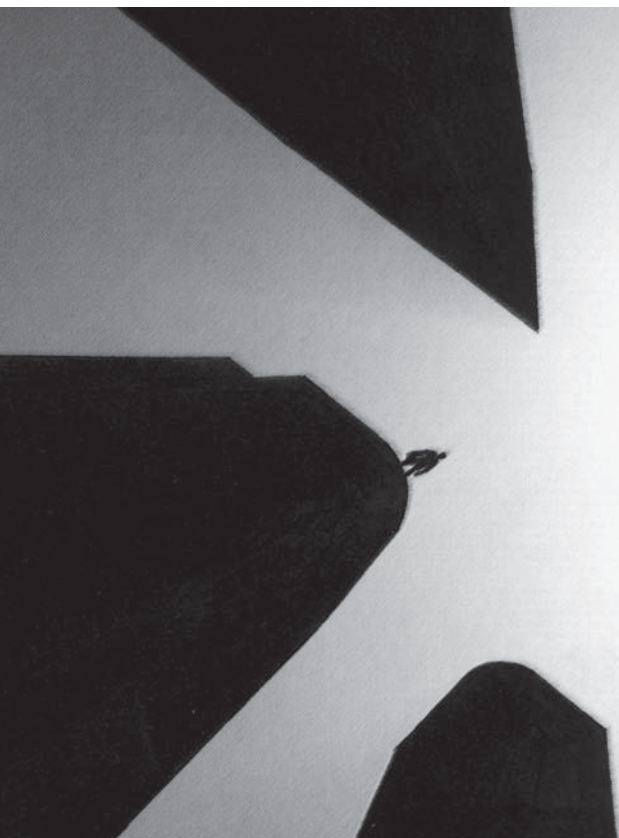


# HIGHLIGHTS

of the American Bar Association Commission on Lawyer Assistance Programs

VOL. 13, NO. 3 ■ FALL 2010



## Lawyer Suicide

BY JEANNE MARIE LESLIE

**S**uicide is one of the most preventable forms of death. In the United States, more people die each year by suicide than by homicide. It is the eleventh leading cause of death and the fourth leading cause of death in individuals between the ages of 24 to 44 years of age (“Suicide Facts at a Glance,” Center for Disease Control, [www.cdc.gov/violenceprevention/pdf/Suicide\\_DataSheet-a.pdf](http://www.cdc.gov/violenceprevention/pdf/Suicide_DataSheet-a.pdf)). Every seventeen minutes someone in America takes their life. The reality is that most of us have been touched by suicide or know someone who has been touched by suicide.

In the book *The Suicide Lawyers: Exposing Lethal Secrets* by C.C. Risenhoover (Ashland, Ohio: Simpson PC, 2004), lawyers Skip Simpson and Michael Stacy passionately discuss their commitment to suicide prevention. Their law firm deals almost exclusively with the victims of suicide. Their insight is profound and their message is poignant. Suicide is preventable and suicide education needs to be a priority for everyone. The inability of our health-care systems to consistently provide proper assessment, proper diagnosis, and proper treatment for suicidal individuals and their families; the ignorance about suicide; as well as the myths surrounding suicide all contribute to the alarming number of needless deaths by suicide in America (Risenhoover 144).

Most people find it a difficult subject to discuss. However, by discussing suicide and bringing it into the light so to speak, lives can be saved. Suicide and suicidal behavior are not usually a result of stress to difficult life events. These are risk factors. Ninety

CONTINUED ON PAGE 8

Editor’s Note: The Op-Ed piece from Joseph Lemon expresses his own opinions, not that of *Highlights* or CoLAP. Hopefully we will continue to print more opinions like this in the future. Our intent is to stimulate discussion about our work and to find new ideas to improve CoLAP’s mission.

—Hugh Grady, Editor in Chief

## A Modest Proposal

JOSEPH L. LEMON JR.

**W**hen I was a child, my mother advised me that “an ounce of prevention is worth a pound of cure.”

For those of us who work with impaired attorneys suffering from substance abuse, we know all too well how true that adage is. We also know that, as a profession, our legal community is disproportionately affected by the disease of addiction—in fact,

so great is the challenge of chemical dependency among our brethren that many states specifically mandate continuing education regarding the perils of substance abuse.

So, if we understand that prevention is the best medicine and that lawyers are a particularly susceptible lot, why do we seem unable to curtail the epidemic of addiction within our ranks? And a related question: What initiatives can we take to stem addiction before it takes root?

There are many explanations offered for the excessive number of lawyers impaired by alcoholism and other chemical dependencies: high stress demands, challenging deadlines, long hours, confrontational relationships, etc. Oftentimes, these factors are present even in law school, where intense competition places heightened pressures

CONTINUED ON PAGE 10

## HIGHLIGHTS

AMERICAN BAR ASSOCIATION

*Highlights* is a quarterly newsletter published by the American Bar Association Commission on Lawyer Assistance Programs (CoLAP) for the news and information exchange needs of the lawyer assistance programs community.

**Editor in Chief**  
Hugh Grady

### Publications Board

Rick Allan, Kirsten Judd, Joseph L. Lemon,  
Jeanne Marie Leslie, Michael Long, and Nancy Stek

### CoLAP Commission Roster, 2010–2011

Hon. Robert L. Childers, CoLAP Chair,  
[robert.childers@shelbcountytn.gov](mailto:robert.childers@shelbcountytn.gov)  
Raul Ayala\*, [raul\\_ayala@fd.org](mailto:raul_ayala@fd.org)  
Joan Bibelhausen, [jbibelhausen@mmlcl.org](mailto:jbibelhausen@mmlcl.org)  
Susan Grover, [ssgrov@wm.edu](mailto:ssgrov@wm.edu)  
Terry Harrell\*, [tharrell@courts.state.in.us](mailto:tharrell@courts.state.in.us)  
George Harrison Hettrick, [ghettrick@hunton.com](mailto:ghettrick@hunton.com)  
Jayne Mahboubi, [jmahboubi@ridgeviewinstitute.com](mailto:jmahboubi@ridgeviewinstitute.com)  
Scott Mote\*, [smote@ohiolap.org](mailto:smote@ohiolap.org)  
Mary T. Robinson\*, [mtr412@aol.com](mailto:mtr412@aol.com)  
Janet Piper Voss, [jpvoos@illinoislap.org](mailto:jpvoos@illinoislap.org)

### Liaisons

Board of Governors  
Richard A. Soden, [rsoden@goodwinprocter.com](mailto:rsoden@goodwinprocter.com)  
Young Lawyers Division  
Franchesca Hamilton-Acker, [franchesca@la-law.org](mailto:franchesca@la-law.org)  
Law Student  
Sandy Al Fordham, [sanfordsam@johmmarshall.edu](mailto:sanfordsam@johmmarshall.edu)

### CoLAP Advisory Committee, 2010–2011

Richard Carlton\*, [richard.carlton@calbar.ca.gov](mailto:richard.carlton@calbar.ca.gov)  
David F. Hurley\*, [hurleysharley@yahoo.com](mailto:hurleysharley@yahoo.com)  
Carol M. Hoffman, [hoffman@choffmanlawfirm.com](mailto:hoffman@choffmanlawfirm.com)  
Teresa D. Jones, [teresa.jones@cityofmemphis.org](mailto:teresa.jones@cityofmemphis.org)  
Karen Kahle\*, [karen.kahle@step-toe-johnson.com](mailto:karen.kahle@step-toe-johnson.com)  
William John Kane\*, [wkane@njlap.org](mailto:wkane@njlap.org)  
Michael E. Larson, [lawyerhelper@bmt.net](mailto:lawyerhelper@bmt.net)  
Jeanne Marie Leslie, [jeannemarie.leslie@alabar.org](mailto:jeannemarie.leslie@alabar.org)  
Guy Quesnel, [guyquesnel@videotron.ca](mailto:guyquesnel@videotron.ca)  
Andrew J. Rothermel, [arothermel@caron.org](mailto:arothermel@caron.org)  
Judy Rushlow, [judy@fla-lap.org](mailto:judy@fla-lap.org)  
W. Terry Sherrill, [wterrysherrill@aol.com](mailto:wterrysherrill@aol.com)  
Gena Lewis Singleton, [gsingleton@stcl.edu](mailto:gsingleton@stcl.edu)  
Nancy Stek, [nancy@njlap.org](mailto:nancy@njlap.org)  
Michael A. Stewart Sr., [michaelstewart45@bellsouth.net](mailto:michaelstewart45@bellsouth.net)

\*New members

### Staff Counsel of the ABA's CoLAP

William Hornsby

### ABA Publishing

**Managing Editor**  
Angela Gwizdala

**Graphic Designer**  
Andrea Siegart

All reprint rights are reserved. American Bar Association ISSN Pending. © 2010 American Bar Association. For reprint permission contact Manager, ABA Copyrights & Licensing, ABA Copyrights and Contracts Department, Fax: 312/988-6030, E-mail: [copyright@abanet.org](mailto:copyright@abanet.org), Online: [www.abanet.org/reprint](http://www.abanet.org/reprint).

**Advertising:** For advertising opportunities in *Highlights*, please contact Advertising Business Manager, Anne Bitting at 312/988-6115.

**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.



## Comments from the Editor

Two of CoLAP's longtime and significant personalities are retiring this year. Barbara Harper and Bill Leary are honored in this issue of *Highlights*. Both of these folks are shining examples of the volunteering that makes CoLAP work. Their dedication and enthusiasm are second to none. They have both been active members of CoLAP for years. Hopefully we will continue to see them and they both will continue to offer their wisdom and advice to us all.

This brings to mind the concept of volunteerism and how integral it is to the success of LAPs. Here in Iowa, the Lawyers Helping Lawyers Committee of the Iowa State Bar Association is the largest of all the committees. It would be impossible to do the work I do without them. I know that this sentiment is felt by all of us.

—HUGH GRADY, IOWA LAWYERS ASSISTANCE PROGRAM

## Chair's Column Thanks for a Job Well Done

BY HONORABLE ROBERT L. "BUTCH" CHILDERS

It has been said that the only constant in life these days is change. The beginning of the



new ABA year has brought about more change than usual for the Commission. Four Commission members have rotated off this year—a higher number than usual (40 percent of the

Commission). We also have three Advisory Committee members who rotated off. In light of the tremendous amount of work being done by the Commission, I want to recognize the outstanding contributions made by the departing Commission and Advisory Committee members.

Commissioners Rick Allan, Hugh Grady, Jim Heiting, and Jim Smith have all rotated off the Commission. They have all worked tirelessly to further the goals of CoLAP during their tenure as Commissioners. Among other things, Rick Allan has served on the Judicial Assistance Initiative, Law School Assistance Committee, the Publications Board, and the Policy Committee. Rick also played a major role in the development of CoLAP's new informational brochure.

Hugh Grady has been a stalwart both before becoming a Commissioner and after he came on to the Commission. He has served as Publications Board chair and editor in chief for *Highlights* since 2007. He has served on the Policy Committee and

has also provided case law updates for the National Conferences for several years.

Jim Heiting has served on the National Conference Planning Committee, the Judicial Assistance Initiative, LAP Services/Evaluations Committee, and the Policy Committee. Most importantly Jim served this year as chair of the Diversity Initiative. Jim took the Diversity Initiative to a new level, culminated by a Diversity Roundtable held at the ABA Annual Meeting in San Francisco. Thanks to the hard work of Jim and his committee, the roundtable was an unqualified success that CoLAP will use to continue to build relationships with the major diverse bar groups to assist them in assisting their members. I would also like to thank Jim for his assistance in getting the Model Rule on Conditional Admission to Practice Law passed by the ABA House of Delegates.

Jim Smith has also been a stalwart in his efforts both before and since his appointment to the Commission. Jim has served on the Judicial Assistance Initiative, the Senior Lawyer Committee, and as chair of the Policy Committee. Jim also served on the National Conference Planning Committee and did a magnificent job in making arrangements for the very successful 21st National Conference in Little Rock, Arkansas, in 2008. Jim also provided great assistance in the passage of the Model Rule on Conditional Admission to Practice Law.

CONTINUED ON PAGE 8

# NEW APPOINTMENTS

## Newly Appointed Commissioners

**Terry L. Harrell, Indianapolis, Indiana**—Terry earned her JD from Indiana University School of Law and practiced with Ice Miller Donadio and Ryan and clerked for Judge William I. Garrard on the Indiana Court of Appeals. She continued her education and obtained her MSW, LCSW (Licensed Clinical Social Worker) and national certification as a drug and alcohol counselor (MAC) and worked for Midtown Community Mental Health Center in the areas of inpatient treatment, crisis/emergency unit, and adult outpatient services as a therapist and clinic manager. She became executive director of the Indiana Judges and Lawyers Assistance Program in 2002 after serving as clinical director for two years. In addition to the ABA, she is a member of the Indianapolis and Indiana State Bar Associations. Terry served several years as a member of the Planning Committee for the National Conference and is this year's vice-chair. She is also a member of CoLAP's Judicial Assistance Initiative.

**Scott R. Mote, Columbus, Ohio**—Scott is the executive director of the Ohio Lawyers Assistance Program, Inc. (OLAP), an Ohio nonprofit corporation, granted IRC 501(c)(3) status by the IRS. A recovering alcoholic since January 7, 1985, Scott began volunteering with the Ohio State Bar Association's (OSBA) Lawyers Assistance Committee (LAC) in late 1985. He has been involved with the LAC/OLAP for more than 25 years, serving as OLAP's first associate director beginning in 1995, and becoming executive director in July 1999. The OSBA presented Scott its highest award for service to the profession, the Ohio Bar Medal, in May 2006. The Columbus Bar Association presented him its Award of Merit in September 2005, for service to the profession.

**Mary T. Robinson, Downers Grove, Illinois**—Mary was the chief disciplinary counsel for Illinois for several years. In that position, she had a close working relationship with those involved in treatment for alcoholism, substance abuse, and mental health matters, including the Illinois Legal Assistance Program. She is involved with and extremely knowledgeable of policies that have an impact on lawyers seeking assistance and will provide the Commission with expertise in this area. Robinson has just completed a term on the ABA Standing Committee on Ethics.

**Raul Ayala, Los Angeles, California**—Raul is one of very few Latino lawyers who is open about his sobriety and is very active in speaking and outreach in a variety of forms. He has served with great distinction in Hispanic bar associations and is well known and respected. Past activities include: The Other Bar, Inc., board member, 2008–present; Mid-Valley Recovery Services, Inc., board member and president (2008–09), 2008–present; California Bar Foundation, board member, 2006–present; Mexican American Bar Foundation, board member and board president (1999–2000), 1992–present; Mexican American Bar Association, board member and president (1991), 1985–present; International Law Section, California State Bar, executive committee member, 1993–1996; Los Angeles County Bar Association, Board of Trustees, 1992–94; Hispanic National Bar Association, member and regional vice president (1988–1990), 1985–present.

## Newly Appointed Advisory Committee Members

**Richard P. Carlton, San Francisco, California**—Richard is in charge of education, research and program development for the Lawyer Assistance Program of the State Bar of California. He also manages a no-cost, personal counseling service for all members of the California Bar and

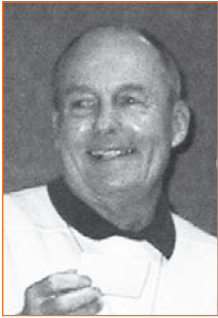
manages the Judicial Support Network for the California Judges Association. He is also a consultant to the U.S. Courts for the Ninth Circuit on matters of judicial stress and wellness. Carlton regularly delivers continuing legal education presentations to local bar associations, specialty bars, state bar sections, and law firms throughout California on addressing substance abuse and managing stress. His articles have appeared in *California Bar Journal*, *Judicature*, and other legal publications. He has been addressing mental health and disability concerns in the legal profession for over twenty years. Richard holds a master's degree in public health from UC Berkeley, where his studies focused on treatment interventions and behavioral science research.

**David F. Hurley, Indianapolis, Indiana**—David is a practicing attorney with the firm of Hurley & Hurley. Since 2006 he has also served as the deputy public defender of the Marion County Public Defender Agency. He is a current member and past chairman of the Indiana Judges and Lawyers Assistance Committee. Hurley was the Corporate Compliance Office for Wishard Health Services and the Bureau Chief of Environmental Health for the Marion County Health Department. He served as certified mediator while practicing law, focusing on personal injury claims. He has also written several articles for the ICLEF *Indiana Law Update*.

**Karen E. Kahle, Wheeling, West Virginia**—Karen is the chair of the Committee on Lawyer Assistance & Intervention of the West Virginia State Bar. West Virginia does not have a staffed LAP and Karen is therefore the leading figure in the state in this area. She has been a practicing attorney with the firm of Steptoe & Johnson of Wheeling, West Virginia, since 1990. As such she will bring a large-firm perspective to the Commission. She has been active in the state bar in addition to her work with the state LAP. **H**

# Leary and Me

BY MICHAEL COHEN



If you ever had to pick two unlikely buddies, it would probably be Bill Leary and me. While he was growing up in the Deep South, I was spending my youth in New England. While he was serving his country in Vietnam, I was marching in protest rallies in Washington. While he was heading toward his bottom on alcohol, I was trashing my career and family by using something much more illegal. Bill found recovery through AA; I came in through NA. Bill and I have probably never voted for the same candidates in a national election.

I'm sure I met Bill in 1993 when I went to my first CoLAP conference in Cancun as a volunteer, but there were so many new people and experiences, I wasn't aware of him or how important he would become in my life (my vivid memory from that

year is John Rogers Carroll speaking at a very hot, open-air dinner). By the next year, in Minneapolis, Bill Kilby had hired me as assistant director of Florida Lawyers Assistance and I started learning who was who in the LAPs. I remember people like Bill, Bonnie Waters, Barbara Harper, and Susan Makepeace taking me under their wings and convincing me I actually could do this job, and those who had gone before me were there to help.

My friendship with Bill developed the same way it did with my friends in AA and NA—by getting involved in service and committees. Bill and I served on the Commission at the same time, which is when we discovered we both shared the same sense of irreverent humor (which was *not* shared by some CoLAP chairs), lack of respect for pointless rules and policies, and a deep belief in the mission of the LAPs and helping our afflicted colleagues. Bill and I served for many years on the Evaluation Committee and participated together in at least ten evaluations, each of which was an enjoyable and productive experience. Those commonalities overcame some pretty profound differences in our political outlooks, and allowed me the privilege of counting Bill and Kathleen Leary as two of my closest friends.

I also got to watch how Bill captained his LAP, continually involving his volunteers and establishing relationships with his disciplinary counsel, character and fitness committee, large law firms, and Supreme Court that I must admit I'm still envious of. Bill helped establish a state sponsored program to assist compulsive gamblers, and recently participated in the opening of a bed community substance abuse treatment program in which his fund-raising and support were instrumental. He helped shepherd through a confidentiality and immunity statute, which is so broad and all encompassing, it would likely be met with astonishment in any non-Napoleonic law state. He counseled lawyers dealing with the aftermath of Katrina with skill, empathy, and love. He is the first person I turn to when I have a question about what I should do in a difficult situation, or want to blow off some steam at the latest frustrating Supreme Court decision or funding reversal, and he is always, always there to listen and offer sound advice (and if he's not, Kathleen is).

I have met and learned from many people during my seventeen-year relationship with CoLAP. I am grateful to all those who helped show me the way to bring my personal recovery to my work. Bill has been a true power of example and a true friend, and his retirement will leave a large hole in the CoLAP fabric. His counsel and humor will be missed, but we all have the consolation of knowing he will always be available on the other end of that phone. Thanks for everything, Bill. **H**

---

**MICHAEL COHEN** is executive director of the Florida Lawyers Assistance Program.

My first CoLAP conference was in Albuquerque while I was still a volunteer, so one of my first impressions of CoLAP was Bill and Kathleen. Bill's perseverance in developing a relationship with discipline and his no-nonsense statement "we're not here to save licenses, we're here to save lives" is a touchstone I have returned to again and again.—Joan Bibelhausen

# Barbara Harper: Pioneer, Colleague, Mentor, Friend



**B**arbara Harper, director of the Washington State Bar Association's (WSBA) Lawyer Services Department, retired August 31, 2010, after twenty-three years leading the state's program to national recognition. With responsibility for the Professional Responsibility, Law Office Management, and the Lawyer Assistance Program sections she developed new programs, offered creative training, and defined new standards that became models for many other LAPs to follow.

The list of her accomplishments—for the ABA and WSBA—would take more space than we are allotted. We'll note in particular that Barbara was a member of

CoLAP, serving on both the Commission and Advisory Committee, for six years. She chaired CoLAP's National Conference for two years, and it was her idea to set a theme ("Striving for Balance," 2004) for the conference to follow for a three-year cycle, to explore ideas and their implications thoroughly.

Barbara co-founded the Directors' Day—a day that immediately precedes the National Conference and is dedicated to providing time for all LAP Directors to refresh and renew their spirits, friendships, and, perhaps, bring a level of fun to the serious business of the conference and the stressful work of LAP in general.

As an outgrowth of the popularity of the Directors' Day, with lessons learned for helping directors thrive in stressful jobs, Barbara was asked to chair the "Life-Balance Task Force," which is now a committee and continues its relevant work to this day. She currently chairs the ABA CoLAP Committee on Services to Senior Lawyers.

As Bonnie Waters (ret., Massachusetts LCL) said, "Barbara could be given a task, an idea or a concept and she would turn it into a reality that would stand the test of

time. She is definitely a "go-to" person—full of creative ideas, eager to collaborate, and unbelievably reliable." Barbara Smith (NYLAT) agrees, but offers another perspective. "Barbara certainly has a string of accomplishments for CoLAP as an institution. But what I think she personifies is what makes the CoLAP community unique. She has a capacity to make each individual feel special and welcome, worthy of her time and insights; a gift that she shared freely." As Bill and Kathleen Leary (Louisiana LAP) put it, "she has been the gentle, loving, giving guide toward LAP excellence for all of us."

Michael Cohen (FLA-LAP) sums it up with: "Barbara defined what power of example meant as a LAP Director."

In 2009, Barbara Harper received CoLAP's "Distinguished Service Award" for her exceptional performance in the advancement of CoLAP's goals, the development of the Lawyers Assistance Program of the Washington State Bar Association, the education of her fellow LAP Directors, and the honor she brought to the lawyer assistance movement."

The CoLAP community salutes her. **H**

## CALENDAR OF EVENTS

### 2011

FEB 09-15	ABA MIDYEAR MEETING COLAP BUSINESS AND COMMITTEE MEETINGS Atlanta, Georgia
AUG 05-08	ABA ANNUAL MEETING COLAP BUSINESS AND COMMITTEE MEETINGS Toronto, Ontario
SEP/ OCT	2011 NATIONAL CONFERENCE FOR LAWYER ASSISTANCE PROGRAMS Tampa, Florida
SEP/OCT	ILAA ANNUAL MEETING Tampa, Florida <a href="http://www.ilaa.org">www.ilaa.org</a>

**WANT TO LEARN  
MORE ABOUT  
THE COMMISSION  
ON  
LAWYER  
ASSISTANCE  
PROGRAMS?**

VISIT  
[www.abanet.org/  
colap](http://www.abanet.org/colap)

# Around the LAPs

## WANT TO SHARE NEWS ABOUT YOUR LAP?

Send your submissions for the winter edition of Around the LAPs to Hugh Grady, hugh@iowalap.org, by November 29, 2010.

### Illinois

The Illinois Lawyers' Assistance Program is celebrating thirty years of helping legal professionals with issues of substance abuse, chemical dependency, and mental health problems. In 1980 a group of concerned lawyers and judges saw the need for members of the profession to reach out and help colleagues who were impaired by alcohol abuse and addiction. These committed individuals sought training and guidance from treatment professionals and worked quietly and confidentially behind the scenes to help legal professionals find recovery.

In recent years, Illinois LAP has broadened its scope beyond alcohol and drug addiction to address a wide range of mental health problems and compulsive disorders. Today, with four staff members and more than two hundred volunteers, our services now include assessment, referral, peer support, intervention, brief counseling, facilitated group counseling, and twelve-step recovery groups. During the past eight years, LAP has experienced a 363 percent increase in new cases—influenced in part by its role as a certified legal education provider and recent mandatory education requirements.

LAP will celebrate these thirty years of lawyers helping lawyers at its annual dinner on Friday, November 5, 2010, at the Union League Club of Chicago. For more information about this event or about the program, see [www.illinoislap.org](http://www.illinoislap.org).—JANET PIPER VOSS

### Louisiana

The executive director of the Louisiana Lawyer Assistance Program, Inc., William R.

Leary, was presented the "Edwin L. Blewer, Jr. Award" at the Louisiana Bar convention in June 2010. This award was presented to Leary for his twenty-five years of service to the Louisiana Supreme Court and Louisiana State Bar.

Louisiana LAP wishes to announce that Bill Leary will retire at the end of 2010, and that after interviews with a number of competent applicants, a new director was chosen. His name is Joseph E. "Buddy" Stockwell, III. He will begin training with Leary after the annual meeting in October, and Leary will continue to train him through March 2011.—WILLIAM R. LEARY

### Virginia

Lawyers Helping Lawyers in Virginia is celebrated their 25th anniversary on September 24, 2010. A short film on the History of Lawyers Helping Lawyers—made through funding by the Law Firm of Mercer-Trigiani—premiered at the dinner. The feature speaker at the dinner was Don Major from Louisville, Kentucky. The following day a CLE presentation was made by Dr. Susan Campling, the director of the Gentle Path Program of the Pine Grove Treatment Center.—JIM LEFFLER

### Wisconsin

Effective July 1, 2010, The Supreme Court of Wisconsin amended SCR 10 as follows:

**Section 1.** 10.05 (4)(m) of the Supreme Court Rules is created to read:

10.05 (4) (m) 1. "Establishment." The board of governors may provide assistance programs, including assistance in law office management, and assistance to judges, lawyers, law students, and their families in coping with alcoholism and other addictions, mental illness, physical disability, and other problems related to or affecting the practice of law. The board may establish committees, hire staff, and obtain volunteers as reasonably necessary to provide assistance. The board shall establish policies consistent with the purposes of the state bar and in furtherance of the public interest in the competence and integrity of the legal profession.

2. "Privileges, immunity." Communications with an assistance committee member, staff, or volunteers by any person providing information in good faith are privileged; no lawsuit based upon these communications may be instituted by any person. In providing assistance services, the board, members of assistance committees, staff, and volunteers designated by the board shall be immune from suit for any conduct in the course of their official duties.

3. "Confidentiality." All communications with an assistance committee member, staff, or volunteer, and all records of program assistance to a person are confidential and shall not be disclosed, except in any of the following circumstances:

- a. With the express consent of the person provided assistance.
- b. When required as a condition for monitoring.
- c. When reasonably necessary to prevent death or substantial bodily harm to the person assisted or to another.
- d. When reasonably necessary to prevent child abuse or elder abuse.
- e. When reporting is mandated by other law.

The Supreme Court of Wisconsin also amended SCR 21 as follows:

**Section 2.** 21.03 (9) of the Supreme Court Rules is created to read:

21.03 (9) The director, with notice to the lawyer concerned, may refer a lawyer to a state bar lawyer assistance program for any of the following reasons:

- (a) The lawyer has agreed to enter an alternative to discipline program and the director determines that a state bar lawyer assistance program would be the appropriate entity to monitor conditions.
- (b) The lawyer is subject to conditions on the continued practice of law or conditions on seeking license reinstatement and the director determines a state bar lawyer assistance program would be the appropriate entity to monitor conditions.
- (c) The lawyer has pleaded impairment or medical incapacity in response to an investigation or a complaint.
- (d) The lawyer has exhibited or engaged in other behavior that provides a reasonable belief that the lawyer may be impaired or incapacitated.

With the establishment of the support and monitoring program WisLAP trained twenty lawyers to be monitors on August 19, 2010. The program also trained fifty lawyers on August 20, 2010, at its annual volunteer training.

WisLAP has completed ten regional trainings throughout the state of Wisconsin for approximately three hundred public defenders and staff. These trainings are part of the joint research project on the impact of compassion fatigue on legal professionals and best methods for prevention and mitigation. The third distribution of the research survey is scheduled for September 2010. Additional data will be collected for the next fifteen to eighteen months prior to completion of the project.

—LINDA ALBERT H



# Helping JUDGES JUDGES

“Judges can help other judges most effectively with the support of trained Judicial Assistance peer volunteer judges who understand the issues and are genuinely concerned about helping their judicial colleagues.”

## The Judicial Assistance Initiative: RESOURCES & EDUCATION

Hon. Sarah Krauss, Chair

Nancy Stek, Vice-Chair

Hon. William Dressel, Education Subcommittee Chair

Hon. Robert L. Childers  
ABA CoLAP Chair

 **Commission on  
Lawyer Assistance Programs**  
AMERICAN BAR ASSOCIATION

This publication can now be purchased for download in electronic (PDF) format through the ABA Web Store at [www.ababooks.org](http://www.ababooks.org).

Product code: 3190038PDF

ISBN: 978-1-60422-731-8

Page count: 241

Pricing: \$49.95

## Lawyer Suicide

CONTINUED FROM PAGE 1

percent of individuals who become suicidal or die from suicide have depression or other mental disorders are involved (National Institute for Mental Health, [www.nimh.nih.gov/health/publications/suicide-in-the-us-statistics-and-prevention/index.shtml#intro](http://www.nimh.nih.gov/health/publications/suicide-in-the-us-statistics-and-prevention/index.shtml#intro)). Karl A. Menninger once said hope is a necessity for normal life and the major weapon against the suicide impulse. Suicide victims don't necessarily want to die; they often leave many clues prior to committing suicide. They want relief for their pain and they feel hopeless that there is no other solution ("Hopelessness: A Dangerous Suicide Warning Sign," [www.suicide.org/hopelessness-a-dangerous-warning-sign.html](http://www.suicide.org/hopelessness-a-dangerous-warning-sign.html)).

Dr. Edwin Shneidman in *The Suicidal Mind* asserts that almost all suicides have two common factors, psychological pain coupled with lethality, which measure the degree or likelihood of suicide (Oxford University Press, 1996, 7). Shneidman discusses the subject at length in his book, in which he addresses the phenomena of suicide as it plays out in the minds of suicidal people (Schneidman vii). According to Shneidman, the key to understanding suicide is looking at the intense psychological pain, and how "that idea 'I can stop this pain: I can kill myself' is the unique essence of suicide" (Schneidman 8).

If this is true, every time a help call is answered at a lawyer assistance program (LAP) for an addiction, depression, or other type of mental health issue, the

potential lethality of the caller is reduced by the act of asking for help, and when that lawyer actually participates in some form of therapy, the psychological pain is reduced as well. While it is impossible to measure the number of suicides avoided, there can be little doubt that LAPs save lives by assisting lawyers before problems reach crisis level.

## Lawyers are more vulnerable to suicide by the nature of their work.

Suicide affects all aspects of society, but because lawyers are competitive by nature, they thrive in pessimistic environments, working long hours in high-stress situations. It should come as no surprise that the legal profession faces disproportionate problems of addiction, depression, and suicide (Heather Fiske, "Suicide," *GPSolo Magazine*, Oct./Nov. 2004).

LAPs often receive calls from lawyers seriously considering suicide. LAPs are in unique positions to address these calls because LAPs are familiar with the unique personalities of lawyers and LAPs utilize trained peers to help others in need. Many

of the issues that make it difficult for individuals to receive proper care as discussed above are addressed in LAPs. Lawyers calling for help are also introduced to other lawyers who have had some of the same problems. Support systems are established and relationships are made. Most established LAPs also are involved with clients for several years, ensuring continuity in services as well as accountability in behavior.

Bar associations and LAPs across the country are taking suicide prevention seriously, offering programs to assist members in identifying signs and symptoms of suicidal behaviors in the clients they are working with as well as identifying colleagues in need.

Suicide is an issue that affects all of us. We all need to be cognizant of suicide signs and symptoms and do what we can to dispute the myths surrounding suicide. Lawyers are more vulnerable to suicide by the nature of their work. However, lawyers find unique resources in LAPs. In closing, while writing this article I received a call from a lawyer in despair. It is such a privilege to do this work and to help when the call comes in. I know that people who have the opportunity to touch lives in the manner in which volunteers and LAPs are able to do will understand clearly what Dr. Edwin S. Shneidman says are the two most important questions to a potentially suicidal person: "Where do you hurt?" and "How can I help you?" (Schneidman 6). Isn't this what lawyer assistance is all about? **H**

---

**JEANNE MARIE LESLIE** is the director of the Alabama Lawyer Assistance Program and a member of the Highlights editorial board.

## Chair's Column

CONTINUED FROM PAGE 2

Advisory Committee members Laura Gattrell, Terry Harrell, and Janis Thibeault are rotating off of the Advisory Committee. Laura, Terry, and Janis have all been very active as Advisory Committee members. All three have served on several National Conference Planning Committees. Laura Gattrell served as vice-chair of the National Conference Planning Committee for the 22nd National Conference in Phoenix in 2009 and as chair of the National Con-

ference Planning Committee for the 23rd Annual Conference this year in Indianapolis. She has also served on the Law School Assistance Committee.

Terry Harrell is currently serving as vice-chair of the National Conference Planning Committee and will serve as chair of the National Conference Planning Committee for the 24th National Conference to be held in 2011 in Tampa, Florida. Terry has also served on the Judicial Assistance Initiative and has also been very helpful by serving as the CoLAP liaison to the ABA Standing Committee on Substance Abuse.

Janis Thibault has been of great assis-

tance to the Commission through her work on several National Conference Planning Committees and other committees. In addition her advice and counsel to the chair the past three years have been invaluable and are greatly appreciated.

To each of these dedicated people I extend heartfelt thanks for the time, energy, hard work, and great ideas that you have contributed during your tenure as a Commissioner or Advisory Committee member. I hope and expect that you will continue to be involved with the great work that CoLAP does to assist the legal profession and the public by assisting judges, lawyers, and law students. **H**



# LAWYERS, ANGER AND ANXIETY

Dealing with the Stresses of the Legal Profession

Rebecca Nerison, Ph.D

Being a lawyer is stressful—finding a job, getting new clients, billing your hours, exacting bosses, and demanding clients can all help create a relentless drain on your internal resources. Coupled with the perfectionism and competitiveness so common in lawyers, the resulting stress, anger, and anxiety can produce devastating physical and mental distress.

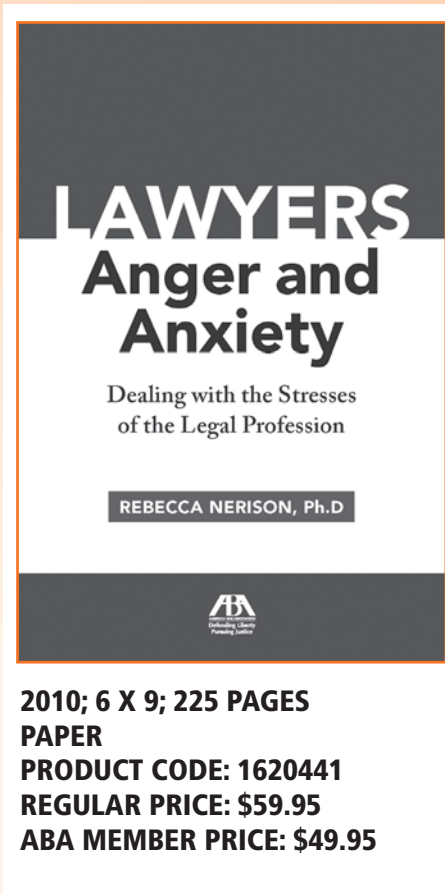
*Lawyers, Anger and Anxiety* first examines how anger and anxiety are related and the symptoms and costs associated with them. You'll then find specific help for the various stressful situations you'll encounter in your career:

- Life after law school
- Tolerating injustice in the system
- Surviving the billable hour
- Managing losses
- Coping with perfectionism
- Combating procrastination

You'll also find advice on seeking happiness through all the stages of your career, and discover valuable tips for staying satisfactorily employed during the most stressful of times. There's also help for those living with a stressed-out lawyer, both at home or at the office.

*Lawyers, Anger and Anxiety* will help you stay calm, develop healthy coping habits, eschew negative thinking, increase your social support, maintain your physical health, accept what is, and laugh more often.

**Order on our Web site at [www.ababooks.org](http://www.ababooks.org)  
Or call toll-free 1-800-285-2221**



## AMERICAN BAR ASSOCIATION

[www.ababooks.org](http://www.ababooks.org)

Phone: 1-800-285-2221

Fax: 1-312-988-5568

Publication Orders

P.O. Box 10892

Chicago, IL 60610



on students vying for law review, clerkships, and plum jobs at white shoe firms.

### When “Bar Review” Is Not Related to an Exam

Perhaps we should take a look at another likely cause: the institutionalization of drinking within our profession. If you reflect back on your law school career, you may remember how many events involved consuming alcohol. Did your orientation include a “kegger” sponsored by Westlaw, Lexis-Nexis, or BarBri? Did the student body have a weekly pub event cleverly called “Bar Review?” Did you attend any recruiting cocktail parties hosted by law firms that tried to ply you with fine wine and haute cuisine? Did you take a summer associate position with a firm that endeavored to “wine and dine” you to convince you to accept their offer?

And, when you got your first job as a lawyer, how often were you encouraged to join a group of colleagues for drinks at the end of a big trial, a deal closing, or even just a hard day? When my father—who is also an attorney—joined his first firm, all of the attorneys retired at the end of each day to the bar (located in the office) for “tiddlies;” and the pressure on the junior associates to join in this ritual was more than tacit.

No one would suggest that law schools or law firms affirmatively attempt to get our colleagues addicted; they are simply using time-honored methods to demonstrate collegiality and generosity. Nevertheless, should we be surprised, when so many of our colleagues get caught in the trip-wires of addiction?

Given these traditions, what can we do to reverse the trend—how can we motivate lawyers to change seemingly entrenched behaviors? I suggest a new approach: we need to rank law schools and law firms on their efforts to foster the health of their students and attorneys.

### “We’re Number 1!”

One indelible trait of a lawyer is the desire to be graded and ranked. We want a 99 percent score on the LSAT; we need an “A” in Contracts; we want to finish “Number 1” in our class, make law review, clerk for the Supreme Court, and get a job at the top

firm that pays the highest salary. So, where does health—let alone sobriety—fit into this hierarchy? It doesn’t—yet. And, that’s what we need to change.

Every year, *U.S. News & World Report* produces its annual rankings of graduate programs, including law schools. And, every year, that issue of the magazine is among the best selling. We all want to know where our school is ranked and which one leapfrogged the others in the annual list.

## When you got your first job as a lawyer, how often were you encouraged to join a group of colleagues for drinks?

In conducting its evaluation, *U.S. News* evaluates a variety of factors. Once that methodology is disclosed, all of the nation’s deans face the temptation to develop a heightened interest in LSAT scores, GPAs, Student/Faculty Ratios, Expenditures Per Student, and even Library Resources—just several of the components of the ranking system (“The Law School Rankings Methodology,” [www.usnews.com/articles/education/best-law-schools/2010/04/15/the-law-school-rankings-methodology.html?PageNr=2](http://www.usnews.com/articles/education/best-law-schools/2010/04/15/the-law-school-rankings-methodology.html?PageNr=2)). For better or worse, these factors are targeted by law schools—whether explicitly or more subconsciously—as a means to heighten their stature in the legal community. As one law school dean described the scenario: “Many schools base their admissions criteria not on whether students have a reasonable chance of success, but how those LSAT numbers are going to affect their rankings in the *U.S. News & World Report*. Deans get fired if the rankings drop, so they set their LSAT requirements very high” (Debra Cassens Weiss, “Dean Blames Rankings for Drop in Minorities at Law Schools,” *ABA Journal*, Jan. 7, 2010, [www.abajournal.com/news/](http://www.abajournal.com/news/)

[article/dean\\_blames\\_rankings\\_for\\_drop\\_in\\_minorities\\_at\\_law\\_schools](http://www.abajournal.com/news/article/dean_blames_rankings_for_drop_in_minorities_at_law_schools)).

What would happen if one of those measures were for “Health & Wellness,” including initiatives to help students manage their stress, balance their lives, and avoid the lures of addiction?

To answer that question, we might consider other goals sought by the legal community that are also *not* tracked by *U.S. News*—to wit, student diversity. Well, the ABA did consider this very question in a report issued in July of this year. Among other conclusions, the ABA’s Special Committee on the *U.S. News & World Report* Rankings determined that, because the rankings do not specifically include information about the racial diversity of law schools’ student bodies, and because *U.S. News* collects no data at all about other diversity measures (e.g., gender, economic, or religious), the survey has encouraged law schools to discount the importance of diversity ([www.abanet.org/legaled/nosearch/Council2010/OpenSession2010/EUSNewsFinal%20Report.pdf](http://www.abanet.org/legaled/nosearch/Council2010/OpenSession2010/EUSNewsFinal%20Report.pdf)). (Ironically, *U.S. News* separately collects information on racial diversity (<http://grad-schools.usnews.rankingsandreviews.com/best-graduate-schools/top-law-schools/law-school-diversity>), but that data is *not* included in their ranking of top law schools.)

So what has been the result of not including diversity in the *U.S. News* ranking methodology? According to a study conducted at Columbia University, the enrollment of African Americans and Mexican Americans actually declined from 1993 to 2008, despite improvements in LSAT scores in those populations and an actual expansion of the number of available seats in law school classes (“A Disturbing Trend in Law School Diversity,” <http://blogs.law.columbia.edu/salt>).

The short answer is: like Adam Smith’s “invisible hand,” the *U.S. News* rankings have the ability to affect behavior. As our ABA colleagues described the phenomenon in their report: “There is rich history in the American legal profession of debate and dialogue about what constitutes quality in legal education. In the last two decades, both within the academy and outside it, that discussion has increasingly come to be constrained and at times driven by the need to preserve and improve a school’s rankings in *U.S. News*. This has been true even when the *U.S. News* rankings methodology is at cross purposes with a school’s mission

or aspirations” (“U.S. News Responds to the ABA’s Take on Law School Rankings,” [www.usnews.com/blogs/college-rankings-blog/2010/08/05/us-news-responds-to-the-abas-take-on-law-school-rankings.html](http://www.usnews.com/blogs/college-rankings-blog/2010/08/05/us-news-responds-to-the-abas-take-on-law-school-rankings.html)).

### How U.S. News Should Measure “Health & Wellness”

If we are able to persuade *U.S. News* that law students’ well being is as important as “Library Resources” and should be included in their analysis, the question remains: how should they measure Health & Wellness?

We can imagine a range of potential initiatives that we would like to see from law schools to promote well being, including:

- invitation to the local lawyers assistance program (LAP) to provide a presentation during the orientation for each entering class;
- an annual workshop offered to incoming students on healthy lifestyles, including diet and exercise;
- reporting of the percent of law school-sanctioned social functions at which alcohol is permitted and prohibited;
- the availability of mental health counselors for consultation with students;
- the written commitment of the school’s dean to the health and wellness of the law school’s students; and
- any other suggestions that may emanate from the various LAPs and other stakeholders.

### The Impact of U.S. News Rankings Continues to Grow, Not Contract

Regardless of our opinion of the *U.S. News* law school rankings, their influence seems not only resilient, but also expanding. For the first time ever, *U.S. News* released an annual ranking of not only law schools, but also law firms. In all, they evaluated a total of 8,782 law firms in 81 practice areas in 171 metropolitan areas and seven states.

And, like their law school analogues, the law firms have already clung to this latest opportunity to be ranked. As was reported in the *ABA Journal* in mid-September, while “[t]here is no overall top-to-bottom ranking of law firms in a new assessment by *U.S. News & World Report*. . . that hasn’t stopped two law firms from tallying their number of top-tier rankings and declaring themselves No. 1” (Sidley, “K&L Gates Tout Most Top-Tier Spots in New U.S. News Law Firm Rankings,” [www.abajournal.com/weekly/article/sidley\\_kl\\_gates\\_tout\\_most\\_top-tier\\_spots\\_in\\_new\\_us\\_news\\_law\\_firm\\_rankings](http://www.abajournal.com/weekly/article/sidley_kl_gates_tout_most_top-tier_spots_in_new_us_news_law_firm_rankings)).

*U.S. News* expects their new law firm assessment to have an impact similar to their law school rankings: “Since a large percentage of law school graduates go to work at firms, we believe these new rankings and other information about working at law firms will provide invaluable insights to help lawyers pick the best firms for which to work” (“Check out the Best Law Firms Rankings,” [www.usnews.com/blogs/college-rankings-blog/2010/09/16/check-out-the-new-best-law-firms-rankings.html](http://www.usnews.com/blogs/college-rankings-blog/2010/09/16/check-out-the-new-best-law-firms-rankings.html)). If they are correct, then what would we want them to evaluate in addition to success in a given practice area to help guide clients and, particularly, prospective associates?

As with law schools, we can envision certain goals to track, including:

- an employee orientation with presentations on substance abuse, mental health, diet, and exercise;
- a ranking of minimum billable hours (e.g., 5 for 1,600 hours; 4 for 1,800; 3 for 2,000; 2 for 2,200; 1 for 2,200+);
- opportunity for family leave in the event of pregnancy or medical condition for employees and their domestic partners;
- availability of on-site gym or the firm’s payment for health club fees;
- access to mental health counseling;

- reporting of the percent of alcohol-free recruiting functions; and
- any other suggestions that may emanate from the various LAPs and other stakeholders.

Please note that I am not suggesting that any of these Health & Wellness initiatives be mandatory, or that this list (or any list) would necessarily be exhaustive. If a “hardcore” firm wants to prove that its attorneys are the toughest advocates in the nation, they may certainly ignore these criteria—and have their ranking diminish accordingly. Potential clients and associates may then make their own assessment of the importance of Health & Wellness in their cases or careers, respectively.

### Where Do We Go From Here?

Believing that prevention is the most effective cure for the substance abuse suffered by so many of our legal colleagues, it seems imperative that—in addition to treating and counseling our clients—we also develop aggressive initiatives to prevent addiction from taking root in the first place.

It is evident that the foundations of our profession—law schools and law firms—have a culture that is intertwined with drinking.

I submit to you that the most effective means to address and reverse that disturbing tradition is through the inclusion of “Health & Wellness” as a criterion of the *U.S. News & World Report* rankings that those law schools and firms so desperately covet. In meeting this new standard, law schools and firms will naturally improve the environment for aspiring attorneys and senior partners, alike.

I welcome your comments, criticisms, and, above all, your suggestions. **H**

---

**JOSEPH L. LEMON** is the director of *The Abbey Foundation*, a nonprofit dedicated to the prevention, research, and treatment of addiction. For more information, please visit [www.theabbeyfoundation.org](http://www.theabbeyfoundation.org). He is also a member of the *Highlights* editorial board.



# HIGHLIGHTS

VOL. 13, NO. 3 ■ FALL 2010

## *Commission on Lawyer Assistance Programs*

American Bar Association  
321 North Clark Street  
Chicago, IL 60654-7598  
[www.abanet.org/colap](http://www.abanet.org/colap)

# HIGHLIGHTS

VOL. 13, NO. 3 ■ FALL 2010

## IN THIS ISSUE

1

### Lawyer Suicide

JEANNE MARIE LESLIE

---

1

### A Modest Proposal

JOSEPH L. LEMON JR.

---

2

### Comments from the Editor

HUGH GRADY

---

2

### Chair's Column

HONORABLE ROBERT L. "BUTCH" CHILDERS

---

3

### New Appointments

---

4

### Leary and Me

MICHAEL COHEN

---

5

### Barbara Harper: Pioneer, Colleague, Mentor, Friend

---

5

### Calendar of Events

---

6

### Around the LAPs

---