

Aging and Transitioning With Dignity

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AGE MAY NOT BE AN INTERESTING SUBJECT, BUT IT IS A TIMELY SUBJECT OF CONSIDERABLE IMPORTANCE.

According to a Standard & Poor's analysis on aging, "No other force is likely to shape the future of national economic health, public finances, and policy-making as the irreversible rate at which the world's population is aging." The U.S. Department of Health and Human Services reports that the 65 and older population increased by 15 percent between 2000 and 2010 and is projected to increase by another 36 percent over the next decade. The 85 and older population is projected to increase by 19 percent between 2010 and 2020.

The forces driving these demographic changes are the aging of the baby boom generation and increased longevity. These forces have also resulted in an increased number of Americans staying in the workforce longer. Between 1977 and 2007, employment of workers 65 and

nationwide survey by the Pew Research Center, a majority (54 percent) of workers age 65 and older say the main reason they work is that they want to — to have a purpose, to stay active, and to be connected. An additional 27 percent responded that they were motivated by a mix of desire and need.

Lawyers may be particularly influenced by an emotional desire to continue working. Many attorneys invest much, if not all, of their self-worth into the profession, making a decision to retire almost impossible. In addition, limited interests outside the law make it difficult for many to consider any other way to spend their time.

COGNITIVE DECLINE

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older increased 101 percent. During this same period, the number of employed people age 75 and older, albeit a relatively small number, increased by 72 percent.

Given the statistics, we can expect the legal profession to include more senior practitioners in the upcoming years. The numbers reported in the Lawyer Statistical Report prepared by the American Bar Foundation are indicative of this trend. According to the report, 25 percent of the lawyer population was 55 and older in 1980. By 2005, the percentage increased to 34 percent. Likewise, the median age of lawyers increased during that time period, from 39 to 49 years old.

THE GRAYING BAR

Like many Americans, lawyers are remaining in the workforce longer. Some continue working for financial reasons, but surveys show that finances are not the primary cause of postponed retirement. The decision is often made for emotional reasons. According to a September 2009

sensitive issue for our profession, which traditionally honors its elders for long careers. While aging does increase the risk of cognitive impairment, it is important to remember that many people remain sharp and effective well into their later years.

Age-related changes are normal and not necessarily detrimental to one's ability to provide legal services. Cognitive impairment, however, is cause for concern. It occurs when there is a problem perceiving, thinking, and remembering. Some common signs of cognitive impairment indicative of a possible problem are regularly missing deadlines, repeating the same mistakes, confusion, excessive forgetfulness, and increased irritability.

Cognitive impairment can be brought about by many causes, such as a B12 deficiency, hypothyroidism, falls, encephalitis, meningitis, normal pressure hydro-encephalitis, sleep apnea, medication toxicity, alcoholism, depression, anxiety, hypertension, or diabetes. Some such impairments are reversible. Cognitive impairment is also brought about

by dementia. The increase in longevity has brought with it an epidemic of Alzheimer's disease and other dementias. Alzheimer's disease afflicts 10 percent of the people 65 years old and up to half of those older than 85. This epidemic makes the concerns of professional incompetency more significant. Once a change in cognitive abilities is identified, it is essential for the lawyer to undergo a medical assessment to determine the cause and assess his or her ability to practice law.

RESILIENCE AND TRANSITIONS

The lawyer who has made it to the senior years (a broad interpretation) and is still standing definitely has resilience! Resilience is based on the ability to develop a plan with self-confidence to solve problems while maintaining emotional balance.

Solutions — Psychologists say most lawyers have a pessimistic side, which is what makes them good problem solvers. Looking back over a career of decades, it is amazing the number of problems a lawyer has solved — hundreds of clients, career changes, financial challenges, changes in the law, family issues, and economy shifts. Having the resilience to accomplish all of that makes the future bright for solving all the challenges ahead. In just the area of communication, senior lawyers have usually accomplished the skills of clarity, specificity, focus, and results, which make simple day-to-day challenges easier to overcome.

Impulses/Emotional Balance — Aren't most lawyers passionate and intense? And yet, as senior lawyers, they have succeeded to some degree in managing strong feelings and impulses, or are willing to seek help to do so.

While many people go through the later stages of life without significant difficulty, others experience mental health issues. It is important that those around the lawyer be supportive and cognizant of any marked changes in behavior. Strategies the lawyer can use to increase resilience and make a successful transition include: maintaining a sense of humor, asking for help, staying connected, saying no, trusting in him or herself, and acceptance.

Plans — The resilient lawyer has the capacity to make realistic plans and implement steps to carry out those plans. The ability to see reality and move forward blossoms with experience and time. Achieving senior lawyer status is not an end but a wonderful beginning for making realistic plans and developing the steps to carry out future plans that will bring joy.

Self-Confidence — A new lawyer usually feels like all other lawyers are in the know and self-esteem is at a low point. Nurturing that self-confidence is the foundation for resilience. Recalling acceptance to law school and law school survival as a test of perseverance is enough to build confidence as a new lawyer. After decades of practice, a look backward at all that has been accomplished promotes enough self-confidence to bolster the senior lawyer that success, perhaps in a different form, is ahead. Assessing current strengths and abilities will help the senior lawyer feel a sense of pride.

That characteristic of maintaining a positive attitude and reasonable temperament helps a senior lawyer enjoy the moment, and not sink into the role of that grouchy old lawyer.

Resilience can be defined as the ability to adapt in the face of anxiety, trauma, tragedy, threats, and frightening experiences. For the most part, senior lawyers have learned to bounce back from many difficult experiences. Let's use that resilience and bounce forward to the fun ahead.

A Story of Transition — In 1960, a college graduate was clear about Plan A: Marriage with a comfortable lifestyle and a happily-ever-after. Within five years, Plan A was hopelessly off track — a single parent with two small children and no financial resources. A daytime job, graduate school at night, and then law school at night helped to formulate Plan B: Private practice over three decades that was incredibly rewarding and at times overwhelmingly stressful. Surviving divorce, family deaths, a

colleague's suicide, secondary family traumas, financial demands, alcoholism, marital challenges, parenting, and physical injuries seasoned this resilient lawyer. The lesson learned was, "If I can survive that, I can survive anything." Plan C: Retirement included travel, volunteering, and leisure time, but was that enough? Plan D: Currently consists of a job in the legal field that has little stress and is truly meaningful. There is even time to develop the skills of relaxation, living in the moment, and offering service to others. Plan E: Who knows?

WE ARE IN THIS TOGETHER

The aging process is different for each individual, as will be the point at which an attorney needs to make changes in his or her practice. An attorney may slow down and make a transition to retirement over time. Creative solutions for transitioning, such as re-tooling responsibilities, moving to another position, or focusing on other aspects of the practice, may be available.

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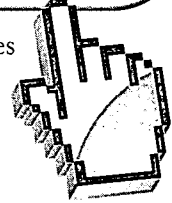
Unfortunately, the cognitive impairments aging may bring are often accompanied by an inability to recognize the impairment. As members of the Bar, we have a responsibility to encourage our colleagues to make an immediate transition if the impairment prevents him or her from practicing without risk to clients. Although this is a difficult undertaking, the attorney will experience a far more dignified end to his or her career than might otherwise occur.

Remember, whether you are the attorney making the transition or a friend, colleague, or family member of that attorney, you are not alone. Support is available from the Texas Lawyers' Assistance Program, as well as therapists, friends, colleagues, and many community groups. **TBJ**

WEB EXCLUSIVE

Read these additional TLAP articles at TexasBar.com/Aging:

- **Helping a Senior Lawyer**
- **A Solo's Tough Transition**
- **Aging Lawyers**
- **The Senior Lawyer in Decline: Transitioning with Dignity**



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