

Hull on Estate and Succession Planning Podcast #31

Canadian Conference on the Elderly

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Suzana Popovic-Montag: Hi, and welcome to Hull on Estate and Succession Planning. You are listening to Episode #31 of our podcast on Tuesday, October 24th, 2006.

Welcome to Hull on Estate and Succession Planning, a series of podcasts hosted by Ian Hull and Suzana Popovic-Montag, that will provide information and insights into estate planning in Canada, from the offices of Hull Estate Mediation in Toronto, Ontario, Canada. Here are Ian and Suzana.

Suzana Popovic-Montag: Hello there, Ian.

Ian Hull: Hi Suzana.

Suzana Popovic-Montag: How are you today?

Ian Hull: Great.

Suzana Popovic-Montag: That's good.

Ian Hull: We are just coming off our whirlwind tour of having spoken in Calgary, Edmonton and Vancouver and then I carried on and went to Quebec City and Thunder Bay.

Suzana Popovic-Montag: It's been, as you say, quite the whirlwind.

Ian Hull: So, one of the things that I was really excited about when we were in Vancouver last, it seems a while ago now, we were at the Conference, the Canadian Conference on the Elderly, and it's put on by the, the group is actually known as the Canadian Center for Elder Law and the Canadian Conference on Elder Law which is held annually at Vancouver, BC. We had the opportunity to speak at the conference but also to attend and enjoy some of the terrific continuing legal education seminars that were put on. I can say without a doubt it is the leading resource now, I think, in Elder Law and learning about Elder Law and I think a lot of, well, there were some great people that put a ton of work into it. Arthur Close is the Executive Director, but Laura Watts, who's the Program Director, whom I've meant over the years, is just an unbelievably tireless worker and put on a terrific program. It was a two-day seminar, it started on the Friday but the real learning happened on the Saturday and Sunday. So that was great fun and I think we can talk a little bit about as we go into the podcast. But what struck me as we were walking down to go speak at the seminar and having looked at the Financial Post on Saturday, October 14th, 2006, I thought it was an interesting, there was a great article under the, just beside by William Hanley about retirement. And the article is called "*Battle of the Ages*" and I thought it was very timely, given what we were about to speak

on and the Elder Law issues that we were going to speak about. And the article was fascinating, talking about the population of the United States and the fact that just this week, or well, that week that the article came out, the population of the United States globally went just over three hundred million and the article went on to talk about how that impacts on Elder issues.

Suzana Popovic-Montag: And it was a really timely article, Ian, because, as you say, we were just walking over to the conference to talk about these very issues that arise in these situations and it's just amazing to see that, you know, it touches every level of our lives. There's not only the fact that people are aging and that the baby boomer generation now is moving, you know, at a really big fat rate, it really is quite surprising with the baby boomer generation and the fact that they are at this point in time where we are all as a society considering the implications of this large influx of people who are going to need care, who are going to need special considerations. And that, also coupled with the fact that there is so much of the mental illness and capacity issues that arise in those circumstances, it really is quite remarkable.

Ian Hull: Yeah, I really liked the article because it talks about a different angle of the sort of the Elder Law issue and the debate over what to do with all these older people is. And the theme of the article is that it's becoming more and more tense, and there are more and more issues that are being raised between the two generations, that being the generation looking after the elderly, either directly or indirectly financially, and the elderly generation itself.

Suzana Popovic-Montag: And the fact is, it's not just restricted to the baby boomer generation, because they're basically saying, and they point out in the article, you know, that sixty is now the new fifty. And that's going to mean that, you know, seventy-five, for instance, is going to be the new sixty-five for retirement purposes and people are just living longer and we've got to sort of factor that into the way that we plan for the future.

Ian Hull: So anyway, I thought it was, you know, sort of a timely article and something worth looking at. Alright, so let's spend a couple minutes now just talking about the conference itself. That being the CCLE Conference. Now what struck me was the resources that were made available at this, and we had a tremendous series of booths that we could walk through and talk to people at the conference and again, we continued to learn about that. But the sessions themselves were terrific, the opening session was put on with Arthur being the Executive Director and Laura at the podium and Robert Gordon from Simon Fraser University. But they moved into the plenary session where Jane Matis of the Institutional Advocate at the Advocacy Center for the Elderly spoke, talking about the review of the admissions of the alleged incapable persons in long-term care facilities, and I thought that was a terrific session and learned a lot.

Suzana Popovic-Montag: Well, she did a great job, Ian, and it really opened up a really interesting question period afterwards and there were a lot of questions that came from all over the place. And there was actually a doctor there who made some really telling comments as well, and that always helps with, you know, from a legal perspective,

looking at other peoples' perspectives, particularly the medical, in these kinds of circumstances.

Ian Hull: So after the opening session, we moved into our session and when I say our session, the one that you and I spoke at, but it really wasn't our session, it was put on by a group of us and we spoke about various Elder Law issues.

Suzana Popovic-Montag: And that was a really great one chaired by Allan Boguts. And Allan is a certified Elder Law specialist and fellow of the NAELA. He's a really nice guy who did a great job, sort of, herding us all together and making our presentations really work nicely. We met Richard Gorlowitz who was an individual who came from Oklahoma and he was a great speaker who talked about, you know, Elder Law issues sort of outside the box. And he gave us some really great war stories that he talked about and they were very, very interesting. And we met Radar Mogergerman, who talked about using class actions as instruments of public policy and he had a really interesting perspective in terms of his view of how these matters could proceed or how protections could come about for elderly people through class actions. And then lastly, we had Helen Wheeler who was a student, who wrote the paper basically, that won the prize for the using class actions to address neglect in nursing homes, and she did a really good presentation on the issues that arise in those kinds of circumstances.

Ian Hull: And you can't forget your terrific presentation on the whole issue of how the courts are dealing with Elder Law and Elder Law issues. So it really turned out to be a very exciting session and we kept moving through the conference and enjoyed some other terrific events and also terrific learning experiences. But for those of you that might be interested in learning more about Elder Law, this is an annual conference and it is, this is our first time coming, but I'm sure we'll be back many more times because it's a terrific opportunity. It's the one and only Canadian Conference on Elder Law that really sets the mark.

Suzana Popovic-Montag: And they've already set the date, as you know, Ian, for the 2007 conference, so anyone who's interested can really look into that sometime in November of 2007.

Ian Hull: Great, well let's just, cause we're on the conference, I thought we might spend a minute now just talking about some of the resources that we bumped into, that I think are worth highlighting and again, you know, I mean these are dealing with Elder Law issues and dealing with the elderly is difficult enough. But if you don't know where to turn, it can be almost impossible and very daunting. On the Elder Law side, before we get to the resources side that we bumped into, I just thought it was interesting, the British Columbia Law Institute was there and they had given us sort of a little bit of their background and they gave us, of course, a copy of their annual report for 2006. And it's an interesting and fascinating group. Their mission is, is that it was created in 1997 by, under provincial Act in British Columbia, but the purpose of the Institute is to work toward the improvement and modernization of the law and the administration of and access to justice. And really we used to have an Ontario Law Reform Commission in

Ontario, used to be very forward thinking and used to be a great resource and the British Columbia Law Institute seems to be, actually because the Law Reform Commission in Ontario is long gone, seems to have really set the mark and moved things forward, really much forward thinking events. What are some of the things, then, Suzana that they, remember we went through with them and they talked a little bit about some of the projects they have on the go.

Suzana Popovic-Montag: Yes for sure, they talked about, you know, how they've used the provincial government's support to bring about a number of projects that they could participate in and try to move forward. And they also interestingly referred to the Canadian Center for Elder Law Studies in their report and, you know, sort of talked about how the program is being carried out, what projects it's looking to and how it wants to move those forward as well.

Ian Hull: It also highlighted some of the great work that the Canadian Center for Elder Law Studies have done, and to be clear, that they are, the Canadian Center for Elder Law Studies is a division of the British Columbia Law Institute. And what they did was they highlighted some of the great work that the CCEL have done over the years and I just thought it was great to learn a little bit more about their parent company, so to speak, that being the British Columbia Law Institute.

Suzana Popovic-Montag: They also had a neat little section in there about reverse mortgages and viatical settlements and things like that, and we've blogged on that in the past, and so it was just kind of neat to see, you know what, these issues are everywhere and they're forefront.

Ian Hull: Alright, what I'd like to do is, we're not going to be able to fit in all of what we went and enjoyed at the conference in this podcast, and probably at our next podcast we'll walk through some of the interesting resources that we also bumped into and learned about at the conference. So at this point then, why don't we wind up this podcast and we'll deal with some more aspects of the Elder Law Conference during our next podcast and we'll go from there.

Suzana Popovic-Montag: Well thanks very much, Ian.

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