

Search: 

# The Florida Bar Journal

Advertising Rates • Submission Guidelines • Archives • Subscribe • News

February, 2013 Volume 87, No. 2

[Journal HOME](#)

## Aging Gracefully by Gwynne A. Young

Page 4



I admit to wincing when an invitation to join the AARP hit my mailbox when I turned 50. Surely, I was not old yet.

And it was a tad embarrassing when I first qualified for "senior discounts" at movie theaters and stores, until I learned to enjoy the savings.

Now that I've passed the big 6-0 birthday benchmark, I am inching closer to the day I am entitled to Medicare and Social Security checks.

Still, I just don't think of myself as old. After all, I am an active business litigator and trial lawyer at Carlton Fields, where I've worked for nearly 36 years. I travel to as many Duke basketball games as my schedule allows. And I love to explore new countries with adventurous friends and throw a good dinner party.

Who, me, old? No way!

Still, when I fill out a form and have to insert my age, it causes me to step back and go *hmmm*. I'm older than I feel. I really am a senior citizen. I really am an aging lawyer.

When The Florida Bar *News* ran a story in the November 15 issue, with the headline: "Bracing for the 'tsunami' of aging Florida lawyers," there was some negative feedback about this understandably emotional issue.

Several lawyers in the over-55 age group exchanged outraged emails, called, or wrote letters to the editor, saying they were offended to be clumped into this "aging lawyers" category.

"I really expected better of our learned profession than to relegate competence to any measure of chronological age," wrote one lawyer.

"It was bad enough to have Romney include me in his 47 percent deadbeat lineup, but now the 'Aging Lawyers Working Group' includes me in the feebleminded 11 percent," wrote another.

The Bar is not trying to lump everyone of a certain chronological age into a single category of aging lawyers experiencing problems. But here's a reality check: The Florida Bar has more aging lawyers than it ever has before, and your Florida Bar president is one of them.

The Florida Bar has more than 14,000 members who are 60 or older.

We have a significant aging population, and it's an issue that the Bar cannot sweep under the rug.

Many older lawyers are still very active and very alert, and I'm glad to count myself as one of them. But some older lawyers are having issues that, sadly, have run them afoul of the disciplinary system because they have not been able to adequately represent their clients.

The Bar is simply trying to help our aging lawyers and keep them involved. The Bar is trying to help law firms who haven't dealt with these problems before to recognize the symptoms of cognitive impairment that, like it or not, affects some aging lawyers who may be practicing law longer than they should.

It's a lot like learning to see the signs of dementia in our aging parents and figuring out how to best deal with it, for everyone's safety, while maintaining dignity.

The Bar is responding to the issue of aging lawyers on several fronts:

There's a new Aging Lawyers Working Group: John T. Berry, director of the Bar's Legal Division; Linda Calvert Hanson, director of the Bar's Henry Latimer Center for Professionalism; Michael Cohen, executive director of Florida Lawyers Assistance; Michael Herkov, a psychologist and associate professor at the University of Florida College of Medicine's Psychiatry Department; and UF Law Professor Jennifer Zedalis. Together, they are embarking on a plan to help identify lawyers with cognitive impairments before they harm clients and are snared in the disciplinary process. They are also hoping to find ways to help older attorneys continue to share their valuable experience and expertise in less stressful ways than grueling litigation or direct service to clients.

Last August, Rule 1-3.5 was amended regarding permanent retirement, an option when an aging lawyer faces grievance proceedings because a complaint has been filed.

When the Bar's Hawkins Commission presented its final report last May to a unanimously receptive Board of Governors, many recommendations dealt with aging attorneys.

And Jacksonville attorney Jake Schickel has taken steps to create a new section geared toward helping older lawyers that is wending through the Bar process.

As 64-year-old Schickel describes his proposed Senior Lawyers Section, it would serve to assist older lawyers who may want to transition into slowing down their practices or explore different ways to use their legal knowledge, such as mentoring or taking pro bono cases with legal aid associations.

"After 50 years of being a lawyer, a lot don't want to give it up," Schickel said, but, he added, that they really don't want to concern themselves with the details of an active practice, such as malpractice insurance and office overhead.

Getting older — and the accompanying wealth of experience and knowledge that comes with it — is something to be proud of. Being an aging lawyer at The Florida Bar is not something to feel threatened by.

I, for one, plan to take the confidential online "cognitive checklist" the Aging Lawyers Group is working on, when it becomes available this year.

I hope to learn my memory is still firing on all cylinders. And, if not, well, I'll know where to go for help.

[Revised: 01-28-2013]

Journal HOME

© 2005 The Florida Bar | Disclaimer | Top of page | PDF