

The 2016 OsgoodePD

ELDER LAW WEBINAR SERIES



Seven focused lunch time webinars will give you the latest legal developments and practical strategies for providing effective advice to your elderly clients. This year's topics include:

January 14, 2016

Critical Update on Privacy Rights in Long-Term Care, Retirement and Community Settings

January 21, 2016

Show me the Money! Navigating Unique Issues with Seniors and their Financial Institutions

February 4, 2016

New Spouse/Old Money: Predatory Marriages

February 18, 2016

Unique Real Estate Issues Affecting Elderly Clients and their Families

March 3, 2016

Key Estate Planning Considerations for the High Conflict Family

March 31, 2016

2016 Update: Gifting and Charitable Donations in Advance Care and Estate Planning

April 7, 2016

Physician Assisted Suicide and the Implications of Carter: One Year Later

Do you have what you need to advise on the complex legal issues facing elderly clients?

"WELL-PRESENTED, PRACTICAL AND TIMELY PRESENTATIONS IN THIS PRACTICE AREA WHERE THE LAW IS ALWAYS SCRAMBLING TO KEEP UP WITH THE EVER-EVOLVING REALITIES OF AN AGING POPULATION."

Norman Bowley, Partner
Low Murchison Radnoff LLP

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WWW.OSGOODEPD.CA



Series Chair

Laura Tamblyn Watts

*Chair- Law and Aging Theme Team,
National Initiative for Care of the Elderly*

Dates and Time

7 lunchtime sessions

January 14 - April 7, 2016

12:00 p.m. - 1:15 p.m. EDT/EST

Register for one, several or the entire series at a special series price!

Webinar - Online Attendance

The 2016 *OsgoodePD* ELDER LAW WEBINAR SERIES

As the baby boom generation moves into its senior years, elder law is a rapidly expanding area of practice for legal professionals. For those who provide legal advice to elder clients or the organizations that serve them, it is critical that you have a current understanding of the issues that affect the elderly and their families.

This *OsgoodePD* webinar series will provide you with an efficient and informative update on key and emerging legal areas affecting the elderly. Taught by some of Canada's leading elder law experts, each webinar includes a live online Q&A, giving you the opportunity to ask questions and engage with faculty.

Choose to take one, several or all of the webinars - the complete series provides exceptional value and sessions are spaced out to allow for easy participation with minimal incursion on other commitments. The 75-minute lunch time format provides you with relevant, high quality content from the comfort of your office. If you miss the live webinar, you can access the program archive for up to 60 days after the program date.

REGISTER NOW by visiting
osgoodepd.ca/elderlawseries



Series Chair

Laura Tamblyn Watts, *Chair- Law and Aging Theme Team, National Initiative for Care of the Elderly*

Faculty

Gwen A. Benjamin, *Wilson Vukelich LLP*

Dr. Jeff Blackmer, *Vice President, Medical Professionalism, Canadian Medical Association*

Rachel Blumenfeld, *Miller Thomson LLP*

John Clark, *Clarks LLP*

Mary Jane Dykeman, *Dykeman Dewhirst O'Brien LLP*

Mark Handelman, *Firm Counsel, Whaley Estate Litigation*

Alexander I.M. Henderson, *Oiye/Henderson Barristers & Solicitors*

Maria Elena Hoffstein, *Fasken Martineau DuMoulin LLP*

Heather B. Hogan, *Whaley Estate Litigation*

Suzanne Michaud, *Senior Advisory Counsel, RBC Law Group, Royal Bank of Canada*

Albert H. Oosterhoff, *Firm Counsel, Whaley Estate Litigation, and Professor Emeritus, Faculty of Law, Western University*

Laura E. West, *Bull, Housser & Tupper LLP*

Kimberly A. Whaley, *Whaley Estate Litigation*

Get the knowledge and
practical tools you need to
better serve your
elderly clients

Understand the unique and evolving legal issues that impact the elderly



AGENDA

JANUARY 14, 2016
(12:00-1:15 P.M. EST)

Session 1

Critical Update on Privacy Rights in Long-Term Care, Retirement and Community Settings

MARY JANE DYKEMAN, *Dykeman Dewhirst O'Brien LLP*

In long-term care, retirement and community settings, residents have certain rights related to their personal health information. When they become incapable, their substitute decision-maker(s) may use their information to support the residents' care and can consent to its collection, use and disclosure. Conflicts sometimes arise between substitute decision-makers and the resident's other family members and friends. This session will provide an update on new developments in this area, and will also include a brief primer on the *Personal Health Information Protection Act* and its application.

Other topics include:

- Critical case law update, including decisions of the Information and Privacy Commissioner of Ontario, cases before the courts and in the media
- New standards addressing unauthorized access and audit functionality
- Discussion of risk management scenarios, including:
 - Is the client capable to make information decisions?
 - If incapable for that purpose, who is the client's substitute decision-maker?
 - Can you collect personal health information from a third party, or disclose it to them, such as an adult child who visits often?
 - Disclosing personal health information to reduce or eliminate a significant risk of bodily harm
 - Who makes information decisions once the client dies?

JANUARY 21, 2016
(12:00-1:15 P.M. EST)

Session 2

Show me the Money! Navigating Unique Issues with Seniors and their Financial Institutions

SUZANNE MICHAUD, *Senior Advisory Counsel, RBC Law Group, Royal Bank of Canada*

HEATHER B. HOGAN, *Whaley Estate Litigation*

The landscape is shifting for clients and their financial service providers. Both during incapacity and after death, it can be unclear to lawyers, estate trustees, co-account holders and beneficiaries what rights and obligations exist under the pre-existing account and plan documentation of the financial institutions. Practitioners must have a thorough understanding of the common, yet avoidable problems encountered by representatives who interact with banks, mutual fund companies and investment dealers on behalf of elderly clients.

In this webinar, our expert faculty will provide you with practical guidance on the hard questions while giving you the tools and knowledge you need to work effectively with financial institutions in a variety of different scenarios.

The following topics will be explored:

- Voluntary Commitment on Powers of Attorney and Joint Accounts binding Canada's banks
- Understanding the contractual rights and duties and the impact of differing regulatory regimes governing documentation requirements
- How to manage jurisdictional issues in respect of powers of attorney documents
- Joint accounts versus estate plans: recent decisions on the presumption of resulting trust
- Working with banks to implement remedies: service requirements, preservation orders, tracing orders, and more

AGENDA (Cont'd)

FEBRUARY 4, 2016
(12:00-1:15 P.M. EST)

Session 3

New Spouse/Old Money: Predatory Marriages

KIMBERLY A. WHALEY, *Whaley Estate Litigation*
ALBERT H. OOSTERHOFF, *Firm Counsel, Whaley Estate Litigation, and Professor Emeritus, Faculty of Law, Western University*

Ontario's families are increasingly shaped by remarriages and later in life common-law partnerships. Practitioners who advise elderly clients must be alert to the red flags of a predatory marriage and understand how to best advise their clients in this complicated family dynamic. In this webinar, our panelists will provide an overview of predatory marriages and discuss best practices for advising elderly clients and their families, including topics such as:

- How are the courts responding to predatory marriages?
- Common law and equitable remedies to set marriages aside
- Identifying your client- how to ensure the retainer is conflict-free
- When your client should seek ILA
- Undue influence- what are the red flags?

FEBRUARY 18, 2016
(12:00-1:15 P.M. EST)

Session 4

Unique Real Estate Issues Affecting Elderly Clients and their Families

JOHN CLARK, *Clarks LLP*
ALEXANDER I.M. HENDERSON, *Oiye/Henderson Barristers & Solicitors*

Elderly clients and their families may find themselves in unique living situations which give rise to highly technical legal issues. These can include the following: multiple generations living together; "granny flats" for aging relatives; life lease housing; and shared property arrangements. You must have a current and in-depth understanding of various real estate issues that can affect your elderly clients in order to competently advise them of the risks and potential pitfalls.

Topics include:

- Problems and pitfalls in shared property arrangements
- Granny flats and housing - the basics of complying with bylaws, zoning and building code regulations

- Life leases - what is your client buying? Issues to consider from the perspective of the developer and purchaser when transferring an interest
- How to advise an attorney or guardian in real estate transactions
- Is ILA enough?

MARCH 3, 2016
(12:00-1:15 P.M. EST)

Session 5

Key Estate Planning Considerations for the High Conflict Family

RACHEL BLUMENFELD, *Miller Thomson LLP*
GWEN A. BENJAMIN, *Wilson Vukelich LLP*

You know it's coming. They might even know it's coming too. You can just see that your client's family is a simmering pressure cooker just waiting to blow. Who is going to get what? Who isn't? The whole thing is sure to explode. What can and should you do to prevent the battle? This session will teach you the skills you need to address these difficult but all too common cases at the planning stage. Topics include:

- The use and drafting of *inter vivos*, testamentary, alter ego and joint partner trusts, and powers of appointment
- How to avoid planning pitfalls and misunderstandings
- Understanding changes to the taxation of testamentary trusts
- New *Estate Administration Tax Act* reporting requirements - audit powers and what they may mean to Estate Trustees and their advisors

MARCH 31, 2016
(12:00-1:15 P.M. EST)

Session 6

2016 Update: Gifting and Charitable Donations in Advance Care and Estate Planning

MARIA ELENA HOFFSTEIN, *Fasken Martineau DuMoulin LLP*
LAURA E. WEST, *Bull, Housser & Tupper LLP*

There are often several competing interests for a client's funds. With new legislative changes taking effect in 2016 and litigation between beneficiaries and charities on the rise, having a thorough understanding of the key issues is critical. This session will address both the legal tools and the practical skills needed to successfully navigate difficult waters.

AGENDA (Cont'd)

Topics include:

- *Income Tax Act* changes to charitable bequests and estate donations
 - How to deal with planning and income tax issues arising from the proposed changes
 - What is the effect on current wills, trusts, planned gifts and estate plans?
- Charitable giving and estate planning
 - Ensuring the validity of testamentary charitable gifts
 - Changes to the taxation of testamentary and spousal trusts
 - Avoiding costly estate litigation
 - Tax considerations
- Charitable giving in advance care
 - Powers of attorney and charitable gifting
 - What are the duties and responsibilities of substitute decision-makers?

APRIL 7, 2016
(12:00-1:15 P.M. EST)

Session 7

Physician Assisted Suicide and the Implications of *Carter*: One Year Later

MARK HANDELMAN, *Firm Counsel, Whaley Estate Litigation*

DR. JEFF BLACKMER, *Vice President, Medical Professionalism, Canadian Medical Association*

In its landmark decision in *Carter v. Canada*, the Supreme Court of Canada unanimously struck down the ban on physician-assisted suicide. One year later, our experts will explore the far-reaching implications of this case on those involved in the health care sector. Whether you are a health law practitioner, management or counsel working in health care institutions, long-term care or retirement homes, or a licensed medical professional, you will benefit from this thoughtful and practical discussion about the changing landscape of end of life care.

Topics include:

- What the government has done so far: recommendations and outcomes from the government-appointed panel
- The Canadian Medical Association's approach
- Assisted death: a medical, ethical or legal decision?
- Federal versus provincial approaches to enacting appropriate legislation and respecting the Supreme Court's ruling
- Sticking points and controversies
- Practical implications- what your organization needs to be doing now

WHO SHOULD ATTEND

- Lawyers working in the areas of wills and estates, estate litigation, family law, elder law and health law
- In-House Counsel for Long-Term Care or Retirement facilities
- Managers, Administrators and Operators of Long-Term Care or Retirement facilities
- Directors of Care
- Social Workers
- Risk Managers
- Patient Care Advocates

Here's what participants said about past *OsgoodePD* elder law programs:

"A MUST SEE PROGRAM FOR ANY PROFESSIONAL WHO DEALS WITH ELDERLY PERSONS. AS AN ESTATE PLANNING AND TAX LAWYER I FOUND THE SECTIONS ON LONG-TERM CARE HOMES AND ELDER ABUSE ESPECIALLY USEFUL AS IT GAVE ME A HOLISTIC VIEW OF ISSUES AFFECTING THE ELDERLY. "

Georgia Swan, *HGR Graham Partners LLP*
- attended *Advising the Elderly Client*, 2014

"THE SUBSTANTIVE LEGAL COMPONENTS OF THE PROGRAM WERE VERY INFORMATIVE."

Cate Grainger, *Harrison Pensa LLP*
- attended *Advising the Elderly Client*, 2014

REGISTRATION

EARN CPD HOURS AND UPDATE YOUR KNOWLEDGE
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The 2016 OsgoodePD Elder Law Webinar Series

Fee Per Delegate

\$150 plus HST per session.

\$695 plus HST for the entire series.

Boardroom rate: Please inquire for pricing and tech requirements.

Cancellations and Substitutions

Substitution of registrants is permitted at any time. If you are unable to find a substitute, a full refund (less \$50 administration fee) is available if a cancellation request is received in writing 2 days prior to the program date. No other refund is available.



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



Eligible CPD/MCLE hours:

SERIES:

Eligible CPD/MCLE hours: LSUC (ON):
8.75 CPD Hours (7.75 Substantive; 1.0 Professionalism)

EACH SEGMENT:

Eligible CPD/MCLE hours: LSUC (ON):
1.25 Substantive CPD Hours/session

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

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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.

Dates & Time

7 lunchtime sessions
January 14 - April 7, 2016
12:00 p.m. - 1:15 p.m. EDT/EST

Location

Webinar
Online Attendance Only



4 Convenient Ways to Register

1. **MAIL** your registration form to:
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Downtown Toronto Conference Centre
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