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Interview 4



# New Elder Law Clinic leads learning opportunities

Blair Hicks has always had a high-flying career and she's now guiding some Queen's Law students along their own paths to making a difference. As the new Director of the Queen's Elder Law Clinic (QELC), she supervises student caseworkers as they gain valuable practical experience while providing much-needed services to vulnerable Kingston-area residents.

In an interview with *Queen's Law Reports*, she talks about the growing demand for legal assistance in her area of practice and her future plans for the Queen's Law clinic.

**QLR: What interests you most about elder law and in providing legal services to senior citizens?**

**BH:** I particularly like the idea of helping seniors be more in control of events as the years unfold for them. I find that most clients are so relieved and empowered once they have put their wishes and instructions down into something formal; it's very rewarding work.

**QLR: What attracted you to the Queen's Elder Law Clinic?**

**BH:** I first came to the QELC in May of last year, as Review Counsel covering for the then-Director who was on leave. It felt like a great fit right from the start. I spent a good portion of my former career (many years as an Air Force Navigator) in a training and education role – I loved it (and missed it)! I was drawn to the opportunity to combine estate planning, elder issues (which are the areas I focus on in my own practice) and working with students all at once. It's a fantastic opportunity!

**QLR: What will you be doing in your role as Director?**

**BH:** As the Director, I will be overseeing the clinic and its academic program under the leadership of the Executive Director, Karla McGrath. The program accepts eight student caseworkers over the school year, and we employ one caseworker through the summer months to provide year-round continuity. Specifically, I will wear a number of hats: instructor, mentor, review counsel, program manager, cheerleader, coach, and chief cook 'n' bottle-washer. Ahoy!

**QLR: What are your plans for the clinic as the QELC Director?**

**BH:** the QELC has grown each year, and in the last 12 months in particular there's been a big leap in client applications, which now come in regularly, even during the traditionally quiet summer months. I hope that the QELC will follow the pace of the Queen's Business Law Clinic and the Queen's Family Law Clinic, and continue to see steady growth so that we can eventually provide this experience to more than eight students; demand for the program from the students has always been greater than the number of available positions.

Last academic term, the QELC established a trial community partnerships program with the Northumberland Community Legal Clinic (NCLC) in Cobourg, and our caseworkers reached out twice per month over the year to serve clients already established there. It was a great success, and this summer the QELC has duplicated that arrangement with the Kingston Community Legal Clinic (KCLC) just down the street from us. These partnerships are win-win: the students have more and more diverse file work, are introduced to the workings of the community clinics, and the service addresses a real need in these communities. As well, we now have an in-house partnership with the Queen's Prison Law Clinic to assist incarcerated seniors with issues such as powers of attorney.

Lastly, in the months ahead, we hope to continue to target and educate more of the local community groups or organizations that would help us have a greater presence in Kingston, and generate an ongoing flow of clients. QELC students and staff have recently presented to Kingston Community Health Centre, local church groups, and financial and tax service providers that serve low-income seniors; the response to our service is always overwhelmingly positive.

# der expands experiential nities for students



*Blair Hicks on the grounds of the Kingston Frontenac County Court House.*

VAL MITCHELL

# Experienced legal aid lawyer

For two decades, Linda Smith, Law'92, has served low-income individuals in the Kingston area. As a lawyer with Smith and Company Barristers for the last 17 years, she has represented hundreds of legal aid clients in family law, criminal law and child protection matters. In June, she returned to her alma mater as Review Counsel, bringing all her experience to student caseworkers in both Queen's Legal Aid and the Queen's Family Law Clinic.

In an interview with *Queen's Law Reports*, she talks about her dual role with the Queen's Law Clinics, where she supervises students providing much-needed service to the community.

**QLR: What interests you most about providing legal services to people with low incomes?**

**LS:** I have always been committed to assisting low-income members of the community. A portion of my private practice was always devoted to assisting legally aided clients. I was a Legal Aid Ontario panel member for family law, criminal law, child and family services matters and domestic violence matters. Several years ago, I re-joined the per diem duty counsel panel at the Kingston Family Court. This panel is quite unique in that the majority of panel members were like-minded senior members of the family law bar for whom low-income access to justice was an important and personal issue. I found myself back in the trenches acting as both duty counsel and advice counsel at the Family Law Information Centre several times per month. It was interesting and fulfilling work.

**QLR: How have you been involved with the Queen's Law Clinics in recent years?**

**LS:** I have been indirectly involved with both Queen's Legal Aid (QLA) and the Queen's Family Law Clinic (QFLC) as they are an integral part the Kingston legal community. I have had extensive interaction with QFLC student caseworkers since the clinic's inception in 2014. There is significant QFLC presence at the Kingston Family Court. Student caseworkers sit in at the Family Law Information Centre in order to observe and assist lawyers who provide help and advice to low-income members of the community. They also attend to watch actual court proceedings. I always found the students were engaged and eager to learn. They asked smart questions and offered good insight. My firm regularly referred low-income clients to the Queen's Law Clinics if they did not qualify for a legal aid certificate. I also saw the QLA students in action when they attended at Criminal Court and Provincial Offences Court representing their clients professionally and well. I was impressed.

**QLR: What encouraged you to return to your alma mater, and what attracted you to the Review Counsel position?**

**LS:** The opportunity to engage with the students is the main reason why I was attracted to the Review Counsel position. I witnessed the students' positive energy and keen interest from previous interactions in the legal community. I am a Law'92 grad and was called to the bar in 1994. I had been a practising lawyer for 20 years and I decided it was time for a change. This opportunity came along and it just seemed perfect. I can't think of a better career change than to be able to work with highly



Linda Smith, Law'92, Review Counsel with QLA and the QFLC

# joins Queen's Law Clinics



motivated students every day and be part of their experiential learning process.

**QLR: What will you be doing in your role as Review Counsel with Queen's Legal Aid?**

**LS:** Queen's Legal Aid assists approximately 450 clients each year on a variety of issues, including minor criminal matters, provincial offences, civil claims, residential tenancy disputes, Criminal Injuries Compensation Board matters, as well as social assistance and disability benefits appeals. QLA is a very busy law office. I will be one of three lawyers supervising all work done by the student caseworkers. This includes reviewing their legal correspondence and file management, helping students to analyze the merits of potential cases and to navigate the rules and regulations of various courts and tribunals, and guiding them while they prepare for hearings and trials.

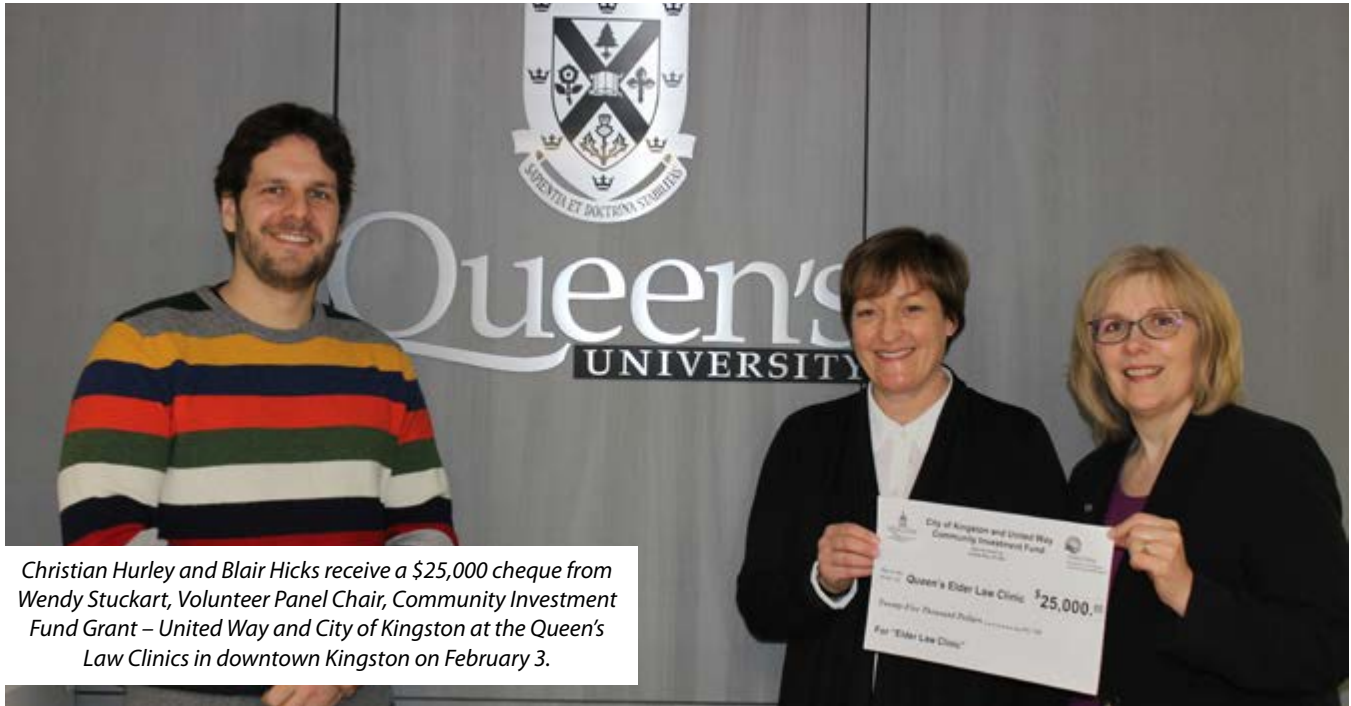
**QLR: As Review Counsel with the Queen's Family Law Clinic, what will you be doing?**

**LS:** The Queen's Family Law Clinic provides limited scope retainer services to low-income clients who do not qualify for a legal aid lawyer and find themselves on their own in Family Court. The QFLC assists clients by preparing clients' court documents and helping them navigate the family court process. Student caseworkers do not represent clients in Family Court. Preparing court documents and complying with the Family Court Rules is a complicated and daunting task – it can be completely overwhelming for a self-represented litigant. I am one of two lawyers who supervise all tasks undertaken by the student caseworkers. I will be working one-on-one with family law student caseworkers as they learn legal analysis and court procedure, plan their clients' cases and prepare court documents.

**QLR: What are you looking forward to most in working at both clinics?**

**LS:** Every lawyer remembers his or her very first hearing or trial. It will be gratifying for me to be part of that student experience and know that I have helped young lawyers to find their way. I am very excited to be here.

## Queen's Elder Law Clinic gets a boost



DEREK CANNON

*Christian Hurley and Blair Hicks receive a \$25,000 cheque from Wendy Stuckart, Volunteer Panel Chair, Community Investment Fund Grant – United Way and City of Kingston at the Queen's Law Clinics in downtown Kingston on February 3.*

One of the only clinics of its kind in Canada, the Queen's Elder Law Clinic (QELC) received a \$25,000 grant from the United Way. That funding, presented in February, is enabling the clinic to provide help to a greater number of Kingston-area seniors while giving students more experiential learning opportunities.

"The clinic has grown substantially, to the point that it now requires a full-time director," said Christian Hurley, then-Director of both the QELC and the Queen's Business Law Clinic, at the time of the announcement.

Blair Hicks joined the QELC in May on a part-time basis as Review Counsel. Thanks to the charity's funding, she assumed the role of director in April. As Hurley passed the torch to her, he said, "It's going to enable the Elder Law Clinic to grow at a quicker pace and pursue other avenues."

It also means the clinic, which dealt with 102 separate matters for 69 clients in 2016, can bring on more students and raise its visibility.

Hicks had been running her own estate planning practice in Kingston and working with issues related to elder law every day. "I come from an education background so I enjoy working with students and seeing the progress people make when they are learning a new skill," she said. "It was an easy fit."

The clinic deals with a wide range of issues affecting seniors and regularly assists their clients to prepare wills, powers of attorney and guardianship applications. QELC students are often asked to help their clients understand their legal rights and obligations in a number of different contexts.

"It's not boxed in, per se. It's a broad area of law," Hurley said.

"We also give presentations to stakeholders in the community." These include care workers, doctors, nurses, social workers and the Kingston Police.

The QELC has also teamed up with the Queen's Prison Law Clinic to provide legal assistance to older inmates, which Hurley chalked up as a product of the collaborative workspace at the Queen's Law Clinics.

"While inmates are incarcerated, they often need someone to help with their outside affairs. Preparing a power of attorney can address this issue; however, many inmates do not have the means necessary to retain a lawyer to do this sort of work."

Hurley applied for the grant last October and pitched the QELC's case to the United Way personally in November. He was advised that the application was approved just before the holidays.

"It's a very popular clinic. Last year we received applications from 54 students seeking one of the eight available caseworker positions," he said, adding that it's very unique to have a clinic focused on elder law. Thanks to the grant from the United Way, the QELC is in a position to expand its enrolment, which will help it to meet the growing demand.

— JEREMY MUTTON

# Clinic Briefs

## Queen's Business Law Clinic

This year saw another 156 client files opened at the QBLC. Spring 2017 marked a milestone for the clinic with one of its first students in 2009 returning as its third Director. Morgan Jarvis, Law'10 (Sc'05, MSc'08), says he is thrilled to be back just in time to see the clinic serve its 700th client. Many of those clients are now successful businesses contributing to the local economy. As just one example, local beer is now in stores under trademarks registered with the assistance of QBLC students. Watch for a story on Morgan in the next issue of QLR Online.

## Queen's Elder Law Clinic

The QELC established a trial community partnerships program last term with the Northumberland Community Legal Clinic in Cobourg; caseworkers are reaching out to existing clients there twice a month. It was a great success, and this summer the QELC has duplicated that arrangement with the Kingston Community Legal Clinic (less than three blocks from the Queen's Law Clinics). These partnerships are win-win: students have more diverse file work, are introduced to the workings of community clinics, and the service addresses a real need in these communities. The QELC also now has an in-house partnership with the Queen's Prison Law Clinic to assist incarcerated seniors with such issues as powers of attorney.

## Queen's Family Law Clinic

In partnership with Legal Aid Ontario and Pro Bono Students Canada, the QFLC is able to provide year-round service to its low-income clientele by employing two summer students to complement the school-year credit students and volunteers. Working full-time from May through August, QFLC Summer Student Caseworkers actively guide their self-representing clients through the family court process. In particular, they prepare high-quality court documents that receive frequent praise from family justice professionals. QFLC students are receiving more support than ever with the addition of respected Kingston-area lawyer Linda Smith, Law'92, as Review Counsel and of the first-ever QFLC articling student, Sarah Black, Law'17.



## Queen's Legal Aid

In May, Sandy Tallen received a plaque recognizing her 30 years of service to Queen's University. She has been a valued QLA employee for 21 of those years. On June 1, QLA welcomed Linda Smith, Law'92, as a half-time Review Counsel – a shared position with the Queen's Family Law Clinic. Linda, a long-time family law practitioner in Kingston, is looking forward to brushing up on criminal, civil and administrative law for her new job. QLA has also recently welcomed two new articling students (the 14th and 15th in its history): Mike Adamek, Law'17, will work half-time for each of QLA and the Queen's Business Law Clinic, while Sarah Black, Law'17, will work for both the QFLC and QLA.

## Queen's Prison Law Clinic

Since January, QPLC counsel have vigorously pursued their new litigation strategy. Seven Judicial Review applications have been brought, with five being successful so far; the other two have upcoming hearings. Check out one Federal Court review decision of a QPLC student's disciplinary court trials at <https://goo.gl/vf9Exw>. Collectively, in addition to supporting student caseworkers, the staff lawyers and Director have also given outreach talks to inmates, contributed to Legal Aid Ontario's Prison Law Advisory Committee, presented at a national conference on clinical legal pedagogy (ACCLE), and testified before the Senate Standing Committee on Human Rights.



The Queen's Legal Clinics gratefully acknowledge the support of Legal Aid Ontario, the Law Foundation of Ontario, Pro Bono Students Canada, the class of Law'81, the United Way, and alumni and industry sponsors.

While our clinics are supported by the above organizations, the Queen's Law Clinics is solely responsible for all content in this publication.

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