

Highlights

of the American Bar Association
Commission on Lawyer Assistance Programs

Comments From Editor Steve Barrett

Presented for the first time in Highlights, is a summary of the Minutes from the CoLAP Business Meetings on March 26-28, 2004. Many of the issues discussed will be revisited at the ABA Annual Meeting in Atlanta this August, and many new, important issues will be introduced. The meetings are open, and CoLAP Chair John Clark invites you to attend and participate.

As we prepared this issue, CoLAP had not received notice of appointments for 2004-2005. I have opted to include the 2003-2004 listing of CoLAP and the Advisory Commission members in an effort to recognize their contributions. Extra copies of the listing can also be printed from our website at www.abalegalservices.org/colap/highlights.

On a lighter more personal note, I'd like to share some comments from our recent meeting in Colorado Springs—
a.) There are some tales to be told on the ascent or attempted ascent of Pikes Peak by some of our attendees; and b.) I've been told that Mike Cohen has acquired golf clubs, but his bride, Dawn, reports a lack of progress with Mike's golf game.

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Hail and Farewell

by Steve Barrett

We are presenting, as our lead article, in this spring issue, our Chair's last column. His tenure will end with the ABA Annual Meeting in August.

I remember when I first met John. It was at the mid-year meeting, in the year 1998, in Nashville, in the lobby of Opryland, with his golf clubs hung over his shoulder. He was appointed as CoLAP's Board of Governors liaison shortly thereafter, and because of his interest in CoLAP's charge and his reputation as a leader of other ABA entities, he was appointed chair for three consecutive years by three different ABA Presidents.

John was controversial at times, inquisitive always and annoyed that more lawyers were not aware of CoLAP and the State and Local LAP's. Of course, he was always and will be the ultimate ABA insider.

He led CoLAP on a journey of focusing on full service lawyer assistance programs, expanded its exposure within the ABA, and was a dynamic fund-raiser, which allowed CoLAP to carry out and expand its mission. I think his finest accomplishment was to initiate a separate three-day meeting of CoLAP in the winter, separate from the ABA midyear. This alleviated conflicts with other events and allowed more interaction, bonding, and exchange of views among CoLAP members, LAP personnel, volunteers and treatment center representatives.

As John moves on, he will not be forgotten and I hope he will be available to us in the future. He has our sincere gratitude for a job well done and best wishes for future endeavors.

Message From the Chair

by John W. Clark, Jr.



I want to thank every member of CoLAP and every member of the Advisory Commission for their help and support during this, my final year as Chair of CoLAP. From time to time, I have separately acknowledged individual contributions, and now I would like to thank CoLAP and the Advisory Commission as a whole. I can say without reservation, that CoLAP has been a force for good, and that CoLAP has had a positive impact upon the LAPs and the American Bar Association. Our Commission has become a more significant voice in the recovery community, and I hope that we have become known as an ABA entity that is willing to stand up and speak honestly about the problems we are directed to address. I believe that we recognize our own shortcomings, and we collectively see the future with faith and optimism.

By the time this Column is published, the President-elect, Robert Grey, of the American Bar Association will have announced his selection of my successor. There will be sad farewells and there will be much happiness as the ABA year winds to an end at the Annual Meeting in Atlanta. Some of us are looking forward to continuing work with CoLAP, and some of us are still bewildered about what we are supposed to do, if anything. Some, like myself, look forward to becoming involved in other activities.

It is my often repeated view expressed in this Column, that among other things my recovery means I have learned to live comfortably in this world. My recovery does not mean to me that I am only fit and able to live with and around other recovering alcoholics. Hopefully, my program of recovery has permitted me to claim a legitimate role in our society at large. I can truthfully say that I am happy, joyous and free; that I am happily trudging my road to destiny, and that I will always be comforted by the fact that there are good people out there willing and able to give me

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IN MEMORIAM
FLETCHER CULLEN MANN, SR.
GREENVILLE, SOUTH CAROLINA
1922-2003

Fletcher Cullen Mann Sr., Born in Pittsboro, N.C. in 1922, husband of Blanche Poole Mann, of 110 Rock Creek Drive, died Feb. 28, 2003 at the age of 81.

Fletcher C. Mann chaired the South Carolina Bar's Lawyers Caring About Lawyers (Lawyers Assistance Program) Committee in the early 1990s. During his very active tenure, Mr. Mann used his influence as a prominent trial lawyer to the great advantage of this program. At that time, the program was entirely comprised of volunteers, and Mr. Mann devoted much time to its success. He worked with individual lawyers, and when appropriate, personally took the still-suffering attorney to detox or treatment. On one occasion he accompanied an impaired attorney to a treatment facility in Arizona. He represented South Carolina at the ABA's annual lawyers assistance program conference and workshops. He used those contacts to bring national quality CLEs to South Carolina, including a 1992 CLE, which drew an unheard-of attendance of nearly 250 attorneys. On behalf of the committee, he made arguments before the Bar's Professional Responsibility Committee as well as the South Carolina Supreme Court. At one Supreme Court appearance, the Court suspended the clock to ask Mr. Mann and fellow LCAL member Mr. John Young numerous questions regarding substance abuse, addiction and treatment. Mr. Mann suffered a long period of declining health, which precluded his active participation in committee matters in recent years, but he looked forward to calls from individuals in recovery and to hearing a good speaker's tape even in his final hospital stays. Mr. Mann made a lasting contribution to the advancement of recovery for lawyers in South Carolina.

From the Chair

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direction to find my path when I stumble and fall. I have found many of those people already involved in the work of this Commission either as volunteers or as staff.

Bill Wilson and Bob Smith (founders of Alcoholics Anonymous) did a lot of things right, and one of the things that I like to remember is that Bob told Bill to keep it simple when Bill wanted to do otherwise. One of the greatest parts of their collective story, in my view, concerns their first meeting when they discovered how important it is for one alcoholic to talk with another alcoholic, honestly. That is what I have found with CoLAP. Regardless of our addictions, regardless of our mental health issues, I think we have learned to speak candidly with one another and treat each other with respect

and dignity. Our path is now more clear, more certain and less fearful.

It is apparent to me that society as a whole has a better grasp and a growing awareness of the issues confronted when we talk about mental health and addiction. CoLAP is charged with assisting LAPs in their development and operation. CoLAP is also charged with the awesome responsibility of educating the Bench and the Bar about the realities of recovery. CoLAP is limited by its budget and how it can go about educating the Bench and Bar, but from my perspective that is where the future lies. I am satisfied that the LAPs in this country are well and honestly directed and are taking giant strides opening their programs to all who may or still suffer. As I try to look into the future of CoLAP, however, my vision is still blurred by the fear, anger, ignorance and denial of some of our brothers and sisters on the Bench and at

the Bar. I am still startled when I hear voices from otherwise well-meaning people, judges and lawyers alike, expressing their view that their law firm, their Court, and/or their family have no problems with which to deal. I think often of the law school Dean who once assured me that she knew her students well and that she knew her faculty better and there had been virtually no problem of any sort with addiction or depression at her law school during her seven-year tenure as Dean. That was a sad moment for me, because it highlighted our failure to educate about our weaknesses or shortcomings, that we are just beginning to successfully address.

I doubt that there are any final solutions, but the light grows brighter with every new day. I am optimistic for the future, and I am particularly happy to have had an opportunity to Chair CoLAP. Thank you for giving me the opportunity to serve.

People In the News

Ray O'Keefe - Ray O'Keefe- In early April, Ray had his foot amputated due to circulatory problems and is now in "rehab" learning how to use a prosthesis (not yet by our latest report). He is slimmer, using a walker, and wants to get home. It may be mutual. Please keep him in your prayers. Cards can be sent to him at: 802 Kure Village Way, Kure Beach, NC 28449.

Hon. Robert Childers - a former CoLAP Commissioner had an opinion reported in the May 13, 2004, edition of the New York Times with the headline: CHINESE PAR-ENTS NOT TRICKED, JUDGE SAYS IN CUSTODY CASE. A lengthy article followed.

Richard Vincent - The Maryland State Bar Association's Lawyer Assistance Program is pleased to report that Richard Vincent is

recuperating from his knee replacement surgery. It seems that all is going well and as expected. He was released from the hospital after only three (3) days. Presently, Richard is recuperating at home and will receive physical therapy there. So although Richard would most likely state that he doesn't want cards; I am sure that as he receives them - they will support him in his efforts to heal as soon as possible. Richard Vincent, 1 Yorkship Square, Dundalk, MD 21222.

The Value of LAPS to Lawyers, Judges and Law Students

by David R. Brink

David R. Brink delivered these remarks on October 14, 2003 at the 16th National Workshop for Lawyer Assistance Programs held in Victoria, B.C. Brink was President of the American Bar Association in 1981-82 and a former Minnesota State Bar Association President. In that capacity, Brink encouraged funding for Minnesota's pioneer lawyer assistance program, and he currently serves on the board of LCL Minnesota. Brink also served as a member of the first CoLAP Advisory Commission.

EXACTLY TEN YEARS AGO YESTERDAY—October 13, 1993—was my dry date. It was the first day of my treatment at Hazelden and the first day of a new life.

I don't know how I got so incredibly lucky as to start my recovery under a unique and ideal set of circumstances. I had a family who didn't mollycoddle me or wait until I had destroyed myself. I had a law firm that had some experience with alcoholic lawyers and had retained the Johnson Institute as a consultant on how to recognize, deal with and treat alcoholism and other impairments. I was confronted at a well-planned intervention attended by family, recovering partners and even some caring and knowledgeable clients. Running the show was the late Dr. James Fearing, a well-recognized interventionist and counselor. I had treatment at Hazelden and aftercare with Dr. Fearing. Immediately after treatment I was called by a wonderful recovering lawyer who got me into Lawyers Concerned for Lawyers as a volunteer and into a 12-step support group sponsored by LCL. Now he is my friend, my sponsor and my hero.

Very few impaired lawyers are lucky enough to fall into such an ideal set of circumstances. And we all know alcoholics or other impaired persons who fail to get a good start and so fall by the wayside—maybe many times—before reaching an unhappy ending. That's what led some

caring, recovering lawyers to provide a safety net in Minnesota over 25 years ago. Those pioneering Minnesota lawyers called it "Lawyers Concerned for Lawyers" (LCL). Today such organizations have spread nationwide and we refer to them as LAPs (Lawyer Assistance Programs). They offer to many lawyers the same kind of ideal opportunity to be identified and set on the road to recovery that I was lucky enough to fall into by chance ten years ago.

LAPs work in part because they are formal organizations and, especially perhaps, because they are nonprofit and, in a sense, public organizations. LAP is an entity, suggesting anonymity, confidentiality, and authority with courts, disciplinary bodies,

bar associations, lawyers and even the public. It can be identified and publicized as a point of access to the whole panoply of services needed by impaired persons. It can take positions and make official appearances on professional issues affecting impaired lawyers.

But, no matter how good its services, the LAP cannot be effective unless it can be found by and provide help to many of the large number of lawyers that we know are afflicted by substance abuse or mental disorders. And the LAP's services will not be lasting until law firms, law schools, courts and disciplinary bodies become alert to the symptoms of impairment and sympathetic

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David R. Brink was President of the ABA in 1981-1982. He is remembered as the "Father of Goal Eight"—the ABA's goal "To Advance the Rule of Law Throughout the World." The adoption of that goal led to the ABA's vast international programs to assist newly-free or developing nations with democratic forms of government, independent judicial systems and human rights, civil rights and international trade.

Brink is credited with being the leader in the successful fights in Congress against the "court-stripping" bills and the efforts to destroy or neutralize the Legal Services Corporation.

Brink was an originator or early advocate of Mandatory CLE for lawyers, IOLTA, Specialization plans, ADR and probate trust law and transfer tax reform. He was voted the most desired CLE presenter in his state.

As a Minnesota State Bar Association President, 25 years ago, Brink encouraged and supported funding for Minnesota's pioneer lawyer assistance program—called LCL. He currently serves on the Board of LCL Minnesota.

Brink has been a member of the advisory group to CoLAP since its creation in 2000. While serving in that capacity he made the suggestion, now adopted, that it be recreated as an official ABA recognized Advisory Commission with ABA presidential appointments. In 2003-2004, ABA President Dennis Archer also appointed him as a member of the ABA Standing Committee on Substance Abuse.

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ABA/KBA Workshop for Growth

September 28-30, 1988

Park Suite Hotel, Nashville, Tennessee

by Steve Barrett

This was the first workshop that turned into the National Conference we know today. Two Kentucky lawyers, Billy Hoge and Al Welsh persuaded the Kentucky Bar Association to co-sponsor a workshop along with the ABA in Nashville.

At that meeting the mission of the ABA Commission was set forth. The kick off speakers, were Stan Chauvin, the President-Elect of the ABA and the first CoLAP Chair, Stelle Huie. The program included panel presentations and breakout sessions on subjects that are still a concern to Lawyer Assistance Programs today. For many of us, it was the first time to meet and listen to Ray O'Keefe, who was the designated keynote speaker.

While many of the attendees remain involved in ABA activities today, many have

moved on to other professional endeavors. The states represented there and missing from current workshops include: Delaware, Georgia and West Virginia. Papers were presented by Alabama, California, District of Columbia, Florida, Georgia, Indianapolis, Iowa, Maine, Maryland, Michigan, Minnesota, Nebraska, Nevada, New York, Ontario, Oregon, Pennsylvania, South Carolina, South Dakota, Tennessee, Texas, Vermont and Washington.

If anyone would like to receive a copy of the materials from the workshop, please contact me, and I will gladly provide you with a set. At this time, I still have Ed Blewer's workshop book and will bring it to the Philadelphia Conference, in October. Al Welsh will provide us the history



of the first Workshop in the next issue of *Highlights*. He believed first, that this workshop revived and rejuvenated several of the early state programs. It was also the result of the work of the Young Lawyers Division of the ABA begun in 1979.

The Value of LAPs

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to those in recovery. This requires education—education as to the nature and symptoms of illnesses of this type, inculcating a willingness to refer and monitoring and acceptance of the recovering lawyer in the profession and society. LAPs are the ideal vehicle to provide this needed education.

In Minnesota we're proud of our LAP experiment of more than a quarter century ago. We're also proud to have been the first state, nearly 30 years ago, to develop and promulgate a plan of mandatory continuing legal education. Now all, or nearly all, states have adopted both LAPs and MCLE. And these two programs have more in common than one might assume. Both are founded on the optimistic belief that a fine profession can be made even better by helping the individuals who make it up to improve their performances and themselves. Both depend upon education as a principal tool. Both, we in Minnesota believe, are very successful programs.

But occasionally MCLE and LAPs collide. Those of us in LCL believe that the ultimate goal of both programs should be better service to the public. Nothing, in our view, contributes more to that end than saving the professional lives of impaired

lawyers. Therefore, we in LCL believe that full MCLE credit should be given for all course work dealing with impairment of lawyers. Some in the MCLE movement have disagreed, thinking that only law school-type substantive courses should be accredited or that a cap should be put on allowed hours in this field. These questions are again being considered in our state supreme court, where our LCL director, Tom Shroyer, and volunteer representatives of LCL recently appeared to support full accreditation. In the past our supreme court has been sympathetic to LCL's positions and we are hopeful, that in the future, they will remain so.

LAPs serve at least three constituencies besides the public: lawyers, judges and law students. In general, identification, treatment and monitoring are much the same for all three groups. In all three, confidentiality and immunity from liability are of the utmost importance. Special problems exist for each group. In the case of judges, some of the special problems revolve around independence, status, and dignity and respect, and are often most keenly felt by elected judges. In some states the problems of judges have been addressed by separate organizations. Law students also have their own concerns—the effect of being identified as having a problem within law school faculties and administrations or in answering questions on applica-

tions for bar admissions or employment. There are interesting and innovative solutions to the special problems of each of these constituencies in the various LAPs. And CoLAP is making special projects out of both judges' and law students' concerns, hoping to recruit and serve more persons in both categories.

So, as your agenda asks: what is the value of LAPs to lawyers, judges and law students? In all three cases, the answer is: "tremendous". I have spent what sometimes seem too many years serving steadily in law practice and the organized bar and often working with educators, business executives, corporations and charitable institutions. In all that experience, I have never found a group more dedicated and devoted to their cause than LAP directors and the staff and volunteers who work with them. The profession should take off their hats to all these "LAP-pers" who do so much good.

I also doff my hat to CoLAP, which sponsors these wonderful workshops and acts as a clearinghouse for all the good ideas in this field that are generated all over the U.S. and Canada. CoLAP is so effective because it is composed of so many LAP people simply wearing different hats. I hope they will keep wearing those hats while the rest of us take our own hats off, and leave them off, as a sign of the respect and gratitude we should feel to all the LAPs and to CoLAP.

CoLAP Evaluation Process: Second Generation

by Michael Cohen

CoLAP has been performing evaluations of state LAP's almost since CoLAP's creation in 1988. Evaluation teams have reviewed programs that have ranged from little more than informal voluntarily committees of lawyers helping lawyers to comprehensive, statewide programs that are agencies of the State Bar or Supreme Court. The CoLAP evaluation program has probably been one of the most successful and important functions of CoLAP, and has been a significant factor in the creation of state-wide programs in a number of states, as well as raising the visibility and increasing the support in many, many others.

The evaluation protocol that has evolved over the past fifteen years involves a team appointed by CoLAP (which normally consists of a Commission member, a LAP director, and sometimes a volunteer) spending two to three days meeting with various individuals involved with the LAP. Such individuals may include justices of the state supreme court, the bar association's executive director, president, and president-elect, members of the bar disciplinary agency and of the bar examiners, law school personnel, the LAP director and staff, and members of the LAP committee or board of directors. Evaluations are performed utilizing the CoLAP Model LAP, the Guiding Principles, and portions of the McKay Report, and generally focus on such issues as funding, the LAP's relationship with discipline and the bar examiners, confidentiality and immunity, public relations efforts, and the staff's relationship with the LAP volunteers. A report is written by the evaluation team (generally within thirty days) and submitted to the LAP, the bar association, and the Supreme Court in order to coordinate the efforts of these agencies.

The report highlights both the positive aspects of the LAP and the areas where more work is necessary. It makes recommendations about how those areas could be supported by all facets of the bar and the court, and stresses the critical need for the LAP within the profession. The evaluation reports have been consistently well received, and many state LAP's credit a CoLAP report with raising their programs to the next level of service and professionalism.

By 2002, CoLAP's Evaluation Committee had received a number of requests for evaluations from well established, mature LAP's, several of which had previously

undergone CoLAP evaluations. It was apparent that a new protocol would be required to address the different needs of these established programs. Under the direction of Commissioner and Evaluation Chair William Leary, a proposed framework was developed, which relied less on interviews with individuals outside of the LAP, and more on intensive meetings with the LAP staff and volunteers.

The first evaluation under the new protocol was performed in New Jersey in May 2003. The evaluation team consisted of Michael Cohen of Florida, Don Carroll of North Carolina, and Susan Pauley of Virginia. The team spent two days at the NJ LAP headquarters in New Brunswick, and met extensively with NJLAP staff members, volunteers, and members of the Board of Trustees, as well as the Bar Association's Executive Director and the Director of the Office of Attorney Ethics. The team reviewed the evaluation of the New Jersey program undertaken by CoLAP in 1999, and determined that all the issues raised in that evaluation (including funding) had been adequately addressed.

The evaluation process consisted primarily of "brainstorming" sessions attended by the evaluation team and NJLAP staff, volunteers and board members. The result of these sessions was to crystallize the goals and objectives necessary to move the New Jersey program to the next level of service to its clients. These goals and objectives focused primarily on how to improve internal operating procedures, screening, space utilization, and public relations efforts so as to continue the growth of the lawyer assistance program started in 1993. In addition, a methodology was developed to provide a better objective statistical "snapshot" of the LAP's efforts and achievements that could be presented to the Board of Trustees and Bar Association.

The global protocol established by the evaluation team for mature programs consisted of the following items shown in the chart to the right. The process of reviewing and discussing these items was significantly different than that used in the traditional evaluation. The discus-

sions were more oriented towards the philosophical and mission aspects of the LAP than the usual "nuts and bolts" concerns (funding, confidentiality, marketing, development of volunteers, setting up attorney support meetings, etc.) encountered in a new program evaluation. The evaluation team relied more heavily on the LAP staff's perception of the program's relationship to outside agencies and its clients than on interviews with those outside agencies and clients themselves. The review process truly envisioned a "second stage" LAP that would utilize and expand on the recommendations made in an earlier CoLAP evaluation in order to take the LAP to the next level of professionalism and service to legal professionals struggling with a condition which that might impair their ability to practice or enjoy a quality of life.

While it was clear to the evaluators and the LAP staff that this was a "work in progress" and that further development of the second generation evaluation protocol will be required, all the individuals involved felt the New Jersey evaluation was an admirable beginning that would result in benefits to NJLAP, as well as to programs to be evaluated in the future.

Global Protocol Established by the Evaluation Team for Mature Programs

I. Internal procedures

- A. Intake
- B. Client education
- C. Follow-up
- D. Quality assurance of providers
- E. Statistics

II. Client Support

- A. Attorney support meetings
- B. Volunteer training and development
- C. Volunteer utilization
- D. Program character (mission statement)

III. Program Administration

- A. Staffing - current and future
- B. Space utilization/needs
- C. Outreach activities

IV. Relationship with Outside Agencies

- A. Discipline
- B. Judiciary
- C. Bar Examiners
- D. Law Firms
- E. Community Organizations
- F. Treatment Programs

Treating Chemically Dependent Professionals (Betty Ford)

by Betty Collins, M.A., LPC, Program Director of Betty Ford Center's Licensed Professionals Treatment Program and Residential Day Treatment

Treatment for chemically dependent professionals is a relatively new concept. Only in recent decades have we begun to see the professional with the disease of addiction as less than a failure or a criminal. In decades past, family, friends and co-workers turned their heads and ignored the drowning professional until harm to the client, the practice, and/or the firm forced action. Disbarment and disgrace were the options left by then. Some ended up in prisons due to drug and alcohol related behaviors, and many died in their disease. Their families ceased to tell their story beyond "He/she had such a promising career..." followed by a great sigh.

A few bold professionals, many of whom are reading this article, found their way into Alcoholics Anonymous and returned to their professions determined to make a better life for the next generation of addicted professionals. Armed with wisdom gained by facing their disease and recovery, they sought treatment rather than punishment for their peers. Like vigilantes out to save the world, they intervened on peers in need and brought them into treatment programs. Over time, they sought legislation to make it possible for recovering professionals to seek help earlier. Systems were set up to divert professionals from punishment and guide them into monitoring programs where their skills were not lost, and the public was safe from drug related misconduct.

It became clear that professionals were difficult to treat. They dazzled their less well-educated peers with their intellect. Staff and their peers in treatment could not break through their sophisticated denial system. They left treatment with less than the desired likelihood of remaining abstinent and enjoying a productive life in recovery. A few bold recovering professionals took on the task of researching the needs of this difficult group and set up treatment programs geared specifically for them.

In his book, *Overachieving Substance Abusers*, Tworski¹ speaks of the personality of the professional. He describes a perfectionist who neglects self to keep the profession alive. This self-defacing and arrogant behavior results in a predictable demise of the professional, his/her practice and the family who is taken along on the ride. Angres & Talbot² have contributed extensive information to help treatment

providers understand the dilemmas professionals face in recovery.

Those who have paved the way have found that professionals respond best in recovery when they must face the mirror of self in small therapy groups. The emergency room physician can skirt around the issue of diverting drugs on the job until another physician in group points out that what he has been doing is unethical and illegal. Only another attorney can speak up and share with a peer that life in the legal field can go on effectively without both of them.

Intellectual one up-man-ship comes to a halt when professionals face peers who can confront their avoidance of personal pain through flaunting of vocation-specific language and intellectual feats. Many persons excel academically and professionally but fail to mature in the areas of social, emotional and spiritual development³. The eccentric professional tolerated in his/her vocational world discovers in a group with peers that social and emotional skills need refinement before recovery can be attained. It isn't until the professional persona can be dropped and the individual seen as who he/she is that new social and emotional skills can be sought to prevent future alienation, isolation, and despair.

It is estimated that as many as eighteen percent (18%) of attorneys are chemically dependent⁴. Lawyers work in a competitive environment wrought with stressful demands and constant deadlines. The vocation requires living in a "thinking world" that negates the importance of their emotions, intuitions and need for interpersonal relationships. If one is born with the genetic make-up, which makes chemicals feel like a solution, they are set up to slide into addiction.

Attorneys are more prone to depression than any other vocational field. Twelve percent (12%) of attorneys polled in the state of Washington in 1991 reported contemplating suicide at least monthly⁵. Proud, independent persons who are not inclined to trust others, attorneys become isolated and alienated from friends, co-workers and others who can help them⁶. Researchers have attempted to follow the process that turns the enthusiastic, bright young law student into the disillusioned professional. Debate continues regarding how much of the demise is due to the stresses

of academic studies and the practice of law. We do not know whether idealistic, thoughtful persons entering the profession are more prone to succumb to depression or whether rigors of the studies and practice create the problem. The fact remains that depression is more common among practitioners of law.

As many as forty-one percent (41%) of the attorneys admitted into the Betty Ford Center last year were diagnosed as having an affective disorder. Thirty-two percent (32%) identified themselves at admissions as having other addictive behaviors, of which work-alcoholism was the most frequent. The recognition of work-alcoholism as a problem increases dramatically as they become more self-aware. Ninety-eight percent (98%) of the attorneys admitted were addicted to alcohol. Thirty-nine (39%) were addicted to prescription medications prescribed for pain or anxiety. Thirty-six (36%) were addicted to illegal drugs, cocaine being the drug of choice for the majority of this group.

Not all of the attorneys coming into treatment on medications for depression met the DSM-IV diagnosis for an affective disorder. Some had been placed on the antidepressants due to drug and alcohol related symptoms. Others had sought antidepressants to deaden the pain of continuing a life-style that had become familiar but unbearable. Following a psychiatric evaluation, some will be taken off medications. They struggle in therapy with the social, moral and interpersonal issues that plague them rather than a bio-chemical imbalance. Only by facing their problems will they find the fortitude to make decisions that permit them to live their lives at peace with appropriate behaviors and values.

Cocaine and other stimulants are popular among exhausted professionals who desire to continue the adrenaline rush that comes with vocational competition and successes. Opiates, like stimulants, can push the exhausted body and mind to respond when one feels like "I should be enjoying this event." Unfortunately, for many with addictive bodies, the high soon becomes replaced with repeated use just to feel normal.

The average attorney treated at the Betty Ford Center had been struggling with the disease of addiction for 25 years prior to getting into treatment. This is alarming. It

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Around the LAPs

Arkansas - An active ArLAP Participant was on the agenda for the 2004 Law Day Ethics Seminar sponsored by the Arkansas Bar Association on May 4th. It was the first opportunity for a recipient of ArLAP services to share his experiences with ArLAP and the Office of Disciplinary Programs in a public setting. W. Dent Gitchel, Arkansas Bar Foundation Professor of Law at the UALR Bowen School of Law; Stark Ligon, Executive Director of the Office of Professional Programs; James Badami, Executive Director of the Judicial Discipline & Disability Commission; James Smith, Jr., Chair of the Arkansas Bar Association Lawyers Assistance Committee and ArLAP Committee Member; Alice Lightle, a Member of the Arkansas Bar Association Lawyers Assistance Committee and ArLAP Monitor along with Gail Harber, ArLAP Executive Director rounded out the afternoon of programming.

The Arkansas Lawyers Assistance Program (ArLAP) Committee unanimously voted to request a formal CoLAP Evaluation of the program at its March meeting. ArLAP was established in December 2000 and became operational in February, 2001. The program currently has seen 56 participants

with a part-time director—a number the Committee hopes will expand should a recommendation for additional staffing come from the evaluation process.

ArLAP is also in the process of developing a website for law students as the result of grant funding from the Arkansas Bar Foundation, expanding both clinical and consultative services to both University of Arkansas Schools of Law.

British Columbia - B.C. has hired a new Lawyer/Counselor, Rob Bircher, PhD. They have expanded their office space and now have a staff of five full and part-time people. They will be having their annual Gratitude Lunch June 18, 2004 and will be honoring Rick Sugden QC. Rick is a leading member of the bar and has helped many lawyers both by being a member and by honoring the age-old tradition of representing distressed lawyers pro bono. The number of support groups continues to grow. As well as the many AA groups BC now has a support group for those suffering from mood disorders and general growth support groups in Vancouver, Victoria and Nanaimo.

Delaware - Larry Fifer is the chair of the Delaware Lawyers Assistance Program. The LAP was established by the Delaware State Bar Association to assist lawyers who experience problems that interfere with their personal lives or their ability to serve as lawyers. This service is completely confidential, operates under the auspices of the Professional Guidance Committee, and is run by members of the Bar who are familiar with problems resulting from stress and from substance abuse. Members of the committee and a professional counselor employed by the Association have provided assistance to many Delaware lawyers, as well as continued support to other lawyers who were previously in the program. Fifer reports that he hopes to be able to attend the CoLAP 2004 Conference in Philadelphia in October.

District of Columbia - Lynn Phillips, Director of the DC Bar Lawyer Counseling Program reports that they are providing individual direct counseling services, outreach and education to law schools and firms, doing evaluations for the Committee on Admissions, working to reestablish their traffic alcohol program to better meet the needs of lawyers who are arrested for DUI and other alcohol/drug related crimes. They recently gave a training to volunteers on intervention and were fortunate to have three guests from lawyers helping lawyers of Northern Virginia to assist and interact with us. Phillips reports that they provided help to the Black Entertainment and Sports Lawyers Association in putting together speakers for a program on Addiction in the Legal Profession for their October conference.

Florida - Florida has also developed a four-hour anger management class that is offered as part of the Florida Bar's diversion package. This means that for low level offenses, a lawyer gets a "bite at the apple" and has the opportunity to attend the class, upon completion of which the file will be closed and no disciplinary finding will be recorded. The class was developed by Michael Cohen and Steven Pinkert, Esq., M.D., an attorney/psychiatrist who works closely with the FLA staff.

Illinois - Illinois LAP has opened a new downstate office in Alton, Illinois to increase services and better serve lawyers, judges and law students throughout the state. Joseph Bartylak, long-time board member and

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Chemically Dependent

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means they have been providing legal services under the influence of chemicals for years. It also means diminished likelihood of a successful recovery. Early intervention and treatment means greater personal resources (intact family, practice, cognitive and physical functioning) to assist the attorney in recovery.

Licensure of those who are in safety sensitive professions is the accepted means of protecting the public. Each profession is tasked with setting up a system of rigorous monitoring of the behaviors of those in their profession to ensure ethical and safe practices. The Lawyers Assistance Programs (LAP) are to be commended for identifying troubled attorneys, assisting them in getting treatment, and providing the monitoring and support necessary to aid them in recovery. It is through the LAP that this profession will find solutions for earlier identification and intervention of problems. The LAP is tasked with developing a network of treatment,

monitoring and support systems to protect the profession and the public.

- 1 Tworski, M.D., Abraham J. *Substance Abusing High Achievers*, Jason Aronson, Inc., New Jersey, 1998.
- 2 Angres, M.D., Daniel; Talbot, M.D., G. Douglas; Bettinardi-Angres, M.S., R.N., Kathy, *Healing the Healer: The Addicted Physician*, Psychosocial Press, Madison, Connecticut, 1998.
- 3 Burkett, Martha, "The Professional in Recovery: Be Sensitive to Professional Culture," *Addiction Professional*, September 2003.
- 4 Allen, Rick B., "Lawyers: Are we a Profession in Distress?" *The Nebraska Lawyer*, October 1998.
- 5 Bassingthwaighe, J.D., "Understanding a Real Cause of Malpractice", *Virginia Lawyer Weekly*, November 2002.
- 6 Myer J. Michael Cohen, "Bumps in the Road", *General Practice*, Solo & Small Firms Section, *GPSOLO*, Vol. 18, No.5, July-August, 2001.

Around the LAPs

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volunteer, has assumed the position of Associate Director and runs the downstate office. Executive Director Janet Piper Voss continues to run the Chicago office. Joe can be reached at 618/462-4397.

Kansas - LAP Director, Don Zemites reports that 120 cases have been opened in the past 24 months and the great majority are doing well. On the administrative front, Don reports that the director position is now a full time position and the LAP has moved into larger and more comfortable offices. Kansas LAP recently made presentations at Kansas' law schools and is planning to do more such presentations in the future. Kansas LAP is also starting a new lawyer support group weekly meeting in Kansas City and Don thanks North Carolina LAP Directors, Don Carroll and Ed Ward and Indiana LAP Director, Terry Harrell for their support in this endeavor. Kansas LAP is also planning for a future symposium to provide networking opportunities between LAP, Discipline, CLE, Bar Examiners, Law Schools, Kansas Bar Association KTLA, Judges, local LAP Chairs and Kansas LAP Commissioners. The Kansas Supreme Court now sponsors Kansas LAP from ABA CoLAP. The Court received a Recognition Award "for outstanding contributions to the Bench and Bar and the Public through its efforts to maintain the integrity of the Legal Profession and improve the quality of life for Lawyers."

Kentucky - As of January 1, 2004, Kentucky has a permanent Lawyer Assistance Program, which is established and implemented by Supreme Court Rule. It has a full-time Director and Administrative Assistant, and is a broad brush program funded by a \$10 assessment of each lawyer in Kentucky. This assessment is included in the Bar Association's dues.

The Director, C. Houston 'Hoot' Ebert and administrative assistant, Anna Columbia, are currently marketing the program throughout the state by way of articles in the KBA Bench and Bar publication and by speaking at local Bar Association's, CLE seminars and the KBA Annual Convention. As a result, self referrals and third party referrals are increasing on a regular basis.

Director, Hoot Ebert said, "I am most appreciative of the help I have received from the American Bar Association's CoLAP, its' members and specifically, Donna Spilis. My position as Director of Kentucky LAP is extremely rewarding, and as another member

of CoLAP has said, "I get paid for loving people". I also acknowledge, and am grateful for, the guidance of Billy Hoge as I perform my duties as Director. Having accepted this position with a degree of trepidation, and sharing that feeling with Billy, he told me that even I could not mess up God's work and I am reminded of that each and every day."

Michigan - Martha Burkett is the new Assistant Program Coordinator for the State Bar of Michigan Lawyers' and Judges Assistance Program.

Nebraska - Nebraska LAP (NLAP) is celebrating its 7th year in operation. Director, Rick Allan reports that since May of 1996, NLAP has worked with some 350 lawyers, judges and law students. He extends his heartfelt thanks to all who have participated in fulfilling NLAP's mission of "helping lawyers, judges and law students with substance abuse, mental health issues, compulsive gambling, and other impairments." The Nebraska Lawyer has published several articles regarding the Nebraska program, including "NLAP - Seven Years Old" in its October 2003 issue and "Taking Care of Our Own," authored by Dennis Carlson, Counsel for Discipline, in its January 2004 issue. Congratulations to Nebraska LAP for a job well done.

New Jersey - New Jersey LAPs celebrated their 10th Year Anniversary!!!!



New Jersey celebrants (left to right)

- Karen Corbin Walker, President, NJ SBA
- Bill Kane, Director NJ LAP
- Delores P. Wilson, CoLAP Commissioner
- Steve Barrett, Editor of Highlights

Northeast Regional - The New England Regional meeting was held on April 22, 2004, 11:30 am – 2:10 pm. in Boston at the Massachusetts LCL offices. Directors and representatives from Vermont, Massachusetts, Connecticut, New York and Rhode Island were present including ABA COLAP Commissioners, David Kee and Richard

Soden. The main topics, in addition to LAP reports were law school outreach and conditional admissions. Bonnie Waters, as the local host, "cooked up" a great lunch. Report by David Kee.

Pennsylvania - Director Ken Hagreen reports that their Helpline refers callers to qualified healthcare professionals for evaluations and treatment recommendations. They use independent contractors to conduct their interventions. Hagreen stresses that LCL staff has no authorization to perform any form of clinical services, They are case managers, not therapists. LCL does not monitor attorneys on behalf of discipline or law firms; monitoring is done by the state bar's lawyers assistance committee... same people, different hat... but it keeps LCL from ever having to report anyone. Top priorities are: retain current level of funding (\$490K); increase helpline response effectiveness; and, increase number of calls to helpline.

Texas - Later this year, TLAP will be highlighted in the upcoming July issue of The Texas Bar Journal and TLAP Director and CoLAP Commissioner Ann Foster welcomes this opportunity to present a series of informative articles and personal stories about both the problems and solutions related to the substance abuse, chemical dependency, mental health disorders that affect Texas law students, lawyers and judges. With this in mind, the TLAP staff, the State Bar of Texas LAP Committee and TLAP volunteers wish to extend their sincere appreciation to The Texas Bar Journal for its continued support.

Virginia - In January, Virginia's LHL hired a new staff person, Jim Leffler, who is a licensed professional counselor with a strong background in addictions treatment. Jim is the Coordinator of Mental Health Services and is developing new services in this area.

The LHL program in VA is sponsoring a conference this year in Colonial Williamsburg at the Woodlands on September 9-11. If any LAP staff or volunteers are interested, please contact Susan Pauley a brochure will be sent when it is available at 800/838-8358 or 804/644-3212.

West Virginia - Arch Riley is the Chair of the West Virginia Lawyer Assistance Program that has been in existence since 1982. The program is completely funded by the West Virginia State Bar Association. The program was initially a creation of the State Bar; but after a study by the ABA as to the processing

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Calendar of Events

June 14, 2004

The Association of the Bar of New York is sponsoring a workshop on "Alcoholism and Substance Abuse: Ethical Implications of Addiction" at The Association of the Bar Building 42 West 44th Street, New York, NY 10036. A forum of attorneys and professionals will discuss ethical dilemmas confronting attorneys who represent or work with individuals who are addicted to or abusing drugs and alcohol. 3 CLE credits (provisional) Cost: \$25. For more information please contact Eileen Travis at 212/302-5787.

June 18, 2004

The Oregon Attorney Assistance Program (OAAP) presents two three-hour CLE programs, *Strategies for Balancing Work and the Rest of Your Life* and *Building a Successful Practice Through Improved Client Communication*. Please join us at the Benson Hotel in this daylong program featuring Tom Edge, an internationally known speaker and business consultant based in the United

Kingdom. For information call or email Liisa Heard: (503) 226-1057 ext. 10 or (800) 321-6227 ext. 10 or liisah@oaap.org.

July 30-31, 2004

Florida is getting ready for its 18th annual workshop, which this year will be held in Naples. The theme of this workshop will be the effect of attorney impairment on children and families, and will feature Kathleen Leary of Louisiana as one of the speakers. Last year, the workshop was attended by LAP directors from Indiana and Ohio, as well as by over 150 FLA clients and friends, and Florida hopes that other LAP directors from the region will attend this year's conference. Further information and registration material should be available on the FLA web site (www.flalap.org) by the end of April.

August 5-10, 2004

American Bar Association Annual meeting, in Atlanta, GA. For more information contact Binti Hawks at 312/988-5717. CoLAP business meetings will be held Friday, August 6th, 12:00 - 4:30 pm, and Saturday, August 7th, 12:00 - 4:30 pm. At the Georgia World Congress Center on Friday the ABA Standing

Committee on Substance Abuse will hold a joint meeting. Ten Open AA Meetings have been scheduled at the Omni Hotel.

September 10-11, 2004

Virginia Lawyers Helping Lawyers will have a conference in Colonial Williamsburg in Virginia. Contact: Susan Pauley at 800/838-8358 or 804/644-3212.

September 24-26, 2004

The Other Bar in California is sponsoring a Women's Retreat at Yosemite. This trip that will strengthen your spirituality and fill your serenity pools. Financial assistance up to 50% is available. For further details please visit www.otherbar.org.

October 11-15, 2004

2004 17th National Conference for Lawyer Assistance Programs will take place at the Hyatt Regency Penn's Landing Philadelphia, PA. For room reservations please call 800/233-1234 or 215/928-1234. Refer to "CoLAP" or "ILAA". ILAA is October 15-17 at the same hotel. (Room: \$149 single or double.) For more information, please contact Binti Hawks at 312/988-5717 or hawksb@staff.abanet.org.

17th National Conference for Lawyer Assistance Programs - 2004

Striving for Balance: Creating Healthy Lawyers, Families, Firms, Courts & Clients

by Barbara Harper, CoLAP
Conference Committee Chair

The 2004 National Conference Planning Committee met for the final time at the CoLAP Winter Meeting in Colorado Springs, Colorado on March 25th.

As a result of the positive feedback the Committee received on the 2003 format in Victoria, (e.g. dual track for volunteers and LAP staff with breakouts and plenary sessions addressing issues of importance to all attendees.) you will find the 2004 Conference much the same in design.

Your planning committee listened to your expressed needs and interests and formulated this year's Conference based upon what we hope will meet your expectations.

Subjects include, but are not limited to, "judicial duty to respond," "party drugs and alcohol addiction," "the role of a volunteer in a full service LAP," "pain management for recovering alcoholic addicts," and much, much more.

17th National Conference Exhibitors - 2004

Organization	City	State or Country
Betty Ford Center	Rancho Mirage	CA
Center for Professional Excellence	Nashville	TN
Colonial House Inc.	York	PA
Cottonwood De Tucson	Tucson	AZ
Crossroads Centre	Willoughby Bay	Antigua, West Indies
Cumberland Heights	Nashville	TN
Endeavor House, Inc.	Keyport	NJ
Father Martin's Ashley	Havre de Grace	MD
FirstLab	North Wales	PA
Hazelden	Center City	MN
HealthCare Connection of Tampa	Tampa Bay	FL
Illinois Institute for Addiction Recovery	Peoria	IL
Marworth	Waverly	PA
Metro Atlanta Recovery Residences	Doraville	GA
New Beginnings at Waverly	Waverly	MN
Palmetto Addiction Recovery Center	Rayville	LA
Pathways Treatment Center	Lynchburg	VA
Pavillon International	Mill Spring	NC
Pine Grove/Professional Enhancement Program	Hattiesburg	MS
Caron Foundation	Wernersville	PA
Ridgeview Institute	Smyrna	GA
Rogers Memorial Hospital	Oconomowoc	WI
Rush Behavioral Health	Downers Grove	IL
Schick Shadel Hospital	Seattle	WA
Talbot Recovery Campus	Atlanta	GA
The Gables	Mendota Heights	MN
The Menninger Clinic	Falls Church	VA
The Retreat	Excelsior	MN
The William J. Farley Center	Williamsburg	VA
Valley Hope Association	Grapevine	TX

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WE'VE MOVED...

The ABA is now located at:
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Chicago, IL 60610

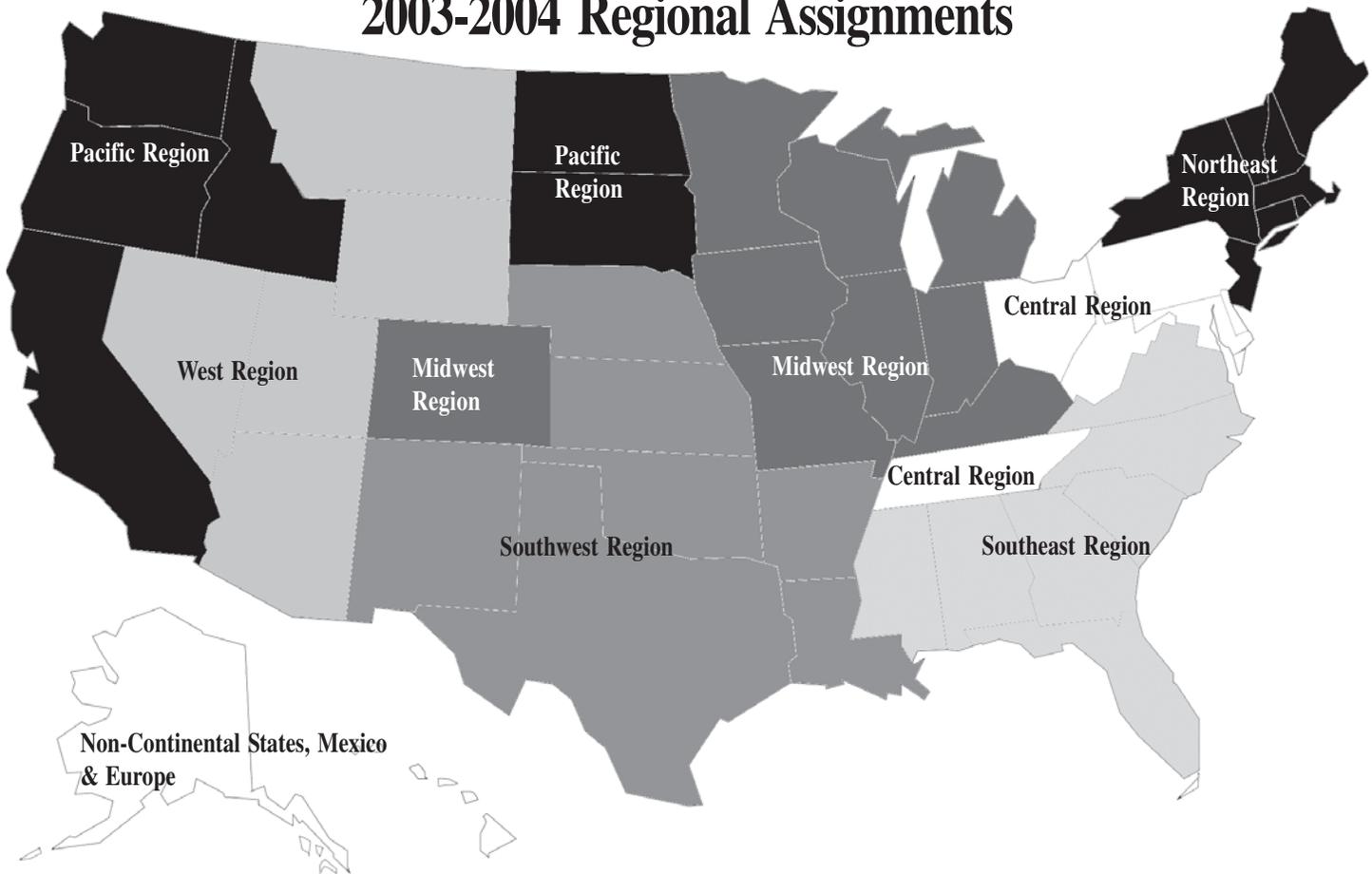
Around the LAPs

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of ethics complaints, it was recommended that the LAP be put under the Supreme Court. This was done a few years ago. There is no paid staff and with an active Bar of only about 4,000, such is not felt to be needed at this time. The Committee does employ

an alcohol and substance abuse counselor to assist in evaluating and setting up interventions. The Committee's work is done through a network of volunteers. Riley reports that he receives the ABA CoLAP mailing. He considers them very valuable, and passes them on to other members of his Committee so they can remain current with the progress of other LAPs around the country.

2003-2004 Regional Assignments



Pacific Region – Barbara Harper
California, Idaho, Oregon, North Dakota, South Dakota & Washington

West Region – Barney Barnhardt
Arizona, Montana, Nevada, Utah & Wyoming

Southwest Region – Ann Foster
Arkansas, Kansas, Louisiana, Nebraska, New Mexico, Oklahoma & Texas

Midwest Region – Sheila Murphy
Colorado, Illinois, Indiana, Iowa, Kentucky, Michigan, Minnesota, Missouri & Wisconsin

Central Region – Stephen Todd
Delaware, District of Columbia, Ohio, Maryland, Pennsylvania, Tennessee, & West Virginia

Northeast Region – David Kee
Connecticut, Maine, Massachusetts, New Hampshire, New Jersey, New York, Rhode Island & Vermont

Southeast Region – Don Carroll
Alabama, Florida, Georgia, Mississippi, North Carolina, South Carolina & Virginia

Specialty Bar Associations – Dolores Wilson
Jurisdictional, Racial/Ethnic, Gender and Orientation Based Bars

Non-Continental States, Mexico & Europe – Richard Soden
Alaska, Canada, Hawaii, Puerto Rico, Virgin Islands, Mexico & Europe (England)

Highlights Newsletter Editor-In-Chief – Steve Barrett

CoLAP Committee Assignments for the ABA Bar 2003-2004

For the past several years, CoLAP has divided tasks through the creation of various internal committees with the expectations that these committees develop a plan for completion of the project. Keep in mind when assigning responsibilities that CoLAP has one full-time Staff Director and hopes to gain a part-time administrative assistant. CoLAP members are always entitled to sit in on any committee meetings, and no committee has authority to make a decision that affects CoLAP without the proposal coming to the full Commission. This has worked very effectively for several years and for the forthcoming Bar year, this structure will be continued.

Governance Committee
Richard Soden, Chair
Steve Barrett
Jim Smith
Bonnie Waters

Evaluations Committee
Ann Foster, Chair
Derek LaCroix
Coe Swobe

Survey Committee
Richard Soden, Chair
Bill Livingston
Bonnie Waters

Highlights—Publications
Dolores Wilson, Chair
Jim Smith
Betty Daugherty

Marketing /Sponsorship
David Kee, Chair
Michael Sweeney
James W. Griffis

Website
Zeb Barnhardt, Chair
Shell Goar
Gail Driebe

Law School Outreach Committee
Don Carroll, Chair
Hon. Robert L. Childers
Barbara Smith
Richard Vincent

Judiciary Issues
Hon. Sheila Murphy, Chair
Cydney Batchelor
Hon. Robert L. Childers

Report on CoLAP's Business Meeting March, 2004

CoLAP Met from March 25 - 28, 2004 at the Garden of the Gods Club in Colorado Springs

Some of the issues discussed were:

1. The updated Model LAP, which encourages full service programs, was adopted by the ABA House of Delegates at their February meeting;
2. David Kee reported on the informal Depression Support Group study;
3. Ann Foster reported on the ABA-CLE presentation *The Impaired Lawyer from the Law Firm's Point of View*;
4. Attendees addressed the needs of the Treatment Providers;
5. Barbara Smith reported on the Law School Outreach Committee and progress;
6. Sheila Murphy, Nancy Stek and Barbara Harper reported on Judicial Programs; and
7. There was intense discussion on whether or not funding for CoLAPs' activities should be accepted from drug companies, the alcohol or gambling industry or the tobacco litigation settlement fund.

Many of these issues will be discussed at the ABA Annual Meeting in Atlanta in August. The Minutes will be available prior to the Annual Meeting in Atlanta. All are welcome to attend and participate in CoLAP meeting. All CoLAP meetings are open, so if you are interested, plan to attend and contact Binti Hawks at hawksb@staff.abanet.org for further details on the meeting.

Website: <http://www.abalegalservices.org/colap>