



How to Help:

The Lawyer Showing Cognitive Decline

Watching a respected and high performing colleague become forgetful and easily confused is upsetting. Having a conversation with them about these issues is difficult, but necessary. The LAP can assist you in preparing for the discussion, give us a call. 518.487.5688

Common symptoms of cognitive decline :

Forgetfulness: missing court dates, missing appointments, cannot recall directions, major life events, or familiar people.

Confusion: while attending to routine matters, during conversations, following directions.

Irritability: irrational anger, increasing occurrences of flashes of rage at clients and staff.

Decline in work product/quality: poor decision making, staff are responsible for the majority of work product, written and verbal communications are incomplete or incorrect.

Decline in appearance: clothes are disheveled and/or unclean, clothes not worn correctly, hair/facial hair unkept.

How you can help:

- Speak to the lawyer as soon as possible, making sure you and the lawyer are in a calm state of mind, in a relaxed and familiar setting.
- Find another person that the lawyer trusts to attend the meeting, both as a support and as a witness. Be sure both of you are on the same page and don't appear to be ganging up on the lawyer. Review what you each will say before you meet with the lawyer.
- Express concern for the lawyer, then ask the lawyer if they've noticed any changes in their behavior that are concerning to them. Be empathetic and understanding.
 - If they have noticed some changes, reflect back your concern about those changes. Ask them how they are feeling about those changes.
 - If they state they haven't seen any changes, be clear and specific regarding the changes you have seen and how those behaviors made you feel.
- Suggest the lawyer meet with their primary care physician to review the concerns discussed.
- Acknowledge the concerning behaviors are problematic and may result in grievance involvement.
- Suggest the lawyer take some time off while the concerns are addressed.

Do:

- Speak clearly and identify the issues.
- Show compassion and respect.
- Offer to assist with doctor appointments.
- Suggest a leave of absence, inactive status, or disability leave.
- Understand that not only is this conversation difficult for you, it is even more difficult and frightening for the lawyer.

Don't:

- Ignore the behaviors and put off the discussion in the hopes someone else will do it.
- Be judgmental or punitive in your language or tone towards the lawyer.
- Diagnose.
- Don't push the lawyer to admit there's an issue. If they tell you they don't want to discuss, revisit the conversation at another time.

Examples of conversation starters



I've been concerned about some of the things I'm seeing when you come into the office. I notice you are struggling with routine filings and making court appearances, and you were very confused the other day at court, you couldn't recall how to get out of the courthouse. Have you been noticing these things too?



I'm worried about your health, you missed two court dates this week, and you were confused as to who your assistant was several times recently. You also yelled at your clients yesterday when they pointed out you repeatedly called them the wrong name. Is there something going on that you want to talk about?



I'm having some concerns about you lately. Twice now you've come to work with your shirt on inside out and there's been a couple of times where you've gone out to lunch, and someone had to go and pick you up because you were unable to remember how to get back to the office. I'm worried about your health, can we talk about what is going on?

Keep in mind, a resolution will generally not be reached following one conversation. It usually takes several difficult, but gentle, conversations until the lawyer agrees to seek assistance.

For information regarding assisting someone transition out of the practice of law, download [NYSBA's Planning Ahead Guide](#).

Don't hesitate to contact the LAP for support, 518.487.5688 or lap@nysba.org. Staff can provide guidance, talking points, and connect you with peer support.

www.nysba.org/lap