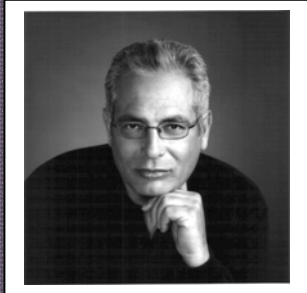


WHALEY

ESTATE LITIGATION



Mark Handelman, B.A., LL.B., MHSc
(bioethics)

mark@whaleyestatelitigation.com
www.whaleyestatelitigation.com
Direct Line: 416.355.3254



Mark Handelman was called to the Ontario Bar in 1978. Until 2001, he practised law in London, Ontario, including civil litigation, criminal defence and prosecution. He was one of Ontario's first members of the Official Guardian Child Representation Program. Mark was appointed to the Consent & Capacity Board in 1998 and became a Vice Chair and Senior Lawyer Member in 2000. He became Acting Toronto Regional Vice Chair and then Regional Vice Chair in 2001, for which he stopped practising law and moved to Toronto. He was the Board's only Vice Chair for quality assurance and presided at about 2000 Board Hearings—including the majority of the Board's "end of life" cases. Mark's term on the Board expired in 2008 and he is now in the private practice of health care law, representing health practitioners, SDMs and patients and advising and teaching health care providers. He is also a Lawyer Member of the Ontario Human Rights Tribunal and a Member of The Society of Immigration Consultants Discipline Tribunal.

Mark holds an MHSc in bioethics from the University of Toronto Joint Centre for Bioethics. He was a member of the corporate ethics committees of both William Osler and Humber River Hospitals and wrote the first versions of the information brochure, "A Guide to Substitute Decision-Making" for both hospitals. His articles on mental health law and ethics, substitute decision-making and the end of life process have been published in various journals.

At law school in Windsor, Mark helped establish Hiatus House, an emergency shelter for victims of domestic violence. In London, he was president of the London Chamber of Commerce and a director of the Ontario Chamber; president of the Better Business Bureau and member of the Board of the Canadian Council of Better Business Bureau; a candidate in the 1990 provincial election, and; a director of the London Club. He helped establish Crimestoppers of London and also SARI--The Special Ability Riding Institute.

Over 300 of Mark's restaurant reviews and food articles were published in the London Free Press. He also wrote a monthly Internet wine column for four years and still samples the occasional wine, but only for medicinal purposes

EDUCATION, EXPERIENCE and PROFESSIONAL AFFILIATIONS

Private Practice, Health Law, May 2008 to date
Member, Ontario Human Rights Tribunal, appointed August 2008
Member, Canadian Society of Immigration Consultants Discipline Tribunal, 2006 to 2008
Senior Lawyer Member, Consent and Capacity Board, 2000 to 2008
Vice Chair Consent and Capacity Board, December 2003 to 2008
Toronto Regional Vice Chair, Consent and Capacity Board, 2001 to 2003
Acting Toronto Regional Vice Chair, Consent and Capacity Board, 2001
Vice Chair, Quality Assurance, Consent and Capacity Board, 2000 to 2002
Lawyer Member, Consent and Capacity Board, 1998
Partner, Jeffery Associates, 1988 - 2001
Sole Practitioner, 1979 - 1988
Chizmar Associates, 1978 -1979
Member, Ministry of Health Critical Care Secretariat Ethics sub-committee, 2007 to 2008
Ethics sub-editor, *Current Oncology*, September 2005 to 2008
University of Toronto Joint Centre for Bioethics, 2003 - 2005 MHS (bioethics)
Bar Admission Course, 1977 - 1978
Articling Student, 1976 - 1977
(3 months for the Dean, Windsor Law School,
7 months Poole, Bell in London)
University of Windsor, 1973 - 1976 (LL.B.)
University of Western Ontario, 1969 - 1972 (B.A.)
Student Lawyer, Hiatus House, summer 1976
Student Lawyer, Legal Assistance of Windsor, summer 1975
Law Clerk, Cecil Rotenberg, Q.C., summer 1974
Law Society of Upper Canada; Middlesex Bar Association (1978-2001)
Middlesex Criminal Lawyers' Association (1980-2001)
Middlesex Real Estate Lawyers' Association (1978-2001)
Acting Assistant Crown Attorney (1984-2001)
Sessional Instructor, Negotiation Techniques and Strategy, Bar Admission Course (1990 - 1995)
Standing Agent for Federal Prosecutions (1984 - 1995)
Canadian Bar Association (1978 - 1992)
Official Guardian Child Representation Panel (1980 - 1988)
Law Foundation Volunteer Lawyers service, 1998-2001

Some Career Highlights

- Helped Found Hiatus House, Windsor, 1976, Ontario's second emergency shelter for victims of domestic violence; wrote staff handbook and procedure manual.
- Agent for The Law Society of Upper Canada Staff Trustee, 1982 and 1984—managed the practices of two absconding lawyers and drafted precedent forms and procedures still in use by the Law Society.
- Managed the law practices of two other sole practitioners, 1980 - 1988
- Conducted major prosecutions pursuant to the *Income Tax Act*, *Excise Tax Act*, *Narcotic Control Act* and *Canada Labour Code*.
- Represented owners in a major commercial land development, from property acquisition through re-zoning to financing and leasing, 1986 - 1990.
- Achieved settlement of 98 claims against the Jesuits on behalf of First Nations victims of sexual abuse, 1994.

Community Involvement

Volunteer, Casey House

Ontario Legal Aid Mental Health Law Committee, 2002 to 2005

Member, Humber River Regional Hospital Ethics Committee, November 2003 to May 2006

Member, William Osler Health Centre Corporate Ethics Committee, May 2004 to May 2006

Special Ability Riding Institute: Charter Director, 1977 - 1979

Optimist Club of Fanshawe London: Charter Member, 1978

Congregation Or Shalom: Governor, 1979 - 1980

Member of Fund Raising and Membership Committees

The London Chamber of Commerce:

Youth Liaison Committee, 1979 - 1980

Better Consumer Relations Committee, 1979 - 1983

Civic Affairs Committee, 1979 - 1983

Chair, Elected Officials Remuneration

Sub-Committee, 1980 - 1981

Director, 1983 - 1985, 1989 - 1991

Vice President, 1985 - 1986, 1986 - 1987

President, 1988 - 1989

Municipal Affairs Committee, 1989 - 1993

Ontario Chamber of Commerce:

Director, 1989, 1990, 1991

London Centre (Provincial) Progressive Conservative Association:

Director, 1981 - 1983, 1990, 1993

Chair, Constitution Revision Committee, 1982 - 1983

Second Vice-President, 1983 - 1984

First Vice-President, 1984 - 1988

Candidate, 1990 Provincial Election

London East (Federal) Progressive Conservative Association:

Director, 1983 - 1993

Candidate, London Municipal Election, 1991

Southwestern Ontario Better Business Bureau:

Steering Committee Member, 1983 - 1984

Vice-President, 1984

President, 1984 - 1986

National Director, 1986 - 1987

Honorary Counsel, 1993 to 2000

London Club:

Chair, Membership Development Committee, 1997 - 1998

Member, Finance Committee, 1998 - 1999

Director, 1999 - 2001

Crimestoppers of London, Inc.:

Charter Director, 1987

Performing Arts Center Steering Committee:
Director, 1981 - 1983, 1992 - 1993

Mayor's Downtown Steering Committee, 1990 - 1992

London New Arts Festival:
Honorary Counsel, 1996 - 1997

Orchestra London:
Special Fundraising Committee, 1998, 1999, 2000

London Regional Art Gallery:
Co-Convener, "The Art of Wine" inaugural fundraising event, 2000

Breast Cancer Society of Canada:
Member, Special Fundraising Committee, 1999

Covent Garden Market London:
New Market Steering Committee, 1998 - 1999

Bar Admission Course, London:
Student Representative, Faculty Advisory Committee, 1977 - 1978
Student Council Representative, 1977 - 1978

University of Windsor, Faculty of Law:
Law Representative to the Students' Administrative Council, 1974 - 1976
Director, Students' Administrative Council, 1975 - 1976
Student Law Society Representative, 1975 - 1976
Member, Student Legal Aid Society

University of Western Ontario:
Treasurer, B'Nai Brith Hillel, 1971 - 1972
Member, Political Science Advisory Committee
Student Council Nominating Committee, 1970 - 1972
Member: Bridge Club, Political Science Student Club, Sky Diving Club

Publications

The Health Care Consent Act, Tools for Practitioners, Durham Dental Hygienists Society, May 2010

End of Life Decisions for Incapable Patients: The Basics, Canadian Institute Press, April 2009

Powers of Attorney for Personal Care: Fries With That Will? Ontario Bar Association 2009 Institute, February 2009

The Beneficial Role of a Judicial Process When "Everything" Is Too Much

Mark Handelman and Bob Parke
Healthcare Quarterly, 11(4) 2008: 46-50

Co-authored script for and narrated Consent and Capacity Board video: *Admission to a Care Facility: A Mock Hearing*; 2008

Co-authored script for and appeared in Consent and Capacity Board video: *Challenging Substitute-Decision Makers*; 2008

Co-authored script for and appeared in Consent and Capacity Board video: *Reviewing a Patient's involuntary status and capacity*; 2008

Approximately 500 'Reasons for Decision' for Consent and Capacity Board Hearings

The Cancer Patient's Wife, *Current Oncology*, December 2006

Battered Women: Emergency Shelters and the Law, with Wendy Ward, M.S.W.
University of Windsor Press, 1976

Approximately 150 Restaurant Reviews for the London Free Press, 1985 - 1988

Approximately 25 opinion articles on Law, Politics and Municipal Affairs, published in the London Free Press, 1988 - 2001

London's New Properties Assessment Land Tax Regime, London Business Magazine, February 1994

Approximately 20 articles on Provincial Politics and Municipal Affairs, published in the London Business Advocate, 1985 - 1989

In Your Kitchen, a weekly column about people and food in the Sunday London Free Press, 1998 - 2001

Wine Notes, a monthly Internet wine column, 1999 to 2003

HEALTH LAW AND ETHICS PRESENTATIONS

The Health Care Consent Act, Tools for Practitioners, Durham Dental Hygienists Society, May 2010

The 60-Minute CCB Hearing, Penetanguishene Mental Health Centre Grand Rounds, April 2010

The Process of The Mental Health Act, Canadian Institute Conference, "Mental Health in the Workplace," April 2010

Legal Nuances for Mental Health Professionals, Halton Health Care Mental Health Grand Rounds, April 2010

The Health Care Consent Act, Tools for Practitioners, Rouge Valley Hospital, April 2010

The Health Care Consent Act, Tools for Practitioners, Credit Valley Hospital, April 2010

The 60-Minute CCB Hearing, Centre for Addiction and Mental Health Grand Rounds, February 2010

The Health Care Consent Act, Tools for Practitioners, Etobicoke General Hospital, January 2010

Powers of Attorney: What You Need to Know, Alzheimer's Society of Mississauga, January 2010

End of Life Decision-making, Ethics conference, Ontario Hospital Association, January 2010

The Health Care Consent Act, Tools for Practitioners, The Brantford Civic Hospital, November 2009

Wait a Minute, I Have Rights Too! A brief history of the law of dignity, autonomy, liberty, rights and freedoms, from the dawn of democracy to end of life. Joint Centre for Bioethics, September 2009

Wait a Minute, I Have Rights Too! A brief history of the law of dignity, autonomy, liberty, rights and freedoms, from the dawn of democracy to end of life. Clinical Ethics Summer Institute Keynote Address, July 2009

Assessing the Assessor: Reviewing findings of Incapacity, Canadian Bar Association Elderlaw Conference, June 2009

End of Life Decisions for Incapable Patients: The Basics, Canadian Institute Conference, April 2009

Powers of Attorney for Personal Care: Fries With That Will? Ontario Bar Association 2009 Institute, February 2009

Baycrest Hospital, *Fraud Against the Person*, November 2008

Trillium Health Sciences, *The Scheme of The Health Care Consent Act*, “Ethics Week key note talk, November 2008

Canadian Critical Care Conference, *Substitute Decision-making, Conflicts in Practice*, Toronto, November 2008

Toronto Public Health Dentists annual meeting, *Obtaining Consent to Treatment*, June 2008

St. Mary’s Hospital Ethics Day, *Who Makes Treatment Decisions for Children?* June 2008

The Scarborough Hospital, *Three Geriatric Case Studies*, June 2008

CBC Radio “Sunday Edition,” *Who Makes Treatment Decisions for Children?* June 2008

Sunnybrook Hospital, *No More Myths, Ands or Buts: Substitute Decision-Making at End of Life*, April 2008

St. Joseph’s Hospital, London, *No More Myths, Ands or Buts: Substitute Decision-Making at End of Life*, 3 presentations, April 2008

The Scarborough Hospital, *Reviewing Capacity Evaluations and Preparing for Board Hearings*, February 2008

London Health Sciences Centre, *No More Myths, Ands or Buts: Substitute Decision-Making at End of Life*, two presentations, February 2008

Mount Sinai Hospital, *Reviewing Capacity Evaluations and Preparing for Board Hearings*, January 2008

Southeast Region Community Care Access Centres, two presentations, *Reviewing Capacity Evaluations and Preparing for Board Hearings*, January 2008

Hospital for Sick Children, *Substitute Decision-Making and Capacity to Make Decisions*, January 2008

Brampton Civic Hospital, *No More Myths, Ands or Buts: Substitute Decision-Making at End of Life*, January 2008

Consent and Capacity Board Annual Meeting, *Rights and Liberties; Dignity and Autonomy—Our Role in End of Life Decisions*, November 2007

Community Ethics Network, Toronto, *Rx for Moral Distress*, November 2007

Toronto East General Hospital, *No More Myths, Ands or Buts: Substitute Decision-Making at End of Life*, November 2007

St. Joseph’s Health Centre, *No More Myths, Ands or Buts: Substitute Decision-Making at End of Life*, October 2007 and February 2008

University Health Network, *No More Myths, Ands or Buts: Substitute Decision-Making at End of Life*, October 2007

Sir William Osler Hospital, Etobicoke, *No More Myths, Ands or Buts: Substitute Decision-Making at End of Life*, October 2007

Sunnybrook Hospital Toronto, *No More Myths, Ands or Buts: Substitute Decision-Making at End of Life*, October 2007

Humber River Regional Hospital (Church Site), Toronto, *No More Myths, Ands or Buts: Substitute Decision-Making at End of Life*, October 2007

Humber River Regional Hospital (Finch Site), Toronto, *No More Myths, Ands or Buts: Substitute Decision-Making at End of Life*, October 2007

Joint Centre for Bioethics, University of Toronto, *No More Myths, Ands or Buts: Substitute Decision-Making at End of Life*, October 2007

City of Toronto Public Health Dental Clinic Staff, *Consent and Capacity Law and Ethics for Health Care Professionals*, October 2007

University of the West Indies School of Clinical Medicine and Research, Bridgetown Barbados, 3 lectures: *Capacity and Substitute Decision-making; Substitute Decisions at End of Life; The Law and Ethic of Involuntary Committal*, October 2007

Caribbean Psychiatric Association Annual Meeting, Bridgetown, *The Law and Ethic of Community Treatment Orders*, October 2007

St. Michael's Hospital Mental Health Nurses Grand Rounds, *A Review of Mental Health and Capacity Legislation*, June 2007

Toronto Central CCAC, *The Law and Ethic of Assessing Capacity and Obtaining Informed Substitute Consent*, 3 seminars, June 2007

St. Mary's General Hospital, Waterloo, *Strategies and Skills for Navigating Ethical Conflict in a Health Care Setting*, June 2007

University of Toronto second year medical school class, *Capacity and Substitute Decision-making*, May 2007

Centre for Clinical Ethics (St. Joseph's Hospital Toronto) *Charting Ethics Consultations*, April 2007

Trillium Health Centre Grand Rounds, *The Law and Ethic of Involuntary Psychiatric Detention*, March 2007

Humber River Regional Hospital Grand Rounds, *Legal Remedies for Resolving Treatment Decisions at the End of Life*, February 2007

Humber River Regional Hospital Grand Rounds, *The Health Care Consent Act, Tools for Social Workers*, February 2007

Critical Care Secretariat, Ministry of Health, *Presiding Member for the "End of Life" Mock Hearing for Intensivists*, February 2007

Baycrest Hospital Grand Rounds, *Legal and Ethical Considerations at the End of Life*, February 2007

Sunnybrook Hospital Grand Rounds, *Getting Better Results at Consent and Capacity Board Hearings*, January 2007

Credit Valley Hospital Grand Rounds, *The Law and Ethic of Assessing Capacity of Involuntary Psychiatric Patients*, January 2007

End of Life Decision-making for Intensivists: The Consent and Capacity Board, A "web cast" to hospitals across the province, December 2006

Various Venues, *Capacity and Substitute Decision-making for Geriatric Patients*, sponsored by Pfizer Corporation, 2005, 2006, 2007, 2008

Humber River Regional Hospital Grand Rounds, *Involuntary Detention of Psychiatric Patients*, November 2006

Toronto Rehabilitation Hospital, *Consent and Capacity Law and Ethics for Social Workers*, October 2006

London Regional CCAC Association, *Consent and Capacity Law and Ethics for Social Workers*, October 2006

Ontario Long Term Care Physicians Annual Meeting, *Consent, Assent and Dissent: Capacity Issues for Health Practitioners*, October, 2006

Toronto Rehabilitation Hospital, *The Law and Ethic of Assessing Capacity to Make Admission Decisions*, October, 2006

Joint Centre for Bioethics, Clinical Ethics Committee Weekly Clinical Conference, *The Health Care Consent Act, Tools for Practitioners, Parts 1 and 2*; May/June 2006

Southwest Association of CCAC's, *The Health Care Consent Act, Tools for Practitioners*, May 2006

William Osler Hospital, Etobicoke Campus, *The Health Care Consent Act, Tools for Practitioners*, Grand Rounds, February 2006

Hospital for Sick Children, *Consent, Assent and Dissent: Capacity Issues for Health Practitioners*, Ethics Grand Rounds, December 2005

Homewood Psychiatric Facility, *Consent, Assent and Dissent: Capacity Issues for Health Practitioners*, Ethics Grand Rounds, November 2005

McMaster Geriatric Institute and Ontario Case Managers Association/Ontario Case Managers Association, various full day seminars, *Consent and Capacity Law and Ethics for Social Workers*, 2004 to 2006

International Academy of Law and Mental Health biannual conference, *Ethical Perspectives on Community Treatment Orders*, Paris, July 2005

William Osler Hospital Brampton Campus, Ethics Rounds, *Preparation for Hearings*, June 2005

Joint Centre for Bioethics, Clinical Ethics Committee Weekly Clinical Conference, *Charting Ethics Consultations*, May 2005

William Osler Hospital Etobicoke Campus, Ethics Rounds, *Preparation for Hearings*, May 2005

Centre for Addiction and Mental Health (CAMH) Grand Rounds, *An Ethical Perspective on the Consent and Capacity Board and Psychiatric Patients*, April 2005

Peterborough Psychiatric Assessment Services for the Elderly (PASE) annual meeting, *Capacity Assessments and Their Importance*; April 2005

William Osler Hospital, Grand Rounds, *A Moral and Legal Perspective on Consent and Capacity*;
--Etobicoke Campus, April 2005;
--Georgetown Campus, May 2005

Ontario Physiotherapist Association, annual meeting, *What Should Physiotherapists Know About Consent and Capacity?* Kingston, Ontario, April 2005

Southlake Regional Hospital, Newmarket, Grand Rounds, *Mental Health Law and Ethics*, March 2005

St. John's Rehabilitation Hospital, Toronto, *A Moral and Legal Perspective on Consent and Capacity*, February 2005

Grand River Hospital, Kitchener, Grand Rounds, *Mental Health Law and Ethics*, February 2005

University Health Network, Princess Margaret Hospital, Toronto, *Capacity Issues for Occupational Therapists*, February 2005

Hospital for Sick Children, Psychiatric Grand Rounds, *Capacity Reviews, Surrogate Decisions and Legal/Ethical Issues in the Treatment of Children*, January 2005.

Peterborough Regional Hospital, Grand Rounds, *Mental Health Law and Ethics*, January 2005.

Hamilton Community Care Access, *Assessing Capacity to Make Admission Decisions: a Legal Perspective*, January 2005.

St. Joseph's Health Centre Hamilton, Grand Rounds, *Mental Health Law for Mental Health Professionals* December 2004

Peel Region Community Care Access, two presentations, *Reviewing Capacity Evaluations and Preparing for Board Hearings*, November/December 2004

Wellington County Community Care Access, two presentations, *Reviewing Capacity Evaluations and Preparing for Board Hearings*, November/December 2004

Homewood Hospital, Guelph, Grand Rounds, *Mental Health Law and Ethics*, November 2004

William Osler Hospital Grand Rounds, *End of Life Decision Conflicts Between Health Practitioners and Substitute Decision-makers*, with Dr. Laura Hawryluck, November 2004

University Health Network Toronto Western Hospital Grand Rounds, *Mental Health Law for Mental Health Professionals*, October 2004

Ontario Community Treatment Coordinators Annual Meeting, *Community Treatment Orders: the Legal Nuances*, October 2004

Lakeridge Hospital Grand Rounds, *Mental Health Law for Mental Health Professionals*, October 2004

Humber River Regional Hospital Grand Rounds, *Mental Health Law for Mental Health Professionals*, September 2004

St. Michael's (Toronto) Psychiatric Grand Rounds, *Mental Health Law for Mental Health Professionals*, September 2004

Credit Valley Hospital Grand Rounds, *The Personal Health Information Act*, September 2004

Hamilton-Wentworth Community Care Access Centre, *Capacity Assessments and Reviews*, June 2004

McMaster University Summer Institute on Gerontology, *A Legal Perspective On Consent And Capacity*, May 2004

Humber River Regional Hospital Grand Rounds, *The Health Care Consent Act, Capacity Assessments and How to Prepare for Board Hearings*, May 2004

U of T Graduate Faculty of Nursing, Nurse Practitioner's Program, *All About Substitute Decision-makers, Consent to Treatment and Capacity Assessments*, April 2004

Sunnybrook, Baycrest and Bridgepoint Hospitals Joint Conference on Consent and Capacity Issues, *Consent & Capacity: Prevention, Planning and Best Practice*, March 2004

McMaster University First Nations Community Health Care Training Course, *Mental Health Law in the Community*, March 2004

Cochrane District Community Care Access Centre, *The Health Care Consent Act for Community Social Workers*, February 2004

Registered Nurses Association of Ontario, District 7 annual meeting keynote speaker, *Capacity Assessments and Reviews*, February 2004

St. Michael's General Hospital, Kitchener, *Capacity Assessments, Consent and Capacity Law and The CCB*, December 2003

Toronto Rehabilitation Hospital, *The Law and Ethic of Consent to Treatment*, December 2003

The Canadian Institute Mental Health Conference, *Recent Developments in Mental Health Law*, December 2003

Toronto Western Hospital Grand Rounds, *End of Life Decision Conflicts Between Health Practitioners and Substitute Decision-makers*, November 2003

St. Joseph's Hospital, Hamilton, Grand Rounds, *Mental Health Law Best Practices*, November 2003

University Health Network Toronto Western Hospital Grand Rounds, *End of Life Decision-making*, November 2003

Central East Community Care Access Centres, *CCAC and the CCB*, October 2003

Adult Protective Workers Association, *Mental Health Law in the Community*, May 2003

Metropolitan Toronto Police Association, *Mental Health Issues and Community Policing*, May 2003

Insight Seminars, *Substitute Decision-making and Mental Health Patients*, November, 2002

Sunnybrook & Womens Hospital Grand Rounds, *Medical-Legal Ethical Issues and the Role of the Consent & Cap*