 13, 2009**

**9:00 – 9:40 Putting It All Together: Bringing Coherence to the Law Affecting Older Adults**

**Speaker:** **Dr. Patricia Hughes**, *Law Commission of Ontario, Toronto, ON*

What would an anti-ageist approach to the law look like? When is it appropriate or effective to use age as a legal category? What principles and approaches best promote access to the law for older adults? How can the law appropriately recognize and support the relationships of older adults? How can a principled framework for the law as it affects older adults be applied to ensure secure and dignified living environments for older persons? This, the first report from Ontario's Law Commission, will seek to address these questions and more.

**9:40 – 10:20 A Move Towards Harmony: Law Reform for Enduring Powers of Attorney in Western Canada**

**Speakers:** **Ms. Laura Watts**, *National Director, Canadian Centre for Elder Law, Staff Lawyer, BC Law Institute, Vancouver, BC*  
**Prof. Peter Lown Q.C.**, *The Alberta Law Reform Institute, Edmonton, AB*

The Western Law Reform Agencies prepared a report "Enduring Powers of Attorney: Areas for Reform." Two of the report's authors look at the core issues, including recognition of enduring powers of attorney made in other provinces, articulating the responsibilities of the attorney, who should be entitled to information from the attorney, and notice that an attorney is acting.

**10:20 – 11:00 Tales from OBSI's Confidential Case Files: Disputes Between Canadian Seniors and Their Financial Institutions**

**Speaker:** **Mr. Doug Melville**, *Banking Services with the Ombudsman for Banking Services and Investments (OBSI), Toronto, ON*

The man who deals with complaints against banks gives a brief overview of the role of the Ombudsman for Banking Services and Investments and its mandate. He'll cite cases to illustrate the banking complaint issues experienced by seniors and the specific challenges of older banking clients.

**11:10 – 12:10 NATIONAL PANEL**

**Speakers:** **Provincial/Territorial Section Chairs: Geoffrey White**, *Geoffrey W. White Law Corporation (BC)*, **TBA** (AB), **Kim Korven**, *McKercher LLP (SK)*, **Heather Dixon**, *Dixon Law Office (MB)*, **Judith A. Wahl**, *Advocacy Centre for the Elderly, (ON)*, **Ann Soden**, (QC), **Robert Kenny**, *Kenny & Murray, (NB)*, **TBA** (NS), **Nancy Birt**, *Birt & McNeill (PEI)*, **David MacDonald**, *MacDonald & Associates (NT)*, **TBA** (YT), **TBA** (NL).

This is our hotly anticipated cross-Canada panel! Here's where you'll get tips and traps from the trenches. Panelists from every jurisdiction in the country will talk about your 10 worst nightmares in an elder law practice, and will review some recent case rulings. We'll have questions and maybe even some answers.

**12:20 – 14:00 Luncheon Keynote Speaker**

**Speaker:** **The Honourable Sharon Carstairs**, *Senate of Canada, Chair of Senate Committee on Aging, Ottawa, ON*