

**Title:** Legal Masterclass and launch of Elder Law Case Law Database

**Authors:** Nicky Mitchell

**Affiliations:** Caxton Legal Centre

**Overview:**

“Human rights”, “trauma informed”, “strengths based”, “therapeutic jurisprudence” and other words, are all examples of language we use to explain how we enliven the autonomy and safety of the people we work with. In practice, our clients do not usually care about our jargon but about what we can actually do and how we do it. This presentation thoroughly examines and explores how we transform our language, frameworks and principles into practice by focusing on a number of deidentified but real-life case studies from our elder abuse health justice partnerships.

**Abstract:**

Caxton Legal Centre's Seniors Legal and Support Service (SLASS) and the University of Queensland Pro Bono Centre have partnered to create an ‘Elder Law Case Law Database’ which is currently in its final stages of development. We identified that there is a need for an accessible compilation of resources to assist practitioners working in elder law to be able to acquire knowledge, remain up to date with relevant court decisions and trends, and increase their confidence when advising older people on common legal issues. These common legal issues are often packed full of complex elder abuse dynamics and issues. These contexts are important considerations when advising older people of their legal rights and remedies, and when representing older people in these matters whether it be in pre-action stages, or litigation.

The National Elder Abuse Prevalence Study report shows 42% of participants felt pressured into giving or loaning money, possessions or property to the perpetrator of the abuse. This is reflected within the common legal issues older people present to Caxton Legal Centre with. For example, between July – September 2022 and October – December 2022 quarters, 51% and 46% of clients respectively were identified to be experiencing financial abuse. We often advise older people in relation to equitable interests, joint ventures, granny flat arrangements, co living agreements, assets for care and conditional gifts.

It is vitally important that lawyers working with older people are equipped with the relevant legislation and case law to support the advice they are providing. Caxton Legal Centre has been providing legal services to older people through SLASS, an integrated model for over 15 years and as such have the expertise and resources to present this masterclass, with a goal to enhancing sector wide knowledge.

The presentation will showcase the Elder Law Case Law Database, and unpack key, relevant published cases with an equitable jurisdiction focus, from the Elder Law Case Law Database. The relationship between forms of elder abuse and legal doctrines such as undue influence and the presumption of advancement will be explored, with reference to case studies provided by members of the Older Persons Legal Services Network, which a representative from Caxton Legal Centre cochairs, and previous clients of Caxton Legal Centre (via a pre filmed video or the like). The case studies will ensure that the legal issues and matters that are unpacked are relevant to delegates.

**Format:**

The presentation will be presented via PowerPoint presentation.