

CLIENT'S VIEWPOINT: OLDER CLIENT PERSPECTIVE*

The number of New Zealanders over the age of 65 is rapidly increasing. Statistics New Zealand projects there will be over 750,000 in New Zealand by 2021, making up 16% of the population. Rachael Breckon looks at the unique legal needs of this growing client base.

Older clients cover a wide age demographic ranging from the pioneers of the hippy movement, who are now at retirement age (David Bowie is 66 and Bob Dylan is 71), through to their parents, who are currently in their eighties, nineties and occasionally their second century.

“Don’t make assumptions,” says Dorothy Stewart, who represents older people through Age Concern Tauranga, Tauranga Community Health Liaison Group, the U3A and the Tauranga Branch of the National Council of Women.

“When you see someone old and frail, you may not know what they were or what positions they may have held in their earlier years. Do not take the fact they are aged to mean they are disabled.

“Although a person may appear frail, the same person can be very mentally alert, while a person with dementia may sometimes not show any signs of confusion or memory loss.”

Lawyers should also consider that older widows, who represent four-fifths of women over 85 years old, could be approaching a lawyer for the first time.

Older person advocate Denise Whitehead says that when dealing with people over 80, the majority are women, and they have often lived fairly “sheltered” lives, where their husbands made the decisions, paid the

accounts, were the sole income earner, and did most of the driving.

“Lawyers need to look at their clients as a whole identity, not just from a [legal] aspect. Many younger (retired) couples have had time or other concerns/requirements to build up a relationship with their lawyer or solicitor,” Mrs Whitehead says.

“But often in the case of the older widowed senior, she has no knowledge of any solicitor’s practice and often goes with one that has been recommended to her by a friend or neighbour. Many of these older people take the solicitor’s word as ‘gospel’.”

Mrs Whitehead uses the example of retirement villages to illustrate the importance of considering the big picture when older persons seek advice.

“Under present documents, any intending resident must have a lawyer sign that he or she has discussed the retirement village documents with the client,” she says.

“The lawyer carries out his side of the obligation, but he may well recommend a different village option. This is fine, as from the intending resident’s viewpoint they must check out as many [options] as possible,” Mrs Whitehead says.

“The recommendation may well have been because that village is larger, owned by an operator familiar to the lawyer, have documents that the lawyer has read and understood previously, [it is] a better financial proposition (in the lawyer’s opinion).”

But lawyers can overlook things that may impact the best interests of the client’s “health and general well-being” like proximity to family, friends,

church, shops and doctors, she says.

Mrs Stewart recommends lawyers suggest their older clients prepare for their appointments. This could involve the older client writing down questions beforehand, and the lawyer recommending the older client reads relevant resources.

“When you get in you start to absorb information. You can forget the questions, sometimes, until it’s too late,” she says.

A support person and note-taking should also be encouraged. Older clients may become confused or have an unreliable memory.

Mrs Stewart says lawyers should be aware of office noise and the ability for older clients to hear and process information.

“Speak slowly. A lot of young people speak too quickly, I find. If people are wearing hearing aids, any other noise that is going on at the same time interferes with what they are hearing. If there is other noise going on in an office, they won’t always hear you,” she says.

“It is really important when people are asking for information that you come back to them and say: ‘What have I told you? Do you understand?’ I think that people don’t like to admit they don’t understand.”

Practical considerations

- Use the word *older* rather than *elderly* when referring to people in the over 65 age bracket.
- Don’t address older clients by their first name unless invited to use it.
- Speak slowly and clearly and test the older client can actually

hear you.

- Consider background noises and the impact on hearing aids.
- Be clear on costs.
- Encourage note taking and a support person (where there is no conflict of interest).
- Apply expertise: ask older clients what their goals are rather than simply act on instruction.
- Look for signs of elder abuse (more information is available on the Age Concern website www.ageconcern.org.nz/safety/elder-abuse).

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