

Five Ways Lawyers Can Become Industry Thought Leaders by Advising on Alternatives to Guardianship

It has become increasingly important for attorneys to learn about alternatives to guardianship in their scope of representation and practice model.

Consider these five (5) steps lawyers can take to become an industry thought leader on a practice that includes alternatives to guardianship.



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Step 1: Become Educated on Existing Alternatives

- Attend State and/or [ABA CLE](#) on existing alternatives to guardianship, supported decision-making, etc.
- Attend conferences:
 - ABA Commission on Law and Aging's [National Aging and Law Conference](#)
 - [National Guardianship Association](#) (NGA)
- Visit online resources:
 - [ABA Commission on Law and Aging resources and publications on Guardianship and Supported Decision-Making, Health Care Decision-Making, and Capacity Assessments](#)
 - [National Guardianship Network](#) (NGN)
 - [National Resource Center for Supported Decision-Making](#)
 - [U.S. Department of Justice Guardianship: Less Restrictive Options](#)

Step 2: Add to Your Practice

Adding less-restrictive alternatives to guardianship to your practice is likely to put you ahead of your competition, while providing your clients with progressive options not offered by more traditional practitioners.

Consider adding and/or including the following to your practice:

- Identify and advise on integrated supports – both decision-making supports and day-to-day living supports – that would greatly reduce, if not eliminate, the need for guardianship.
- Identify and advise individuals, their family, and stakeholders on creating supported decision-making teams that can meet an individuals' support needs without guardianship.

Step 3: Reduce Guardianship Case Filings

Consistent with the 4th National Guardianship Summit [Recommendations](#) (3.1), states and attorneys are encouraged to adopt and implement the [Uniform Guardianship, Conservatorship, and Other Protective Arrangements Act](#) (Uniform Act).

By incorporating these principles into your practice and the drafting of less restrictive alternatives to guardianship, you will help reduce the number of guardianship cases in the courts.

Step 4: Host Educational Opportunities

- Provide CLE programs through your state or local bar for judges and attorneys
- Give presentations and/or webinars to doctors, nurses, bankers, teachers, social workers, and other stakeholders who may not believe that the person with a disability has “capacity” to make his own choice.
- Deliver community presentations at your local library, town hall, or other public gathering spaces to educate and advocate for alternatives to guardianship.
- Offer informal, one-on-one discussions with professional colleagues to help evolve traditional practices and educate others about best practices involving alternatives to guardianship.
- Update your webpage to include tools and resources on alternatives to guardianship.

Step 5: Ensure Justice for *All*

Do your part to help ensure liberty and justice for *all*.

- Educate yourself on [“effective communication” requirements under Title II of the ADA.](#)
- When a client's capacity to make adequately considered decisions in connection with a representation is diminished, whether because of minority, mental impairment or for some other reason, the lawyer shall, as far as reasonably possible, maintain a normal client-lawyer relationship with the client. (Model Rules of Prof'l Conduct Rule 1.14(a)).
- Make it a priority to develop, provide, and assist individuals with disabilities, older adults, and their caregivers with less restriction options and information that promote their wellness and continue to support their independence, their freedom of choice, their autonomy, and dignity.



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Thank You!

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