

# **JAN GODDARD**

## *Curriculum Vitae*

Jan Goddard received the 2020 Award of Excellence from the Trusts and Estates Section of the Ontario Bar Association.

Jan is the founding partner of Goddard Gamage LLP, a firm established in 1999. The firm's focus is in the areas of elder law, guardianship, capacity and power of attorney litigation, estate litigation, wills, trusts and powers of attorney and estate administration. The firm has been named four times by Canadian Lawyer magazine as one of the Top Wills, Trusts and Estates boutique law firms in Canada. Jan has been recognized in The Best Lawyers in Canada in the field of Trusts and Estates (2009-2021) and was 2020 Lawyer of the Year for Trusts and Estates, Toronto Region.

Jan has recognized expertise in elder abuse, and has been consulted by the joint Federal/Provincial/Territorial Elder Abuse Working Group. Jan was a member of the advisory group to the Law Commission of Ontario's project on Legal Capacity, Decision-making and Guardianship, which delivered its final report in March 2017. She was counsel at the Office of the Public Guardian and Trustee from 1989 to 1999. Jan co-chaired the Canadian Elder Law Conference in Vancouver in 2015, 2017 and 2019. Jan is a Distinguished Fellow of the Canadian Centre for Elder Law, and spent 15 years as a senior volunteer with WoodGreen Community Services and the WoodGreen Foundation, one of Canada's leading social service agencies.

### **Articles, papers and presentations**

"IS MY WORK DONE? Consideration of the Question of When Section 3 Counsel's Role is at and End", Your Comprehensive Guide to Section 3 Counsel Under the Substitute Decisions Act, Ontario Bar Association, October 26, 2020

"Powers of Attorney for Personal Care: Through the Pandemic and Beyond", 23 Annual Estates and Trusts Summit, Law Society of Ontario, October 8, 2020

"Bridging the Gap: Elder Law for Everyone", co-chair, 2019 Canadian Elder Law Conference, November 14-15, 2019

"Public Appeals: A Practitioner's Guide", 22<sup>nd</sup> Annual Estates and Trusts Summit, Law Society of Ontario, October 17, 2019 (paper co-authored with Brittany Miller)

"Passing of Accounts Relating to Guardianships: A Day of Reckoning for Guardians of Property and Their Lawyers", 21<sup>st</sup> Annual Estates and Trusts Summit, Law Society of Ontario, October 10, 2018 (paper co-authored with Jessie Lamont)

"Guardianship and Powers of Attorney: A Primer", Certificate in Elder Law, Osgoode Professional Development, February 14, 2018 and February 12, 2019

"Capacity – Overview of the Law", University of Toronto, Faculty of Medicine, Division of Geriatric Medicine Annual Retreat, December 6, 2017

"Coming of Age: Elder Law in Canada and Its Future", co-chair, 2017 Canadian Elder Law

Conference, November 2-3, 2017

“Media - Are Your Lawyers on the Media’s Speed Dial?”, moderator, Ontario Bar Association, October 19, 2017

Certificate in Elder Law, co-director and presenter, Osgoode Professional Development, April 5, 20, 26, May 3, 10, 2017

“What is an Elder Law Practice?”, Ontario Bar Association, November 16, 2016

“Estate and End of Life Planning – Legal, Medical and Ethical Considerations”, panel discussion, 19<sup>th</sup> Annual Estate and Trusts Summit, Law Society of Upper Canada, November 4, 2016

Certificate in Elder Law, co-director and presenter, Osgoode Professional Development, April 5, 12, 19 and May 3 and 10, 2016

“The Annotated Guardianship Application”, co-chair, Law Society of Upper Canada, February 25, 2016

“The Journey of Ageing - The Law and Beyond”, co-chair, 2015 Canadian Elder Law Conference, November 12-13, 2015

“The Intersection of Law and Medicine in Long-Term Care”, Ontario Long-Term Care Physicians Annual Conference, October 25, 2015

“The *Substitute Decisions Act* at Twenty”, 18<sup>th</sup> Annual Estates and Trusts Summit, Law Society of Upper Canada, October 7, 2015

“Mentorship”, Ontario Bar Association, September 16, 2015

“Family Law and the Elderly Client”, co-chair, Law Society of Upper Canada, June 9, 2015

“Questions about Elder Abuse (and Some Answers)”, The Six-Minute Estates Lawyer 2015, Law Society of Upper Canada, May 6, 2015

Certificate in Elder Law, Co-Director and Presenter, Osgoode Professional Development, March 24, 31, April 16, 30 and May 13, 2015

“Real Estate and The Elderly Client”, co-chair, Law Society of Upper Canada, May 15, 2014

“Guardianship Applications”, Institute of Law Clerks of Ontario Annual Conference, May 9, 2013

“Personal Care Planning”, STEP Canada - Toronto, May 8, 2013

“Powers of Attorney - Safekeeping and Other Practical Considerations”, The Six-Minute Estates Lawyer 2013, Law Society of Upper Canada, April 24, 2013

“Canadian Powers of Attorney - Cross Border Issues” (paper co-authored with Kathryn Balter), presentation and participation in two panel discussions, National Elder Law Conference, Canadian Bar Association, April 16, 2013

“Guardianship”, Panel Discussion hosted by Scotiatrust, November 19, 2012

“Decisions Decisions: Substitute Decision Making Legislation, where it has been and where it should go”, Panel Discussion, Canadian Conference on Elder Law, November 17, 2012

“Practice Management, Time Management and Marketing an Estate Practice”, Ontario Bar Association, October 23, 2012

“The Aging Population: Disputes at the other end of the Spectrum”, co-presented with The Honourable Justice Susan G. Himel and Susan Opler, Vice-Chair, Consent and Capacity Board, Superior Court of Justice (Ontario) Spring Education Seminar, May 10, 2012

“Introduction to the Canadian System”, co-presented with Laura Watts, Senior Fellow of the Canadian Centre for Elder Law, Annual Elder and Special Needs Law Conference of the National Academy of Elder Law Attorneys, Seattle, Washington, April 27, 2012

“The Annotated Guardianship Application”, Chair and Presenter, Law Society of Upper Canada, April 24, 2012

“Serving the Elderly Client: Best Practices and Practical Tips”, Osgoode Professional Development Centre, February 15, 2012

“Legislative Reform Relating to Legal Capacity”, co-presented with Judith Wahl, Executive Director, Advocacy Centre for the Elderly, Ontario Bar Association Institute 2012, February 9, 2012

“Guardianship and the Catastrophically Injured”, Ontario Trial Lawyers Association Spring Conference, May 26, 2011

“Older Women and the Law”, Faculty and Moderator at Judging Women: Aging, Mental and Health Culture, a conference jointly sponsored by the Canadian Chapter of the International Association of Women Judges, the National Judicial Institute and the Faculty of Law, University of British Columbia, May 12, 2011

“Lessons Learned - Substitute Decision Making Legislation in Ontario, Matters to Consider for the *Nova Scotia Personal Directives Act*”, Nova Scotia Elder Law Section of the Canadian Bar Association, April 4, 2011

“Serving the Elderly Client: Best Practices and Practical Tips”, Advising the Elderly Client, Osgoode Professional Development CLE, January 7, 2011

“Powers of Attorney”, Toronto Estate Planning Council, January 10, 2011

Panel discussion on elder mediation, Canadian Conference on Elder Law, October 29, 2010

“The *Substitute Decisions Act: A Law of Unintended Consequences*”, Special Lectures 2010:

A Medical-Legal Approach to Estate Planning, Decision Making and Estate Dispute Resolution for the Older Client, Law Society of Upper Canada, April 15, 2010

“The Fundamentals of *Substitute Decisions Act* Litigation”, Estate Litigation: A Primer, Ontario Bar Association, December 9, 2009

“Guardianship in Personal Injury Situations”, The Six-Minute Estates Lawyer, Law Society of Upper Canada, April 6, 2009

“The Lay of the Land: Essential Information for Lawyers about Reverse Mortgages and Long Term Care”, Estates and Trusts Summit, Ontario Bar Association, March 30, 2009

“Capacity and Other Issues in Power of Attorney and Guardianship Disputes”, Estates and Trusts Summit, Law Society of Upper Canada, November 2008

“Substitute Decision Making and Social Relationships”, co-presented with Alessandra P. Goulet, Canadian Conference on Elder Law, Vancouver, November 2008

“Deceptively Simple: Powers of Attorney, Their Drafting, Their Impact”, co-presented with Kimberly Whaley, Righting Wills IV: Essential Tips for Practitioners, Ontario Bar Association, May 2008

“Disability Planning: A look at the pros and cons of long term care insurance”, The Lawyer's Weekly, April 4, 2008

“Addressing Abuse and Neglect Through Public Guardianship: The Ontario Experience”, co-presented with Saara Chetner, Canadian Conference on Elder Law, Vancouver, November 2007

“Elder Law from the Frontlines”, Advocacy Centre for the Elderly, Annual General Meeting, November 2007

Elder Law Web Seminar, Canadian Bar Association, October 2007

“The Role of the Public Guardian and Trustee” and “Understanding Powers of Attorney for Personal Care”, Managing Legal Risks and Responsibilities in Mental Health Care, The Canadian Institute, April 2007

Chair and presenter – “The Annotated Guardianship Application”, Law Society of Upper Canada, February 2007

“Getting Started”, Institute of Continuing Legal Education, Ontario Bar Association, February 2007

“Wills, Powers of Attorney and the Elderly: A Practitioners Perspective”, LAWPRO Magazine, Winter 2007

“Executors' Liability for Costs”, Estates and Trusts Summit 2006, Law Society of Upper Canada, November 2006

“Intergenerational Wealth Transfer and Capacity Issues”, Canadian Conference on Elder Law,

Vancouver, October 2006

“Power of Attorney Remedies - Criminal versus civil remedies”, Elder Law: Your Growing Clientele, Law Society of Upper Canada, May 2006

“Legal/Ethical Issues”, Ontario Elder Abuse Conference, February 2006

“Ontario’s *Substitute Decisions Act*: Cases past and looking forward”, Estates and Trusts Summit 2005, Law Society of Upper Canada, December 2005

“Ontario’s *Substitute Decisions Act*: Cases past and looking forward”, Canadian Conference on Elder Law, Vancouver, October 2005

“Capacity to grant or revoke power of attorney”  
Powers of Attorney - A Practitioner’s Toolkit, Ontario Bar Association, October 2005

“Powers of attorney across Canadian jurisdictions”, Society of Trust and Estate Practitioners, September 2005

“Guardianship and power of attorney issues relating to personal care”, The Six-Minute Estates Lawyer, Law Society of Upper Canada, February 2005

“What the personal injury lawyer should know about estate mediation and why”  
Mediation is no mystery: Keep it simple, Ontario Bar Association, October 2004

“The Initial Meeting” Our clients’ needs: Real issues and practical solutions in serving the older client, Ontario Bar Association, June 2004

“Consent and capacity legislation in Ontario: When is capacity an issue?”  
Conundrums in cognition - Legal issues in capacity, Ontario Bar Association, May 2004

“Abuse in Personal Care Decision Making”, Ontario Elder Abuse Conference, March 2004

“Reporting to the attorney or guardian”, Institute of Continuing Legal Education, Ontario Bar Association, January 2004

“The lawyer’s obligations in representing a senior client”, Advocacy for Senior Clients, Law Society of Upper Canada, September 2003

“Legal issues and Alzheimers”, Bi-annual Symposium, Alzheimers Society of York Region, November 2002

“You say tomato: powers of attorney and their equivalent in other Canadian jurisdictions”  
Travelling the TransCanada Highway, Ontario Bar Association, October 2002

“The *Substitute Decisions Act*”, Capacity, consent and substitute decisions: An essential update, Law Society of Upper Canada, February 2002

“Capacity and guardianship issues: Update of *Substitute Decisions Act* case law”  
Institute of Continuing Legal Education, Ontario Bar Association, February 2001

“Guardianship of a plaintiff, Practical Strategies IV, Advocates’ Society, February 2000

**Education**

Bachelor of Arts	Queen’s University	1981
Bachelor of Laws	University of Toronto	1984
Bar Admission Course	Law Society of Upper Canada	1986
Certificate in Gerontology	Ryerson University	1996
Intensive Mediation Certificate	Osgoode Hall Law School	1999
Intensive Negotiation Certificate	Osgoode Professional Development	2014