I first met Tut and Myra Silvey in early May of last year at a Memory Care event. They were in their mid-80s and experiencing many of the same uncertainties and fears as their peers, but their story was a little different. Tut and Myra weren’t there for themselves, planning for their future. Rather they were there for their son Tom who, although 20 years younger, was suffering from dementia and had been for many years. Tom moved in with Tut and Myra, after Tom’s sisters in Tennessee were no longer able to care for him, and they needed help. Tom’s behavior was becoming unmanageable and the likelihood of an out-of-home placement probable. He had burned through robust savings, and he was being chased by the IRS for over $70,000 in back taxes. Tom’s life was spiraling out of control and his parents had no idea where to get help.

I met with Tut and Myra a couple of weeks later and to say they were overwhelmed would be a gross understatement. To the meeting they brought a gamut of emotions—anger, frustration, confusion, hopelessness, fear, debilitating anxiety, and profound sadness for their son. They needed a shoulder to lean (and cry) on, an ear to listen, a heart to care, and a clear head to sort through all the moving pieces falling apart. This meeting—the first of many—accomplished one thing for the Silveys. It allowed them to begin the process of letting go and giving over all of the baggage and sorrow that comes with caring for an adult child. It allowed them a moment to focus on their son and to begin grieving what they knew was the eventual end to Tom’s story.

I met with the Silveys almost weekly it seemed at first, and while we were able to deal with the easy stuff—getting the IRS to back off, finding Tom a more suitable home, and qualifying him for Medicaid—the job was far from over. Although their tears shifted from being shed in frustration to being shed in sadness for seeing their son slip away, I think the Silveys were relieved to finally have a person who understood, who cared enough to accept their burden, and who gave them the opportunity to be present with their son for so long as he was with them.

Tom passed away right before Christmas after a rapid deterioration and series of hospitalizations, and the seeds of anxiety over how to deal with the nasty letters from the IRS and the stress of settling his estate began to creep back in to Tut and Myra’s minds. We met again, but this time it was only to say, “We’ve got you. There is nothing more you need to do. We’ll handle it from here.” I’ve never felt greater satisfaction as an attorney for a job well done as when the tears shifted yet again to thankfulness and relief.

As elder and special needs attorneys we all have had our own “Tut & Myra” story. It is impossible to do this work and not, but no part of my legal training could have prepared me for the challenges delivered on that first visit. Little did I know but it was some special kids and unique adults I met nearly a decade before that equipped me with the tools necessary to help the Silveys.

Before I was an attorney I had the opportunity to work with some amazing kids and adults throughout Western North Carolina struggling with many of the same challenges, fears, anxieties, and confusion I encountered with the Silveys. I worked for many years with kids in residential treatment struggling with the effects of pro-located abuse and neglect and trying to figure out how to face the world without the supports so many of us take for granted. Following this time, I worked with adults with intellectual and developmental disabilities, and had the opportunity to collaborate with many amazing community resource providers to help keep these people, often in crisis, out of the hospital and in their homes. Needless to say, I often found myself confronted with people facing unimaginable hardships, trials, and experiences. Finding some semblance of “success” or “accomplishment” in these experiences demanded empathy, not sympathy, and taught me valuable lessons which I have carried with me and served me well so far in my practice.

But this is not a story about me. This is a story about all of us who endeavor to do this work and is intended to be a reminder of a few things we already know but perhaps could stand to remember of from time to time. I learned some invaluable lessons from my time in social services, and it lends me well to remember them every time I walk in a room and see all of the suitcases of emotion my clients have brought with them.

1. Service to others is universally valued.

After spending 15 years in Catholic school and another 2 studying the philosophies and religious traditions of the Far East, I came away with an awareness there is so much more unifying the peoples of the world than dividing us. One such tenet which stuck out so clearly is the universally-valued principal of service to others. Regardless of the purpose (e.g., to gain access to Heaven, to secure reincarnation to a higher plane of existence, to arrive at Enlightenment, to live a meaningful life, etc.) every major theistic (and atheistic) tradition recognizes and upholds a belief that working in the service of others is of paramount importance.

In Christianity, Jesus told the parable of the Good Samaritan and in Islam the Quran instructs followers to spend their time and efforts in the service of others especially those in great need. Buddhism holds out the ideal of the bodhisattva who rejects enlightenment in favor of serving all sentient beings, Judaism commands acts of lovingkindness are essential to the stability of the universe, and Sikhism extols service to others as the purest of action. This value is not isolated to religious traditions, and is upheld in atheistic philosophies as well.

Forgetting for a moment about why service to others is universally valued, and ignoring the bases of this principal, the essential point remains: the practice of law is rooted in the same tradition of service to, and advocacy of, others. A willingness to serve others, regardless of one’s ability to compensate the attorney, seems essential to a successful elder and special needs Law practice. This doesn’t mean one has to be willing to work for free; rather, it simply means one might consider taking a service-oriented approach when meeting a client for the first time or setting out a plan to assist them in achieving their goals. In the social service world more was gained when one approached a person or family with a willingness to serve rather than the audacity to instruct. I found the same to be true in my work with the Silveys and I would simply suggest perhaps greater success can be found when one aims to serve rather than demand.
2. **Human beings are infinitely complex. You must always strive to see the whole person.**

   In the mid-2000s, mental health in North Carolina was all abuzz about an approach to serving youth called "Person-Centered Planning." This was a treatment intervention strategy focusing on a person's vision for their own future, and a way to get the person (child or adult), no matter their age, to take ownership of the vision and the efforts to execute the plan. The process was somewhat simple: the person would identify their hopes, dreams, desires, and goals, and along with their support team (e.g., family, therapists, doctors, etc.) would develop strategies to reach those goals. Even if the goal was totally unrealistic or unattainable, the process required investment by the person and allowed for self-realization along the way. More importantly it forced the treatment and care providers to keep their own opinions, values, and projections in check. It is easy to tell someone what they ought to do, it is entirely different to walk with and support them along their own path.

   Person-centered planning recognizes the infinitely complex nature of human beings. It removed any option of cookie cutter plans and it forced us as caregivers to see people as holistic individuals each with a unique set of needs, values, dreams, and plans for the future. Person-centered planning also forced service providers to see beyond the walls of their own silos, collaborate with each other in an effort to support the youth and their vision, and accept they were not able to act alone but rather had to be a part of something much larger.

   The practice of elder and special needs law is, or should be, Person-centered planning at its core. You meet a person for the first time and she is carrying with her all of the anxieties, uncertainties, and fears accompanying her new life. Yet at the time same time she has a vision and goal for how she intends to live her best life. Sitting in your office she is not simply a set of legal issues waiting to be deciphered, analyzed, resolved, and tied up in a neat package. Rather she is a complex, holistic creature with a set of goals and plans for her future which could include any number of legal, medical, and psychosocial factors. Focusing on just one ignores the complexities of life. Perhaps instead of finding comfort and security in the legal silos we often have built for ourselves, the elder and special needs law practitioner should aim to peer above the silo wall and see their client in all of their complexities and intricacies, identifying all of the resources and supports a person may need, and not know it yet, to achieve their own person-centered plan.

3. **Preventing Burnout requires careful self-awareness.**

   According to the American Institute of Stress, "burnout" is understood as a “cumulative process marked by emotional exhaustion and withdraw associated with increased workload and institutional stress.” It is the gradual evolution of one's attitudes towards their work, and the people they serve, from enthusiasm to apathy. It is destructive and can have a profound and permanent impact if you are not careful and self-aware. As a social service professional, it is almost easier to recognize the risk factors leading to burnout. The work requires a constant interaction with people who have experienced unimaginable trauma from abuse and neglect. The persistent onslaught of these stories requires one to ride the fence of apathy, but at the end of the day the most successful approach necessitates putting emotions and enthusiasm into “mental boxes.” This allows you to leave work where it belongs and keep some balance in your life.

   While the typical elder or special needs law case may not be as traumatic per se, the stories and stressors our clients bring can still have a profound negative impact over time. Hearing similar stories of advanced cognitive loss, physical deterioration, and death of loved ones and friends can easily cause one to become desensitized, bordering on apathy. Without constant self-awareness and self-analysis, it is easy to see how one evolves towards burnout, becomes mentally and physically exhausted, and loses the enthusiasm and zealfulness which led us to do this work and which every client deserves.

   The answer is easy: Balance is essential. The challenge is knowing there is even a problem. Although awareness demands constant self-reflection, I would posit having honest, open, and trusting relationships and connections with others both inside and outside the field is more important. It is critical to have objective feedback from those who know you best and who you can trust to point out when burnout is approaching. Unlike social service where people most often work on teams, the practice of law can be isolating, even lonely, at times necessitating greater effort to reach out, engage with your peers and friends, and maintain a positive balance in favor of personal well-being.

   I think fondly on my time as a social worker, but it was not until I started meeting with people like Tut and Myra I realized just how crucial the experience was to my practice. While I am not sure there is anything particularly profound or novel about the lessons I have carried with me, I think we all do well to remember from time to time why it is we do this work and how we can all continue to do it better.

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