

### Comments From the Editor...

*Volunteers: People who freely offer to take part in an enterprise or to undertake a task.*

*I don't think there is any LAP program that could do its work without the aid and assistance of volunteers. In Iowa, the predecessor of our LAP was the Lawyers Helping Lawyers Committee of the Iowa State Bar Association. It was formed in 1978 and is the largest committee of the ISBA. Folks who freely give of their time and their experience just to help others; these are the people who make my LAP work. I expect the same is true in every program.*

*Similarly, COLAP could not do its work without volunteers. A special thanks is owed to those who gave their time and experience to make the San Francisco Conference such a resounding success. Both the attendance and the evaluations were superb. Hats off to these committed volunteers. Already, the 2007 committee is hard at work to bring interesting and noteworthy speakers to the Halifax Conference. —Hugh Grady*

### Table of Contents

Model Rules	1
Addiction in the Legal Profession	4
Around the LAPs	5
A Lawyers Guide to Healing Reviews	7
Life Balance Task Force	8
People in the News	9
Calendar of Events	9
Case Law Corner	10
CoLAP Chair's Column	11
Plan for Retirement Presentation	11
CoLAP Commission Roster	12
Advisory Commission to CoLAP	12



# Highlights

of the American Bar Association  
Commission on Lawyer Assistance Programs

## CoLAP Law School Assistance Committee to Submit Proposed Model Rule to ABA House of Delegates

by Judge Robert L. Childers

*As a part of the CoLAP Law School Assistance Committee work a subcommittee has been working on a proposed Model Rule on Conditional Admission to Practice Law. The subcommittee that drafted the proposal has representatives from the ABA Commission on Lawyer Assistance Programs, the ABA Section on Legal Education and Admissions to the Bar and the National Conference of Bar Examiners. We hope to mail the final version of the proposed Model Rule to chairs of all ABA entities for support or co-sponsorship by April 2007. Shown below is the latest draft (12/24/06) of the proposed Model Rule. All comments or suggestions should be sent to the subcommittee chair, the Honorable Robert L. Childers, 140 Adams Avenue, Room 212, Memphis, TN 38103 or email: [robert.childers@shelbycountyttn.gov](mailto:robert.childers@shelbycountyttn.gov).*

### PROPOSED MODEL RULE ON CONDITIONAL ADMISSION TO PRACTICE LAW

#### PREAMBLE

WHEREAS, while a bar applicant who is chemically dependent or has suffered from mental or other illness does not, solely for that reason, lack the character or fitness necessary for admission to practice law, such dependency or illness may result in conduct or behavior that may render the applicant unfit for admission in the absence of evidence of rehabilitation or successful treatment; and

WHEREAS, the interests of the public and bar applicants are best served by admission rules that promote early detection of chemical abuse and dependency or a mental or other illness that may result in conduct or behavior rendering the applicant unfit to practice law absent effective treatment or rehabilitation; and

WHEREAS, the interests of the public and bar applicants are best served by encouraging rehabilitation from conduct or behavior or treatment of conditions that could otherwise render an applicant unfit to practice law; and

WHEREAS, a confidential conditional admission process can encourage potential bar applicants to seek early diagnosis, treatment and rehabilitation from chemical dependency or illnesses; and

WHEREAS, a confidential conditional admission process can reduce the apprehension of the result of a full disclosure of diagnosis, treatment and rehabilitation, and thereby increase an applicant's candor and provide for a more solid foundation on which to make an accurate assessment of character and fitness and create conditions that increase the likelihood of continuing fitness; and

WHEREAS, a confidential conditional admission process with an effective monitoring procedure will enable bar admissions or disciplinary authorities to act more quickly in the event of recurrence or relapse to minimize or prevent harm to the public.

NOW, THEREFORE, the ABA Commission on Lawyer Assistance Programs recommends that conditional admission rules that balance these important interests be implemented, and hereby approves the following Model Rule on Conditional Admission to Practice Law:

### MODEL RULE ON CONDITIONAL ADMISSION TO PRACTICE LAW

1. **Conditional Admission.** In the case of an applicant who currently satisfies all essential
- (continued on page 2)

## Model Rules

(continued from page 1)

eligibility requirements for admission to practice law, including fitness requirements, and who possesses the requisite good moral character required for admission, but who has shown evidence of recent rehabilitation from dependency or successful treatment for mental or other illness that has resulted in conduct or behavior that could otherwise have rendered the applicant unfit to practice law, and the conduct or behavior, if it should recur, could impair the applicant's ability to practice law or pose a threat to the public, the [Admissions Authority] may permit the applicant to be admitted to the bar conditioned on the applicant's compliance with relevant conditions prescribed by the [Admissions Authority].

### Commentary

Conditional admission is not intended to apply to all applicants who have rehabilitated themselves from prior conduct or other matters of concern to bar examiners, but only to those whose rehabilitation or treatment is sufficiently recent that the chance of the conduct or unfitness recurring is significant.

Conditional admission is also not intended to apply where an applicant has engaged in conduct that is not subject to rehabilitation.

The Rule focuses on *rehabilitation from* conduct or behavior or effective treatment of a condition which was associated with a previous lack of fitness. In this context, unfitness means that an applicant does not meet functional requirements necessary to practice law. As indicated in the preamble, the existence of a condition of chemical dependency, mental or other illness does not indicate an applicant's lack of character or fitness solely for that reason. Such a rule is consistent with ABA Resolution 110 (1994), which directs that fitness determinations be made on the basis of specific, targeted questions about an applicant's behavior, conduct, or any current impairment of the applicant's ability to practice law and recommends admissions processes be tailored to protect privacy of bar applicants and avoid discouraging individuals from seeking mental health assistance. 18 MPDLR 5, 598 (Sept/Oct 1994). In addition to discouraging treatment and full disclosure, bar admission determinations made on the basis of diagnosis or treatment of chemical dependency, mental illness, or other medical conditions that do not impair functional ability may also run afoul of the Americans with Disabilities Act, which has been interpreted to prevent licensing authorities

from placing additional burdens on qualified persons with a disability. See "Bar Application Mental Health Inquiries: Unwise and Unlawful. The Position of the American Bar Association," 24 Human Rights 1 (Winter 1997) [www.abanet.org/irr/hr/welobob2.html](http://www.abanet.org/irr/hr/welobob2.html); *Clark v. Virginia Board of Bar Examiners*, 880 F.Supp. 431 (E.D. Va. 1995) (striking down question requiring disclosure of treatment or counseling for any mental, emotional, or nervous disorders within the past five years as impermissible under Title II); *Medical Society of New Jersey v. Jacobs*, 62 USLW 2238, 1993 WL 413016 (D.N.J. 1993) (prohibiting extra burdens on qualified individuals with disabilities seeking medical licensure when those burdens are unnecessary). But see, *Applicants v. Texas State Board of Law Examiners*, 1994 WL 93404 (W.D. Tex. 1994) (permitting narrowly drawn questions about treatment for particular disorders). The focus on current conduct and fitness may also avoid disclosure of more health treatment information than is necessary to the admissions inquiry, serving both privacy concerns and avoiding potentially unlawful burdens on qualified disabled persons.

Conditional admission is intended to act as a "safety net" to increase the likelihood of the conditional attorney's *continuing* fitness—not as a method of achieving fitness. The conditional admissions process is particularly useful when dealing with recent recovery or treatment for chemical abuse, dependency, or mental illness since it recognizes the importance of rehabilitation from dependency or treatment of a condition that resulted in previous conduct or behavior that rendered an applicant unfit, avoids denial of admission because rehabilitation or treatment is recent, encourages applicants not to delay getting help they need, and provides continuing assurances of fitness. Conditional admission may also ensure continuing rehabilitation from other misconduct or unfitness that concerns bar examiners that does not result from chemical abuse, addiction or mental or other illness, such as neglect of financial responsibilities.

The terms "Admissions Authority", "Monitoring Authority" and "Disciplinary Authority" are used to describe the nature of the functions being performed rather than the particular agency performing them. This permits each jurisdiction to determine which entity in its jurisdiction is best suited to perform these functions. In some jurisdictions, the Law Examiners may perform admissions, monitoring, and disciplinary functions; in others, the Law Examiners may perform the initial admissions process, while monitoring and discipline may be a function

of the Lawyer Discipline authorities.

**2. Conditions.** The [Admissions Authority] may order that an applicant's admission be conditioned on the applicant's complying with conditions that are designed to detect behavior that could render the applicant unfit to practice law and to protect the clients and the public, such as submitting to alcohol, drug, or mental health treatment; medical, psychological, or psychiatric care; participation in group therapy or support; random chemical screening; office practice or debt management counseling; and monitoring, supervision; mentoring or other conditions deemed appropriate by the Admissions Authority. The conditions shall be tailored to detect recurrence of the conduct or behavior which could render an applicant unfit to practice law or pose a risk to clients or the public and to encourage continued abstinence, treatment, or other support. The conditions should be established on the basis of clinical or other appropriate evaluations, take into consideration the recommendations of qualified professionals, when appropriate, and protect the privacy interests of the admitted lawyer to professional treatment records to the extent possible. The terms shall be set forth in a confidential order of the [Admissions Authority] (the "Conditional Admission Order"). The Conditional Admission Order shall be made a part of the conditionally admitted lawyer's application file and shall remain confidential, subject to the provisions of the Rules of the [Admissions Authority] and the Rules of the [Disciplinary Authority].

### Commentary

Consent agreements are used in some states as an alternative to an order. In such case, reference to a "Conditional Admissions Agreement" may replace "Conditional Admissions Order."

**3. Notification to the [Disciplinary Authority].** Immediately upon issuing a Conditional Admission Order the [Admissions Authority] shall transmit a copy of the order to the [Disciplinary Authority]. If the [Disciplinary Authority] or any other jurisdiction's disciplinary authority receives a complaint alleging unprofessional conduct by the conditionally admitted lawyer, or if the [Monitoring Authority] files a complaint against the lawyer based on violation of the Conditional Admission Order, the [Disciplinary Authority] shall request a copy of relevant portions of the lawyer's bar application file, and the [Admissions Authority] shall promptly provide the requested materials to the [Disciplinary Authority].

(continued on page 3)

## Model Rules

(continued from page 2)

### Commentary

This ensures that the local disciplinary authority is aware of the conditional admission and can act promptly to revoke or extend the term of the conditional admission in addition to other disciplinary options it may have. It also provides authority for the local disciplinary authority to act should a complaint of professional misconduct be made by any other jurisdiction's disciplinary authority.

#### 4. Length of Conditional Admission.

The conditional admission period shall not exceed twenty-four (24) months, unless the Conditional Admission Order is modified by the [Monitoring Authority] by subsequent order as provided herein, a complaint for violation of the Conditional Admission Order has been filed by the [Monitoring Authority] with the [Disciplinary Authority] or a complaint of unprofessional conduct has been made against the conditionally admitted attorney with any lawyer disciplinary authority.

### Commentary

The Rule suggests a maximum conditional admission term of 24 months. The majority of jurisdictions have limited conditional admission to two years. This Rule provides limited discretion to extend or modify the terms if the Conditional Admission Order is violated (i.e., there is a relapse or recurrence of the conduct) and provides for the conditional admission to be continued until the [Disciplinary Authority] acts upon any complaint to modify, suspend or revoke the attorney's admission.

**5. Compliance with Conditional Admission Order.** During the conditional admission period, the conditionally admitted lawyer's compliance with the terms of the Conditional Admission Order shall be monitored by the [Monitoring Authority]. The [Monitoring Authority] shall take such action as is necessary to monitor compliance with the terms of the Conditional Admission Order, including, but not limited to, referral for monitoring by a Lawyer Assistance Program or other monitoring authority, requiring the conditionally admitted lawyer

to submit written verification of compliance with conditions, requiring an appearance before the [Monitoring Authority], and requiring responses to requests for information by the [Monitoring Authority].

### Commentary

Although monitoring may be performed by a Lawyer Assistance Program or by an Admissions Authority, a Disciplinary Authority may be a proper monitor as an extension of its authority in probation, supervision, and reinstatement matters.

#### 6. Costs of Conditional Admission.

The applicant shall be responsible for any direct costs of investigation, testing and monitoring. Other costs shall be borne in accord with the Rules of the Admissions and Disciplinary Authorities.

**7. Failure to Fulfill the Terms of Conditional Admission.** Failure to fulfill the terms of a Conditional Admission Order may result in a modification of the Order that may include extension of the period of conditional admission, suspension or revocation of the admission, or such other action as may be appropriate under the Rules of the [Disciplinary Authority]. The filing of a complaint with the [Disciplinary Authority] shall automatically extend the conditional admission until disposition of the complaint by the [Disciplinary Authority] and any resulting appeals. Once a complaint is filed with the [Disciplinary Authority], the [Admissions Authority] shall have no further authority over the conditionally admitted attorney.

### Commentary

The purpose of this provision is to allow the period of conditional admission to be extended to prevent the condition from expiring before the Disciplinary Authority can act on the alleged violation of the Conditional Admission Order. It is not intended to affect in any way a Disciplinary Authority's ability to discipline a conditionally admitted lawyer.

**8. Violation of Conditional Admission Order.** If the [Monitoring Authority] determines that the terms of the Conditional Admission Order have been violated, the [Monitoring Authority] shall determine

whether to file a complaint with the [Disciplinary Authority], or alternatively, to modify the terms or duration of the Order of Conditional Admission. The decision of the [Monitoring Authority] to file a complaint is not subject to judicial review. Consideration and disposition of any complaint by the [Monitoring Authority] shall be governed by the rules of the [Disciplinary Authority].

### Commentary

Violation of a Conditional Admission Order will not necessarily result in revocation. Instead, the Admissions Authority is required to act on any violation and decide whether it merits a complaint to the Disciplinary Authority or whether it requires the imposition of additional conditions.

**9. Expiration of Conditional Admission Order.** Unless the conditional admission is revoked or extended as provided herein, upon completion of the period of conditional admission, the conditions imposed by the Conditional Admission Order shall expire. The [Monitoring Authority] shall notify the [Disciplinary Authority] of such expiration.

**10. Confidentiality.** Except as otherwise provided herein with respect to disclosure to the [Disciplinary Authority], the fact that an individual is conditionally admitted and the terms of the Conditional Admission Order shall be confidential provided that applicant shall disclose the entry of any Conditional Admission Order to the admissions authority in any jurisdiction where the applicant applies for admission to practice law. In addition to ensuring that the records of the [Admissions, Monitoring, and Disciplinary Authority] are confidential, the [Admissions Authority] shall structure the terms, conditions, and monitoring of conditional admission to ensure that the conditional admission does not pose a significant risk to confidentiality. These provisions for confidentiality shall not prohibit or restrict the ability of the applicant to disclose to third parties that the applicant has been conditionally admitted under this Rule, nor prohibit requiring third-party verification of compliance with terms by admission authorities in jurisdictions to which the conditionally admitted may subsequently apply.

(continued on page 10)

*Highlights* is a quarterly newsletter published by the American Bar Association Commission on Lawyer Assistance Programs for the news and information exchange needs of the lawyer assistance programs community. Comments and proposed articles should be directed to [spilisd@staff.abanet.org](mailto:spilisd@staff.abanet.org). Chair of the newly created Publications Board and *Highlights* Newsletter Editor, Hugh Grady; Staff Editor, Donna Spilis; Layout & Design, Gail Thompson; Events Editor, Stephanie Watson. All reprint rights are reserved. American Bar Association ISSN Pending. © 2007 American Bar Association. For reprint permission contact Manager, ABA Copyrights & Licensing, ABA Copyrights and Contracts Department, Fax: 312/988-6030 or Email: [copyright@abanet.org](mailto:copyright@abanet.org).

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*Editors Note - "The Author of this piece uses some strong language, which some people might find offensive. I chose to leave the article as written. I found many of the same characteristic as the author from my experience in working with attorneys as an inpatient substance abuse Counselor."*

## Addiction in the Legal Profession—How to Help an Impaired Attorney

by Alice Tanner, Intervention Specialist

You've known John a while. He's an acquaintance, a colleague, perhaps even a friend. He's also a legal eagle . . . a lawyer or a judge. Lately, you've noticed things about John that cause you to wonder, to question, to be concerned. He's moody, irritable or multitasking at breakneck speed. Sometimes he is forgetful or can't recall at all. His work is not up to par. You or others have tried to talk to him, to find out what the "problem" is, but he blows you off with explanations and excuses. As time goes on, his behavior and temperament become more uneven, unpredictable, extreme, irrational . . . more out-of-character. His life seems troubled, out of control. Sometimes he has it together, sometimes not. But, you're seeing an alarming trend . . . downward. You're frustrated, confused, baffled. You try harder to understand, to reach him, to find out what's going on, but you aren't making headway. He seems oblivious to your concerns or your reasons for them. If you dare address his drinking or drug use he adamantly denies a problem, or he admits he "uses", but it's not an issue. You're now beginning to feel helpless, or perhaps you just don't want to be around him any longer. Others are noticing and distancing themselves. They may not connect drugs or alcohol, but they note the behavior, often with disdain. Are alcohol or drugs really a problem? Is it that big or are you making too much out of nothing?

If you are asking yourself these questions, there is a problem, no question about it. And yes, it is big and you need to be concerned. What you are seeing are the "symptoms" of a deadly disease, the disease of alcoholism or addiction, and what you are seeing is only the tip of the proverbial iceberg. How big is this iceberg? It's big enough and it's destructive and deadly. That's all you need to know. And, the problem will only get worse. You know that too; you've witnessed it yourself. Don't get bogged down with the identification of the disease (most of us know an alcoholic/addict when we see one), or how advanced it is (it's advanced or you wouldn't be concerned) or why lawyers are perhaps more prone to develop the disease (i.e. lawyers and judges are overachievers who carry an enormous workload (stress) for weeks, months, years on end making the tendency to 'escape' from

daily problems through the use of drugs and alcohol prevalent and attractive). Just know that what you are seeing is serious and John needs help. This realization now brings you to the street corner sign of "Help" or "Don't Help".

The threshold question of whether to help or not will be answered by your relationship with John. If he is a friend or relative, you are already involved by your relationship with him. By the nature of the disease, you will become more involved unless you distance or terminate your relationship with him. If he is an acquaintance, a co-worker or a more distant colleague, you may not have the connection to him to help effectively, but you know others who do. When you start to talk with others about John, your observations, your concerns, you will often find they are worried too, but they simply don't know what to do. Your awareness of the problem, knowledge of viable resources and options for assistance will allow you to help them help him.

Assuming you decide to help John, how do you do so effectively? Talking to him has not worked. John's smart, very resourceful; why doesn't he listen? Better yet, why doesn't he see the problem for himself? He routinely helps solve other people's problems. He's a lawyer after all. Yet, in spite of increasingly adverse consequences he continues to drink or use, his life slipping out of control. What keeps this lawyer in his disease, sometimes until death?

Part of it is the perceived need to maintain the professional image. Other professionals . . . doctors, accountants, veterinarians, pharmacists . . . suffer from this as well. Professional survival depends on their competence as perceived by peers and clients who in turn create pressure to appear invincible and deny signs of addiction. They fear that if they admit a problem and seek help they will be hurt professionally. Oblivious to the fact that their drinking and drugging has been hurting them, their clients, their patients, their families and their reputation for years, they continue to spiral downward.

The biggest barrier, however, to seeking help is the part of the disease that makes it so very deadly; it's the failure to recognize that there *IS* a problem in the first place. Why then, should this be such a problem for lawyers? Isn't it their job to identify

problems and get on with solving them? Aren't they smarter, more skilled, more tenacious than the average guy at ferreting out difficulties and finding the remedy for them? Unfortunately John's education, training and profession do not help him here. In fact, they hurt him badly. The barrier all alcoholics and addicts face, but most particularly lawyers, is DENIAL and it is a hallmark of this disease.

Knowing this, it's no mystery why lawyers are one of the most difficult populations to reach. Lawyers are skilled at denial. They are steeped in it. Beyond the normal denial symptomatic of this disease and shared by other people and professions, the denial encountered in the legal profession is more massive than in any other. Why? Because the legal profession is the *only* profession in the world that demands and *rewards* denial. Deny the facts. Deny the charges. Deny the allegations. Fight to the end. Shove responsibility off on the other party. Minimize liability. Rationalize and justify the consequences and your client's position. Find the legal loophole, the technicality, wiggle out of it. The glove doesn't fit!!!! Need I say more?? I can't . . . I'm exhausted.

Now, if lawyers will do all this for a client, imagine the lengths they will go to protect their own rice bowls, their own nests, their own image. With an arsenal of skills, they avoid being pinned down. This is their job, their training. So, when confronted with the consequences of their own chemical use, they do what comes naturally. They deny. They obfuscate. They deflect. They attack. They defend. The foundation of their profession is adversarial. They succumb to "paralysis by analysis"—debating the definition of addiction, their consequences or steering the discussion to somebody else's chemical use. Feel familiar?

But, know this: Something *WILL* happen to interrupt the downward spiral fueled by denial. It's called an intervention. It can be the unplanned, ugly kind of intervention (arrest, public/professional embarrassment, divorce, suspension/disbarment, jail, health problems, financial ruin, death). You see this kind in your local newspaper every day, many of them unrecoverable and some

(continued on page 5)

## How to Help

(continued from page 4)

involving lawyers and judges. Or, it can be a planned, professional intervention.

Professional intervention began with the Johnson model which has been in use for almost 50 years and is the one most people are familiar with. Family and friends gather in a "surprise" visit to the alcoholic/addict, the goal being to get the alcoholic/addict to recognize the problem and seek help. It is very short, usually lasting an hour or two. From that model, other models have evolved, one being the Systemic Family Intervention. This model differs from the Johnson model in two primary respects: First, it is invitational. The addict/alcoholic is informed of the family meeting (workshop) and is invited to attend. The workshop takes place with or without the alcoholic who is told that when invited. The family is professionally coached on how to invite their loved one, and contrary to what you might think, they come. The second departure from the Johnson model is that the Systemic model is educa-

tional. It is a 2 or 3-day family workshop where all participants, including the alcoholic really learn about the disease of alcoholism and addiction, what it is, what it isn't, how it develops, the stages, treatment, what treatment options are available, what treatment for the disease is and what it isn't. Co-dependency is addressed as well, what part the family plays and what they need to do for their own recovery. Family healing work and treatment recommendations are provided for all participants. The focus of the Systemic workshop is the disease, not the alcoholic. The goal is family health and wellness, not just getting John to go to treatment or stop drinking. Regardless of what John does, the family and friends now have tools to not live this way any more. It can not be used in all situations, but when it can, it is powerful.

Going back to the sign "Help/Don't Help", you have a choice. Addiction is a highly treatable disease and recovery is very attainable. Professional help is available. For the best results and your own sanity, however, either get professional help or stay out of it completely. Do not straddle the

fence. As with any other serious problem, if you choose to get involved, do so with the help of a professional rather than struggling and compounding the problem on your own. Doing an intervention without an interventionist is like doing your own surgery or representing yourself in your own legal matters. You know what they say about the lawyer who has himself for a client. The time and cost to intervene professionally is nominal; the benefits . . . saving a career and a life, priceless.

### About the Author:

*Alice Tanner, JD. is an Intervention Specialist at Addiction Recovery Consulting Services, a company that she founded in Tiburon, California. Prior to becoming an intervention specialist and business consultant, Alice practiced law for 12 years. Her field of expertise was family law and criminal defense; both areas were fraught with addiction. Alice is a member of NAADAC, CAADAC and EAPA. Additional information is available on her website [www.alicearc.com](http://www.alicearc.com).*

## Around the LAPs

**ARKANSAS:** Arkansas Lawyers Assistance Program will continue to exist indefinitely by a new per curiam order of the Supreme Court issued November 30, 2006. The original per curiam included a sunset clause that would have ended the program December 31, 2006 had the Supreme Court not reinstated its support of the program. The ArLAP Committee and Staff are grateful for the opportunity to continue to serve the Court and the legal community of Arkansas.

**ArLAP Foundation** - The Foundation completed its first mass mailing to firms throughout the state requesting donations to fund additional service opportunities to identified geographical areas of need. The request was for \$100 per licensed lawyer within the firm with a goal of \$100,000.

**ALBERTA CANADA:** Alberta now has a Full Time director. Craig Kinsman has worked long and hard for this to happen. Congratulations on a job well done.

**BRITISH COLUMBIA:** B.C. will have it's 7th Annual Volunteers training/retreat March 2-4, 2007 at Harrison Hotsprings (near

Vancouver). Any LAP Directors are welcome to attend. Please let Derek LaCroix know at [derek@lapbc.com](mailto:derek@lapbc.com) if you want to attend. B.C. has continued to expand it's programs and services. While continuing the AA outreach and groups they have developed a mood disorder support group, solo and small practice group and groups for working on creating Balance in Life. Several LAPBC volunteers are taking an active role in helping the Nova Scotia LAP prepare for the CoLAP National Conference and the ILAA in 2007. Ian Aikenhead, Barry Kerfoot and Scott Huyghebaert are leading that initiative. Derek LaCroix QC - Executive Director - Lawyers Assistance Program of B.C.

**ONTARIO CANADA:** Ontario has now formally changed its name to the Ontario Lawyers Assistance Program and now oversees all the LAP work in Ontario. Leota Embleton, John Starzynski and others have worked hard to ensure this result. Several LAP directors worked with Leota and her group to help out. Thanks to Barbara Harper, Bill Kane, Derek LaCroix and others for pitching in and doing that for which CoLAP is known.

Ontario Lawyers' Assistance Program - We welcome Terri Wilkinson to our team as

a part time case manager. Terri Wilkinson is a nurse and a lawyer and has been a peer volunteer for over 8 years. She brings considerable experience and skill to the role and we look forward to her input and enthusiasm as we move forward with the integrated OLAP program.

The OLAP Women, Work and Wellness group continues to meet on a quarterly basis. The most recent meeting was held on November 24, 2006. The presentation was entitled "Food, Mood and Energy" and delivered by Linda Bell, President and CEO of Bellwood Health Services. This topic was of great interest to women lawyers who are always in need of more energy! The next luncheon is scheduled for Jan 17, 2007 and the topic will be how to develop your personal journey to better health presented by fitness coach Leehe Lev.

**NOVA SCOTIA:** The LAP in Nova Scotia is increasing it's activity. They are excited about hosting the CoLAP Conference and ILAA in 2007. Sean Foreman is the new president of the Board and is working hard on this.

For the 2007 Conference: Make your plans and reservations now. It is suggested that people take a week before or after the conference and travel around the Maritime

(continued on page 6)

## Around the LAPs

(continued from page 5)

Provinces. It is a unique experience. It is difficult to explain the peacefulness of the area and the friendliness and decency of the people. Give yourself a treat.

**CONNECTICUT:** Women Attorneys' Support Group has met three times. The group is generating a lot of interest and enthusiasm. Each attendee commits to bring someone else and we are growing exponentially from there.

**KENTUCKY:** Kentucky says that it is the only state wherein the Supreme Court mandates its Bar Association to offer free CLE programs to comply with the mandatory CLE requirement of 12.5 hours. Beginning in September, the KBA presented 9 two-day seminars throughout the state, the last one being in Louisville with over 1700 lawyers in attendance. KYLAP presented at all 9 seminars on the topic of "The Devastation of Depression; Lawyers Are At Greater Risk". As a result, KYLAP has received numerous self referrals and gained several volunteers.

At those seminars, Anna and Hoot have an exhibitors table located next to Lawyers Mutual Insurance Company of Kentucky (LMICK); (KY's major liability insurance carrier). LMICK is a supporter of KYLAP both in its CLE presentations and financially.

**MINNESOTA:** Minnesota Lawyers Concerned for Lawyers celebrated its 30th anniversary on November 10. The day started with a CLE program on lawyer impairment, which qualified for ethics and elimination of bias credit (both required in Minnesota). In the evening, a reception and dinner were followed by an awards presentation and a speaker. Help and Hope awards were given to two volunteers who have made a difference through the organization and in the community. The Founders award was given to Tim Groshens, Executive Director of the State Bar Association for his long standing support of LCL. The new video "There is Help & Hope" also premiered at this event.

**MAINE:** The Maine Assistance Program will be holding its third volunteer training at the Holiday Inn by the Bay in Portland, Maine on April 21, 2007. Michael Cohen and Ellen Savage will be leading part of the presenta-

tions and all of you are invited. We will only be about six weeks away from an early Spring.

**MONTANA:** Montana has now received funding for a new full time director. Mike Larson has been hired and we are happy to have him with us. Congratulations to all the volunteers in Montana who have worked to make this happen.

**TENNESSEE:** 2nd Annual CAMP TLAP will be held March 9-11, 2007, at Fall Creek Falls State Park. Saturday night speaker: Don Major. For registration information contact Emily at 877-424-8527.

**VERMONT:** The Vermont LCL has added the service of coming to the aid of lawyers who think they may want to change course... such as find other kinds of employment. We will advise them and also provide referrals to professionals in this field. John B. Webber - Vermont LCL -Director

**WASHINGTON:** Washington State Bar has moved it's offices. Barbara Harpers' group has moved and Barbara now has a fabulous view overlooking some of the most beautiful area in the world. See page 12 on the Advisory Commission roster for her phone and e-mail if you need her address.

## ABA 2007 National Conference for Lawyer Assistance Programs

*"Justice and Healing - 20 Years of Service to the Legal Profession"*



**CoLAP dates – Oct. 2-5, 2007**

**Make your hotel reservations early - last year hotel space sold out in March.**

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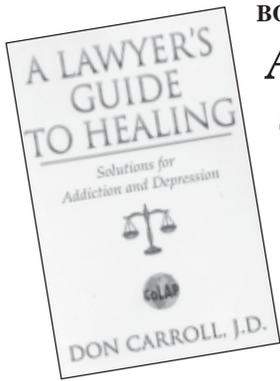
**<http://marriott.com/property/propertypage/yhzm?groupCode=abaabaa&app=resvlink>**

**ABA Thursday Dinner will be at Pier 21.**

**ILAA dates – Oct. 5-7, 2007 - Contact Sean Foreman @ (866) 429-4111**

**NEW PASSPORT REQUIREMENT: Passports are needed to re-enter the United States and recommended for entry into Canada.**

**Editor's Note:** Here's a review by a long time LAP Director from Nebraska. Following this review is one done by a new consultant to the MS LAP with a clinical background as well as a J.D.



**BOOK REVIEW:**

## *A Lawyer's Guide to Healing*

**Solutions for Addiction and Depression**

**By: Don Carroll, J.D.**  
**Hazelden (www.hazelden.org)**

**Review By: Rick B. Allan**

In 2003 I was privileged to do one of the first reviews of Carl Horn's book *LawyerLife-Finding a Life and Higher Calling in the Practice of Law*. My opening lines were: "Are you concerned about troubling trends in the legal profession, 'discontent, quality-of life concerns, and plummeting public respect'? Is the profession at a turning point?" Maybe I have become jaded in my 40 years as a lawyer including 10 years as a LAP director, but I am greatly concerned about the profession to which I have dedicated my life and for which I have the deepest respect. I don't know about other LAP, LCL personnel and volunteers, but sometime I feel like a voice crying in the wilderness. Then along comes *hope* and it always comes, first Carl Horn's book and now *A Lawyer's Guide to Healing - Solutions for Addiction and Depression* by one of our own, Don Carroll.

First I must comment on Don's writing style and the composition

of the book, whether by design or happenstance it is perfect for people like me. The material covered is a wealth of information about addiction, depression and healing comprised in "short chapters", so for those of us that may have concentration or even ADHD issues it could not be better.

Working with lawyers and educating the legal profession about addiction, depression and other mental health issues can be extremely challenging and sometime down right frustrating. Believe it or not we do have some unique issues, I personally spent the first years of my recovery working on getting rid of my uniqueness only to discover that I not only had issues with rationalizing, justifying and denying as all other suffering addicts and alcoholics, but I had been trained to defend my deluded thinking and perceptions of life. But now more hope a guide by one of our own, so well written, so well researched, so filled with information that it puts the final nail in the coffin of the argument of lawyers, "but you don't understand I am different."

As lawyers we have to know, we must have the facts, evidence is all important *A Lawyer's Guide to Healing*, provides it all and much more. Just like our law school training in briefing a case, it is broken down in to three sections: 1. Understanding Alcoholism and Other Addictions, 2. Understanding Depression and 3. Understanding the Solutions.

However in the final analysis for me this book had a special impact, it contains the information, it gives the solutions, it breaks down the barriers, but most importantly I felt the compassion and understanding of the writer. I am a believer that there is a spiritual answer to all life's problems. Maybe the title of the final chapter says it all: **Finding Happiness.**

Do I believe *A Lawyer's Guide to Healing*, is a must read I would hope from the above you would understand what a rhetorical question this is, but also its value as a teaching and healing tool cannot be emphasized enough. This book is a special gift to us all.

**Editor's Note:** Read about this new person under "People in the News".

**BOOK REVIEW:**

## *A Lawyer's Guide to Healing*

**Solutions for Addiction and Depression**

**By: Don Carroll, J.D.**  
**Hazelden (www.hazelden.org)**

**Review By: Chip Glaze, J.D., LMFT**

For twelve years, Don Carroll has been serving as the Director of North Carolina State Bar Lawyer Assistance Program and its predecessor the PALS program. He is a recognized and respected leader among attorneys and other professionals who seek to provide assistance to lawyers suffering from addiction and other disorders. He has written and lectured extensively on these subjects, and his book, *A Lawyer's Guide to Healing* brings his experience and unique perspective to readers in a meaningful, powerful, and extremely useful way. The depth and breadth of Don's experience and expertise in the field is artfully communicated.

This book truly is a "must read" for attorneys who find themselves in need of assistance, and for their friends, families, and colleagues. It also provides keen insight for professionals in the mental health and recovery fields as well as those involved in legal professional responsibility and education. It is important to note that the book is tailored to lawyers, but much of the information found therein is readily generalized to the broader population. Don's writing style is inviting and engaging. He main-tains an extremely readable "middle ground" between the use of medical language, treatment jargon, spiritual concepts, and common sense. This style makes the book both useful and enjoyable reading for the professional and layperson alike.

The structure of the book also lends to its usefulness. In separate

sections, the topics of addiction and depression are discussed at length, with significant attention given to their frequent coexistence. The book's final section, to which nearly one half of its text is devoted, is aptly titled "Understanding the Solutions". Here, Carroll provides practical guidance for lawyers to seek healing. He also anticipates for his readers some of the expected pitfalls, and offers wisdom for overcoming them. Further, he encourages them to seek true healing, as opposed to being satisfied with symptom reduction only. These additional offerings clearly illustrate the author's genuine understanding and concern for lawyers who are suffering in addiction or depression.

The structure within the sections also offers a unique opportunity for the reader to digest information at their own pace without losing continuity. Each brief chapter, though tied to those surrounding, can stand alone, thus offering ready reference and self contained ideas to prompt further inquiry and/or discussion.

While offering a wealth of material related to addiction, readers interested primarily in issues related to depression will find Carroll's treatment of these, as well as other emotional and mental health disorders especially helpful, particularly as they relate to attorneys. His perspective, as documented in this volume, does not discount such issues in deference to the seemingly more significant issues related to addition. He frequently equates the symptom clusters and uses the terms in conjunction. Doing so, he evidences his empathy for depression sufferers and validates their need for care. Such a perspective is very much in keeping with the prevailing thought of the broader treatment community, again illustrating Don's deep understanding of the subject matter as well as his ability to remain aware of the ongoing development of the field.

Don speaks eloquently of the devastating effects of isolation. This is a pervasive theme throughout. More than anything, this probably speaks to the message of the book. It calls each of us to delve more deeply, and to understand more fully. It calls for us to be seeking true healing of our own spirit, and to be agents of such healing for other brothers and sisters.

# CoLAP's Life Balance Task Force



AMERICAN BAR ASSOCIATION

**Commission on Lawyer  
Assistance Programs**

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[www.abalegalservices.org/colap](http://www.abalegalservices.org/colap)

June 21, 2006

RE: CoLAP LifeBalance Task Force

Dear LAP Director:

As LAP Directors we are called upon to create and manage programs and services for legal professionals who are experiencing many levels of difficulty or stress in their professional or personal lives. Our multi-faceted responsibilities take energy, dedication, creativity and time. A lot of time! We are good at what we do and, as a result, often over use and even deplete our personal resources.

Fortunately, the American Bar Association's Commission on Lawyer Assistance Programs (CoLAP) recognizes and appreciates the many challenges LAP Directors experience unique to their profession. With this in mind, CoLAP Chair Richard Soden appointed a Directors LifeBalance Task Force with the charge of protecting the personal health and professional well-being of all LAP Directors.

I was appointed as Chair of this Task Force, which includes a number of your colleagues. Consistent with the charge of this Group, efforts are being made to create a process to provide a safe, confidential environment in which LAP directors can seek and benefit from available resources. Our ultimate purpose is to support our colleagues with compassion.

The Task Force has met and discussed some of the concerns and issues that face each and every one of us. In order to get input from each of you, we are compiling a brief questionnaire that will enable you to express your views and thoughts on how best to proceed. You will soon receive this anonymous online survey with information on how to complete it. We encourage you to participate so that it can determined how best to support one another.

Given that we are a very unique and caring group, we must not forget the importance of the health and well-being of each of us. In the final analysis, we are not responsible for each other, but *we are responsible to each other.*

Regards,

Barbara Harper, Chair  
Director's Life Balance Task Force

Members:

Betty Daughterty  
Ann Foster  
Shell Goar  
Bonnie Waters

Jim Griffis  
Gail Harber  
Bill Leary

Mary McGraw  
Derek LaCroix  
Richard Vincent

"In response to the letter above that was sent to all LAP Directors, Buddy Program Coordinator, Bonnie Waters, received participation forms from 37 LAP directors and 2 assistant directors."

## People in the News

**DELAWARE:** Carol Waldhauser assumed the role of Executive Director for the Delaware Lawyers Assistance Program (DE-LAP), a member service of the Delaware State Bar Association (DSBA) that was established with the support of the Supreme Court. DE-LAP offers confidential assistance to members of the Bench and Bar suffering from mental health, substance abuse, or addiction issues that are affecting their ability to practice law.

Ms. Waldhauser comes to DSBA with eight years of professional experience as Assistant Director of the Maryland State Bar Association's Lawyer Assistance Program. In addition to her degree from Villa Julie College in Stevenson, Maryland, Ms. Waldhauser's graduate work includes a dual program in public administration/law and organizational counseling.

DE-LAP serves the legal community of Delaware offering intervention, support, and education to those who require assistance. The Program relies on a network of professional and volunteer resources, the principal of which is the Lawyer's Assistance Committee, which is a peer support network offering guidance and monitoring to impaired lawyers and judges.

"We are pleased to welcome Carol as the first Executive Director of the Delaware Lawyers Assistance Program," said Geoffrey Gamble, President of DSBA. "Carol's experience and unique understanding of the Program will allow her to serve our members well. We anticipate that she will work with the Lawyer's Assistance Committee to promote DE-LAP and to deliver its services."

For more information about DE-LAP, please contact Carol Waldhauser at: (302) 777-0124 or (877) 24DELAP.

**MISSISSIPPI:** Chip Glaze – New Coordinator for the Mississippi Katrina Outreach Project, a program of the Mississippi Lawyers and Judges Assistance Program. Chip is a 2002 graduate of Mississippi College School of Law, and is a licensed attorney in Mississippi. He is also a licensed Marriage and Family Therapist. He has contracted with the Mississippi Bar Association's Lawyers and Judges Assistance Program to serve as the Coordinator of the Katrina Outreach Project. The project is designed to provide counseling and support to attorneys on the Mississippi Gulf Coast affected by Hurricane Katrina. Chip is the proud father of two sons, Mason (7) and Gray (2).

**MONTANA:** Michael E. Larson, recently

hired by the State Bar of Montana to be the Director of the LAP, states "I feel like this is the ideal position for me, combining attributes from personal recovery and 7 years experience as a chemical dependency counselor, along with almost 7 years of practicing law." Mike started full-time on December 18th. He can be reached at: Michael Larson, Director, Lawyer Assistance Program, 791 Frying Pan Road, Dillon, MT 39724, by phone: 888/385-9199 or 406/683-6525 or by e-mail: mlarson@montanabar.org. Welcome Mike!

**OREGON:** The Oregon Attorney Assistance Program is delighted to announce that Douglas S. Querin joined the OAAP as an attorney counselor on December 1st. Doug brings a wide range of education and life experience with him to the OAAP. He recently transitioned from a 30-year career as a litigator to a new career as a counselor by attaining his MA in counseling from George Fox University. He has been in recovery since 2002 and is currently in the process of being certified as a drug and alcohol counselor. OAAP looks forward to introducing Doug in person at next year's CoLAP meeting.

**TENNESSEE:** Theodore A. Rice, M.Ed., LPC-MHSP, CEAP joined the Tennessee Lawyer's Assistance Program as the Assistant Director in October 2006. Ted served as a clinical counselor for the Work/Life Connections-EAP at Vanderbilt University from 2004-2006. Ted received a B.A. in Psychology from Marshall University in 1994 and a Master's in Education degree in Human Developmental Counseling in 1997 from Vanderbilt University. Ted Rice is a National Certified, Employee Assistance Professional, a National Board Certified Counselor, and a Licensed Professional Counselor, Mental Health Service Provider Status designation, in the state of Tennessee. Ted is married and has four year old twins, a boy and a girl, Trillium and Gabriel. He is an avid hockey fan and tennis player.

**TEXAS:** The Texas Lawyers' Assistance Program (TLAP) is fully staffed once again! Ann D. Foster, JD, MAC, starts her 10th year as Director of the Texas Lawyers' Assistance Program and is very pleased to announce the addition of two new TLAP staff members: Rachel Madorsky and Greg Miller.

Rachel Madorsky, LCSW Peer Assistance Professional. After many years of clinical practice, Rachel joined the TLAP staff in May 2006. Rachel is a B.F.A.

(continued on page 10)

## Calendar of Events

**February 8-11, 2007** - American Bar Association Midyear Meeting, Miami, Florida.

**February 8-10, 2007** - ABA CoLAP Business Meetings in connection with the ABA Midyear Meeting.



**March 20-23, 2007** - CoLAP Spring Business Meetings, Red Lion Hotel, Wenatchee, Washington, www.redlion.com. More information will be sent via e-mail and posted on CoLAP's website - www.abalegalservices.org/colap.

**March 23-25, 2007** - The Washington State Bar LAP/Lawyer Services Department is in the initial stages of planning its 10th annual Statewide Conference and the celebration of LAP's 20th year of service to Washington State Lawyers. The Conference will take place in Wenatchee, Washington. The theme: "The Changing Nature of the Practice of Law". For more information contact Barbara Harper, Director Lawyers Services Department (206) 727-8265 or barbarah@wsba.org.

**October 2-5, 2007** - ABA 20th National Conference for Lawyer Assistance Programs - Halifax Marriott Harbourfront, Halifax Nova Scotia, Canada. Call Sara Pekar, 312-988-5752, or e-mail pekars@staff.abanet.org.

## Case Law Corner

by Hugh Grady

### Iowa lawyers Assistance Program

*Driscoll v. People*, 77 P. 3d 471 (Colorado 2003) is a good example of a state recognizing rehabilitation, resulting in reinstatement after a long-term suspension. Driscoll had a long history of discipline beginning in 1982 and ending in 1998. All of his discipline matters were related either directly or indirectly to addiction to cocaine and alcohol. The discipline matters began with admonition(s) for neglect. He was suspended for three years in 1992; he also was accused of receiving cocaine from friends of a client he was representing in criminal proceeding relating to drug charges. Driscoll made several efforts to participate in rehabilitation programs but continued to relapse to the use of drugs and alcohol. Around the time he became eligible for reinstatement in 1995 he was arrested for driving under the influence. He pled guilty to that charge. Over the next

five years, despite unsuccessful efforts to stop, he repeatedly used alcohol and cocaine. In 1998 he was arrested for attempting to purchase crack cocaine from an undercover police officer in New Mexico. Following his arrest for driving under the influence he decided not to apply for reinstatement in Colorado. He believed he would never be in control of his drinking and thought it would be fruitless to even apply.

In 2000 he "hit bottom" as a result of his use of alcohol and cocaine. His sobriety dates from January 4, 2000.

The Supreme Court found that Driscoll's earlier misconduct 'was attributable to a serious condition of addiction to alcohol and cocaine.' *Driscoll*, 716 P.2d at 1088. In the instant case the Court found that he was "deeply committed" to participation in AA. He has a sponsor with whom he meets weekly. He attends five to eight AA meetings per week and does volunteer work in the community. He counsels other professionals in the community experiencing problems with substance abuse. He presented testi-

mony from experts about his commitment to ongoing recovery. He has been open with the community, his family and employees of his ranch and has treated them well. He also worked as an investigator and paralegal during his suspension and the Court found that he demonstrated honesty and integrity in his employment.

In reinstating Driscoll the Supreme Court found that as a result of his rehabilitation, he had developed the integrity and honesty required of an attorney. He was candid and forthright in his acknowledgment of his past misconduct and he took complete responsibility and demonstrated remorse for those actions.

## People in the News

(continued from page 9)

graduate of Syracuse University and received a Masters in Social Science Administration (M.S.S.A.) from the Mandel School of Applied Social Sciences at Case Western Reserve University in Cleveland, Ohio. From 1996-2006, Rachel worked as a Licensed Clinical Social Worker in private practice and a clinician for community service agencies. During this time, Rachel also served as an Adjunct Field Instructor for Case Western Reserve University and provided clinical supervision for Masters Students and LCSW candidates. From 1991-1997 Rachel provided team-building and leadership training as a certified instructor for a national training company and was hired as a consultant for lawyers dealing with client mental health issues.

**Greg Miller**, LMFT, CADAC, Assistant Director, Texas Lawyers' Assistance Program. After four years with the State Bar of California's Lawyer Assistance Program, Greg Miller came to TLAP in October 2006. Greg is a licensed marriage and family therapist and a certified alcohol and drug counselor. Greg has a master's degree in counseling psychology and a bachelor's degree in journalism. Prior to helping impaired attorneys, Greg worked in a variety of clinical settings, including the San Francisco YMCA's youth service bureaus and Peninsula Hospital in Burlingame, California. Greg also maintains an independent psychotherapy and intervention consultation practice in Austin.

**VERMONT:** The United States Court of Appeals for the Second Circuit presented **John B. Webber**, CoLAP Advisory Commission member, with the Fifth Annual American Inns of Court Professionalism Award in the Second Circuit on Wednesday, September 13, 2006 at the Daniel Patrick Moynihan United States Courthouse Ceremonial Courtroom, New York.

## Model Rules

(continued from page 3)

### Commentary

Confidentiality is the key to accomplishing the purposes of conditional admission. Public disclosure and the stigma that would accompany it in cases of chemical abuse or dependency, mental illness, or other medical condition would discourage the treatment, diagnosis, and disclosure this Rule promotes.

In recommending confidentiality, the Commission was aware of and discussed the inherent tension between the benefits of confidentiality discussed above and the public's (including potential clients) interest in access to all material information about the applicant's fitness to practice. It is assumed that, in the absence of a conditional admission rule and under current admission practices, many applicants who would qualify for conditional admission under this rule would be admitted in most jurisdictions unconditionally. Thus, observing confidentiality should result in no less information being provided to the public than is currently the case, but on the other hand confidentiality will promote early disclosure and treatment of impairments.

**11. Education.** The [Admissions Authority] shall make information about its conditional admission process publicly available. The applicable Lawyer Assistance Program (LAP), or other bar or legal organization that provides support to lawyers, should have the primary responsibil-

ity for educating law students, law school administrators and applicants for bar admission regarding the nature and extent of chemical abuse, dependency, and mental health concerns that affect law students and lawyers; aiding them to recognize chemical abuse, dependency, and mental illness; identifying resources available to address such issues; and encouraging them to seek assistance. The Admissions Authority should reasonably cooperate with such organization in making accurate information about the conditional admission process available to interested persons.

### Commentary

As the preamble indicates, informing bar applicants that chemical dependency and mental illness are not necessarily indicative of a lack of character and fitness which preclude admission to practice law, encouraging rehabilitation from misconduct or behavior or treatment for a condition that would otherwise render an applicant unfit, and utilizing a confidential conditional admission process in cases of recent rehabilitation or treatment, results in candor in the process and other benefits to the bar examiners and the public. The law schools and lawyer assistance programs can assist by addressing chemical abuse, dependency, and mental health concerns, but the message of how an Admissions Authority addresses these concerns and the availability of a conditional admission option may be most appropriately and effectively communicated by the Admissions Authority.

## CoLAP Chair's Column

by Richard A. Soden

In the last issue of *Highlights*, I promised to provide an update on the work of CoLAP's committees and their plans for the near future. I am afraid that that update cannot be completed in this oversized issue alone. I've limited my comments in order to include the draft Model Conditional Admission Rule from the subcommittee of the Law School Assistance Committee (see page 1), as well as a letter explaining the challenging charge of the Directors' LifeBalance Task Force (see page 8). I plan to report in the next issue on the projects underway by the Diversity Initiative, the Survey of LAPs (planned for completion in 2008), Strategic Planning (meeting in Miami and Wenatchee to discuss future plans for CoLAP), LAP Services (offering a training session in Miami), and the Publications Board.

**Judicial Assistance Project:** The Judicial Assistance Initiative is a new initiative of the Commission that seeks to develop a comprehensive, three-year program to address the barriers that judges face in getting help for problems of addiction and other mental health issues due to the unique nature and isolation of the judicial role. The project will center on the very high respect of the legal profession and the public for judges and their role in society, while recognizing the enormous toll such expectations can take on the judge who feels unable to seek help for a problem that seems antithetical to that role. Assisting judges and the unique challenges that presents has been on the top of the agenda for almost all state Lawyer Assistance Programs for at least the past five years and they have asked the ABA to take

the lead in developing solutions to it.

The program will have four distinct components: education; judicial administration enhancement; peer-to-peer counseling; and networking. The Commission has a large cadre of very committed volunteers who provide thousands of hours to its work. They have a broad assistance network nationally, all of whom will assist in this very important endeavor. The ABA Board of Governors supports this project and has provided funding for organizational efforts.

**Future National Conference Site Proposals:** Both the Commission and ILAA approved Chicago as the site of the 2008 conference at their respective meetings in San Francisco in October 2006. Those plans have hit a snag, because Chicago hotel costs are higher than anticipated.

Given previous conference planning experience, we know that the commitment with the hotel should be finalized about 18 months prior to the conference date, or in our case, in April 2007. Therefore, the Commission has called for proposals for hosting the conference in 2008.

The following points were to be addressed:

- 1) Availability of LAP staff and ILAA volunteers to assist with on-site conference and meeting details;
- 2) Whether a LAP in the State or Province would welcome and benefit from the presence of the conference;
- 3) The geographic location compared to the most recent site, with a preference to moving the site to various locations throughout America and Canada;
- 4) Ease of accessibility of the host city for

conference attendees and exhibitors;  
5) "Tourist" appeal of the site for attendees; and

6) Availability of hotels of sufficient size to accommodate conference attendees at a rate similar to the one paid at the most recent conference, with preference given to hotels within walking distance to some of the host cities' features. A copy of the meeting specifications is available upon request. [The ABA will then submit a RFP through the city's convention bureau requesting detailed proposals, and will negotiate final space and rates. At this point we are asking for a rate of less than \$185 for the hotel and 208 rooms on the peak night for a combination of meetings that last 6 days.]

Site submissions need not be in a particular format, but they shall address each of the foregoing factors. The submissions should not exceed two pages. Your support and participation is greatly appreciated. Please direct all questions to Barbara and Derek, Chairs of the 2007 Conference Planning Committee.

### 2007-2008 Presidential Appointment to CoLAP and the Advisory Commission:

I recently received a memo from the Office of the President saying that the application for requesting Presidential appointments to committees, commissions and advisory commissions is now on the ABA website. You can access the application at [www.abanet.org](http://www.abanet.org), which will take you to the ABA home page. You can then link to the online application directly below current ABA President Karen Mathis' photo. The link is called 2007-2008 Presidential Committee Appointments. I encourage you all to enter your requests early, even though the deadline is not until March 1. CoLAP will have 3 open positions

(continued on page 12)

### News Tid Bits:

## 19th National Conference Highlights: Assisting Lawyers Plan for Retirement, Presentation at National COLAP

Mike Long, of the Oregon Attorney Assistance Program gave an excellent presentation and overview of what I believe will become an increasing issue for LAP's in the coming years. As 'leading edge' baby boom lawyers reach 60, there are going to be significant requests for assistance-as they 'exit right' or look for 'act two' after practicing law for 25-35 years.

Mike explained how the OAAP is leading the way in dealing with this critical issue, already having a successful schedule of networking, educational, and support groups

for lawyers in Oregon making that job or career transition.

In a study by the OAAP they noted 71% of the lawyers envisioned retirement as a time to begin a new chapter in their life with new activities and goals.

I have found in my private practice, counseling lawyers for over 20 years, that the reality is many, many lawyers, even those financially secure; do not really have an active and concise plan of action for the next 20-30 years of life. This is in part because many are working so hard to close out their book of business or turn

it over to another lawyer, that they don't always have time to plan for the future.

The OAAP study noted that "50% of lawyers surveyed feel very optimistic about retiring while almost 40% feel somewhat optimistic' and 15% not feeling optimistic about moving into post retirement."

Because the practice of law requires so much of oneself, both personally and professionally, I am quite certain with increasing number of lawyers in the 55-65 age range, many may well approach your LAP for assistance-either as part of their ongoing recovery process or as an issue on its own. That is what I begin to see in my own practice with some LAP referrals. Be prepared, and don't say I did not warn you!

—David Behrend, M.Ed., Director, Career Planning Services For Lawyers

**American Bar Association  
Commission on Lawyer Assistance Programs  
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**Chair's Column**

*(continued from page 11)*

on the Commission and a possible 6 positions on the Advisory Commission. Because of the work required on the

Commission and Advisory Commission, I do hope you will be committed to attend the meetings and be supportive of your state LAP. You must be a member or associate of the ABA in order to receive an appointment.

In closing, I'd like to remind you that all CoLAP meetings are open and you are

encouraged to attend. We are meeting in Miami, Florida during the ABA Midyear Meeting February 7-11, 2007 and then in Wenatchee, Washington (March 20-23) just before the WSBA's Lawyer Services Department 10th annual Statewide Conference and the LAP's 20th year of Service celebration.

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