

## Comments From Editor Steve Barrett

The CoLAP LAP DIRECTORS listserv, which is comprised of committee chairs and staff of lawyer assistance programs as well as other interested parties, is actively used to exchange information and ideas on program organization and operation. Recently there was a very interesting exchange on the difference between creating a state or local lawyer assistance program versus the utilization of an existing employee assistance program. While there are many excellent and reputable EAPs available, the responses seemed to indicate the preference towards the state LAP. Anecdotal information, which is all we have available to us, indicates that lawyers are more likely to call or work with a LAP or peer assistance program over a general EAP.

In the next issue of *Highlights* we will publish some of these responses from the LAP DIRECTORS listserv discussions.

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# Highlights

## of the American Bar Association Commission on Lawyer Assistance Programs

*Editor's note: I've heard that lawyers who follow these principles tend to be happier and more satisfied with their professional lives.—Steve Barrett, Editor*

## The Twelve Principles of the Highly Effective Lawyer

By David T. Link

We often hear lawyers referred to as problem-solvers. However, it is important to realize that even if a lawyer is highly successful in treating a client's dilemma, it is often not enough. The truly effective lawyer goes beyond simple problem solving in order to help his or her client get on with life.

Two special resources inform the effective lawyer. One is "Legal Education and Professional Development: An Educational Continuum" (hereinafter referred to as the "MacCrate Report")<sup>1</sup> in which an American Bar Association committee enumerated and explained the fundamental values of the legal profession. The second is Stephen R. Covey's books and lectures on the seven (now eight) habits of highly effective people.<sup>2</sup>

The list that follows combines the prescriptions and advice of the MacCrate Report and the Covey habits. This combination is provided as a convenience to the reader. However, even though some of the principles are taken directly from one or the other of the resources, the reader is strongly advised to get the full impact by reading the original documents.

A highly effective lawyer is one whose client is satisfied not because the representative was an obedient "hired gun," but because the lawyer was creative and truly helped the client (*i.e.* made a difference in the client's life). Former Chief Justice Warren Burger referred to this as lawyers healing social conflict.

The operative tenet throughout the following list is **Trust**. The highly effective lawyer will earn that trust by pursuing all of the principles.

**1. Treat your client as friend.** Throughout the relationship, treat your client as you would want to be treated. The ineffective lawyer treats abstract legal problems. This is often referred to as perceiving the file as the client. The effective lawyer views the client as an individual person for whom there needs to be a "customized" solution.

Treating your client as your friend implies frequent communication. Under ordinary circumstances you should update your client at least twice a week—more frequently when there is relevant activity. Return calls received from clients, even pesky calls, as soon as possible. Nothing builds confidence better than the courtesy of promptly returning telephone calls or e-mails.

- 2. Understand needs, not "wants."** At the initial interview, clients are likely to communicate only what the client wants. However, there is a big difference between "wants" and "needs." The effective law practitioner will spend sufficient time and questioning to find out what the client **needs** in order to resolve the problem and get on with life in a state of harmony with others involved in any conflict.
- 3. Communicate your fee structure.** Nothing builds distrust more than someone being charged more than expected. No matter how small the matter, and before rendering any service other than the initial interview, you should give the client a **written** explanation of the applicable fee structure. That writing should clarify the circumstances under which unusual expenses, or a change in fee structure, may be necessary. You should explain the fee structure to the client and then have the client acknowledge, **in writing**, that the client understands the potential fee computation. If circumstances arise that necessitate substantial additional fees, you should explain this to the client, **in writing**, and have the client acknowledge, **in writing**, the additional expense.
- 4. Explain confidentiality and the limits thereof.** Early in the relationship, you should explain to the client which communications are protected under confidentiality rules, **and which are not.**

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# The Value of LAPs to Judges, Lawyers and Law Students

By: Darryl Rouson

*The following is a transcript of the comments by Darryl Rouson on October 12, at the 2004 National Conference for Lawyer Assistance Programs in Philadelphia. We provided an excerpt in the last issue. This is the complete speech.*

—Editor Steve Barrett

**G**ood Afternoon. Fleecy locks or dark complexion is not a fault, it's nature's claim. Skin may differ but addiction dwells in blacks and whites the same. Were I so tall as to reach the pole or to grasp the ocean as it spans, I must be measured by my commitment to recovery, dedication is the standard of the man. Therein lay my recovery and my struggle with this disease. Because for many years I thought of the double whammy, the stigma if you will. You see in 1976 when I applied to Stetson College of Law, they had only graduated their first black in its 80 year history in 74, I felt that he had saturated the school with blackness and they didn't want

one more. But it's alright, because then I went to the University of Florida Law School and out of about 1200 law students about 40 of us were African American, that's less than about 5 percent of the law school population, not one black law professor, but I learned about the value of beer after exam time. Unfortunately, my road is not some of your road, but my story is my story and I'm sticking to it. Addiction caught me in it's grips. I saw the world through recovery from Mayo clinic in Rochester, to Hazelden in West Palm Beach, to Progress Valley in Phoenix Arizona to the McBride Center for the Impaired Professional in Milwaukee, from Turning Point in Minneapolis to St. Mary's Hospital in . . . ., I kind of saw the world through treatment until March 16 of 1998 after having been out of the practice of law for 10 years and I would have been licensed continuously without suspension or disbarment 24 years in December. But March

17 I woke up in Hanley Hazelden in West Palm Beach, and I was finally sick and tired of being sick and tired in fact I was so tired of it I was ready to do what you told me to do, because prior to that I had separated myself from you, I did not think you wanted me to be a lawyer, I did not think you wanted me to be enclosed in your wounds of recovery and I was afraid to tell you what was going on with me. Because of what I perceived to be differences between us, why I used, how I used, when I used. But it dawned on me that your pain is my pain, your reasons for using were my reasons for using and your road to recovery could be my road if I just embraced it, and followed it with dedication and realized that more of you wanted me to join you in these rooms than those of you who didn't. And so I'm grateful, 5 years ago at Skamania Lodge I went to this CoLAP annual convention and met people like Richard

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## Calendar of Events

**July 29 - 30, 2005** – Florida Lawyers Assistance (FLA), Inc. is sponsoring its 19th Annual Workshop & Seminar on Friday and Saturday at the Naples Beach Hotel & Golf Club, 851 Gulf Shore Blvd. North, Naples, Florida 34102 (Tel: 800-237-7600). Hotel room cost at this resort will be \$105.00 per night and room sharing is available (please call FLA). Reservations should be made as soon as possible, but no later than June 30, 2005. The advance registration fee for the Workshop (by 7/1/05) is \$135.00. Registration after that date is \$160.00, and the guest fee is \$60.00. Scholarships are available on an as needed basis, and written requests for scholarships must be mailed or faxed to FLA at 954-568-0803.

**July 10-15 and July 31-August 5, 2005** – The schedule for the Rutgers Schools of Alcohol and Drug Studies has just come out for the Summer 2005 sessions. This is perhaps the most prestigious school of its kind in the world. The NJLAP staff takes courses there every year and it is a remarkable experience. The faculty is excellent and very accessible (Craig Nakken will be there again this year. He wrote the classic, *The Addictive Personality*.) NJLAP Director Bill Kane taught there and has for well over 20 years. For more information on the school

and course offerings, their website is <http://alcoholstudies.rutgers.edu> people can also call Johanna Collins and request a catalog at 732-445-4317.

**August 4-9, 2005** – American Bar Association Annual Meeting, Chicago, IL. Additional information available at [www.abanet.org](http://www.abanet.org).

**August 5-6, 2005** – Commission on Lawyer Assistance Program business meeting – Hyatt Regency, Chicago, IL, for more information please contact Binti Hawks at 312/988-5717 or [hawksb@staff.abanet.org](mailto:hawksb@staff.abanet.org).

**August 6, 2005** – The American Judicature Society annual meeting will have a program in Chicago at the LeMeridian Hotel, 521 N. Rush Street, which will be co-sponsored by CoLAP. Titled, "The Harder They Fall: A Hand Up for Impaired Judges." Panelists include: Richard Soden, CoLAP Chair, William Kane, Executive Director of New Jersey Lawyers Assistance Program, Honorable Warren Wolfson, President of Illinois Lawyers Assistance Program. The registration fee is \$75 for the 3-hour program. Please send your check to: American Judicature Society, Attn: Beth Tigges, The Opperman Center At Drake University, 2700 University Avenue, Des Moines, IA 50311.

**September 6-8, 2005** – Faces & Voices of Recovery will be kicking off Recovery Month 2005 with a Summit in Washington, DC when advocates from around the country will convene in inspiring workshops, a

Recovery Month luncheon on Capitol Hill and much more. More information can be found on Faces & Voices of Recovery website at: [www.facesandvoicesofrecovery.org](http://www.facesandvoicesofrecovery.org), or call 202/737-0690.

**September 23, 2005** – Virginia Lawyers Helping Lawyers will celebrate 20 years of helping lawyers, judges and law students with alcohol, other drug abuse, and one full year of assisting those with mental health disorders. For more information on the dinner and other events contact Susan Pauley at 804/644-3212 or [susan@valh.org](mailto:susan@valh.org).

**October 7-9, 2005** – The Other Bar's Men's Retreat near Yosemite. For more information contact Jerry Braun, 415-954-4429 or Bob Resner, 800-222-0767.

**November 7-11, 2005** – 18th National Conference on Lawyer Assistance Programs. Doubletree Guest Suites, 181 Church Street, Charleston, S.C., Please book rooms by October 5, 2005. Call 843/577-2644 or 800/222-8733 refer to "CoLAP or ILAA." *Rooms may sell out before 10/5/2005, so call today...* For registration brochure, contact Binti Hawks at 312/988-5717 or [hawksb@staff.abanet.org](mailto:hawksb@staff.abanet.org).

**November 11-13, 2005** – International Lawyers in Alcoholics Anonymous Annual Conference also at the Doubletree Guest Suites, Charleston, SC. For registration information contact Robert Turnbull at 803/799-6653 or [robert.turnbull@scbar.org](mailto:robert.turnbull@scbar.org).

## Twelve Principles

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For judges and lawyers, confidentiality protections are set out in the court of jurisdiction's rules. For some law associates and non-lawyer employees, the rules of professional confidentiality may be imputed from supervisors. In many cases, statements to non-lawyer practitioners may not have any confidentiality protections. In any event, you must explain limitations on confidentiality protection, whether those limitations are prescribed by law, rule, or the lawyer's **personal restrictions**.

### 5. Understand the opposition's needs.

As soon as possible, and throughout the entire association with a matter, you should make every effort to understand the opposition party's needs, the satisfaction of which might resolve any conflict and allow the opposition to live in harmony with the client. Keep in mind that, like principle 2, this is about needs, not "wants."

### 6. Explain needs to client.

Explain to the client your understanding of the client's **needs** along with your perception of the opposition's **needs**. Listen carefully to the client's response to this explanation.

### 7. Always keep the end in mind.

Remember that in law matters, the end has three parts: (a) solving the client's problem, (b) meeting the client's needs, and (c) "healing" the client's relationship(s). Similar to medical practitioners, law practitioners have the capacity to "treat" (*i.e.* develop a solution to legal problems), "cure" (*i.e.* meet clients needs) and "heal" (*i.e.* bring the client into harmony with opposition and with the community). The effective lawyer realizes that, if there is no "healing," "social sickness" can easily return.

### 8. Try to sell your client a win-win philosophy.

Start by telling the client that your first responsibility is to the client, and you will do everything ethical in pursuit of your client's needs. Then, explain that often the most important client need is to come into harmony and

get on with life. This is best done through the pursuit of a win-win philosophy.

There is little doubt that convincing your client to pursue a win-win philosophy is the hardest thing one can undertake in law practice. Ordinarily the client will come in with a win-lose philosophy, with the client as the winner. The opposition will ordinarily have a similar philosophy but a different winner. The effective law practitioner tries to sell the win-win philosophy and suggests a solution that provides for the **needs** of both sides.

### 9. Develop a viable solution.

In virtually every legal relationship, including matters of conflict, there is a solution that satisfies the needs of all involved. Note: this is not a concession to compromise. Nor is it a solution that lies somewhere between the proposals of each side. Rather, it is a matter of the lawyer coming up with a proposal that concentrates on "needs" rather than "wants." It is a separate but better solution that can bring about agreement. Stephen Covey refers to this as a synergy proposal.

### 10. Explain your procedure.

Even if you do not sell the win-win philosophy, explain how you intend to proceed. Whether or not the client agrees with your procedure, make sure that the client understands how you intend to go forward on the client's behalf.

### 11. Go beyond solving the problem.

As noted in principle 7, the effective lawyer's responsibility goes beyond problem solving to healing (bringing about harmony). This means going beyond defining legal principles in order to explore with the client the spirit of the law. It means being more than a "hired gun"—instead stimulating the conscience of the client—reminding the client to do the right thing rather than stopping at doing the legal thing.

### 12. Play it straight.

Don't mislead your client, your associates, any tribunal, the opposition, or the general public. Don't play "high-ball / low-ball" negotiation games. Work hard so that you know what your case is worth and then stay with it. Negotiate from the strength of knowledge, rather than from the weakness of

speculation. As a highly effective law practitioner, you are not involved in some competitive game. You are a representative of a person who needs healing. If your client's needs are realistic (tell the client if they are not) your client will find harmony in your pursuit of those needs.

Living all twelve of the above principles can be very challenging. However it is worth it. Adopting the values set out in the MacCrate Report, becoming an effective lawyer, helping a client to heal, and making a difference in a client's life will create a "high" unlike any other. Such pursuits will make a lawyer proud to be a member of a noble profession.

*David T. Link is the president and chief executive officer of the International Centre for Healing and the Law. He is the Joseph A. Matson Dean and Professor Emeritus of the University of Notre Dame Law School and the President/Vice Chancellor Emeritus of the University of Notre Dame Australia. Dean Link was the dean at Notre Dame for over 24 years. At the time he took emeritus status, he was the longest serving law dean in the nation. Dean Link simultaneously serves as the founding Deputy Vice Chancellor and Provost of St. Augustine [University] College of South Africa.*

*A partner in the Chicago law firm of Winston & Strawn, Link took a leave of absence in 1970 to return to his alma mater, the University of Notre Dame, where he had received both his Bachelor of Science and Juris Doctor degrees. He has earned three honorary doctorate degrees from other universities.*

*The dean is a noted teacher, scholar, and lecturer, especially in the fields of professional ethics, professionalism, and tertiary education administration. Among numerous honors, he was awarded the Young Federal Lawyer and the Secretary of the Treasury Awards for outstanding service to the United States during the Kennedy Administration.*

### Endnotes

<sup>1</sup> Available on-line from the American Bar Association.

<sup>2</sup> See: Stephen R. Covey, *The 7 Habits of Highly Effective People*, Free Press, New York.

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*Editor's Comments: This is an excellent article by Lynn Phillips, the Executive Director of the DC Lawyer Counseling Program. We will publish it in two parts. Part I will be just to pique your interest, so you will anxiously await Part II. Part II will include the story of how a 39-year old woman lawyer benefited from the DC program, followed by a story from a lawyer whose alcoholism was a problem in law school and escalated after graduation.—Steve Barrett, Editor*

## “A Whole New Way of Life”: The D.C. Bar Lawyer Counseling Program

### Part I

Life is not always easy. The life we plan is not always the life we live. As a result, perfectly ordinary people find themselves trapped by addiction, depression, or chronic pain. All of these conditions are extremely difficult to live through. All can be managed.

The people in these stories are ordinary people, professionals who never thought anything like this would happen to them. Their problems did not just show up on the doorstep one night. They experienced gradual erosion from bad to worse. One definition of addiction is this three-stage progression: drinking as fun, drinking as fun with problems, and finally drinking as a problem with problems. The people who end up with drinking being a problem with problems can remember when drinking was fun and worked for them the same way it seemed to work for others. Most people who become alcoholic or addicted start for the same reasons others do: to be grown-ups, to have fun, to relieve stress, and to change a mood. They don't start with an ambition to become alcoholic or addicted.

No one plans on suffering from depression or chronic pain either. In fact, every person with chronic pain started out in acute pain and after accumulating enough time in pain earned that chronic pain diagnosis. Depression, however, can sometimes seem like it came out of nowhere for no real reason. Depression is a medical illness that often requires medical intervention and some talking it through.

The legal profession has a very high incidence of alcoholism, drug addiction, and depression. A Johns Hopkins study of 28 professions found that lawyers were 3.6 times more likely to have a depression over the course of a lifetime and had depressive episodes more than any other professional. A Washington State study of 801 lawyers found that 18 percent were problem drinkers and 19 percent had experienced a depression. Some of the lawyers in this study had both a drinking problem and a depression.

The D.C. Bar Lawyer Counseling Committee recommends that the legal community consider reducing the emphasis on alcohol at firm functions and other events sponsored by various associations of lawyers. The committee has been told that summer associates and young lawyers often feel pressured to drink alcohol to be considered as members of the team. The second half of “working hard, playing hard” often means drinking to excess. The committee suggests

that alcohol should not be a part of recruiting and should not be a central part of socializing. Both firms and individual lawyers should make it easy for their colleagues not to drink at a function or a meal.

The following stories are told for the sake of others who might identify with the situations in which these writers found themselves. The stories are all true. If any story seems a bit too familiar to you, please call the free and confidential service of the Lawyer Counseling Program at 202-347-3131.

—Lynn Phillips, Director, D.C. Bar Lawyer Counseling Program

When I quit drinking, I thought it would be the end of life as I knew it. And it was, thank God! I worked as a journalist after college, but deep down I had always wanted to be a lawyer. My mother still has a picture I drew in sixth grade of myself as the first female attorney general of the United States. (I know, Janet Reno beat me to it.) In my depiction I stand in a courtroom, tough but feminine in a skirt suit; pointing an accusatory finger at some character I dubbed “The Jackal.”

That confident young attorney, however, is not the person who first walked through the doors of Alcoholics Anonymous. On that evening I was a blotchy, bloated mess, barely able to look at myself in the mirror, never mind look someone else in the eye. I appeared, as one friend later confided, “rough.” I smoked a pack of cigarettes a day. At night when I got home, I drank.

Beer was my drug of choice—Bud Light, to be exact. That and coffee brandy were my two closest friends at the end. I always identify when I hear people say they holed up in some secret place so they could drink alone in peace. That's how I liked to drink too. Since I lived alone, it was pretty easy. Late at night, when I had a good buzz going, I liked to stand out on my balcony, smoking and listening to music on my headphones. (I didn't want to wake up the neighbors!) In my stupor I would gaze at the sky and tell myself everything was okay.

Except it wasn't. Dragging myself out of bed and off to work in the morning became harder and harder. I can't tell you the number of times, head pounding with a hangover, I vowed to myself I would not drink that day. And I meant it—until I was driving home after work, and my car would mysteriously take a turn into the parking lot of the liquor store I passed on my way home. “I'll just have a

couple,” I'd tell myself. Of course I never did. And the cycle repeated itself, over and over.

I used to see ads on television for a luxurious-looking treatment center in Newport, Rhode Island, and think, “Oh, I wish I could go there and get away from it all.” Never once did I consider it a “signpost” that I needed help. (How many healthy people fantasize about being institutionalized?) I didn't go. I worked as the lone staff reporter on a small weekly newspaper, and I figured I was too damn important to miss work. So I kept on.

Finally, after a few years of living this way, I was sick and tired of being sick and tired. I hated my job, my life, myself. On the advice of a counselor I had been seeing for a few years on and off (i.e., on when I liked what he had to say, off when he suggested I had a drinking problem), I finally went to a meeting of Alcoholics Anonymous. I didn't know much about AA or if it would work, but after numerous experiments I had failed to stop drinking on my own, so I was willing to give it a try. Absent this “gift of desperation,” I would not have walked through the door.

I identified with what a woman shared at the beginner's meeting that night. Afterward, sensing I was new, she followed me out the door and introduced herself. She invited me to go back inside for the regular meeting, which I did. That was over 10 years ago, and thanks to the grace of God and the fellowship of AA, I haven't found it necessary to pick up a drink since. That woman who reached her hand out to me became my first sponsor, and under her wise, patient, loving guidance, I began to work the 12 steps of recovery. To this day she is a dear friend.

She is also an important role model. When we met, she was taking classes at my alma mater (another reason I identified with her) to get her bachelor's degree. Going back to school was not my idea of a good time, but I did have other goals that I wanted to achieve. I quit smoking and, a few years and 40 pounds later, I took up running. I even ran some road races. A part of me had yearned for years to run, and now that I didn't smoke or drink, I was able to do it. One day while I was out running, a thought occurred to me: I want to go to law school.

Actually, I had applied to law school as a senior in college, mostly to appease my mother. Back then I got a decent score on the LSAT, but I had compiled my applications

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## New Way of Life

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half-heartedly and submitted them at the last minute. With my lackluster undergraduate grade point average—the result of too much partying and not enough studying—it came as no shock that I didn't get in.

This time, however, I went about the process entirely differently. I planned ahead and got all my paperwork in order, on time. I also wrote a candid personal statement that began with a quote from Helen Keller: "One can never consent to creep when one feels the impulse to soar." I related this sentiment to both my urge to take up running and my desire to become a lawyer. And even though I scored one point lower on the LSAT, I got in.

At four years sober, I was dismayed to discover how law school social life centered on drinking. On Fridays a classmate would note on the blackboard the time and place of a local happy hour, inviting all to come. At times I felt slightly resentful that I couldn't join in; it wasn't fair that they got to go out drinking after class and I couldn't! But then I

would look around the classroom at the new friends I was making and remind myself they wouldn't be my friends if I was still drinking. If they saw the way I acted when I drank—which could range, unpredictably, from sloppy and maudlin to obnoxious and angry—they'd want nothing to do with me. And I was definitely glad that the person whose drunken antics everyone whispered and laughed about on Mondays wasn't me. One time an unsuspecting classmate tried to cajole me into going to a bar by saying, "Come on, I'll introduce you to all the alcoholics." "No thanks," I said, "I already know plenty!" I went to an AA meeting instead.

Staying sober enabled me to participate in law school in ways that I hadn't been able to in college. I made law review, ultimately publishing both a note and a comment. In my third year I balanced my duties as articles editor with representing indigent criminal defendants as a student attorney. Through all this I attained a GPA high enough to graduate in the top 5 percent of my law school class. But my sobriety had to come first, because without that I could do nothing. I went to

meetings, asked for help, worked with my sponsor and sponsees, and prayed. A lot!

There is a passage in Alcoholics Anonymous ("the Big Book") that says, "See to it that your relationship with Him is right, and great events will come to pass for you and countless others." I kept thinking of this line on graduation day, as I waited to go up on stage and accept my law school diploma.

Getting involved with my local lawyers assistance program enhanced my recovery tremendously because it fused my two identities of recovering alcoholic and budding lawyer. While still in law school I joined a lawyers support group, where I befriended other sober attorneys and law students. After a few years I was honored to be asked to join the board of directors. At the time I was clerking for a state supreme court judge, so I needed to clear it with him. He voiced his support for the organization, adding that a lawyer friend of his was a recovering alcoholic. Without thinking, I blurted out, "So am I!" Luckily it was over the phone, so I didn't see the look on his face. But months later, when

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## Report on the 18th National Conference for Lawyer Assistance Programs

By Conference Chair, Stephenson Todd

CoLAP's 18th National Conference for Lawyer Assistance Programs is scheduled for November 7-11, 2005 in beautiful Charleston, SC. The week begins with the Director's Retreat on Monday November 7th with the conference officially kicking off at 12:30 pm on Tuesday November 8th and concluding at 11:30 am on Friday November 11th. Once again the ILAA Conference will begin following the conclusion of CoLAP conference.

The highlight of the opening day is the keynote address by the Honorable Carl Horn III, author of "Lawyer Life: Finding a Life and Higher Calling in the Practice of Law". Judge Horn's book will be available for sale and he has agreed to sign books during the 'Welcome Reception' Tuesday evening.

On Wednesday Cydney Batchelor will present the results of her Discipline Survey following which she will moderate a panel on "Establishing a Relationship with Discipline." Isaiah Zimmerman will speak on "Issues in Assistance to Judges." Dr. Shelley Uram will be our luncheon speaker and her talk is "Personal Expectations and Spirituality... Oil and Water?" Wednesday afternoon is free time from 2 pm until 8 pm when Dr. Fran Williams will speak at our healthy dessert reception.

Thursday will feature Dr. Mike Wilkerson

speaking on helping the client return to work. Professor Susan Daicoff of the Florida Coastal School of Law, author of "Lawyer, Know Thyself" will speak about empirical research on the "Lawyer Personality" and its lessons for fostering balance in lawyers. Thursday lunch will again feature a Women's Sharing Luncheon and for the first time the Men's Luncheon Meeting will enjoy a presentation by Mark Greenberg on "men's issues in treatment." Thursday night is our featured dinner event, which will be a Low Country Boil at the Sand Dunes Club on Sullivan's Island where Tim Bays, an accomplished singer/guitarist and motivational speaker will use stories and songs to entertain, motivate and inspire as he shares his personal experience, strength and hope. I'd like to recognize Robert Turnbull for his recommendation and support in setting up this evening.

Friday morning we are fortunate to have Bob Zeglovitch presenting on "Meditation and Mindfulness Practice." The closing ceremony will include a musical surprise by Tim Bays as he has promised to write a song just for our Conference.

The long standing Evolution of a LAP series with its Dual Tracks (dividing Directors/Staff and Volunteers) will be on Wednesday & Thursday mornings and on Friday morning there will be a joint session entitled "Looking After the Practice While in Treatment."

**Humility Cup** - Of course I would be remiss not to mention that once again the highly coveted CoLAP/ILAA Humility Cup will be up for grabs when our golfers tee off on Friday afternoon.

This year we hope to start a new competition for our non-golfers. Last year several of us went fly fishing on the Saturday following the conclusion of our conference. Gail Harber caught the most fish and our guides gave her the designation of "Top Rod." This year we are going to hold the first officially sanctioned CoLAP/ILAA fishing contest for the **Top Rod Trophy** to be given annually to the individual who catches the most fish. The fly fishing and/or spin casting for Red Fish are awesome in early November. If anyone is interested, please let me know so we can start lining up sufficient guides for what should be a most memorable outing.

In the next issue of Highlights as well as on our website, we will begin listing the treatment facilities that have offered to exhibit at the National Conference in Charleston, but at this time I'd like to thank those that are sponsoring speakers, which allows us to bring in the best experts in the field. They are: Hazelden, Healthcare Connection, Menninger, Michael's House, New Beginnings of Waverly, Ridgeview Institute, Talbott Recovery Campus, The Meadows, and The Refuge. We couldn't do it without you.

## Around The LAPs

**Alabama** - Jeanne Marie Leslie, Director of the Alabama LAP, reports that they have recently received final tax exempt status from the IRS regarding our treatment revolving loan fund (The Alabama Lawyer Assistance Foundation); and, have put 10 lawyers in treatment who otherwise would not have been able to have access. Alabama has just recently requested a CoLAP program evaluation. Jeanne Marie states that "Our LHL Committee Chair David Wooldridge is presenting a program entitled "Firm Obligations When a Partner is Impaired" at the Alabama Annual Bar meeting, which is scheduled for June at the Grand Hotel.

**Alberta** - Alberta LAP is continuing to push ahead under the able leadership of Craig Kinsman. They continue to make progress and continue to be available to help distressed lawyers.

**British Columbia** - B.C. had their 6th Annual LAP Volunteer Training/Retreat March 4-6 2005 at wonderful Harrison Hot Springs. LAPBC volunteers from around the Province attended. The esprit d'corps continues to build and the attendees were enthusiastic and left more motivated than ever to help out

**California** - The California LAP released its third Annual Report on March 1, 2005. The Report highlights a number of achievements made by the Program over the previous twelve months. One very striking development in 2004 was the increase in participation in the Program by attorneys not facing disciplinary charges before the State Bar. During the first two years of the Program's operation, nearly two-thirds of all participants faced some type of disciplinary proceedings. During 2004, only half of the new participants were facing discipline. This gratifying development suggests that the California LAP is achieving early intervention, which means more careers saved, better treatment prospects, and greater client protection.

Another major success for the California LAP in 2004 was the release and widespread dissemination of a 17-minute video entitled

"The Lawyer Assistance Program." The video, introduced and endorsed by Chief Justice Ronald M. George of the Supreme Court of California, is being distributed to judicial officers and lawyer's groups statewide. The film was also viewed and favorably received by the Conference of Chief Justices of the 50 states and territories

An Outcomes Study Task Force was formed during 2004 to plan a study that will eventually produce evidence of the long-term results of attorney participation in the California LAP. The Task Force comprises members of the LAP Oversight Committee, representatives from the office of the Chief Trial Counsel, representatives from the Other Bar, and volunteers with knowledge of treatment and recovery.

**The Other Bar** - "The Other Bar held its 18th Annual Spring Networking at the Catamaran Hotel in San Diego, California on April 15-17. CoLAP Chair Richard Soden had the Spring Business Meeting of CoLAP at the same site starting on April 14th and many of the CoLAP participants stayed on for the networking. The participants were treated to Eli G., David D., Ted C., and Mike S. who shared their experience, strength, hope and humor. Some of the CoLAP participants who stayed for both events were Richard Soden, Stephenson Todd, Bill Kane, Sallie Krauss, Steve Barrett, Derek LaCroix, Dolores Wilson, Jeff Friedman and Donna Spilis."

**District of Columbia** - Melonie Webb will be joining the DC program effective May 31, 2005. Melonie holds a Master's Degree in Social Work from Howard University and a BA in Psychology from the University of North Carolina at Greensboro. She also is a Licensed Graduate Social Worker and certified as a DOT Substance Abuse Professional. Before joining the Bar, Melonie was a Substance Abuse Specialist/Account Manager at First Advantage EAP in Bethesda, Maryland. She also worked at the Suburban Hospital intensive outpatient program since graduating from Howard's Master's program and worked in the field of prevention services before she came to this area to study for her masters. She has a certification in Critical Incident Stress Management.

**Maine** - On September 8, 2005, in Bar Harbor, Maine, the Maine Assistance Program for Lawyers and Judges and the Maine Physician Health Program are jointly sponsoring a one day seminar on "Protecting the Public/Restoring the Professional." The registration fee is approximately \$50.00 and all are welcome. For more information, please contact David Kee at 1-800-530-4627 or via e-mail to Maineasstprog@verizon.net.

**Minnesota** - Lawyers Concerned for Lawyers, Minnesota's Lawyer Assistance Program, is transitioning to a new Executive Director, Joan Bibelhausen. Joan received her JD from the University of Minnesota Law School has been an active volunteer for LCL. She brings significant experience in leadership, administration and client service. Joan will be working closely with Tom Shroyer, outgoing Executive Director, during the months of May and June to assure a smooth transition.

LCL would like to recognize and thank Tom for his contributions to LCL and his dedication to its mission. We wish him success in his future endeavors.

**Oregon** - The Oregon Attorney Assistance Program is continuing to develop its volunteer base. They revived their Lawyers in Recovery Retreat and had their 2nd Volunteer Training on April 30, 2005.

**Tennessee** - Robert Albury, Director of TLAP, reports that there are currently 127 lawyers under contracts. New rule changes have been enacted whereby the Board of Law Examiners can now make referrals to TLAP. The Board of Professional Responsibility can now make early referrals when it sees evidence of substance abuse/mental health issues even when no disciplinary action has been taken, and failure to substantially comply with a TLAP monitoring contract can be grounds for temporary suspension of a law license.

**Washington** - Washington had their 8th Annual LAP volunteer training in beautiful Chelan, Washington, April 8-10, 2005. This program was on "Boundaries," and the LAP joined with LOMAP. MCLE credits were available. It was well attended and enthusiastically received by the attendees.

## New Way of Life

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I was interviewing for post clerkship jobs, he told me that one prospective employer had called and asked about his confidence in me. He said he told the caller, "I have no doubts

about her trustworthiness." Those words from a supreme court justice meant the world to this recovering drunk.

Recently I moved to Washington to take a dream job as a media attorney—another gift of sobriety. I contacted the D.C. Bar Lawyer Counseling Program because I want to stay connected to other lawyers in recovery. The

director of the program suggested I become a volunteer, which I gladly agreed to do. Being of service to others not only helps me, it provides an opportunity to give back in some small way all that was freely given to me. Sobriety really is a whole new way of life.

To be continued in the Summer 2005 Issue of Highlights

## The Value of LAPs

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Soden and Barbara, and others who have just touched me throughout the years, it took me 5 years of lobbying the National Bar Association to convince them that not only was there disproportionate impact among black lawyers but that there was a beautiful road of recovery and that you, in these rooms, wanted to help us get there. If there were only a bridge. And I'm proud to say that July 21st of 2004 that bridge was codified, in this Memorandum of Understanding. Broken down it basically says that the affect is disproportionate, that the ABA will work towards access to your program, that there will be development of an independent support treatment network that you help us to develop and that this agreement will last for 3 years. And so the clock is ticking on how we put together a model program within the NBA without recreating the wheel. And to really move this thing

forward in February when our National Bar President, Kim Keenan, on whose behalf I am here today, I gave her \$2,500 out of my pocket when she came to the Pinellas Bar Association banquet in St. Petersburg, Florida, I pledged that I would raise \$10,000 by the time of our Annual Convention to begin a fund for this project, I fell \$1,000 short, but it spurred her to spur Clyde Bailey to reach out to Dennis Archer and Donna Spilis and get this agreement signed. Because it's about saving lives and licenses. And, it's about all of us. That's why today is so important for me to be here, and to share with you that I am committed to making this work and committed to accepting the help of all of you in making it real. I've spoken this year at the Mid-West Regional Balsa Convention in Indianapolis and shared with over 200 black law students the value of recovery. I've spoken at Northwestern University Law School in Chicago during Black History Month when the students flew me up to talk about the issues of recovery

and the ABA program and what we are trying to do. I'm speaking at Howard University Law School in January, I want to take this message, with your help, to everyone within the National Bar's 20,000 plus members so that we too can enjoy the other side of addiction, and that's the beauty of recovery. I'm no longer ashamed of what brought me into these rooms, because I'm proud of what these rooms have done for me and so I thank you for the opportunity to be here, to share, to explore, to ask for help, as we create this model and it is historic. And, I hope that each one of you are filled with joy just like I am to be able to be a part of it now, in this course of history. The value of CoLAP is immeasurable, your value, as mine, lies in the commitment to the 12-steps of this program, carrying the message and realizing that our addiction is not a separator but an equalizer. And, so again, on behalf of the President of the National Bar Association, its 20,000 plus members, we reach out, we say thank you and we welcome you.

## People in the News

**Rick Allan** - Rick Allan returned home to Nebraska from the CoLAP business meeting in San Diego, Saturday, April 16th and left a message on Monday, April 25th on Donna Spilis' voicemail: "It's Rick Allan. I just wanted to share something with you and you can pass it on to our friends. Last Monday night, April 18th, I died! It was cardiac arrest and obviously I'm alive and well so I'm making contact. I had a 5-way bypass and no major complications. I had incredible support and not only did I have considerable support from family and friends, but also from the 12-step community. Another unexpected event in my life. I'm not going to run any races for awhile. Cards and letters can be sent to Rick Allan at 635 South 14th Street / P.O. Box 81809, Lincoln, NE 68501-1809.

**Jim Brady** - Jim Brady is the new director of the Missouri Lawyers' Assistance Program (MOLAP), succeeding Jim Howard who retired on March 31, 2005. In addition to providing professional confidential counseling for members of the bar, their families and law students, Brady will direct The Missouri Bar's Mentoring Program. Let's Congratulate Jim.

**David Brink** - David Brink, former ABA President and CoLAP Advisory Commission member is recovering from surgery. Cards and/or letters can be sent to David Brink, c/o

Lawyers Concerned for Lawyers Concerned for Lawyers, Suite 313 N., 2550 University Avenue West, Saint Paul, MN 55421.

**Jim Heiting** - *Jim Heiting will be the new president of the California State Bar. Let's Welcome Jim*



The past president of the Other Bar, James ("Jim") Heiting was elected to the California State Bar presidency for 2006. In addition to his inspired leadership of the Other Bar, Jim has also been a tireless sup-

porter of the Cal State Bar Court alternative discipline program (our drug court) since its inception. From 2002 until recently, he managed and moderated a task force comprised of State Bar prosecutors, respondent's defense attorneys, LAP execs, State Bar administrative offices and court counsel, and Executive Director representatives—the stated purpose of which was to smooth out the kinks in the new program, to be sure it worked as it was supposed to—to be therapeutic. It was the first such interdisciplinary group in the history of the State Bar.

**Ray M. Lopez** - The New York State Bar Association, Committee on Lawyer Alcoholism and Drug Abuse sponsored a dinner for the retirement of Ray M. Lopez, Director of the NYSBA Lawyer Assistance Program, Thursday, April 21, 2005, at the New York State Bar Association, Albany.

**Donald Muccigrosso** - had open heart surgery, aortic valve replacement on February 3, 2005 and is now back home in Polson, Montana recuperating. Let's try to encourage him to come to the Conference and ILAA in Charleston. Cards and letters can be sent to: Donald Muccigrosso, PO Box 158, Polson, MT 59860, 406/ 883 -2173.

**Ray O'Keefe** - Ray is a sponsor to many, is out of the nursing home and back at home with the current Mrs. O'Keefe, Stephanie. Cards and letters can be sent to 802, Kure Village Way, Kure Beach, NC 28449.

**Tom Shroyer** is leaving his position as Executive Director effective June 30, 2005. The new Executive Director will be Joan Bibelhausen JD. Joan has worked in the area since 2000, first, to research the need for a LAP in Minnesota; second, to win Supreme Court support for its development; and third, to support its evolution since approval in 2001. Let's give Joan the same warm welcome that we have given Tom. Joan knows the legal profession intimately and

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## People in the News

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is educated in the ways of the ABA, CoLAP, and our LAP.

Tom is recovering from his kidney surgery from March 10, 2005. The second (and final) surgery on the other kidney will be on June 23, 2005. The expectation is that he will remain in the 4% of those whose tumors of this type are benign. Please wish Tom a continuous speedy recovery.

**David Jerome Taylor** - a lawyer in Washington, DC, was recently appointed to the 21-member Board of Directors for Faces

& Voices of Recovery, which is a national campaign of individuals and organizations joining together with a united voice to advocate for public action to deliver the power, possibility and proof of recovery. Faces & Voices of Recovery is governed by a diverse group of recovery advocates from around the country and supports local recovery advocacy by increasing access to research, policy, organizing and technical support; facilitating relationships among local and regional groups; improving access to policymakers and the media; and providing a national rallying point for recovery advocates. Many of you met David Taylor during the 2002 ABA Annual Meeting in DC or a past National Conference.

He is a member of the Lawyer Counseling Committee of the DC Bar and has been a strong supporter of recovery work since 1991. We are very fortunate to have a voice from the lawyer assistance programs on this Board. Congratulations, David!

**Bonnie Waters** - The Executive Director of Lawyers Concerned for Lawyers will be retiring at the end of the year. Hired as the first paid staff person of LCL in 1987, Bonnie has worked with the organization's membership to expand the program from one that dealt exclusively with substance abuse to the comprehensive lawyer assistance program it is today. Let's all bid her well and show appreciation for a job well done.

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