

Montreal's Ura Greenbaum takes on Québec's Public Curator

By P.A.Séigny

Twenty years after he first began to help some of the more vulnerable and helpless people in the province, a growing pile of files on his desk indicates that Montreal's Ura Greenbaum is still busy, and unless the government does something to help reform Québec's Curatelle Publique, he told *The Montreal Lawyer* that he believes that he's going to be busy for a long time to come.

"You must remember that most of the people who are being cared for by the Public Curator don't have the kind of legal resources to defend themselves or their property," said Greenbaum. "As most of them are isolated with few, if any family members to look after them, they really don't have access to the kind of law that they need to protect themselves and their assets."

As a working lawyer back in the early 1990's, Greenberg said that he and his family had the best of intentions when they decided to put their mother under the curator's care following the death of his father.

"We thought it was the best thing to do for her," he said. "But we really didn't know what we were getting into and what that decision was going to cost the family."

Within a few months, Greenbaum's sister received a



Ura Greenbaum helping the helpless

call from a notary asking her to come into his office because he wanted her "... to just sign a few documents." Following a cursory inspection, Greenbaum discovered that the documents were little more than a notification to the family requesting their approval to proceed with the sale of a well-located family property in the Laurentians along with all of its contents as the curator already had an accepted offer for the property.

"Of course, we refused," said Greenbaum. "So they took us to court after which we lost the case, lost the house and lost all of its contents including several family heirlooms."

Following his initial investigation into the curator's



Retired lawyer Ura Greenbaum

activities, Greenbaum discovered that what happened to his mother's property was not an isolated case.

"I discovered several cases in which people were systematically being systematically stripped of all their assets," said Greenbaum, "...and the sad thing is that there was nobody around to look out for them or their property."

As Greenbaum was already winding down his legal career, the ongoing investigations into the curator's activities began to take up more and more of his time.

"Little by little, the word got out and before long, people were coming in to see me in order to see what I could do about to help them out with their problems with the curator."

In 1995, he established L'Association pour la Défense des Personnes et de leurs Biens sous la Curatelle Publique in order to represent the interests of anyone and everyone who was having problems with Québec's Public Curator. As more and more files began to pile up on his desk, Greenbaum began to send copies to Derek Jacoby who was Québec's first ombudsman as well as a colleague and a good friend. Within weeks, Jacoby had enough evidence to initiate a special report on the Public Curator's office. Based upon the furor it caused following the 1997 release of the ombudsman's report, Québec Premier Lucien Bouchard's PQ government ordered the province's auditor-general to investigate the Public Curator's office. Ac-

ording to Greenbaum, the auditor's report was even worse than the ombudsman's original effort after which the Bouchard government was forced to reform the curator's office in order to restore its credibility.

"It was a step in the right direction," said Greenbaum, "...but ultimately, it was still a failure because nothing was done to correct the issue that lay at the heart of the problem."

Following up on two decades of experience in dealing with the bureaucrats who work in the curator's office, Greenbaum told *The Montreal Lawyer* that two issues continue to affect the curator's credibility.

"The curator's affairs must be transparent because without any kind of transparency, it's almost impossible to hold the curator's office responsible for its actions," said Greenbaum. Simply put, he believes that the curator can no longer hide behind privacy issues in order to cover its tracks and defend what are finally "indefensible" actions.

"It's far easier to fight a case in court than it is to fight the system," he said. "And Québec's public Curator is very much a part of the system."

As the curator continues to consider their client's files to be confidential information, Greenbaum said that it's up to the client to get his own file, and if the client has any kind of a mental condition such as Alzheimer's Disease or senile dementia, the curator's officials can effectively do what they want with both the client and their property "...because many of these people really don't have any idea as to what is really going on with their property."

"It's sad," he said, "...because many of these people don't have any family or friends left who are willing to speak up for them."

When asked about the reasons why he was willing to spend thousands of hours of retirement time fighting for some of the most vulnerable people in the entire province for little or no pay at the end of the line, Greenbaum told *The Montreal Lawyer* that it was all very simple.

"As Rabbi Hillel once put it," he said, "...if I don't do it, then who will?"