

## **The Ten Commandments of Mental Capacity and the Law**

- I. Thou shalt presume capacity.**
- II. Thou shalt talk to the client alone.**
- III. Thou shalt take steps to maximize capacity.**
- IV. Thou shalt not worship any *one* standard for capacity.**
- V. Thou shalt not covet the mini-mental status exam.**
- VI. Thou shalt not end any query with only the word “capacity.” Yea, the proper query shall be, “Capacity to do *What?*”**
- VII. Thou shalt seek the big picture, with all its variability, intermittency, and nuance.**
- VIII. Thou shalt honor thy client’s own considered or habitual standards of behavior and values, not standards and values held by you or others.**
- IX. Thou shalt honor thy client’s confidentiality and autonomy even in the face of incapacity.**
- X. Thou shalt plan ahead for incapacity to ensure that one’s wishes are respected.**