ADDRESSING ADDICTION

BY GEORGE C. HETTRICK
My story is fairly typical. I had my first beer at age 13 and instantly experienced a feeling of euphoria that I had never known before. I partied with the guys in high school when beer was available. In college, I began having at least a few beers every day, but only after my studies were done. From that first year in college, I drank every day for the next 30 years.

For a long time, it seemed that alcohol was my friend. It was a "social lubricant" that made me feel more comfortable with others and relaxed me at the end of a stressful day. My life and career seemed to have one success after another, but as the years went by, I was drinking more and more just to get the sense of relief I needed. Morning hangovers became routine.

By the time I reached my mid-30s I would have an occasional beer in the morning, just to soften the harsh edges of the hangover from the night before. I did not know it at the time, but by then I was a full-blown alcoholic. I simply could not stop. My drinking pattern fit exactly with the medical description of alcoholism as a chronic and progressive disease – it is incurable, and left untreated it always becomes worse.

My condition worsened dramatically in my 40s until all the wheels fell off in early 1989. I was physically very ill, had serious problems with the U.S. Internal Revenue Service, judges disapproved of how I drove a car and my employer told me to find a job elsewhere. I was consumed with shame and guilt for the things I had done and had not done. I faced hopelessness and despair.

After participating in two residential treatment programs, I finally found the power to stop drinking and entered the realm of recovering alcoholics. Freed from the clutches of my compulsion to drink, I began to put my life back together – with the aid of many good people. When my law firm saw that I was serious about saying sober, it extended the support that was crucial to my recovery as a professional. My firm’s willingness to find a role where I could be useful was a huge gift, an act of grace. Rather than the corporate and financial practice I knew in years past, I was asked to develop a pro bono practice for the firm – one that I continue to lead today.

Lawyer Assistance Programs (LAPs) provide professionals trained and qualified to help attorneys and other legal professionals deal with the challenges presented by substance abuse, depression, and other issues.

“I am a senior partner in a law firm with 14 U.S. offices and nearly 1,000 lawyers. I am also an alcoholic with more than 20 years of continuous sobriety.”
You, the law firm administrator, have an extremely valuable and under-utilized resource available to you. While the partners in your firm may insist on making the decisions about what to do regarding an impaired lawyer, you can influence the outcome if you are knowledgeable about your LAP and how its can make your firm’s job easier.

PROVIDING HELP
During recovery, I have tried to work with other lawyers who are facing similar challenges. I have also tried to work with law firms that often seem unwilling or unable to deal effectively with the problem of lawyers who are addicted to alcohol or other drugs. The purpose of this article is to help law firm administrators to understand that answers are available when they are faced with the problem in their organizations. Virtually all studies indicate that lawyers are prone to substance abuse and addiction at a much higher rate than the general population. One credible report concludes that between 15 and 18 percent of lawyers will become addicted to alcohol at some point in their careers. (Learn more at www.hazelden.org/web/public/has40726.page.) In a law firm of any size, the addiction problem undoubtedly will arise and will require your attention. How do you verify the existence of a problem? Many of the red flags or warning signs of addiction and impairment are simple and obvious, like smelling alcohol on the lawyer in the workplace or in court. Checklists for the signs of addiction are also abundant. See, for example, Addiction to Alcohol and Other Drugs, Recognizing the Signs of Lawyer Impairment, www.ncbex.org/uploads/user_docrepos/680399_be.pdf, page 30. When an impaired lawyer lands in jail or calls from a residential treatment facility, the identification may not be so subtle. Once you know or have good reason to believe there is a problem, what should you and your firm’s management do? The answer to that question is my principal motivation for writing this article for Legal Management.

LAWYER ASSISTANCE PROGRAMS
In almost every case, the firm should contact the Lawyer Assistance Program (the LAP) in your state. There you will find competent professionals trained and qualified in the fields of addiction and other mental health disorders who will guide you in dealing with the problem appropriately. To find your LAP, simply Google your state name followed by “Lawyer Assistance Program.” While most LAPs were charged originally to deal with substance abuse only, over the years they have expanded their resources and expertise to deal with the full range of mental health issues, including depression, dementia and obsessive-compulsive disorders. A Johns Hopkins University study that interviewed 12,000 workers about depression concluded that lawyers topped the list of occupations in which people suffered from that disease. While 3 to 9 percent of the population may suffer from depression at any given time, a quality of life survey of lawyers reported that almost 26 percent of the bar’s membership exhibited symptoms of clinical depression. Almost 12 percent of them said that they had contemplated suicide at least once a month. Male lawyers in the United States are twice as likely to commit suicide as males in the general population. To understand why this may be so, consider the surgeon who enters the operating room to find a surrounding staff of professionals all of whom are cheering him or her on, wishing him success. The lawyer’s arena, on the other hand, presents opposing counsel, whose primary task is to challenge him or her at every point along the way and to defeat him and his client's interests. Some LAPs are operated by state bar organizations, while others are independent organizations, but all LAPs exist to serve you and the profession. Their services are completely confidential and, for the most part, they are free to
the law firm. LAPs and their services are available in almost every U.S. state. In support of their mission, they participate in a loose national network sponsored by the American Bar Association’s Commission on Lawyer Assistance Programs (CoLAP). (Learn more at www.abanet.org/colap.)

Your LAP can help you to:

• obtain an initial, confidential consultation to determine if there may, in fact, be a problem;
• get a professional assessment;
• pursue personal counseling;
• obtain recommendations for in-patient or out-patient treatment;
• structure and conduct an intervention when necessary;
• set up comprehensive monitoring for the lawyer who is willing to get help; and
• access a network of recovering lawyer volunteers who will be available for support.

TAKING THE NEXT STEP
It would seem that a law firm calling on its state’s LAP for help would be a simple decision – a “no brainer,” as they say – but from my work with many state LAP directors in the network offered by CoLAP, I know that the reality is otherwise. Most of the time, calls asking for help from the state LAPs involve solo or very small firm practitioners.

LEARNING ABOUT LAPS

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With very few exceptions, the LAPs do not get calls from law firms, especially the very large ones. Indeed, lawyers in recovery in the larger firms -- and there are many -- “fly under the radar” and do not disclose their status for fear of negative consequences.

More than fifty years have passed since the American Medical Association declared alcoholism a disease, but the stigma of addiction remains, and lawyers do not believe that their management will support and encourage recovery. I can only speculate on the reasons for that. Perhaps firms feel it necessary to “keep it within the family” and deal with it on their own. It is a difficult problem, it makes everyone uncomfortable and most people simply do not know what to do. Too often I fear that the law firm does nothing until it is too late.
to preserve the impaired lawyer’s position or career. Many times I have tried to reach out to firms where there were clear indicators of serious problems, and the firms’ responses were, “No, thank you.” In several cases, I learned later that lawyers had left their firms due to undisclosed issues.

Not only do law firms in general fail to reach out to the LAPs as they should, but they also do not enjoy a reputation for supporting their lawyers in and through the recovery process. Over the years, I have had many occasions to visit treatment programs around the country, usually visiting a lawyer from my firm or a lawyer receiving support from my state’s LAP. During those visits, treatment program staff members constantly remind me that they rarely see a law firm taking interest in one its lawyers going through the early and very difficult recovery process.

My point here is that you, the law firm administrator, have an extremely valuable and under-utilized resource available to you. While the partners in your firm may insist on making the decisions about what to do regarding an impaired lawyer, you can influence the outcome if you are knowledgeable about your LAP and how its can make your firm’s job easier.

MAKING PROGRESS
I am encouraged by a few, recent reports that LAPs have made progress in getting large firms’ attention. Some LAPs have succeeded by offering free Continuing Legal Education classes to educate law firm lawyers about addiction and other mental health disorders.

Michael A. Cooper, Chair of the New York State Lawyer Assistance Trust and a former President of the Bar Association of the City of New York, wrote a recent column for the New York Law Journal in which he extended a plea to the large firms to realize that, “… their most prized asset – their human capital – is jeopardized by the threat of these illnesses, and that a problem recognized only when an individual has injured himself, his family and/or his client has been recognized too late.” Wisdom in law firm management will encourage early recognition of impairment and support for the recovery process in order to preserve our most prized assets. The humanitarian and economic arguments are compelling. And the experience of firms who have encouraged treatment and recovery confirms that the success rate for lawyers is very high.

And while this story focused principally on lawyers, law firm administrators need to know that many LAP services are also available for other legal professionals. Paralegals and other senior staff personnel may also develop addiction problems, and you should always check with your LAP to see how it can help to preserve these valuable firm assets as well.

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