

Recommendation #10: Dementia and the Legal Profession

TFAD Member Lead: Susan Hirsch

Current Recommendation as Stated:

In the legal profession, awareness and a fundamental understanding of dementia is crucial for effective representation of clients who are living with dementia. These individuals may seek consultation in any area of the law, and thus, knowledge about dementia is essential for all legal practitioners. To advance effective legal representation for people living with dementia, TFAD supports the availability of educational options to increase awareness and knowledge of topics related to dementia designed for students pursuing legal professions and licensed professionals completing required continuing legal education (CLE). Judges and court personnel are encouraged to participate in dementia-friendly education and trainings. Educational topics could include, but are not limited to: • Capacity for decision-making (related to healthcare, finances, living arrangements and other pertinent decisions); • Advance care planning (completion of documents reflecting an individual's wishes for their healthcare, living arrangements and request to nominate a guardian); • Estate planning; • Adult guardianship; • Risk of exploitation, abuse and neglect; • Ethical considerations for effective representation of clients living with dementia; and • Information related to dementia (possible warning signs, diagnostic process, ongoing care and supportive resources, and family caregiving). TFAD encourages UNLV's William S Boyd School of Law, the National Judicial College, the State Bar of Nevada (the licensing entity for Nevada attorneys), trade associations such as the Washoe County Bar and Clark County Bar Associations, and Nevada's legal services providers to promote awareness and education related to dementia. Further, TFAD supports the offering of CLE credits for dementia-related, medically based courses for legal professionals that could satisfy the annual licensure requirements for ethics.

Indicators:

- 1) Assess number, topics and participation rate annually for educational opportunities, both preand post-professional education (CLE) offered through UNLV's William S. Boyd School of Law, the legal community, Nevada's senior legal services providers and ADSD
- 2) Request CLE providers offer feedback from participant evaluations in dementia-related CLE programs

Potential Funding:

- Grants, gifts and donations

Current Status:

To date, this recommendation has not been an area of focus during the 2023-24 State Plan cycle.

Determination:

Revised/Updated

Justification:

The original premise of this recommendation remains the same, many individuals living with dementia will seek legal counsel and services. To ensure effective and competent representation, it is imperative that current and upcoming legal professionals have a basic understanding of dementia and its impact on the provision of services. This revised recommendation is more closely aligned with TFAD's role and capacity to encourage more dementia friendly resources.

Suggested Revisions:

Recommendation #10: Dementia and the Legal Profession

In the legal profession, fundamental understanding of dementia is crucial for effective representation of clients who are living with dementia. Individuals may seek consultation in any area of the law, and thus, basic knowledge about dementia is essential for all legal practitioners.

To advance effective legal representation for people living with dementia, TFAD supports the availability of educational opportunities designed to increase knowledge and understanding of dementia for students pursuing legal professions and licensed professionals completing continuing legal education (CLE). Judges and court personnel are encouraged to participate in dementia-friendly education and training. Topics could include, but are not limited to:

- Decision-making capacity
- Advance care planning
- Estate planning
- Adult guardianship
- Exploitation, abuse and neglect
- Ethical considerations for effective representation of clients living with dementia
- Understanding dementia

TFAD encourages UNLV's William S. Boyd School of Law, National Judicial College, State Bar of Nevada (the licensing entity for Nevada attorneys), trade associations (Washoe County Bar and Clark County Bar Association) and Nevada's legal services providers to promote increasing awareness and educational options related to dementia for students and legal professionals. Further, TFAD supports offering CLE credits for dementia-related-courses/trainings for legal professionals that could

satisfy licensure requirements. Nevada ADSD's Advocacy Attorney could offer leadership for this initiative.

Indicators:

- 1) Ongoing dialogue between TFAD and key legal constituencies designed to:
 - Increase knowledge about dementia and legal issues commonly experienced by persons living with dementia
 - Encourage education/training opportunities on dementia-related topics for students and professionals
- 2) Nevada ADSD Advocacy Attorney engagement with legal stakeholders to encourage increased educational opportunities and trainings

Potential Funding:

- Grants, gifts and donations

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