

Summary of Panel Discussion: Access to Justice for Individuals with Neurocognitive Disorder (Dementia) and their Caregivers by James H. Pietsch, JD and Iqbal Ahmed, MD.

As our nation's older population continues to grow, so does the importance of having professionals in our society capable of responding to the unique needs of the elderly, including responding to the physical and mental effects of aging on this segment of the population. These professionals should include those who are so-called "dementia-capable" professionals—individuals who are trained to recognize the signs of and address problems caused by Alzheimer's Disease and related disorders or dementias (ADRD). By having more dementia-capable professionals, access to justice for those with ADRD may be enhanced.

After an introduction to the subject, the first portion of the panel discussion focused on medical terminology and a description of ADRD. Over the next ten years, the number of individuals who will suffer from ADRD is expected to rise by 40 percent, and the effects of ADRD can often be devastating on individuals, their families and society. Age is the primary factor for developing dementia, and with our aging population growing each year, it is more important than ever for those in the legal profession to become dementia-capable.

The discussion noted that, before an individual reaches the point of having dementia, there may be a period of time in which they may be experiencing moderate or mild cognitive impairment (MCI). An individual with MCI may still have or have retained substantial ability to pursue appropriate legal, financial and personal planning for future incapacity. This is an area best suited for a dementia-capable attorney (explained later in presentation) to take advantage of a client's ability to make decisions at the early stages of diminished capacity by having the client portray exact wishes to the lawyer.

The concept of dementia-capable professionals began percolating in the United States in reaction to the alarming prospects of ADRD. The discussion noted that Hawai'i is at the forefront of addressing ADRD-related issues, and the State's community stakeholders have been active from the beginning. Hawai'i has also recognized the need to train legal and other services professionals regarding issues relating to dementia.

This discussion finally provided an overview of the characteristics and challenges of professionals, including attorneys striving to become "dementia-capable."