DEVELOPING DEMENTIA CAPABLE LEGAL PROFESSIONALS

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- Hawaii Executive Office on Aging
- Hawaii State Bar Association
- Queen’s Medical Center’s Geriatrics Program
- University of Hawaii Elder Law Program
- Miyasaki, LLC
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Thank you!

NCLC’s National Elder Rights Training Project provides trainings nationwide on a broad range of topics. The Project is part of the Administration on Community Living’s National Legal Resource Center. The NLRC provides technical support, case consultation and training to the nation’s aging services network.

Nui

University of Hawaii Elder Law Program (UHELP)
WELCOME- ALOHA

- Daniel C. Marson, J.D., Ph.D.
- University of Alabama School of Medicine

- David Godfrey, J.D.
- ABA Commission on Law and Aging
- Administration for Community Living – National Legal Resource Center – NLRC National Legal Training Project – National Consumer Law Center
OVERVIEW

• Defining a dementia capable legal professional
• Overview of dementia
• Assessing client capacity
• Ethical Challenges of working with clients with dementia
• Balancing self determination with protection from abuse, neglect and exploitation
• Planning for incapacity
• Mentoring others
• Pro Bono opportunities
CHARACTERISTICS OF A DEMENTIA CAPABLE PROFESSIONAL

- Understands the common forms of dementia
- The spectrum of capacity
- Is able to identify people who may have dementia
- Is able to assess capacity for professional services
  - Determine if further evaluation is needed
- Is skilled with tools to maximize communication and empowerment
DEMENTIA CAPABLE

• Counsels persons with dementia and their families on issues that they are likely to face
• Is familiar with programs and services available in the community
• Understands the influence of culture when working with persons with dementia and their families
DEMENTIA CAPABLE LEGAL PROFESSIONALS

- Understands the fundamentals of Dementia
- Understands the spectrum of capacity
- Has the skills to do basic screening for capacity
- Assures that the client understands the legal options and the implication of the choices being made before moving forward
DEMENTIA CAPABLE LEGAL PROFESSIONAL CONTINUED

• Knows the legal issues and risks faced by persons with dementia and their loved ones
• Focusses on empowering the person with dementia and their families – while protecting from abuse
• Is aware of the ethical issues of representing a client with diminished capacity, multi party representation, conflicts, confidentiality, competence.
IMPACT

• Dementia impacts the individual, their family and friends
• The issues are intertwined and complex
• The relationships among loved ones are a part of the picture.
• Changes?
  • Memory, cognition, health, independence, autonomy, dignity, relationships, income,
Dementia Capable Legal Professional Continued

- Reassess capacity on an ongoing basis
- Skilled in communication and empowerment tools
- Well connected with programs and services
- Provides referrals to community-based services that are dementia-capable
- Is sensitive to cultural differences when working with persons with dementia and their families