

Report from the Queen's Elder Law Clinic (QELC) at the Queen's University Faculty of Law, Kingston, Ontario, Canada

Holly Anderson, Student Caseworker and Law Student

The need for Elder Law services is rapidly increasing in Canada. With more than 13% of Canadians above the age of 65 ¹, the demand for accessible legal services for an aging population far exceeds the supply. In 2010, the Faculty of Law at Queen's University in Kingston, Ontario responded to this need by establishing the Queen's Elder Law Clinic (QELC). QELC is the first clinic of its kind in Canada, allowing law students at Queen's the opportunity to gain practical experience in the area of Elder Law. In addition to QELC, The Faculty of Law at Queen's University operates four other co-located clinics; Queen's Legal Aid, Queen's Family Law Clinic, Queen's Business Law Clinic, and Queen's Prison Law Clinic. All five clinics are run out of a modern office space in downtown Kingston, providing pro bono legal services to the Kingston and Queen's University community.

QELC offers a variety of pro bono legal services to seniors in Kingston and the surrounding community who would otherwise have difficulty affording legal counsel. QELC works primarily in the area of Wills and Estates, providing eligible applicants with assistance in drafting Wills, Powers of Attorney, Guardianship Applications, and Applications for Certificates of Appointment of Estate Trustees with or without a Will. QELC also carries files with issues of elder discrimination, abuse, and neglect.

QELC is a full-time clinic servicing clients needs year-round. During the academic year, a two-semester course allows students in their second or third year at the Faculty of Law to earn

¹ "A Portrait of the Population Aged 85 and Older in 2016 in Canada", *Statistics Canada*, online: <www12.statcan.gc.ca/census-recensement/2016/as-sa/98-200-x/2016004/98-200-x2016004-eng.cfm>.

course credit while working at the clinic. In past years the QELC class size was around eight students, but during the 2018-2019 academic year, QELC doubled the number of student caseworkers at the clinic to 16; the growth of the clinic is another indication of the increasing demand for Elder Law in the Kingston area. For continuity of service, two paid student caseworkers are hired for the summer months. Importantly, all the work done by QELC student caseworkers under the supervision of a Clinic Director and Review Counsel who ensure high quality work and who provide a supportive learning environment for students to develop legal and non-legal skills.

Beyond the high-quality free legal services, the clinic serves a dual purpose of exposing law students to the practice of law, and facilitates gaining practical experience and skills. To compliment the practical learning, QELC holds weekly lectures for students discussing various topics related to Elder Law. During the academic year, student caseworkers at QELC are exposed to practice management software, file management - carrying client files from open to close with supervision, and drafting legal documents and legal correspondence. Student caseworkers are responsible for learning the appropriate law governing Wills and Estates, logging billable hours, drafting Wills, Powers of Attorney, affidavits, and communicating with clients to ensure the file progress. Beyond these direct legal skills, students also learn professionalism, effective client communication, how to manage client expectations, and research and writing skills. Student caseworkers are supported and guided by student mentors (veteran student caseworkers from the previous year's program), Review Counsel, and administrative staff.

For student caseworkers at QELC who want to pursue a career in Wills and Estates, the experience and knowledge gained is directly applicable. However, even for students interested in

other areas of law, the guidance given and skills learned at QELC are transferable to every area of law.

The majority of QELC clients reside in the Kingston community. However the need for Elder Law services extends beyond Kingston. QELC has a long-standing relationship with the Northumberland Community Legal Clinic in Cobourg, a community legal clinic an hour west of Kingston, providing Elder Law services to residents there. Student caseworkers at QELC volunteer to travel to Cobourg bi-weekly to service the Elder Law needs in that community. This year, through the efforts of student caseworkers and Review Counsel, QELC has expanded its client base to seniors in Belleville, another underserved community.

QELC clients are extremely grateful for the work the clinic provides for them. Often clients are impressed by the dedication of their student caseworker and the quality of the work executed.

As one of the five Queen's Law Clinics, often client issues are interrelated between the clinics. Student caseworkers at QELC volunteer provide Elder Law services to inmates at penitentiaries and prisons in the Kingston area. QELC students can draw on the experiences of their peers at the Queen's Prison Law Clinic (QPLC) to assist with this dimension of the work. There can also be overlap between work at QELC and the Queen's Family Law clinic. Since all five clinics are located within the same office space, student caseworkers have access to students, mentors, and Review Counsel in other clinics to learn more about that area of law. The student workroom at QELC is often buzzing with students asking each other questions and learning from each others experiences. The QELC clinics are a true example of collaboration to ensure the needs of the community are served at the highest quality.

For more information, the Queen's Elder Law Clinic can be reached at QELC@queensu.ca