



Approximately one in eight people over the age of 65 have Alzheimer's disease in the United States. As the large population of baby boomers age, it becomes imperative that lawyers and law firms know how to identify a lawyer who has become potentially incapacitated and to know what to do.

Given the astonishing number of people suffering from Alzheimer's disease, it is best if law firms create a written process about how a situation will be handled before an actual issue arises and while people's emotions aren't involved. You will want to train everyone in your office about the warning signs of Alzheimer's and make sure they know who to contact if they have any concerns. It is not uncommon for assistants and associates working closely with an aging lawyer to say they thought something was "off" with the attorney after something has gone wrong. Ideally, you want to give people the tools to respectfully address any unusual behavior before a problem occurs or a client is harmed.

Know the signs.

Become familiar with the 10 warning signs of Alzheimer's:

1. Memory loss that disrupts daily life
2. Challenges in planning or solving problems
3. Difficulty completing familiar tasks at home, at work or at leisure
4. Confusion with time or place
5. Trouble understanding visual images and spatial relationships
6. New problems with words in speaking or writing
7. Misplacing things and losing the ability to retrace steps
8. Decreased or poor judgment
9. Withdrawal from work or social activities
10. Changes in mood or personality

Go to alz.org to read more about these warning signs.

Know your ethical duties.

The rules of professional conduct in most jurisdictions require lawyers to report misconduct by another attorney. Under the ABA's Model Code of Professional Responsibility, Rule 8.3(a): A lawyer who knows that another lawyer has committed a violation of the Rules of Professional Conduct that raises a substantial question as to that lawyer's honesty, trustworthiness or fitness as a lawyer in other respects, shall inform the appropriate professional authority.

Know who can help.

However, you may see signs that a colleague might be impaired by Alzheimer's before any Rule has actually been violated. You may worry that the other attorney's actions could harm clients but you may be reluctant to confront him or her. Don't be afraid to speak up, whether to involve your firm's human resources personnel or management committee, or the attorney's family. If the person is in the early stages of Alzheimer's, he or she may be helped by medications that could extend their quality of life.

If your firm does not have a process in place, consider contacting your state's Lawyers Assistance Program (LAP). Lawyers Assistance Programs are available in every state and have historically assisted lawyers who are impaired by substance abuse, addictive behaviors, depression or other mental health issues. However, LAPs are assisting more age-impaired lawyers than ever before and can be a great resource. The focus at the LAP will be timely intervention to prevent any harm to clients and to preserve the impaired attorney's dignity.

We'd like to hear from you

If you would like to get more details regarding any of the above topics, join the mailing list, access any of our risk management resources, or tell us your suggestions, please contact our broker or Swiss Re Corporate Solutions' LPL Risk Manager at: corporate_solutions@swissre.com

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