

NIMALI D. GAMAGE

Curriculum Vitae

Nimali Gamage has been a lawyer at Goddard Gamage LLP in Toronto, Ontario, since 2002. For three consecutive times, in the years 2011, 2013, and 2015, the firm was named by Canadian Lawyer magazine as one of the top five Trusts and Estates boutique law firms in Canada. The firm's focus is in the areas of elder law, guardianship, capacity and power of attorney litigation, 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 (2013-2017) in the field of Trusts and Estates. She is frequently asked to prepare and present papers for continuing legal education programs in her practice area.

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 had a long-held interest in issues relating to health, disability and aging, and advocacy for seniors and adults with disabilities.

Education

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| Bachelor of Arts | University of Windsor | 1996 |
| Bachelor of Laws <i>Cum Laude</i> | 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

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| "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 – <i>Substitute Decisions Act, 1992</i> ", 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", <i>Fareed v. Wood</i> , Ontario Bar Association (OBA), Trust and Estates Section, dinner program | Sep 21, 2005 |

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| “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”, Senior People’s Resources in North Toronto (SPRINT), Talks given to groups of caregivers re powers of attorney and wills | 2005 – 2009 |
| “Case comment on <i>Fareed v. Wood</i> ”, Ontario Bar Association (OBA), Trusts and Estates Newsletter (“Deadbeat”) | Jan 9, 2006 |
| “Cross-country Powers of Attorney”, paper and presentation, Ontario Bar Association (OBA), Probate and Incapacity Planning Across the Country | May 16, 2006 |
| “Annotated Guardianship”, precedents and presentation, Law Society of Upper Canada (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, Law Society of Upper Canada (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, Ontario Bar Association (OBA), OBA Institute 2008 | Feb 5, 2008 |
| “Case comment on <i>Marcoccia v. Gill</i> ” (authored with S. Chetner, counsel, Office of the Public Guardian and Trustee), Ontario Bar Association (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, Law Society of Upper Canada (LSUC), The Client with a Disability and Your Obligations (Teleseminar) | Mar 26, 2008 |
| “Estate planning for People with Disabilities”, paper and presentation, Ontario Bar Association (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, Law Society of Upper Canada (LSUC), The Six-Minute Estates Lawyer Series | Apr 6, 2009 |

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| “Planning for disabled beneficiaries: How recent legislative amendments have changed estate planning”, paper and presentation, Ontario Bar Association (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, Law Society of Upper Canada (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, Law Society of Upper Canada (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, Law Society of Upper Canada (LSUC), The Annotated Guardianship Application | Apr 24, 2012 |
| “Serving the elderly client: Best practices and practical tips”, paper and presentation, Osgoode Professional Development Program, Advising the Elderly | Feb 11, 2013 |
| “Capacity and personal care”, paper and presentation, Ontario Bar Association (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 Professional Development Program, 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 |

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| “Interviewing and Taking Instructions from an Elderly Client”, co-chaired program with Jan Goddard, Law Society of Upper Canada, 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, Law Society of Upper Canada (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, Law Society of Upper Canada (LSUC), the Six-Minute Estates Lawyer 2015 | May 6, 2015 |
| “Effective Advocacy for the Elderly”, slides and presentation, Osgoode Professional Development Program, The Osgoode Certificate in Elder Law | May 13, 2015 |
| “Family Law and the Elderly Client”, co-chaired program with Jan Goddard, Law Society of Upper Canada (LSUC) | June 9, 2015 |
| “Substitute Decision Making Across the Country”, paper and presentation with D. Stephens, Canadian Bar Association; 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 |

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| “Evaluating Capacity: Roles and Responsibilities of the Lawyer”, paper and presentation with Dr. Ken Shulman, Osgoode Professional Development program, 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, Canadian Bar Association, 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, Ontario Bar Association – 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, Ontario Bar Association – 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, Law Society of Upper Canada, The Annotated Powers of Attorney | Feb 24, 2017 |
| “Conundrums and Pitfalls in Personal Injury Related Guardianship Applications”, paper and presentation, Law Society of Upper Canada, 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 |

Experience

Partner – Goddard Gamage LLP, Toronto

Practising in the fields of guardianship, capacity and power of attorney litigation, 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

Lawyer – The Walkerton Inquiry, Toronto

Assisted then-Associate Chief Justice Dennis O’Connor in examining the public health system in relation to drinking water safety after *e.coli*

Jan 2001 –
May 2002

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.

Legal Research Assistance – Health Information Privacy Legislation, Toronto

Oct 2001 –
Mar 2002

Provided research assistance to Ronda Bessner, Legal and Policy Consultant, regarding federal and provincial health information privacy legislation; gained medical-legal research skills.

Articling Student – Shibley Righton LLP, Barristers and Solicitors, Toronto

Jul 1999 –
Jun 2000

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.

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 disabled children – 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 the field of Trusts and Estates (2013-2017).

- 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), February 2014, Ottawa.
- In 2009, Nimali was selected and continues to be 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.
- Goddard Gamage LLP was named by Canadian Lawyer Magazine as one of the Top Five Trusts and Estates Boutique law firms in Canada for three consecutive times (2011, 2013, and 2015).
- Law Commission of Ontario, Capacity of Adults with Mental Disabilities and the Federal RDSP, member of advisory group, 2013 – 2014.