

NEWFOUNDLAND AND LABRADOR CONTINUING LEGAL EDUCATION

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**The Court of Appeal's Decision in *A.A. (Re)* and its Impact on the
Law of Guardianship in Newfoundland and Labrador**

Monday, May 13, 2019

9:30 am – 12:00 pm (Registration begins at 9:00 am)

3rd Floor, Law Society Building, 196-198 Water Street, St. John's, NL

Seminar Overview:

In *Re A.A.*, the Newfoundland and Labrador Court of Appeal has affirmed that the Supreme Court General Division may grant general orders for a unique form of guardianship of adults who live with a mental disability. Commonly known as “Guardianship of the Person”, this kind of order gives the Court-appointed guardian the plenary authority to legally represent the disabled adult and to make future personal decisions, including medical decisions and decisions related to their day-to-day living. Such an Order provides for representative decision-making with respect to everything other than the property and finances of the person living with the disability. The distinction between “Guardianship of the Person” and “Guardian of Property” is a historic feature of the common law and of statute-based regimes for substitute decision making that have supplanted the common law.

This seminar will touch on the historical approach to obtaining an order for Guardianship of the Person in Newfoundland and Labrador and then highlight and discuss the principles that must now be followed to ensure that Guardianship of the Person orders are granted only in appropriate circumstances.

This seminar is being delivered in collaboration with the Wills, Estates, and Trusts section of the Canadian Bar Association.

Seminar Presenters:

Hon. Justice J. Derek Green

Born in St. John's, Newfoundland and Labrador, Justice Green was educated at Memorial University of Newfoundland, Dalhousie Law School, and Oxford University (where he studied as a Rhodes Scholar). He practiced law with the firm Marshall, White, Ottenheimer & Green (later White, Ottenheimer & Green) and was appointed Queen's Counsel in 1987. He served as President of the Law Society of Newfoundland (1990-91) and Chair of the Newfoundland Law Reform Commission (1987-1991).

Justice Green was appointed to the Supreme Court of Newfoundland & Labrador, Trial Division in 1992 and was elevated to the Newfoundland & Labrador Court of Appeal in 1996. He was appointed Chief Justice of the Supreme Court of Newfoundland and Labrador, Trial Division in 2000. He was later appointed Chief Justice of Newfoundland and Labrador in 2009, a role he occupied until electing supernumerary status in 2017.

Lynne Butler

Lynne graduated from UBC law school and was called to the bar in Alberta in 1986. Her enjoyment of wills and estates law began early, and this grew into a passion over the years. After more than 30 years, thousands of wills drawn and hundreds of estates probated, Lynne joined a leading trust company and worked as an estate planner for a further seven years. She now works in her home province of Newfoundland and Labrador.

Lynne has appeared on, or been interviewed by, CPAC, CityTV, Global TV, BNN, CBC Radio, the Wall Street Journal, the Globe and Mail, the Vancouver Province, the Edmonton Journal, the Toronto Star, the Montreal Gazette, Canadian Lawyer Magazine, Today's Parent Magazine, Caregiver Solutions Magazine, Advisor's Edge Magazine and Maclean's Magazine, as well as several websites.

Douglas Wright

Douglas graduated from Queen's University with the degree of LL.B. (1998) and has an LL.M. from the University of Ottawa (2001). In 1999-2000 he articulated as a law clerk at the Federal Court of Appeal.

Douglas practiced corporate and commercial law at the Ottawa office of a national law firm until returning to St. John's and was admitted to the bar in Newfoundland and Labrador in 2003, practising at Patterson Palmer (now Cox & Palmer) since that time. As counsel at Cox & Palmer, Douglas practices primarily in the areas of corporate and taxation law and estate and trust law.

Douglas is an elected Bencher of the Law Society of Newfoundland and Labrador has been an instructor in the Bar Admission Course of the Law Society of Newfoundland and Labrador for more than 10 years. He is a frequent presenter to industry and professional groups on topics of taxation and business law. He is an active member of the Canadian Tax Foundation and has presented a number of papers at the Foundation's Atlantic Provinces Tax Conference. Douglas has also been on the organizing committee for the Foundation's biennial St. John's Tax Conferences in 2014, 2016 and 2018.

Melissa Saunders

Melissa Saunders is an Associate at Cox & Palmer, with a diverse litigation and dispute resolution practice.

Melissa has particular expertise in estates and trusts, representing beneficiaries, trustees and executors on will challenges, contested passings of accounts and breach of trust claims. She also has experience providing counsel on contentious guardianships and power of attorney disputes. In addition to litigation, Melissa regularly provides counsel to executors in ongoing estate administration matters.

Melissa is a member of the Canadian Bar Association and is the current section chair for the Wills, Estates and Trusts section for the Newfoundland and Labrador Branch. Melissa graduated from the Schulich School of Law in 2013 where she was a recipient of the Schulich Scholarship. Prior to her return home to Newfoundland, Melissa articulated and gained three years of practice experience at an international law firm in Toronto where she practiced primarily in the area of estates and trusts litigation.

REGISTER ONLINE BY CLICKING THE FOLLOWING LINK:

https://zoom.us/webinar/register/WN_zlpFUhIRjuYtKQyeDv9Fw

Registration Fee: \$115.00 (\$100.00 + 15% HST)

HST # R108086463

Registration Includes:

1. Seminar attendance
2. Light refreshments

PLEASE NOTE: YOUR SPACE WILL NOT BE CONFIRMED UNTIL PAYMENT IS RECEIVED AND REFUNDS WILL NOT BE ISSUED FOR CANCELLATION AFTER May 10, 2019.

CLE Credit: 2.5 hours