

CoLAP Highlights

The Commission on Lawyer Assistance Programs (CoLAP) successfully completed its 15th National Workshop for Lawyer Assistance with a total attendance of 215. The exhibit hall exceeded all expectations with representatives from 26 chemical dependency treatment centers. A special two-hour session was held on Issues of Ethnicity and Race and Treatment: How to Effectively Outreach to Minorities. In addition to outreach to minorities, a session was held for Outreach to Law Students.

CoLAP received emergency supplemental funding from the ABA Board of Governors to update a study conducted in 1993 by the Association of American Law Schools' Committee about Problems of Substance Abuse in the Law Schools. The original committee chair was Robert A. Stein, Dean of the Minnesota Law School, who is now the ABA Executive Director. CoLAP's Outreach to Law Schools subcommittee, co-chaired by the Honorable Robert L. Childers and W. Donald Carroll, will be reviewing the recommendations made in the 1993 report in an effort to update them and to develop a plan for implementation in law schools. The subcommittee has representatives from eleven ABA accredited law schools and will hold its first meeting in San Diego in February 2003.

Website: <http://www.abanet.org/legalservices/colap/home.html>

Table of Contents

Feature Article: Olivia Roberts	1
Message from the Chair	2
Advocate for Impaired Attorneys	2
Remarks on Discrimination	3
Women's Attorney Peer Counselor Group	4
Grant Awards Announced	5
Around the LAPs	5
Senator Wellstone's Death	6
Calendar	7
Humility IV	8



Highlights

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

What Olivia Roberts Would Want Residents to Know

by Kathleen Leary

We present this article, previously published in The Courier, February 24, 2002, pg. 3B, to remind us that addictions encompass all elements of society and can be a killer.

It was reported that Olivia Roberts died alone under an overpass one freezing night.

Sadly, she seems to have frozen to death. However, it appears likely from many accounts that the disease of addiction killed her—emotionally and spiritually—altering her brain and, consequently, her perception of reality long before those freezing temperatures took her life physically.

I believe that Olivia and all individuals who become addicts, addicted to alcohol and/or other drugs, would probably want someone to attempt to enlighten or educate the community about the debilitation, hopelessness and degradation to which active, untreated, addictions can lead. In Olivia's case, she died alone, under an overpass. I believe that she might want those who blamed her or those who blame themselves, to know this: To those who blamed her, she probably condemned and blamed herself far more than others ever did. She probably felt like a hopeless failure unable to sustain or maintain sobriety. To those who felt that the "community" did not care enough, she would probably want those in the "community" to know that "conventional caring" well meaning as it may have been, was not enough.

There were those along the way, I'm sure, who reached out to Olivia. However, early on, she needed specialized substance-abuse-specific treatment, with opportunities to assess for other emotional roadblocks, ongoing 12-step support group (Alcoholics Anonymous, etc.), and introduction to programs to develop or enhance living skills. I speculate that any meaningful intervention came late into her addictive life patterns, if at all.

Olivia did not die under the overpass because she was a bad person making a bad choice. True, initially Olivia had a choice, but addiction takes a person beyond choice. The body, mind and spirit crave addictive substance and ultimately, this pathological craving controls a person's life. Olivia herself probably did not understand why she could not stop using addictive substances. She only knew that over and over again, despite negative consequences, she continued on that downward spiral. These are facts that I think Olivia might want you to know even though she probably did not fully understand herself.

Addiction is referred to as a brain disease for two reasons: 1) All drugs have a direct and immediate impact on the brain, at both a structural and cellular level, producing changes in the actual rewards system pathway; 2) Most importantly, prolonged drug use causes pervasive changes in the brain function that persist long after the individual stops taking the drugs (Hazelden Foundation Research Update, Butler Center for the Research Web Site, www.research.hazelden.org or www.ncadd.org - click on links for facts and information - medical and science information, Ask Dr. Bob.)

Alcoholism addiction is a primary chronic disease with genetic, psychosocial environmental factors influencing its development and manifestations. The disease is often characterized by impaired control over drinking, drugging, preoccupation with the drug alcohol and other substances, use of alcohol or other substances despite adverse consequences and distortions in thinking most notably denial. Each of these symptoms may be continuous or periodic (JAMA, Aug. 26, 1992).

Addiction is cunning, baffling and powerful, and one of the reasons this is so is that abnormal pathways in the brain are created by the brain's repetitive responses to alcohol and other addictive substances. Long-term interruptions or interventions, the earlier the better, with alcohol and drug-specific treatment, enables the mind, body and spirit to recover.

An integral part of treatment is being held to task in assuming responsibility and accountability for the wreckage of the past or past misdeeds. As one recovers mentally, emotionally, physically and spiritually, accountability to others and self and acting in a responsible manner is one of the positive outcomes of recovery from addiction. (Drug courts are successful because the

(continued on page 2)

Message From the Chair

by John W. Clark, Jr.

Some quick news regarding Commission activities—we received favorable approval of our request for funding from the Board of Governors, and we are now preparing for our initial meeting with a representative group of law school Deans in February at our meeting in Rancho Sante Fe. We also received Board of Governors approval for the creation of a presidentially appointed Advisory Commission. ABA President A.P. Carlton appointed the same people who have been serving on our Action Forum.

The more important bit of news that I have to pass along is that the just now created Chairman's Cup has been awarded to the

Leary Team as a result of their exemplary play during the Humility Cup golf event in Maine. This award has been made (by me) to the Leary Team despite the fact that this team was disqualified by the Rules Committee whose shameful, self-dealing, actions were blatant, appalling and transparent. Of course, I am a member of this Leary Team, which makes this award even more pleasing. (Now let's see how the Rules Committee can top this one.) There will be certain financial benefits accruing to the members of the Leary Team but in accordance with the Chairman's own blatant self-dealing Rule, only members of the Leary Team will be

privy to the nature and extent of this bounty.

I believe that Steve Barrett may have some of his own observations on this subject and since he is also a member of the Leary Team, I suggest that each of you may want to read his Column for further information.

I want to take a moment to wish each of you a very happy New Year.

For one, I spent ten days in Hawaii, and I leave for Utah for an evaluation of the Utah LAP Program. So much from the Chair's Office at this time, I will see many of you at Rancho Sante Fe in February.

Olivia Roberts

(continued from page 1)

individual is mandated or kept in place long enough to overcome denial and accept responsibility for one's misdeeds and allow the mind, body and spirit to begin recovery.)

Sadly, recovery did not come for Olivia. I believe that Olivias of the world would want society to know that there is recovery for the very thing that took her life. Thousands of addicts don't die alone, and prematurely, but live full, productive lives in programs of recovery. Unfortunately, many addicts do die, untreated. Addiction must be understood by society for the brain disorder-disease

that it is so that we can begin to address it without moral judgement and the stigma that still prevails: moral weakness, bad habit, weakness of character.

Bad behavior, which can be the end result of addiction, is very frustrating with which to deal. Understanding the disease of addiction and the bad behavior that can accompany it does not imply that addicted people are not accountable for the havoc often created by their addictions. However, in holding addicts-alcoholics accountable, we must also treat their disease.

When appropriate treatment and recovery take place, society, community and family benefit. There are thousands of families that

have a family member like Olivia, in the throws of addiction. Family help and support is essential. Programs such as Al-Anon can help the family. (Often, families need help and counseling from a therapist who understands the dynamics of addiction.)

Kathleen is the "golf widow" of Bill Leary, Director of the Louisiana Lawyers' Assistance Program and former CoLAP Commissioner. Kathleen is also a Certified Employee Assistance Counselor and a Substance Abuse Counselor. She has participated in many CoLAP Workshops and Commission Meetings and has contributed thereto.

He's an Advocate for Impaired Attorneys

by Ted Bryant

PORTLAND – The big man lives half the year in Oregon and the other half in a log house above Montana's Flathead River. But vowels replacing consonants on some word endings betray his East Coast roots.

Don Muccigrosso came to Oregon in 1980. He'd been, as he puts it, "a lawyer 18 years—nine sober and nine drunk." There was no support group here for recovering attorneys as there had been in New York. So, with the blessing of the Oregon State Bar, he began one.

A couple of years later, the directors of the Bar decided that alcohol and drugs were crippling or killing some of their members.

They hired Muccigrosso as a one-man employee-assistance program. The job description contained none of the obfuscation often common to legal agreements. "My sole purpose," he recalls, "was to help the sick lawyer by any means I could devise within the law."

He did that until he retired in 1999. The American Bar Association declared that the program he devised was a model for the rest of the country. The 66-year-old retired attorney is still invited to other cities to guide legal groups in establishing a similar approach.

Denial, Bright and Articulate isn't a law

firm. They're characteristics of some practicing attorneys: Practicing alcohol and drug abuse. "You can tell them they've got a problem until you're blue in the face," says Muccigrosso. "That's not going to convince them. It's hard for them to admit they're human. That's what kills them."

Sometimes Muccigrosso's actions were especially direct. A downstate lawyer called to say he had a Portland attorney on the other line who was threatening to shoot himself. The would-be suicide caller was still on the phone when Muccigrosso, like a massive avenging angel, crashed through the locked door, flung the pistol under a sofa pillow and sat on it until police arrived.

"Usually", says Muccigrosso, "a direct approach doesn't work. I think the best way

(continued on page 6)

The history of the movement to help attorneys with substance abuse problems.

In the summer edition of *Highlights*, Volume V, No. 3, we presented an article by David G. Evans on the early movement within the ABA. We are still seeking further information and soliciting comments by any means of communication. We are pursuing short, two or three paragraph articles on the recollections of the appropriate people involved in the early movement (ILAA, LCL and LAP).

The early LCL programs (volunteers) were in California and Minnesota, followed shortly thereafter by Pennsylvania, Massachusetts and Maryland. It is our belief that the first funded program (LAP) was in Maryland in 1981 and that the LAP concept was presented to ILAA in 1982. A brief memo by that curmudgeon Richard Vincent, the director of Maryland State Bar LAP confirms this. He also confirmed that he and Judge David Bates discussed the Maryland LAP at a breakout session at ILAA in Montreal in 1982.

A Little Maryland History

About 1978, the Maryland State Bar formed a special action committee to start a program to help lawyers. In 1980 they roped a recovering alcoholic judge into the committee and he directed their efforts toward a broad brush type like industry had been using since the 40's and 50's. He emphasized the need for a recovering person to direct the process in order to identify the alcoholism in the referrals as well as confront and direct those in denial. The president of the bar totally supported the idea and directed that it begin before his term ended in June 1981. On May 4, 1981, Richard Vincent was hired as a full time employee to direct the "Lawyer Counseling Committee". After several months, Mr. Vincent did not feel that his salary was adequate, considering the substance and responsibilities of the program. To support his hope for increased remuneration, he contacted every state bar association to determine an average of salaries for this position. There were none reported. Therefore Mr. Vincent assumes that he was the first full time bar association employee hired to direct what has become "LAP".

Opening Remarks Hearing on Discrimination Against Users and Those in Recovery

by David R. Brink – 8/10/02

I've been asked, as a person in recovery and as a lawyer, to make some brief preliminary remarks about discrimination in the legal profession.

The conventional wisdom used to be that the incidence of substance abuse was highest in the clergy, next highest among doctors, and then lawyers. Whatever class was next was so distant a fourth that it didn't much matter. Recently it's been suggested that lawyers are now number one. Perhaps the clergy have run into some recent problems of another kind.

And lawyers are currently a favorite target of gibes and jokes. Just the other day someone on TV asserted: "It's a great pity that

99% of the lawyers are giving the other 1% a bad name"... Of course I feel, and I hope that at least the lawyers here today agree, that those percentages are simply reversed.

Certainly it is true that studies have shown that a majority of cases of legal malpractice and of lawyer discipline for ethical breaches involve substance abuse. But my own view is that lawyers are less likely than other professionals to discriminate against colleagues who have been users or are in recovery. Some of this greater tolerance and empathy may be due to the lawyers' training to look at both sides of a case and put themselves, at least momentarily, in the other party's shoes. As one recovering lawyer remarked: "No matter how far you go down the road, you're always the same distance from the gutter." And, of course, lawyers are adept professionally at identifying and, if necessary, prosecuting instances of discrimination of any kind.

But the greatest boost to lawyer tolerance, I believe, has been the development of Lawyer Assistance Programs, often called by the acronym LAPs. They are sometimes

named—as our pioneering LAP in Minnesota 25 years ago was named—"Lawyers Concerned for Lawyers". The LAPs, now existing in some form in all states, provide a high level of support for lawyers and judges and their families and partners. They do this through timely counseling, mentoring, interventions and references to appropriate professionals or agencies. But as LAPs gain recognition and sponsorship from state bar associations, supreme courts or legislatures,

A significant study undertaken in the twentieth century was the 1980 Epidemiological Study that showed 40% of alcohol dependent individuals suffered from Clinical Depression. Almost 50% of individuals on illicit substances reported symptoms of psychiatric conditions (Regier et al. 1980)

their greatest contribution may be the education they bring to all lawyers, whether users or not. Lawyers learn that addictions, as well as such afflictions as depression, are diseases or disorders rather than character defects, that people can recover from them, that those afflicted are often the best and the brightest, and that persons in recovery programs tend to gain greater understanding of themselves and become more caring and unselfish to others. That surely is one of the best antidotes to discrimination. I like to think it is what happened to me.

And I strongly commend to you the ABA's Commission on Lawyer Assistance Programs ("COLAP") which coordinates, evaluates and leads the work of LAPs throughout the nation. COLAP is also a co-sponsor of this program.

© David R. Brink 2002

David R. Brink is a Past President of the American Bar Association and is a member of the ABA's Standing Committee on Substance Abuse and of the Action Forum of the Commission on Lawyer Assistance Programs.

Highlights is a quarterly newsletter published by the American Bar Association Commission on Lawyer Assistance Programs for the news and information exchange needs of the lawyer assistance programs community. Comments and proposed articles should be directed to spilisd@staff.abanet.org. All reprint rights are reserved. American Bar Association ISSN Pending. © 2002 American Bar Association.

Disclaimer: The materials contained herein represent the opinions of the authors and editors and should not be construed to be those of either the American Bar Association or Commission on Lawyer Assistance Programs unless adopted pursuant to the bylaws of the Association. Nothing contained herein is to be considered as the rendering of legal advice for specific cases, and readers are responsible for obtaining such advice from their own legal counsel. These materials and any forms and agreements herein are intended for educational and informational purposes only.

Women's Attorney Peer Counselor Group (WAPC)

by Denise Malinowski

The National Institute on Alcohol Abuse and Alcoholism (NIAAA) states that nearly 14 million Americans—1 in every 13 adults—abuse alcohol or are alcoholic. Several million more adults engage in risky drinking that could lead to alcohol problems.¹

The National Institute on Drug Abuse (NIDA) reports that a 1999 study found approximately 14.8 million Americans as current users of illicit drugs and about 3.5 million were dependent on illicit drugs.²

The statistics for drug and alcohol abuse also hold true for attorneys. For this reason, the New Jersey Lawyers Assistance Program (NJLAP) was founded in 1993. The New Jersey Lawyers Assistance Program offers free, confidential help to attorneys troubled by drugs, alcohol, and gambling through a telephone helpline, consultation, evaluation, counseling sessions, motivational interviews and introduction to the most effective, economical and convenient helping resources.

There are 75,819 attorneys licensed in the State of New Jersey and of these, approximately one third are women.³

In June of 1994, one year after the NJLAP program was founded, the Women's Attorney Peer Counselor Group was created as a specialized program of female attorneys reaching out and helping other women attorneys experiencing difficulties with substance abuse and gambling issues. It evolved into a regular, monthly support group for female attorneys, judges, law students and law graduates in recovery. The members act as peer support for one another and for those in need of a contact with the program.

Meetings are held on the second Saturday of every month, from 9:30am to 12:00pm, at the New Jersey Law Center, which also houses the NJLAP offices. Attendance is "by invitation only". This policy ensures that the meeting's integrity is maintained for its current members. Those newly entering the group having been screened for appropriateness by one of NJLAP's counselors. Meeting with an NJLAP counselor provides each new client with an evaluation and specially designed Helping Plan with the broadest range of appropriate resources. NJLAP's goal and approach is holistic and offers each individual resources that address the whole person, not just one aspect.

The Women's APC meetings include a breakfast for the members and a one hour educational session. The educational sessions

are delivered by female mental health / substance abuse professionals and cover a wide range of topics. The Program Counselor also delivers educational presentations and facilitates group discussions on topics of interest. Topics range from Women's issues of health and wellness to grief, co-dependency, anonymity in the workplace, relapse triggers and family of origin issues—to name only a few. One Women's APC member stated: *"Every month there is a topic and a discussion that has helped me both to remain sober and to deal better with the stress of being a lawyer."*

The second hour of the meeting is devoted to closed sharing and is based on a 12 step meeting format. Members are encouraged to express concerns about their own recovery or to discuss their feelings and ideas regarding the educational presentations in a safe and supportive environment. NJLAP and the Women's APC group employ a 12 step format. However, this orientation is not exclusive nor does it constitute a disqualifying factor for admission to the group. Once meeting with a counselor and being referred to the group, any female attorney is welcome, regardless of their recovery orientation.

The value of any group, and especially the Women's APC group, is the realization that one is not alone in their recovery and struggles. Many members indicate that being a female attorney is a challenge in itself, and that being a female attorney in recovery is even more challenging.

"It's a safe place to share the special concerns and issues that female attorneys experience in this predominately male profession. At the same time it is a place to share the issues and concerns that recovering addicts face... I have learned a lot about being a lawyer from the more experienced lawyers in the group, but always with and emphasis on healthy and balanced life"

—Maryjean E., a member of the Women's APC group.

For many this is the only place that they are able to connect with others who really understand what they are experiencing daily. Another member states, *"I'm amongst very intelligent women yet everyone is so down to earth and humble, they really care about each other. We can discuss anything including work issues and the women can understand and relate because we are all lawyers."*

Along with monthly meetings, many

of the women involved in NJLAP and the Women's APC also participate in statewide Lawyers Concerned for Lawyers (LCL) meetings on a weekly basis. One of the Women's APC members founded a new and sorely needed LCL group in Sussex County, the rural and mountainous northern-most area of the state. She sat weekly, waiting for another attorney in need to join her. After one year of many lonely evenings, a few more attorneys joined the group. This January the Sussex County LCL celebrated their one year anniversary. This type of leadership and fellowship is indicative of the stature of so many of our Women's APC members. Every March the group holds an Annual Dinner to celebrate their commitment to one another, and to the female attorney who is still sick and suffering, but who will hopefully join them soon. The Marty Mann Award for service and leadership is given to a member of the group who has displayed such dedication to her group and community. Marty Mann was the first women in AA. She founded the National Council on Alcoholism and toured the country promoting the idea that alcoholism is not a disgrace but a disease and a public health responsibility. This year's Award was bestowed upon that same woman who sat quietly for a year, waiting to help a fellow attorney in need.

These are the women who come every second Saturday morning, when it is easier to sleep late, or spend time doing other things that so often are tough to get done during a hectic workweek. Instead, they come and learn and share and support one another in a way that only women can. As an observer, I have had the privilege of watching these incredible women and share in their journeys of pain, joy, struggle and triumph.

Sources:

- ¹ The National Institute on Drug Abuse (NIDA) Nationwide Trends, Info Fax # 13567 <http://www.drugabuse.gov/Infofax/nationtrends.html>
- ² *Alcoholism Getting the Facts*, National Institute on Alcohol Abuse and Alcoholism (NIAAA), NIH Publication No. 96-4153 Revised 2001
- ³ Lawyers Fund for Client Protection, Trenton, NJ.

Around the LAPs

The Alabama Lawyer Assistance Foundation was incorporated in 2001. It is a nonprofit corporation [501(c)(3)] under the management of an elected Board of Directors. The purpose of the foundation is to provide financial assistance to Alabama Lawyers suffering with addictions to alcohol/drugs and other mental illnesses, and who lack the resources to pay for appropriate help. This is not a give away, but an opportunity to help these lawyers help themselves. A revolving loan fund gives lawyers in need the opportunity to get treatment. Loans from the fund are paid directly to the treatment care providers. Repayment is expected once the lawyer is back on his or her feet, so money will be available to aid the next lawyer in need. Jeanne Marie Leslie, Lawyers Assistance Program Director, 415 Dexter Avenue, Montgomery, AL 36104, 334/834-7576.

Virginia LAP

After many years of operating under the umbrella of and receiving guidance and supported from The Virginia Bar Association, The Virginia Lawyers Helping Lawyers program is undergoing major changes. After much study and consultation, it was recommended that the program incorporate and file for 501(c)(3) status. This change has been endorsed by the Virginia State Bar, The Virginia Bar Association, the Virginia Board of Bar Examiners and the Virginia Trial Lawyers Association and they will designate members for the new Board which will have oversight of the Lawyers Helping Lawyers program. In January and February, the new Board of Directors will form and begin meeting and the LHL program will move out of The Virginia Bar Association's office and into its own space. A part time administrative assistant will be hired as soon as possible after the move. In July or August, a counselor will be hired to coordinate

expansion of services for attorneys and judges impaired due to mental health issues. The program will send out notice of address and other changes as soon as that information is known. As you can imagine, this is a time that is both exciting and overwhelming. Susan Pauley, the Lawyers Helping Lawyers Program Director, thanks everyone for their support and asks that you keep sending it!!

The West Virginia State Bar has had a Lawyer Assistance Committee (now called the Commission on Lawyer Assistance and Intervention) for more than 20 years. It consists of 15 lawyers, who have all experienced some personal difficulties and received training, as well as a psychologist, who is available as needed. This program is operated in a confidential manner, working closely with the Supreme Court and Lawyer Disciplinary Board when referrals are received. The West Virginia State Bar supports the program by paying for the psychologist and other services, as requested and as needed. The program is promoted in the monthly WV Lawyer magazine. The key contacts are Arch Riley, Sr., 304/232-6675, who is the Chair of the Commission on Lawyer Assistance and Intervention, or Tom Tinder, Executive Director of the WV State Bar, 304/558-2456 or tinder@wvbar.org.

Washington Group for Senior Lawyers

Are you confounded by computers? Suspicious of cell phones? Or do you embrace e-mail and glory in gadgets? Do you revel in retirement or seek new vocational ventures? Whether you're old-fashioned or newfangled, the Washington State Bar is pleased to announce a new discussion group for you and your colleagues. Topics will be determined by you, the participants. This group will be a place for older attorneys to obtain information and support from one another in a friendly, congenial atmosphere. The WSBA Lawyers' Assistance Program will offer the Senior Lawyers Group (lawyers 65

and older) beginning on Thursday, January 9, 2003. Please join us and share the wisdom you've gained through professional and personal experiences. LAP staff clinician Ellen Begley, Ph.D. will act as facilitator.

New Directors:

Robb Holt

Leslie Hilton, President of the Board of the Colorado Lawyers Health Program announced the selection of Robb Holt as the new Director of the CLHP. Robb has been actively involved with the program as a volunteer in recent years. Many of you had an opportunity to meet Robb at the 15th National Workshop for Lawyer Assistance Programs in Portland, Maine. It was one of his first assignments.

Graduated with honors from the University of Denver in 1979. Graduated from Temple University School of Law in 1982. In 1988 he pursued an advanced degree in Sociology at the University of Denver and was admitted to the Colorado Bar in February that year.

Brenda (Becky) Kittilson

In the wake of the departure of our long time Program Coordinator, Barbara Knigge, an opportunity presented itself to change the nature of the staffing pattern within LCL.

Brenda's work experience includes developing and implementing the mental health/chemical dependency program at St. Joseph's Hospital, where she worked for four years. In another employment situation, she developed the programming to convert a residential center into a chemical dependency treatment program. She has a strong history of working with volunteers and providing clinical counseling experience with individuals and groups. She has an M.S. degree in counseling and is licensed in Minnesota as an alcohol and drug counselor and as an independent social worker.

Grant Awards Announced

by Barbara Smith

The New York State Lawyer Assistance Trust, created by Chief Judge Judith S. Kaye and the Court of Appeals, announced the selection of its first grant recipients: the Monroe County Bar, Center for Education and the Erie County Bar Foundation.

Through its grants program the Trust provides funding to support substance abuse education, research and prevention and to encourage treatment for the legal profession.

Applicants may include, but are not limited to, New York State law schools, local lawyer assistance committees, Bar associations and Bar foundations. The Trust may award grants to fund services and projects that will fulfill its mission, including educational materials, conference and event expenses, treatment related expenses, existing and new substance abuse prevention programs and enhancing professionalism.

The Monroe County Bar Center grant of

\$14,391 will underwrite the costs of a print campaign, including the design and publication of several brochures and print advertisements focused on alcohol and chemical dependency, to provide information on the signs of impairment and to demonstrate that confidential help is available. New website link content will also be developed.

The Erie County Bar Foundation was awarded \$1,000 to cover a portion of the costs incurred in sponsoring the "Lawyers Helping Lawyers" 12-Step Seminar in August 2002. The purpose of the weekend-long event is to

(continued on page 8)

Advocate for Impaired

(continued from page 2)

is to talk about myself and what alcohol did to me. My world was Edgar Allen Poe, filled with despair."

A recovering attorney, "Mary", who didn't know Muccigrosso, recalls, "Don and a friend of mine just walked into my office. There was no place to hide. I couldn't take my eyes off him. His understanding, his teddy bear nature, really connected with me. I was in treatment that day."

Another lawyer with a drinking problem, "Harry", says, "I had nothing. I had no food.

I could have easily gone off and died. He fed me for a month and a half. He's a real human being. "He also is clever, subtle and patient. Then he smiles and the party's over."

Sometimes attorneys involved in the alcohol and drug program form a sort of flying squad to help a colleague and his clients.

"If a lawyer had disappeared drinking, a group of lawyers would take over his practice. We got one guy into treatment," Muccigrosso grins, "and we went into his office and took out 90 empty pints from a big, old fashioned desk."

Another time Muccigrosso and a colleague confronted an attorney in a judge's

chambers. Finally their subject agreed to go into treatment. But first, he insisted he needed to file some documents at a courthouse 100 miles away. Muccigrosso insisted on driving him. That night, the man was in the hospital. "Later he told me that the day we intervened he intended to kill himself."

Though he is retired, Muccigrosso still gets calls from friends when they need help with a stubborn case. And he responds enthusiastically. "I just love to see them get sober," declares Muccigrosso, "because I know how much better off they'll be." "Helping sober up Oregon lawyers", he smiles, "was the best thing I ever did."

People In the News:

Minnesota LCL

Hi to all of my friends in CoLAP, I am writing to inform you of my resignation from the MN LAP, Lawyers Concerned for Lawyers (LCL).

I have been hired as Program Manager for a residential CD treatment program for Women, called "Margaret's House". I am very excited about this new opportunity, but leaving LCL doesn't come easy. I have met so many wonderful people in this organization and am proud of having helped with the expansion of LCL to a full service LAP. I want to thank so many of you for contributing your expertise and being there when we needed help. I am so grateful for having had the opportunity to meet so many of you and to have had spent time together at the CoLAP workshops.

My experience with LCL and CoLAP has

been invaluable. I believe that my experience here and with CoLAP has prepared me for this career advancement. I am very blessed and look forward to my new adventure.

Take care, God Bless and I wish you all the very best in the continuation of the most important work that you do; promoting the health and well being of the justice system.

Your friend,
Barbara Knigge

California

Governor Gary Davis today announced the appointment of David S. Hobler as a member of the Attorney Diversion and Assistance Program Oversight Committee of the State Bar. Mr. Hobler, 60, of Mill Valley, has worked for more than 30 years as a trial lawyer and facilitator in chemical dependency treatment. He has been the sole practitioner of his own law firm since 1992 and is the founder and Director of Fit In Recovery, a health education and environ-

mental fitness consulting group, since 1997. He is a member of the American Bar Association and a lifetime member of the Fifty Plus Fitness Association. Mr. Hobler earned a bachelor of arts degree from Stanford University, a juris doctorate degree from Hastings College of Law, and an LL.M. degree from Boalt Hall School of Law (see article last issue of *Highlights*).

Stanton

James Farrell Stanton, age 70, died Saturday, September 7, 2002 at the VNA Hospice Center, Valparaiso. Born January 20, 1932. He served as an original member of the Judges and Lawyers Assistance Program established by the Indiana Supreme Court and chaired the Lake County Bar Association Lawyers Helping Lawyers Committee. Stanton was the chair of the Northwest Indiana Regional lawyer assistance program called "the BarTenders." He also was a proud and active member of ILAA.

Senator Wellstone's Death a Blow to Mental Health Treatment

by David Brink

Advocates of better and fairer mental health treatment programs suffered a severe setback on October 25, 2002. On that day Senator Paul A. Wellstone (D.-Minnesota), his wife and daughter were all tragically killed in the crash of a small chartered plane in northern Minnesota. The Wellstones were flying to attend the funeral of a political friend, interrupting the Senator's campaign for re-election.

Sen. Wellstone was the author and principal proponent in the Senate of the bill for the Mental Health Equitable Treatment Act of 2002. The Act would require complete parity in health insurance coverage for mental illness, including removal of all

limitations applicable only to mental conditions, such as those on inpatient and outpatient treatment, cost sharing and deductibles.

Many members of both houses had expressed support for the bill, but since Sen. Wellstone's death, the bill has made little progress. Instead, Congress has merely extended the 1996 Mental Health Parity Act—a much narrower measure.

Sen. Wellstone, who was a controversial figure at times to some, nonetheless was recognized by his colleagues and many others across the country as a man of great integrity, personal goodness and passionate support for the underprivileged, the disad-

vantaged and the "little guy". Despite any political differences, Sen. Wellstone's colleagues universally regarded him with great affection and respect.

It is to be hoped that Congress, when it reconvenes in January, will take up and pass the Equitable Treatment Act, not merely as a tribute to Sen. Wellstone, but primarily because it is a much needed reform. It is believed that Sen. Norm Coleman (R.-Minnesota), who was elected in Sen. Wellstone's place, will support the Equitable Treatment Act. And, of course, Rep. Jim Ramstad (R.-Minnesota), who is an author of the bill in the House, will continue to work for its approval.

Calendar of Events

Commission on Lawyer Assistance Program Mid-Winter Meeting in San Diego, California

Dates are February 20-23, 2003 (Thurs.-Sun. dates) Place: The Inn at Rancho Santa Fe—The rate is \$180 (single or double) and it is listed as “CoLAP Committee Meeting.” The phone number is 858/756-1131.

North Carolina Lawyer Assistance Program, in conjunction with the lawyer assistance programs in Virginia, Tennessee and South Carolina, will host the Seventh Annual Lawyer 12-Step Study Retreat, March 28-30, 2003, at the Summit Conference Center in Brown Summit, North Carolina (near Greensboro). Jonathan Shanks – Retreat

Director. Jonathan Shanks is a South Carolina lawyer who has conducted Big Book studies for the past years.

For registration information, contact Betty Whitley at 877/627-3743 or Bwhitley@ncbar.com or if you are a lawyer in Tennessee, Virginia or South Carolina contact the LAP Director in your state.

The Sixteenth Annual Spring Networking of the Other Bar

May 9-11, 2003, Rancho Las Palmas Resort & Spa, Rancho Mirage, California.

Your site selection committee has chosen to hold the Sixteenth Annual (2003) Spring Networking of the Other Bar at the Rancho Las Palmas Resort & Spa, Rancho Mirage, California. This conference promises fun, fellowship, serenity and tools for recovery, MCLE credits will be available. Scholarships

are available. Please contact Dave Dawson or Bob Resner 425/334-0796 in Northern California, or Larry K. 909/987-0018 in Southern California.

Spiritual Renewal and Preventing Burnout

May 27 *evening* to May 29 *after lunch*, 2003 at Toronto, Ontario at the Manresa Spirituality Centre presented by The Legal Profession Assistance Conference of the Canadian Bar Association. A special midweek retreat for Employee Assistance Counselors and Professionals/Lawyer/Judge/Physician/Dentist Assistance Programs, Police Fire and Emergency Service Assistance Programs, EAP providers, their Counselors, Workers and Professionals and Manresa Staff. Tel: 416/520-9016, Fax: 416/694-9927, E-Mail: adrianhill@LPAC.CA, Web: www.lpac.ca

(continued on page 8)

2002-2003 Lawyer Assistance Commission Members

John W. Clark, Jr., Chair
Dallas, TX
214/368-7100
E-mail: solomouse@aol.com

Zeb Barnhardt
Leland, NC
910/383-3879
E-mail: zbarnhardt@ec.rr.com

C. Stephen Barrett III
Newark, NJ
973/622-5151
E-mail: csb309@aol.com

W. Donald Carroll, Jr.
Davidson, NC
919/828-4620
E-mail: nclap@bellsouth.net

Honorable Robert L. Childers
Memphis, TN
901/545-4022
E-mail: childe-r@co.shelby.tn.us

Barbara Harper
Seattle, WA
206/727-8265
E-mail: barbarah@wsba.org

David W. Kee
Bucksport, ME
207/667-0176
(H) 207/469-3507
E-mail: kee@mymailstation.com

Honorable Sheila M. Murphy
Chicago, IL
312/372-2345
E-mail: murphy@rbmchicago.com

Richard A. Soden
Boston, MA
617/570-1533
E-mail: rsoden@goodwinprocter.com

Michael J. Sweeney
Portland, OR
503/226-1057, Ext. 12
E-mail: michael@oaap.org

**LIAISON
Board of Governors**
Lori K. Weems
Miami, FL
305/789-7624
E-mail: lweems@hklaw.com

Young Lawyers Division Liaison
Carla K. Olson
Des Moines, IA
515/778-7989
E-mail: olsoncarla@msn.com

Law Student Division Liaison
Natasha Woodland
Bath, ME
207/443-6576
E-mail: woodland@global.t-bird.edu

ABA STAFF
Division for Legal Services

Donna L. Spilis
Staff Director
541 N. Fairbanks Court
Chicago, IL 60611-3314
312/988-5359
800/238-2667 Ext. 5359
Fax: 312/988-5483
E-mail: spilis@staff.abanet.org

Gail Thompson
Graphic Design
800/238-2667 Ext. 5762
E-mail: thompson@staff.abanet.org

Patricia Wagner
Meeting Planner
800/238-2667 Ext. 5757
E-mail: wagnerp@staff.abanet.org

2002-2003 Lawyer Assistance Action Forum

David R. Brink
612/288-9752
E-mail: davidrbrink@mailstation.com

Michael J. Cohen
800/282-8981 or 954/566-9040
E-mail: michael@fla-lap.org

Betty Daugherty
800/593-9777 or 601/960-9573
E-mail: bdaugherty@msbar.org

Gail Driebe
770/478-8894
E-mail: gaildriebe@aol.com

James Early, Jr.
336/768-2546
E-mail: jearlyjratty@earthlink.net

Ann Foster
512/463-1453
E-mail: afoster@texasbar.com

Mark Greenberg
760/322-0306
E-mail: greenie1149@wsba.org

James W. Griffis
520/818-5821
E-mail: jgriffis@sierraticson.com

William J. Kane
800/246-5527 or 732/937-7549
E-mail: njlap@aol.com

Derek LaCroix
888/685-2171 or 604/685-2171
E-mail: lapbc@aol.com

William R. Leary
800/354-9334 or 985/851-0611
E-mail: louisianalap@worldnet.att.net

Susan D. Pauley
800/838-0041 or 804/644-3212
E-mail: valhl@vba.org

Jennifer J. Rose
011-52-43-23-52-83
E-mail: jenniferrose@abanet.org

Barbara Smith
518/432-8884
E-mail: bfsmith@courts.state.ny.us

Stephenson Todd
423/245-1111
E-mail: stodd@tdlaw.com

Humility IV

by Steve Barrett

Humility IV took place at the None Such River Golf Course in South Portland, Maine on a dreary, rainy, cold October day. Tsar Sweeney attempted to fairly balance the teams but in the end bowed to political pressure and juggled them. In his favor, he played with and tucked under his wing the fair Stephanie who was a “new” golfer.

It seems there was an insidious plot against the CoLAP Chair, John Clark, and Jim Griffis of Sierra Tucson. Due to the weather and the serious colds that had been conveyed to Maine from Alabama, Bill Leary and Steve Barrett, among others, retired after nine holes with their team, the Clark team, in the lead at 3 under. Both Leary (the co-donor of the Sweeney-Leary Humility Cup) and Barrett advised Clark and Griffis they should continue on and, based

on their long experience playing in USCA events, that there was precedent for them hitting extra balls under those extraordinary circumstances. They finished at 8 under due in most part to Clark’s putter.

On Saturday night at the ILAA dinner, Sweeney boldly announced that in contravention of the Clark (a/k/a Leary team) team’s rights, they had been disqualified. This was accomplished by a rump committee appointed by Tsar Sweeney and it functioned without regard to due process rights, in a star chamber like proceedings. Without notice or a hearing it disqualified the Clark team. The “impartial” committee that made this decision consisted of the notorious John Duffy (see *Highlights* Vol. 5, Number 3, Summer 2002 at p. 4 re: Humility III), whose conflict was obvious, David Pfalzgraf, a fine golfer (see *Highlights, supra* at p. 8) and Billy Hogue who knew nothing about golf since he hadn’t played since his youth.

In a panegyric, which bored all, Sweeney

announced the prizes as follows: First Place—the Heiting team retained the Sweeney-Leary Humility Cup. That team, at 5 under, consisted of Jim Heiting, Rick Ewanisyk, Tim Foley (the “injured” Duffy’s younger smooth swinging replacement) and Marie Duffy (a/k/a/ “The Italian”). Second Place went to the Sweeney team at 3 under consisting of Tsar Sweeney, Mark Dose, Joe McElween and Stephanie Krysnarich. Finishing in Third Place was the team of Joe Legris, Alexa Legris, Chuck Marschinke and Bill Keenan at 1 under.

The Long Drive Men went to Bruce Dobson and the Long Drives Ladies went to Marie Duffy and Stephanie Krznarich. Closest to the Pin Lady was Alexa Legris and Closest to the Pin Men went to Scott Mote and Jim Griffis.

What strange events await us in Victoria in 03? Will fairness prevail? However, the event was a great segue from the CoLAP Workshop to the ILAA Conference.

Calendar of Events

(continued from page 7)

ABA Commission on Lawyer Assistance Programs 16th National Workshop

October 14-17, 2003, 16th National Workshop for Lawyers Assistance Programs, Victoria, British Columbia, Canada.

For more information contact Donna Spilis at 800/238-2667 x 5359 or via email at SpilisD@staff.abanet.org

ILAA October 17-19, 2003, also at the Fairmont Empress in Victoria British Columbia, Canada

For more in formation contact Derek LaCroix at 604/685-2171 or via email at lapbc@aol.com.

LPAC

National Workshop 2003, October 23, 24, 25, 2003, OBA Education and Meeting Centre, Suite 200-20, Toronto Street, Toronto, “Mental Health—A Wellness Approach to Mental Illness”.

Grant Awards

(continued from page 5)

promote awareness of the necessity to work a 12-step program to recover from the disease of alcoholism and drug addiction.

Trust Director Barbara Smith commented that “the Grant Program provides an exciting opportunity to support and expand the good work being done in the field.” Interested eligible applicants are encouraged to contact her at 518/487-5574.

Commission on
Lawyer Assistance Program
American Bar Association
541 North Fairbanks Court
Chicago, IL 60611-3314