

2010 CANADIAN CONFERENCE ON ELDER LAW
DRAFT PROGRAMME

	FRIDAY OCTOBER 29	SATURDAY, OCTOBER 30
	STREAM 1: AGEISM AND THE LAW STREAM 2: ACCESS TO JUSTICE FOR OLDER ADULTS STREAM 3: LAW REFORM AND OLDER ADULTS	
7:30 – 8:30	REGISTRATION AND BREAKFAST	BREAKFAST
8:30 – 10:00	<p style="text-align: center;">Conference Opening</p> <p>Welcome to the Conference: LCO Chair of the Board of Governors Larry Banack BCLI Executive Director Jim Emmerton ACE Executive Director Judith Wahl</p> <p style="text-align: center;">Keynote Address LAW REFORM AND ACCESS TO JUSTICE FOR ABORIGINAL OLDER ADULTS</p> <p>Introduction of the Keynote Speaker: Janet Minor, Law Foundation of Ontario, Board of Trustees</p> <p>Keynote Speaker: Honourable Murray Sinclair, Truth And Reconciliation Commission</p> <p>Thanks to the Keynote Speaker: Dr. Patricia Hughes, Executive Director, LCO</p>	<p style="text-align: center;">Plenary Session</p> <p style="text-align: center;">MAKING THE SHIFT TO A RIGHTS-BASED APPROACH</p> <p>Moderator: Judith Wahl, Executive Director, ACE</p> <p>Panelists: Barbara Hall, Chief Commissioner, Ontario Human Rights Commission Dr. Jane Barratt, Secretary General, International Federation on Ageing</p>
10:00 – 10:20	BREAK	BREAK
10:20 – 11:50	<p style="text-align: center;">Breakout Session 1</p> <p><u>Stream 1:</u> Designing the Law to Include Older Adults Lauren Bates, LCO</p> <p><u>Stream 2:</u> Protection of the Rights of Seniors – the Retirement Home Example</p> <ul style="list-style-type: none"> • Moderator: Lisa Romano (ACE) • Lisa Romano, ACE 	<p style="text-align: center;">Breakout Session 4</p> <p><u>Stream 1:</u> Ageism and Age-Based Criteria in the Law</p> <ul style="list-style-type: none"> • Moderator: Lauren Bates, LCO • Professor Tom Klassen, York University: The Elimination of Mandatory Retirement: Unfinished Business • John McKinnon, Executive Director, Injured Workers' Clinic: Age-Based Criteria in the <i>Workplace Safety and Insurance Act</i>

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	<ul style="list-style-type: none"> • Canadian Centre for Elder Law (tbc) • Mark McMackin, Ricketts Harris <p><u>Stream 3:</u> Good Law and Bad Practice: First Available Bed Policies</p> <ul style="list-style-type: none"> • Moderator: Kirsten Manley-Casimir, LCO • Jane Meadus, ACE: First Available Bed – Law and Policy in Ontario • Elizabeth Currie, Chancellor Park Nursing Home and Henry Kielley, Eastern Health and Long Term Care – First Available Bed Policies in Newfoundland <p><u>Other:</u> Contrasting Concepts of Capacity: Practical Challenges and a Model for Dialogue (workshop)</p> <ul style="list-style-type: none"> • Professor Nina Kohn, Syracuse University College of Law • Professor Mary Helen McNeal, Syracuse University College of Law • Professor Amy Campbell, SUNY Centre on Bioethics and Humanities <p><u>Other:</u> Substitute Decision-making and End of Life Planning (workshop)</p> <ul style="list-style-type: none"> • Cindy Clarke, Borden Ladner Gervais • Ira Parghi, Borden Ladner Gervais • Gene Norvaisa, Providence Health Care 	<p><u>Stream 2:</u> Capacity and Access to the Legal Representation</p> <ul style="list-style-type: none"> • Graham Webb, ACE • Tess Sheldon, ARCH Disability Law Centre: Capacity and Access to Administrative Tribunals • Marshall Swadron, Swadron Associates: Amicus Curiae and Section 3 Representation <p><u>Stream 3:</u> Research, Law Reform and Older Adults:</p> <ul style="list-style-type: none"> • Moderator: Mohan Sharma, LCO • Margaret Easton, Meridian Aging Project: Law Reform and An Interdisciplinary Approach to the Study of Aging • Cheluchi Onyemelukwe, Dalhousie University Law School: Research involving Elderly Persons: An Examination of Neuroethical and Legal Concerns • Professor Sheila Wildeman, Schulich School of Law, Dalhousie University: How do Canadians Understand the Law on Substitute Decision-Making About Research? <p><u>Other:</u> Risk Mitigation? Or Supporting the Elderly in Choosing to Live at Risk? (workshop)</p> <ul style="list-style-type: none"> • Frank Wagner, University of Toronto Joint Centre for Bioethics • Mark Handelman, Health Law Matters <p><u>Other:</u> Ontario's New Long-Term Care Homes Act – Impact on Consent and Capacity Issues</p> <ul style="list-style-type: none"> • Frances Patterson, Law Commission of England and Wales • Jane Meadus, ACE • Cindy Clarke, Borden, Ladner Gervais • Joaquin Zuckerberg, Consent and Capacity Board
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<p>12:00 – 1:30</p>	<p style="text-align: center;">Lunch</p> <p style="text-align: center;">LAW SCHOOLS AND THE LAW AS IT AFFECTS OLDER ADULTS: A CONVERSATION</p> <p>Moderator: Professor Kim Dayton, William Mitchell College of Law</p> <p>Panelists: Professor David Freedman, Faculty of Law, Queen’s University Professor Anthony Duggan, Faculty of Law, University of Toronto Judith McCormack, Executive Director, Downtown Legal Services, University of Toronto Doug Ferguson, Director, Community Legal Services, University of Western Ontario Professor Gemma Smyth, University of Windsor Faculty of Law</p>	<p style="text-align: center;">Lunch</p> <p style="text-align: center;">LAW REFORM AGENCIES, OLDER ADULTS AND THE LAW REFORM PROCESS</p> <p>Moderator: Lorne Sossin, Dean, Osgoode Hall Law School</p> <p>Panelists: Dr. Patricia Hughes, Executive Director, LCO Justice Marcia Neave, Supreme Court of Victoria, Court of Appeals Frances Patterson, Q.C., Public Law Commissioner, Law Commission of England and Wales</p>
<p>1:30 – 3:00</p>	<p style="text-align: center;">Breakout Session 2</p> <p><u>Stream 1:</u> Moving Past Systemic Ageism in Guardianship</p> <ul style="list-style-type: none"> • Ann Soden, National Institute of Law, Policy and Aging and Centre for Law and Aging <p><u>Stream 2:</u> Technology and Access to Justice</p> <ul style="list-style-type: none"> • Kathryn Bullon, Community Law School, and Margaret Capes, University of Western Ontario Law School: Training Frontline Workers in the Basics of Elder Law Issues • Judith Wahl, ACE • Fiona MacCool, Community Legal Education Ontario <p><u>Stream 3:</u> Approaches to Law Reform: The Example of Advance Care Planning</p> <ul style="list-style-type: none"> • Federation of Law Reform Agencies of Canada 	<p style="text-align: center;">Breakout Session 5</p> <p><u>Stream 1:</u> Autonomy, Independence, and the Law Affecting Older Adults</p> <ul style="list-style-type: none"> • Moderator: Lauren Bates, LCO • Diane Wintermute, ARCH Disability Law Centre: From De-Institutionalization to Re-Institutionalization • Professor Joan Harbison: Ageism, the Right to Autonomy and Adult Protection Legislation • Professor Kurt Eggert, Chapman University School of Law: Advance Care Directives and the Illusion of Autonomy <p><u>Stream 2:</u> Access to Legal Services</p> <ul style="list-style-type: none"> • Laurie Joe, West End Legal Services, and Kwesi Baffoe: Many Clouds, No Rain

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	<p><u>Other:</u> Least Restrictive Alternative, Limited Guardianship and the Ward's Autonomy: Trends in the U.S. and Canada in the 21st Century (panel)</p> <ul style="list-style-type: none"> • Professor Rebecca Morgan, Stetson University College of Law • Laura Watts, Canadian Centre for Elder Law • Ed Boyer, Boyer & Jackson PA, President Elect of the National Association of Elder Law Attorneys <p><u>Other:</u> Issues in Capacity and Guardianship</p> <ul style="list-style-type: none"> • Kim Whaley, Whaley Estate Litigation: Legal Capacity to Marry and the Estate Plan • Wendy Griesdorf, Estate Litigation Counsel: Physicians and Patients with Marginal Capacity • Saara Chetner, Office of the Public Guardian and Trustee: "Can't Buy Me Love" – Lessons From High Conflict Guardianship Litigation 	<ul style="list-style-type: none"> • James Pietsch and Lenora Lee, University of Hawaii Elder Law Program: Access to Justice for Older Adults in Hawaii • Deanna Johnson, ONPEA: Accessing Justice for Seniors • Joan Braun, BCCEAS- Elder Law Clinics in a Multidisciplinary Environment <p><u>Stream 3:</u> The Law of Capacity in Ontario: A Case Study in Law Reform</p> <ul style="list-style-type: none"> • Moderator: Kirsten Manley-Casimir, LCO • Mary Jane Dykeman, Dykeman Dewhurst O'Brien Health Law: History of Ontario's Law Reform Regarding Capacity • Ontario Bar Association (tbc): Current Law Reform Issues Regarding Capacity • Michael Bach, Canadian Association for Community Living, and Lana Kerzner: A New Paradigm for Protecting Autonomy and the Right to Legal Capacity <p><u>Other:</u> Emerging Research and New Researchers</p> <ul style="list-style-type: none"> • Moderator: Miriam Stein, Rachlin & Wolfson • Kristine Connidis, University of Toronto: Old Age and Judicial Appointment: A "Jungian" Perspectives • Rachel Bakke and Kia Thrasher, William Mitchell College of Law: Delegation of Limited Parental Authority • Andrea Domaskin, William Mitchell College of Law: Overcoming Challenges Faced by Crime Victims with Developmental Disabilities <p><u>Other:</u> The Power and Potential of Story (workshop)</p> <ul style="list-style-type: none"> • Rick Goralewicz and Paula Wood, Legal Aid Services of Oklahoma
3:00 – 3:20	BREAK	BREAK

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<p>3:20 – 4:50</p>	<p style="text-align: center;">Breakout Session 3</p> <p><u>Stream 1: Identifying Elements of an Anti-Ageist Approach to the Law</u></p> <ul style="list-style-type: none"> • Moderator: Lauren Bates, LCO • Professor David Freedman, Queen’s University: The Principle of Dignity and Older Adults • Professor Maneesha Deckha, University of Victoria: Reason, Aging and Dignity • Magnus Eze, Parliamentary Consultant, Nigeria: Old Age Legislation in Nigeria • Professor Emerita Gerda Kaegi, Ryerson University, Canadian Pensioners Concerned <p><u>Stream 2: Developing Effective Complaints Mechanisms</u></p> <ul style="list-style-type: none"> • Karen Slater, Karin Fairchild, Priti Sachdeva and Karyn Wasserstein, Ministry of Health and Long Term Care: Reforms to Compliance under the New <i>Long Term Care Act</i> • Carly Hyman, B.C. Ombudsperson: Effective Complaints Resolution Processes • Christine Elliot, Solicitor: Transition between Normal Residency Laws to a Care Based Model of Dispute Resolution <p><u>Stream 3: Including Older Adults in the Law Reform Process</u></p> <ul style="list-style-type: none"> • Moderator: Dr. Patricia Hughes, LCO • Professor Kevin Willison, Lakehead University: Law Reform for Older Adults Through Collaborative Practice • Colleen Sonnenberg and Bella Fox, Ministry of Health and Long Term Care: The <i>Long Term Care Homes Act</i> – A Consultation Process • Bea Levis <p><u>Other:</u> TBD</p> <p><u>Other:</u> Gender, Age and the Law</p> <ul style="list-style-type: none"> • Moderator: Kirsten Manley-Casimir, LCO • Professor Claire Young, University of British Columbia: Pensions, 	<p style="text-align: center;">DISTINGUISHED LECTURE IN ELDER LAW (3:20 – 4:30 pm)</p> <p>Introduction of the Distinguished Lecturer: tbd</p> <p>Distinguished Lecturer: The Honourable Judge Nancy Flatters, Alberta Provincial Court</p> <p>Thanks to the Distinguished Lecturer: tbd</p>
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	<p>Privatization and Poverty: The Gendered Impact</p> <ul style="list-style-type: none"> • Professor Kim Dayton, William Mitchell College of Law: Health Care Reform in the U.S. 	
4:50 – 5:00	WRAP UP	CONFERENCE CLOSING (4:30 – 4:45 pm)
5:30 – 7:00	RECEPTION	
7:00 – 9:00	<p>Conference Dinner:</p> <p>HONOURING THE ADVOCACY CENTRE FOR THE ELDERLY – PROMOTING ACCESS TO JUSTICE FOR OLDER ADULTS</p> <p>Welcome: Murray Segal, Deputy Attorney General, Ontario</p> <p>KEYNOTE ADDRESS:</p> <p>Introduction of Keynote Speaker: John McCamus, Legal Aid Ontario</p> <p>Keynote Address: Roger Smith, JUSTICE</p> <p>Thanks to the Keynote Speaker: Suzan Fraser, Fraser Advocacy</p>	