

# THE SENIOR LAWYER IN DECLINE: TRANSITIONING WITH DIGNITY

~ABC's of helping the senior lawyer in need~

## A. Identify the Problem (be alert for small changes to intervene early)

1. Denial of any problem
2. Non-functional without assistant
3. Frequent irritability
4. Changes in routine or behavior at work
5. Deteriorating performance at work or completing familiar tasks at home
6. Memory decline, consistently forgetful leading to disruption of daily life
7. Increasingly misplacing everyday objects
8. Perfunctory answers
9. Loss of control of emotions, crying at work
10. Grievances
11. Difficulty in planning, finances
12. Confusion with time or place
13. Trouble with visual, spatial cues
14. Problems with words, speech, writing
15. Poor judgment

## B. Approach the Declining Lawyer

1. Consult WisLAP
2. Have a non-confrontational meeting; actively avoid confrontation
3. Work with someone the lawyer trusts (partner, advisor, close friend)
4. Include a witness
5. Avoid criticism – use openers such as:  
“I am concerned about you because ...”  
“We have worked together a long time, so I hope you won't think I'm interfering when I tell you I am worried about you ...”  
“I've noticed you haven't been out much lately, and am wondering if you're ok ...”
6. Get the lawyer to talk; listen, do not lecture
7. While listening, add responsive and reflective comments
8. Express concern with gentleness and respect
9. Talk about other people's concerns
10. Review the lawyer's good qualities and happy memories
11. Act with kindness, dignity, privacy; not crisis mode
12. Be yourself, not an authority figure
13. Suggest assessment by a specific professional and have contact information ready (can be obtained from WisLAP)
14. Offer assistance and make recommendations for a plan that provides oversight (such as a buddy system or part-time practice with co-counsel)
15. Remember that this is a process, not a one-time event

## C. Do's and Don'ts

1. Do
  - Be direct, specific, and identify the problem truthfully
  - Speak from personal experience; state your feelings
  - Report what you actually see
  - Be respectful and treat the lawyer with dignity
  - Act in a non-judgmental, non-labeling, non-accusatory manner
  - Offer to work with the lawyer and their doctor
  - Refer for evaluation as early as possible, have resources at hand
  - Suggest alternatives: inactive status, disability leave, of counsel
  - Suggest the potential consequences: grievance investigation or disability proceedings
  - Focus on eventual retirement with dignity
2. Don't

- Ignore and do nothing
- Minimize or sugarcoat issues
- Pursue if lawyer says “back off” (attempt to discuss again at a later date)