

How to Help a Judge or Lawyer with Cognitive Impairment

americanbar.org/groups/senior_lawyers/resources/voice-of-experience/2024-june/how-to-help-a-judge-or-lawyer-with-cognitive-impairment

Voice of Experience

Voice of Experience: June 2024

[Michael L Goldblatt](#)

[Capacity](#) [Career Options](#) [Fit to Practice](#) [Health](#) [Technology](#) [Competency](#)

Summary

- Mild cognitive impairment can come gradually and at any age.
- Learn strategies and resources to help judges and lawyers who are experiencing the beginning of diminished capacity.

iStock.com

Netflix recently launched the Lincoln Lawyer series featuring a criminal defense lawyer named Mick Haller. The drama gets its name from the Lincoln Navigator that Haller uses as his mobile office. The first season portrays him successfully resuming law practice after undergoing treatment for substance misuse. The popular show is now in production for its third season.

About 5% of American adults experience mild cognitive impairment at some point in their lives. The incidence rate rises for older adults to about 20% by 70 and around 30% by 90. The onset of impairment is difficult to detect since it can come gradually and at any age. A common scenario is a decline in productivity, missed deadlines, and quality control issues. Lifestyle changes, medications, and therapies can help reverse, slow, or stop mental decline. Consider the following strategies to help a judge or lawyer who displays symptoms of cognitive impairment. To implement the strategies, consult the articles, books, videos, and websites listed at the end of this article.

Strategies

- **Approach** – use an indirect approach to avoid alarming the person suspected of cognitive impairment.
- **Causes** – become familiar with causes of impairment like dementia, medications, and substance abuse.
- **Denial** – stay calm and compassionate since denial is a coping mechanism.

- **Diagnosis** – suggest names of healthcare professionals that can provide diagnosis and treatment.
- **Family** – approach the impaired’s spouse or trusted friend to make them aware of the situation at work.
- **Lifestyle** – note that healthy diet, exercise, and sleep habits may prevent or reverse cognitive decline.
- **Reporting** - file an ethics complaint for impairment that causes a failure of competence.
- **Resources** – connect the impaired person and their family with bar, community, and financial resources.
- **Symptoms** – stay vigilant to symptoms like late filings, missed appointments, and poor draftsmanship.
- **Storytelling** – start the conversation with a story about successful treatment of a personal problem.
- **Workstyle** - mention work/life alternatives like reduced hours, leaves of absence, and retirement.



The advertisement is a rectangular banner. On the left, there is a logo for ABA Retirement Funds consisting of a grid of colored dots (green, grey, and blue) next to the text 'ABA Retirement Funds'. In the center, there is a photograph of a hand moving a silver chess king piece on a chessboard, with other pieces like a gold king and silver pawns visible in the background. On the right side of the banner, the text reads: 'Strength & Experience Retirement and financial wellness planning for your employees.' Below this, it says 'Contact Us Today!' followed by the phone number '800.826.8901' and the website 'abaretirement.com'. There is a decorative circular pattern of dots on the far right.

Conclusion

The most common causes for cognitive impairment are genetics, health, lifestyle, and stress. Treatments are available to reverse, slow, or stop declines. Most bar associations have resources to help judges and lawyers with cognitive disorders. Use the strategies and resources mentioned in this article if you suspect a colleague needs help. Protect clients and courtrooms by helping colleagues with mental impairment – if you see something, say something.

Articles

- Rhiannon Baker, [Aging and Declining Cognitive Ability in Lawyers](#), Oklahoma Bar Journal, April 2023.
- Cliff Collins, [When Colleagues Experience Cognitive Decline](#), Oregon State Bar Bulletin, Nov. 2013.
- Brian Foley, [Having “The Talk”](#), California Lawyers Association, Jul. 29, 2020.

- Jane Reardon, [Shining a Light on Lawyers' Substance Abuse and Mental Health](#), Civility, Aug. 15, 2017.
- Staff, [What You Need to Know About Lawyer Assistance Programs](#), NBI, Jan. 18, 2023.

Books

- Brian Cuban, [The Addicted Lawyer](#), Post Hill Press, June 13, 2017.
- Kevin Chandler, [Daily Meditations for Growth and Recovery](#), ABA Book Publishing, Aug. 7, 2015.
- Sharon Hoffman, [Cognitive Decline and the Workplace](#), Wake Forest, Apr. 1, 2022.
- Various, [Assessment of Older Adults with Diminished Capacity](#), ABA/APA, Mar. 15, 2021.
- Staff, [Wellness Guide for Senior Lawyers](#), State Bar of California, May 21, 2024.

Videos

- [Attorney Licensure and the Impaired Professional](#), Justia, Dec. 11, 2023.
- [How Dementia Affects Practitioners Personally and Professionally](#), ABA, May 25, 2022.
- [Telltale Symptoms of Dementia](#), ABA, Feb. 22, 2022.
- [What Every Lawyer Needs to Know About Cognitive Decline](#), LCLM, Jan. 16, 2024.

Websites

- [Center for Elder Law and Dementia](#) (ABA)
- [Directory of Lawyer Assistance Programs](#) (ABA)
- [Intervention and Impairment Assistance](#) (ABA)
- [Mental Health Resources](#) (ABA)
- [Wellness Resources](#) (ABA)

Authors

Michael L Goldblatt

Mr. Goldblatt is an author and consultant. He was Associate General Counsel of Tidewater Inc. until retiring after 35 years of service. Mr. Goldblatt has written numerous articles and books about marketing, management,...

[View Bio →](#)

©