

Elder Law Section Report 2020-2021

From September 2020 to June 2021 the Section has arranged, presented, participated in or planned the following:

1. December 21, 2020

The Elder Law Section organized a presentation entitled "Update on MAID". The presentation was made by Sharon Tod, Chair of the Section. The discussion included the planned changes in the federal legislation for Medical Assistance in Dying.

2. January 22, 2021

The Elder Law Section was a co-sponsor with the Wills, Estates and Trusts Section of a presentation entitled "A Few Shades of Grey...Attorney's Compensation and the Court's Dispensation Power". Presenters included Master Patterson, Ian Scarth, and Sharon Tod. The moderator was Charlotte McCurdy. This session dealt with certain grey areas of estates practice such as compensation for attorneys acting under power of attorney, and Section 23 of The Wills Act and the court's ability to dispense with formalities in order to give effect to a deceased's testamentary intentions.

3. January 29, 2021

The Elder Law Section organized a presentation for the Elder Law/Health Law students at the University of Manitoba. The session was an information session on Elder Law and was also to encourage students to become members of the CBA/MBA.

4. June, 2021

The Elder Law Section is planning a session in concert with the Small, Solo and General Practice Section, the Wills, Estates and Trusts Section and the Law Society of Manitoba entitled "Who is my client? Balancing Ethical Obligations, Family Dynamics and Business Considerations in Wills, POAs and HCDs for older clients." This session will discuss issues when a family member contacts the lawyer on behalf of an aged parent. Speakers and dates to be determined.

Legislative and Regulatory Amendments

- In November, 2020 the provincial government passed legislation to eliminate probate fees.
- On March 17, 2021 the federal government passed new legislation on Medical Assistance in Dying.
- The Manitoba Law Reform Commission is undertaking a review of the legal landscape of abuse and neglect of older adults in Manitoba, to consider whether

the relevant laws, policies, and systems that are currently in place are sufficient to address the abuse and neglect of older persons living across the Province. In order to consider these issues in an informed manner, the MLRC intends to undertake this review in a series of reports, which will begin with an analysis of what elder abuse and neglect looks like in Manitoba today for older adults living in the community. Sharon Tod is part of an Advisory Committee for this review.

Submitted by,
Sharon Tod, Chair, MBA Elder Law Section