NIMALI D. GAMAGE

Curriculum Vitae

Nimali is the Managing Partner at Goddard Gamage LLP in Toronto, Ontario, where she has been working as a lawyer since 2002. On seven separate occasions, the firm was named by Canadian Lawyer magazine as one of the top ten Trusts and Estates boutique law firms in Canada. The firm's focus is in the areas of guardianship, capacity and power of attorney litigation, elder law, estate litigation, preparation of wills, trusts and powers of attorney, and estate administration. In addition to these areas, Nimali's practice also has a special focus on Ontario Disability Support Program (ODSP) issues. Nimali has been recognized in The Best Lawyers in Canada (2014-2027) in the field of Trusts and Estates and in the Canadian Lexpert Directory. She is frequently asked to prepare and present papers for continuing legal education programs in her practice area and, in 2021, she was invited to create and teach the first Elder Law course at Osgoode Hall Law School as an adjunct professor and continues to do so.

Prior to working at Goddard Gamage LLP, Nimali worked as a lawyer for the Walkerton Inquiry with then Associate Chief Justice Dennis O'Connor and commission counsel. She has a long-held interest in issues related to health, disability, aging, and advocacy for the elderly and disabled.

Education

Bachelor of Arts	University of Windsor	1996
Bachelor of Laws *Cum Laude*	University of Ottawa	1999
Bar Admission Course Call to the Bar	Law Society of Upper Canada	2001
Certificate in Elder Law	Osgoode Hall Law School, Osgoode Professional Development	2015

Articles, papers and presentations

"Capacity Issues in Power of Attorney Litigation", paper and presentation, Ontario Bar Association (OBA), Estates and Trusts Conundrums in Cognition	May 17, 2004
"Key legislation – *Substitute Decisions Act, 1992*", paper and presentation, Law Society of Upper Canada (LSUC), Capacity, Consent and Substitute Decisions	Oct 28, 2004
"Wills, powers of attorney and living wills", Talk given to seniors, Senior People's Resources in North Toronto (SPRINT)	May 13, 2005

"Presented "Case of the month", *Fareed v. Wood*, OBA, Trust and Estates Section, dinner program	Sep 21, 2005
"Wills, powers of attorney, and living wills", Institute of Law Clerks of Ontario, Keynote speaker at dinner program	Nov 23, 2005
"Legal issues for caregivers", SPRINT, Talks given to groups of caregivers re powers of attorney and wills	2005 – 2009
"Case comment on *Fareed v. Wood*", OBA, Trusts and Estates Newsletter ("Deadbeat")	Jan 9, 2006
"Cross-country Powers of Attorney", paper and presentation, OBA, Probate and Incapacity Planning Across the Country	May 16, 2006
"Annotated Guardianship", precedents and presentation, LSUC, The Annotated Guardianship	Feb 20, 2007
"Wills and powers of attorney", St. David Village Nursing Home, Talk given to group of seniors	May 9, 2007
"Ontario Disability Support Program – Effects on settlement and early resolution conflict", paper and presentation, LSUC, Estates and Trusts Summit	Nov 6, 2007
"Ontario Disability Support Program (ODSP) – How to plan for inheritances and settlements to protect ODSP funding", paper and presentation, OBA, OBA Institute 2008	Feb 5, 2008
"Case comment on *Marcoccia v. Gill*" (authored with S. Chetner, counsel, Office of the Public Guardian and Trustee), OBA, Trusts and Estates Newsletter, Civil Litigation newsletter, and Insurance Law Newsletter	Feb 2008
"Topic 1: Your client's legal capacity to give instructions, Topic 2: Powers of Attorney", presentation, LSUC, The Client with a Disability and Your Obligations (Teleseminar)	Mar 26, 2008
"Estate planning for People with Disabilities", paper and presentation, OBA, Righting Wills IV" Essential Tips for Practitioners	May 14, 2008
"Cross-border legal remedies to protect cognitively impaired adults", paper and presentation with Chicago lawyer Peter J. Schmiedel, Canadian Conference on Elder Law, Vancouver	Nov 15, 2008
"Guardianship in Personal Injury Situations", co-authored paper with Jan Goddard and Alessandra Goulet, LSUC, The Six-Minute Estates Lawyer Series	Apr 6, 2009

"Planning for disabled beneficiaries: How recent legislative amendments have changed estate planning", paper and presentation, OBA, OBA Institute 2011, Estates and Trusts	Feb 3, 2011
"Navigating the course for your ODSP client", presentation, Ontario Trial Lawyers' Association (OTLA), OTLA Fall Conference	Nov 10, 2011
"Obligations to clients with disabilities", paper and presentation, LSUC, Accreditation course for foreign-trained lawyers	Nov 30, 2011
"Preserving Ontario Disability Support Program (ODSP) and Housing Benefits After Settlement – the Answer is NOT Henson Trusts", paper and presentation, LSUC, Oatley-McLeish Guide to Motor Vehicle Litigation; and published in The Oatley-McLeish Guide to Personal Injury Practice in Motor Vehicle Cases, Chapter 64, Canada Law Book Inc., a division of Thomson Reuters Canada Ltd.	Jan 11, 2012
"Costs in contested guardianship applications", article, Estates, Trusts and Pensions Journal, Volume 31, Number 2	Feb 2012
"Advising the client as to whether a guardianship application should be brought", co-chaired program with Jan Goddard and prepared paper, LSUC, The Annotated Guardianship Application	Apr 24, 2012
"Serving the elderly client: Best practices and practical tips", paper and presentation, Osgoode Hall Law School Professional Development, Advising the Elderly	Feb 11, 2013
"Capacity and personal care", paper and presentation, OBA, The other side of the coin: Personal Care and the Estate Lawyer	Oct 16, 2013
"Serving the elderly client: Best practices and practical tips", paper and presentation, Osgoode Hall Law School Professional Development, Advising the Elderly	Feb 19, 2014
"Mental capacity, accessibility, and safeguards regarding the Registered Disability Savings Plan (RDSP)", presentation before the Senate Committee on Banking, Trade and Commerce, Ottawa	Feb 12, 2014
"Preserving Ontario Disability Support Program (ODSP) and Housing Benefits After Settlement – the Answer is NOT Henson Trusts", updated and revised from January 2012, published annually in The Oatley-McLeish Guide to Personal Injury Practice in Motor Vehicle Cases, Chapter 64, Canada Law Book Inc., a division of Thomson Reuters Canada Ltd.	Mar 28, 2014

"Interviewing and Taking Instructions from an Elderly Client", co-chaired program with Jan Goddard, LSUC, Real Estate and the Elderly Client	May 15, 2014
"Purchase of a home by guardians of an incapable person: the ethics, the challenges and the solutions" paper and presentation, LSUC, the Oatley-McLeish Guide to Motor Vehicle Litigation 2015; and published in the Oatley-McLeish Guide to Personal Injury Practice in Motor Vehicle Cases, Canada Law Book Inc., a Division of Thomson Reuters of Canada Ltd.	Mar 27, 2015
"Planning Issues and Options for the Disabled Person", paper and presentation, LSUC, the Six-Minute Estates Lawyer 2015	May 6, 2015
"Effective Advocacy for the Elderly", slides and presentation, Osgoode Hall Law School Professional Development, The Osgoode Certificate in Elder Law	May 13, 2015
"Family Law and the Elderly Client", co-chaired program with Jan Goddard, LSUC	June 9, 2015
"Substitute Decision Making Across the Country", paper and presentation with D. Stephens, Canadian Bar Association (CBA); Will, Estates and Trusts Fundamentals Course	Oct 16, 2015
"Why Guardianship Applications Should Not Be Brought by the Plaintiff's Lawyer", paper and presentation for Thomson Rogers Lunch and Learn	Sept 30, 2015
"Minor Guardianship and the Non-Traditional Family Structure", paper and presentation, Law Society of Upper Canada program Representing Children in Personal Injury Actions	Nov 19, 2015
"Best practises for handling dementia and the associated capacity concerns", preparation of slides and presentation, OBA, Kissing Cousins: Where Family Law and Trusts and Estate Law Meet	April 5, 2016
"Ontario Disability Support Program (ODSP) Legal Issues", slides and presentation, Royal Bank of Canada, lunch and learn	April 26, 2016
"Stay Safe: Fraud and Abuse", interview with Canada In Perspective, Season 5, Episode 1, AMI-TV	June 13, 2016
"Scammers", interview with Canada In Perspective, Session 5, Episode 16, AMI-TV	July 14, 2016
"Evaluating Capacity: Roles and Responsibilities of the Lawyer", paper and presentation with Dr. Ken Shulman, Osgoode Hall Law School Professional Development, Advising the Elderly	Sept 28, 2016

"Ontario Disability Support Program (ODSP) Issues in Estate and Guardianship Litigation", paper and presentation, LSUC, Estates and Trusts Summit	Nov 3, 2016
"Substitute Decision Making in Canada", updated paper by D. Stephens and N. Gamage from 2015 and presentation, CBA, Will Estates and Trusts Fundamentals Course	Oct 28, 2016
"Estates and Trusts Practitioners' Forum", co-chair of national 2.5 day conference and discussion leader for topic "Gypsies, Jane Austin and Bondage: Mobility within Canada and our Property and Inheritance Laws", Cambridge Forums	Nov 14-16 2016
"Working with Elderly Clients", paper and presentation, OBA– Family Law Institute: The Pitfalls of Family Law and How to Avoid Them	Feb 10, 2017
"Instructional capacity, substitute decision making, and guardianship", presentation and panelist, Panel: Working with vulnerable clients and patient populations, OBA – Health Law Institute: The Ethical Dimensions of Health Law Practice	Feb 10, 2017
"Power of Attorney for Personal Care: End of Life Clauses", contribution to annotation, presentation and panelist, LSUC, The Annotated Powers of Attorney	Feb 24, 2017
"Conundrums and Pitfalls in Personal Injury Related Guardianship Applications", paper and presentation, LSUC, The Oatley-McLeish Guide to Motor Vehicle Litigation 2017; and published in the Oatley-McLeish Guide to Personal Injury Practice in Motor Vehicle Cases, Canada Law Book Inc., a Division of Thomson Reuters of Canada Ltd.	Mar 30, 2017
"Top Tips for Bringing and Responding to the Challenge", paper and presentation, The Advocates' Society: Will Challenge Advocacy for Estate Litigators.	Sept 28, 2017
"Protectionism vs. Paternalism: Developments in Consent and Capacity Litigation", co-authored paper with Jessie Lamont, presentation by Nimali Gamage, LSUC, Estates and Trusts Summit	Oct 16, 2017
"Contested guardianship and battling attorneys", paper and presentation, OBA, Trusts and Estates Group Passport Series programs	Oct 24, 2017
"Estates and Trusts Practitioners' Forum", co-chair of national 2.5 day conference and co-discussion leader for topic "Bespoke Solutions: Trusts for Vulnerable Individuals", Cambridge Forums	Nov 5-7, 2017

"What's New in Estates, Trusts and Incapacity Law?", paper and presentation, OBA, OBA Institute 2018, Trusts and Estates Law	Feb 8, 2018
Chair of module: "Managing Consent & Capacity Issues in Wills & Estates Practice", Osgoode Intensive Program in Wills and Estates, Osgoode Hall Law School Professional Development	Mar 27, 2018
Co-chair with Alexandra Mayeski of "21st Estates and Trusts Summit – Day 2", LSUC, Estates and Trusts Summit	Oct 11, 2018
"Drawing Back the Curtain: Challenging the Conduct of Estate Trustees, Attorneys, and Guardians", co-authored paper with Jessie Lamont, presentation by Nimali Gamage, OTLA Fall Conference	Oct 19, 2018
"The Essentials on Capacity and Consent", presentation, OBA – Health Law Group and Estates Law Group Program	Oct 23, 2018
"Senior Estates and Trusts Practitioners' Forum", co-chair of national 2.5 day conference and co-discussion leader for topic "Able and Willing? The Challenges of Having a Client Who May Lack the Capacity to Instruct You", Cambridge Forums	Nov 4-6, 2018
"Black on Bay Street: One year later, has anything changed?", panelist, Young Women and Law, program on diversity and inclusion	Nov 29, 2018
"Annotated power of attorney for personal care: The Nature and Extent of the Duty to Consult", OBA, Annotated Power of Attorney for Property and Personal Care	Feb 21, 2019
Chair of module: "Managing Consent & Capacity Issues in Wills & Estates Practice", Osgoode Intensive Program in Wills and Estates, Osgoode Hall Law School Professional Development	Mar 19, 2019
"Bust a Move: Litigation Strategies When Challenging a Trust", paper co-written with Jessie Lamont, presentation, B'Nai B'rith, Trust Troubles - Litigation, Tax and Ethical Issues	Jun 4, 2019
Co-chair with Alexandra Mayeski of "22nd Estates and Trusts Summit – Day 2", Law Society of Ontario (LSO), Estates and Trusts Summit	Oct 17, 2019
Chair of module: "Managing Consent & Capacity Issues in a Wills and Estates Practice", Osgoode Intensive Program in Wills and Estates, Osgoode Hall Law School Professional Development	Mar 10, 2020

"COVID-19 and Capacity Issues in a Wills and Estates Practice", paper and presentation, Law Society of Ontario (LSO), Your Wills and Estates Practice and the COVID-19 Pandemic: What You Need to Know Right Now	Apr 16, 2020
Co-chair with Alyson Sweetlove of "23rd Estates and Trusts Summit – Day 2", Law Society of Ontario (LSO), Estates and Trusts Summit	Oct 8, 2020
"Parenting and Guardianship of Adult Children with Disabilities over the Age of Majority", paper and presentation, OBA, OBA Institute – Serving the Family: Critical Insights on Issues Impacting Families in Corporate, Estates and Family Law	Feb 3, 2021
Chair of module: "Managing Consent and Capacity Issues in a Wills and Estates Practice", Osgoode Intensive Program in Wills and Estates, Osgoode Hall Law School of Professional Development	Mar 9, 2021
"Annotated Power of Attorney for Personal Care", contribution to annotated materials, presentation and panelist, Law Society of Ontario (LSO), Annotated Powers of Attorney for Property and Personal Care 2021	Mar 25, 2021
Co-chair with Alyson Sweetlove of "24th Estates and Trusts Summit – Day 2", Law Society of Ontario (LSO), Estates and Trust Summit	Oct 21, 2021
Chair of module: "Managing Consent & Capacity Issues in Wills & Estates Practice", Osgoode Intensive Program in Wills and Estates, Osgoode Hall Law School Professional Development	April 12, 2022
"Strategic Disability Planning", OBA, Strategic Advice for Effective Disability Planning	April 26, 2022
Co-chair with Cate Grainger of "25th Estates and Trusts Summit – Day 2", Law Society of Ontario (LSO), Estates and Trusts Summit	Oct 20, 2022
Chair of module: "Managing Consent & Capacity Issues in Wills & Estates Practice", Osgoode Intensive Program in Wills and Estates, Osgoode Hall Law School Professional Development	Mar 27, 2023
Co-chair with Cate Grainger of "26th Estates and Trusts Summit – Day 2", Law Society of Ontario (LSO), Estates and Trust Summit	Oct 19, 2023
Co-presenter with Lisa Wilder and Rosemary Maseman of "Substitute Decision Making – Legal Guardianship for People with Disabilities – Parent/Guardian Webinar" – Holland Bloorview Kids Rehabilitation	Feb 27, 2024
Co-chair with Cate Grainger of "27th Estates and Trusts Summit – Day 2", Law Society of Ontario (LSO), Estates and Trust Summit	Oct 23, 2024

Co-presenter with Lisa Wilder and Rosemary Maseman of "Substitute Decision Making – Legal Guardianship for People with Disabilities – Parent/Guardian Webinar" – Holland Bloorview Kids Rehabilitation	Nov 20, 2024
Podcast Presenter, "What you need to know in planning for disabled family members", podcast with Bullwealth VP & Portfolio Manager Randy Gunn	June 30, 2025
Co-chair with Kathryn Balter of "28th Estates and Trusts Summit – Day 2", Law Society of Ontario (LSO), Estates and Trusts Summit	Oct 23, 2025
Presenter of "Disability Legal Issues in Estate Planning and Substitute Decision Making" – CFA Society Toronto Conference	May 14, 2026
Co-chair with Kathryn Balter of "29th Estates and Trusts Summit – Day 2", Law Society of Ontario (LSO), Estates and Trusts Summit	Oct 21, 2026

Experience

Managing Partner – Goddard Gamage LLP, Toronto Practising in the fields of guardianship, capacity and power of attorney litigation, elder law, Ontario Disability Support Program (ODSP) legal issues, estate planning and trusts, and estate litigation, with an emphasis on serving disabled and older clients and their families.	Oct 2002 – Present
Adjunct Professor – Osgoode Hall Law School, York University, Toronto Invited to create and teach a course on elder law as an optional perspective seminar course for first year law students.	Sept 2021 – Present
Lawyer – The Walkerton Inquiry, Toronto/Walkerton Assisted then-Associate Chief Justice Dennis O'Connor and senior commission counsel in examining the public health system in relation to drinking water safety after *e.coli* contaminated the drinking water supply in Walkerton, Ontario, causing 7 deaths and thousands to be ill; analyzed over 35,000 documents; prepared witnesses; attended hearings; summarized transcript evidence; conducted legal research and writing; verified report's evidentiary content; and provided editorial assistance for final report.	Jan 2001 – May 2002
Articling Student – Shibley Righton LLP, Toronto Gained experience in trial preparation, motions court, examinations for discovery, client contact, pre-trial conferences, arbitrations, and legal research and writing at a full-service law firm.	Jul 1999 – Jun 2000

Director's Assistant – Baffin Regional Health & Social Services Board, Iqaluit, Nunavut May – Aug 1998
Represented the mental health department's and community's interests before the Board; worked in hospital setting; gained knowledge of social services and health administration.

Implemented Medical Billing Contracts for Nunavut – Iqaluit, Nunavut May – Aug 1998
Drafted medical reciprocal billing contracts; worked with the department responsible for setting up the new Nunavut government.

Care worker for children with disabilities – Illagiittugut Group Home, Iqaluit, Nunavut May – Aug 1998
Cared for eight children with disabilities; assessed needs in various routine and emergency situations; gained knowledge of legal and ethical disability issues.

Advocate for Seniors and the Disabled – Citizen Advocacy Windsor-Essex 1996 – 1998
Gained awareness of disability, health, and capacity issues and sensitivity to vulnerable people while working for a non-profit advocacy centre for seniors and people with disabilities.

Awards and appointments

- In 2014, Nimali was the recipient of the Hoffstein Book Prize, an award presented by the Ontario Bar Association recognizing excellence in the field of trusts and estates.

- Nimali is recognized in The Best Lawyers in Canada in Trusts and Estates (2014-2027).

- Nimali is recognized in the Canadian Lexpert Directory in the area of Estates and Trusts – Estate Litigation and Estate Planning (2020-2027)

- In February 2014, Nimali was invited to give evidence to the Senate Committee on Banking, Trade and Commerce on mental capacity, accessibility and safeguards regarding the Federal Registered Disability Savings Plan (RDSP).

- Nimali was appointed as a member of the Estates Subcommittee of the Civil Rules Committee for the Province of Ontario, a committee whose mandate is to make recommendations to the Attorney General for rules in relation to civil practice and procedure for the Court of Appeal, the Superior Court of Justice and the Small Claims Court (2009 – present).

- Goddard Gamage LLP was named by Canadian Lawyer Magazine as one of the Top Ten Trusts and Estates Boutique law firms in Canada seven times since 2011.

- Law Commission of Ontario, Capacity of Adults with Mental Disabilities and the Federal RDSP, member of advisory group, 2013 – 2014.

- In 2017, Nimali was instrumental in the formation of the Rule 7 Subcommittee of the Civil Rules Committee for the Province of Ontario, a committee whose mandate is to make recommendations to the Attorney General regarding significant amendments to Rule 7 of the Rules of Civil Procedure which deals with parties under disability in litigation.

- Nimali has been a co-chair of the Law Society's Estates and Trusts Summit, its flagship legal education program in estates and trusts for lawyers across the province of Ontario, since 2018 and on-going.

Current Contact Information

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