
Recovery Success Stories with a Lawyer Assistance Program

By Lori E. Shaw

Jake* was a law student with a problem. In his own words:

I have heard it said that “addiction hides in the shadows of shame.” I think this is a pretty accurate statement. My problem was something I sought to conceal for a number of years. I was hesitant to go to bars with friends because of my drinking practices. I would black out and say things I’d regret. Worse yet, I was constantly in fear of what I could not remember from the prior evening. For several years, my emotional state was comprised almost exclusively of fear, shame, remorse, and guilt.

The triggering event for me was a disorderly conduct charge at the beginning of my 2L year. Around noon on Saturday, I went over to a buddy’s house to watch the Buckeyes play. The drinking commenced immediately and continued throughout the day and into the evening. We ended up heading out to some bars that evening, though I don’t have any recollection of anything after 10 p.m.

At 2:45 a.m. I came to when a police spotlight was being shined on me. I was standing on an unlit porch of a house with which I was unfamiliar. A police officer rushed up, threw me against the side of the house, and handcuffed me. I was terrified. I didn’t know where I was, I didn’t know where I was...

CONTINUED ON PAGE 10


Sharing Secrets . . . Saving Lives

By Brigid A. Duffield

In three short months, our legal community lost three vital, promising, passionate lawyers to the disease of alcoholism. These are three individuals we know about; chances are, there were more.

First: my friend, a forty-year-old attorney, sober for fifteen years. My friend had four children, lived in a house worth more than a million dollars, and had a successful practice. Sometime during the week of March 1, 2007, she wrote the directions for the guardianship and placement of her four children, went into her garage, and in an instant, put a bullet in her head. The manner in which she killed herself devastated me. I had no idea that she was in that kind of pain or mental anguish. I never saw her suicide coming.

Shortly thereafter, another attorney, a high-profile state’s attorney, left for lunch in a county car in the middle of the day following a bomb threat that closed the courthouse. She enjoyed lunch with other state’s attorneys and had a few drinks. When lunch was over, colleagues attempted to take her keys but she successfully managed to fight them off. She left, drove her car across two lanes of traffic, and injured another driver. She died instantly at the scene. Her blood alcohol level was three times the legal limit. No one in our community saw it coming.

Shortly after that, a well-respected defense attorney, one who handled cutting-edge death penalty cases and other complicated criminal matters, died in a local nursing home. Five years earlier, after seventeen years of continuous sobriety, he had decided
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.

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Comments from the Editor

Learning. As a part of my individual recovery plan I must always remember to be willing to be open to learning new things. That wasn’t always my modus operandi. Filled with ego I thought I had the answers to everything. It turns out I didn’t have the answers to much at all. In early recovery I was frequently reminded about the importance of being teachable.

In my works as a LAP director I am given the opportunity to learn much about human nature, the addictive process, the stresses and mental health issues that face lawyers today. I recently had the pleasure of working with a Justice of our Supreme Court in making a presentation to incoming law students about stress and depression in their new environment. At the conclusion of the presentation, several of the students were able to come forward and share some of their stories from their undergraduate experience. With their fellow students, they were willing to be open and to offer their help.

In October in Little Rock, we will be having our National Conference. I always look at this time as an opportunity to exchange new ideas, new methods, and new experiences with those who also do this work. There are always interesting presenters willing to answer questions and share experiences about their particular expertise.

I hope all who read this will join us there.

—HUGH GRADY, IOWA LAWYERS ASSISTANCE PROGRAM

Chair’s Column

BY HONORABLE ROBERT L. “BUTCH” CHILDERS

I hope you have noticed and approve of the new design of Highlights. Each issue will have a theme related to the work of lawyer assistance programs and work–life balance in the profession. I would like to again thank Hugh Grady, Angela Gwizdala, and Gail Thompson for their ongoing efforts to improve the quality of our newsletter. I would also like to thank the advertisers for financially supporting the improved design.

We are looking forward with great anticipation to CoLAP’s signature event, the 21st National Conference for Lawyer Assistance Programs. This year’s conference will be held in Little Rock, Arkansas, from Tuesday, October 21 through Friday, October 24 and will be immediately followed by the ILAA Conference. The National Conference Planning Committee, ably led by cochairs Barbara Smith and Michael Cohen, has planned an outstanding slate of programs. This year’s conference theme is “Working Together—Educating the Legal Community.” The conference will have sessions of interest to judges, disciplinary staff, bar leaders, law school administrators, and law firm managers, as well as abundant opportunities to network with LAP personnel and volunteers involved in lawyer assistance programs from across the United States and Canada.

The program will include such varied topics as “From the Clinical to the Spiritual,” “Cultural Competence—Diversity and Inclusion,” “Problem Gambling,” “Process Addictions,” “Mental Health Issues—The Perspective from Discipline,” “Judicial Programs,” and “Aging Well in the Practice of Law.” All will be presented by nationally recognized experts. Also, a gala dinner will be held on Thursday evening at the William Jefferson Clinton Presidential Library.
The conference is important to the ongoing development of lawyer assistance programs. The sessions truly represent a unique opportunity to learn about impairment issues in the legal community and how lawyer assistance programs operate. I would like to sincerely thank cochairs Barbara Smith and Michael Cohen for their leadership and all of the members of the committee for putting together such an outstanding program.

I would also like to recognize another vital part of the conference—the conference exhibitors. The more than thirty exhibitors—consisting primarily of treatment centers—provide an opportunity to the LAPs for networking with the treatment centers, learning more about the services provided, and developing personal relationships with the treatment center representatives to enable LAPs to better serve their constituencies. In addition, the exhibitors make a contribution to CoLAP for exhibiting and also provide and sponsor speakers and presenters. Without the support of the exhibitors and treatment centers we could not produce such outstanding programs. We are also fortunate to have representatives from the treatment centers on the CoLAP Advisory Commission. We owe a debt of gratitude to the exhibitors and treatment centers for their ongoing support of the work of CoLAP.

Finally, I would like to report that we held an orientation session for the CoLAP Commission in Chicago from September 18–20, 2008. All ten commissioners were in attendance. The session provided an opportunity to orient the incoming commissioners to their duties and responsibilities, to give all of the commissioners a greater insight into the operations of the ABA, and to collaborate with other bar leaders—given that the Orientation Session was held at the same time as the ABA Section Officers Conference. All of the commissioners left the session with enthusiasm and eagerness to further enhance the services provided by CoLAP to the ABA membership.

Thank you!
CoLAP would like to thank Gail Thompson for her dedication, support, and all the work she has done on Highlights.
Many people know better.

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Anyone who has ever attended a 12-step based meeting like Alcoholics Anonymous, Narcotics Anonymous, Alanon, Gamblers Anonymous, etc., knows that the truth is often stranger than fiction. The eight million stories from those anonymous “naked cities” rival anything the world of fiction has to offer. But what rises out of the problems, pain, and insanity caused by addiction are stories of triumph, hope, and the humanity that touches and connects us all. Michael Burke’s story is one of those stories.

Never Enough is one attorney’s account of his struggle with alcoholism and gambling. Like many other stories of addiction and recovery, Burke’s is complete with the ups and downs, twists and turns, losses and joys that typically accompany someone on this very personal journey. Burke shares his journey with us in a way that keeps his humility and humanity ever present. In spite of having an understanding of addiction through his recovery from alcoholism, Burke went on to develop a gambling problem that shattered his life. His story reminds us that knowledge alone is not enough to prevent problems or change behavior. Much more is required, and his story helps us understand the breadth and depth of what is needed to truly recover.

Throughout Never Enough Burke entices us to continue to turn each page. As we do, we are gradually pulled into his world. The cunning and seductive nature of addiction is mirrored in the telling of his story and the turning of each page. As readers, we want to know more and are compelled to keep reading until our hunger for an answer or an ending is satisfied. In the end, we find that satisfaction in having shared in Burke’s personal courage and strength, and that of his family, in battling the addiction that ravaged their lives. The power of love and hope can never be underestimated. Nor can the courage it took for Michael Burke to tell his story publically in service to a greater cause—dispelling the myth “it won’t happen to me because . . .”

Never Enough: One Lawyer’s Story of How He Gambled His Career Away by Michael Burke

REVIEW BY NANCY STEK

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Case Law Corner


Crescenzi admitted that he intentionally converted client funds and failed to maintain client funds in his escrow account, but disputed the allegation that he failed to cooperate with the disciplinary committee. His defense to the allegations was that he was addicted to cocaine and that it was a substantial cause of his misconduct warranting a sanction less than disbarment.

The lawyer cited in mitigation his remorse and contrition, his evidence of good character, the lack of a disciplinary record, the fact that he made restitution, and that he was participating in a drug rehabilitation program and was committed to his recovery.

The court found Crescenzi failed to establish that his drug addiction was causally linked to the misconduct, and thus, disbarment was justified. His testimony revealed that his drug addiction, while heavy at times, did not rise to a level where he was so out of touch with reality that he did not know what he was doing. While Crescenzi’s drug addiction contributed to some of his conduct, the court held that it did not directly cause it.

—Hugh Grady, Iowa Lawyers Assistance Program

BOOK REVIEW

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REVIEW BY NANCY STEK

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Books can be purchased from CoLAP prior to the Conference and at the Conference for a special price of $25 with no charge for shipping and handling (normally $29.95 + S&H).

This can only be handled via e-mail to stewartl@staff.abanet.org with a credit card number (invoices cannot be sent). Or your request can be mailed with a check to ABA CoLAP, Attention: Leigh Stewart, 321 N. Clark St., 19th Floor, Chicago, IL 60654-7598.

This offer expires October 10, 2008. Sorry, phone orders cannot be accepted.

NANCY STEK is the assistant director of the New Jersey Lawyers Assistance Program and a member of the Highlights editorial board.

CoLAP National Conference Event
Michael Burke will be speaking at the luncheon program on October 22, 2008, from 12:30 to 2 p.m. He will sign books in the registration area immediately following the program.
New Jersey Launches New Program for Judges

Stress is a given in the legal profession. Judges, lawyers, and clients alike all experience it to varying degrees. Yet it is often said that stress in not the problem. It is our response to stress that determines if we will survive, even thrive, in the midst of stressful situations or fall prey to its negative effects on health and well-being. Judges in particular experience the stress of their position and obligations quite uniquely. In response, New Jersey is launching a stress-hardiness program for judges that will focus on building attitudes and skills leading to resilience both on and off the bench.

Studies confirm the legal profession as a whole has higher rates of depression, anxiety-related disorders, and addiction than the general population.

Studies confirm the legal profession as a whole has higher rates of depression, anxiety-related disorders, and addiction than the general population. Recognizing and building “resilience” or “stress-hardiness” provides needed protective factors to counter high levels of stress and strain. Continually working against deadlines in highly charged, adversarial, and competitive settings exacts a very high price, unless a judge ranks high in hardiness traits.

Utilizing a set of human strengths that act as buffers against extreme stress, adversity, and psychological illness, Dr. Salvatore Maddi has developed “Hardiness.” This framework identifies how some people grow and thrive in stressful situations. For twelve years Dr. Maddi and his team of researchers worked with four hundred AT&T employees before, during, and after the greatest divestiture in history. One-third of affected employees not only survived the upheaval but thrived in spite of it. Those who thrived had three key beliefs in common that helped them to turn adversity to advantage. Hundreds of research studies conducted since Dr. Maddi’s original work in the 1980s have consistently confirmed the stress-buffering nature of these characteristics referred to as “the 3 C’s.”

CHALLENGE. Those who look at life as a challenge tend to welcome new situations as opportunities to learn, grow, and develop rather than looking at new prospects as threats.

COMMITMENT. Those with commitment give activities their best, not their perfect, effort and have a curiosity about what they are doing instead of a feeling of detachment or isolation.

CONTROL. Those who demonstrate control are motivated to find ways to influence the outcome of stressful changes, rather than lapse into helplessness and passivity.

A fourth “C” also has a powerful impact on hardiness and that is “Connection” or social support. Social support contributes significantly to the strengthening of attitudes and coping skills. Creating and maintaining a supportive, caring, and encouraging environment goes a long way to enhancing and strengthening personal hardiness.

In summary, judging often creates a highly stressful, demanding work environment. As a result, judges have less time to spend on their own physical, mental, and emotional needs. Vicarious trauma or the “cost of caring,” as referred to by Dr. Charles Figley in Compassion Fatigue (1995), results from working with difficult and traumatized clients. This also negatively impacts a judge’s ability to perform and cope. However, applying the 3 C’s to judging while also building social support leads to stress-hardiness: thriving in adversity, seeing the glass half-full, and taking an active role in the direction of one’s life as a judge. Building stress-hardiness is the path to becoming a resilient judge.

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

VISIT www.abalegalservices.org/colap

To read the full article, go to www.judgesassistance.org.
Around the LAPs

California
The California LAP recently added two peer consultants to the team. Peer consultants are attorneys with many years of sobriety and peer counseling experience who are working closely with the case management staff to assist those new participants in the program who need extra support. The peer consultants are hourly contractors who are assigned to work in the field with LAP participants who are perceived by their case manager and/or group facilitator to be struggling with some of the recommendations in their participation plan. The form of this support has included accompanying participants to recovery meetings, medical appointments, and to the social security office to apply for much-needed benefits. The addition of the peer consultants to the LAP team has made a vital contribution to the progress of a number of LAP participants.”

RICHARD P. CARLTON

Delaware
DeLAP has partnered with the Delaware State Bar Association (DSBA) to offer The Wellness Factor on October 15 and 29, a free noontime series that addresses health issues affecting legal professionals. For more information or reservations, call the DSBA at 302/658-5279. CAROL WALDHAUSER

Florida
FLA held its 21st annual workshop, as well as an FLA board of directors retreat, at the end of July in Naples. The retreat presented the board and staff members with a number of tasks and projects, including reviewing and revising FLA’s mission statement, maintaining (and perhaps repairing) our relationship with the bar and bar examiners, and bringing non-FLA individuals onto FLA committees to increase their scope and perspective. The board also formed a subcommittee charged with attempting to develop outcome statistics on what happens to FLA members after they complete their contracts or bar probation. The workshop was very successful and included seminars on perfectionism, lie detectors, stress relief, and an interactive seminar on the relationship between yoga and the 12 Steps.

MICHAEL COHEN

Illinois
The Illinois Lawyers’ Assistance Program will hold its Annual Dinner on Friday, October 17, 2008, at the Palmer House Hilton Hotel in Chicago. This year’s keynote speaker will be Michael Burke, author of Never Enough: One Lawyer’s Story of How He Gambled Away His Career, and coincidentally, a speaker at the noontime program on Wednesday, October 22 at CoLAP’s National Conference.

We welcome those associated with lawyer assistance programs all over the country and Canada to this event. Tickets are $100. For more information and a written invitation, contact Janet Piper Voss at 312/726-6607 or jpvoss@illinoislap.org. JANET PIPER VOSS

Massachusetts
Lawyers Concerned for Lawyers (LCL) recently launched a new meditation program entitled, Stress Reduction/Meditation Series, which is held during lunch (noon to 1:00 p.m.) every Wednesday. LCL clinician Nancy Brown, an avid meditator for many years, leads this program. Prior to the launching of this program, LCL’s quarterly newsletter, Briefings, featured articles on meditation and the practice of law. Local and specialty bar associations also assisted in advertising this program with e-blasts to their membership.

LCL’s quarterly meeting was held with the state’s law school deans of students, which included guest speaker William Kennedy, who is chair of the Massachusetts Board of Bar Examiners. His presentation concerned the Character and Fitness requirement of the bar exam.

We met with various minority bar association presidents and/or executive directors (e.g., of the Black, Hispanic, Asian, Southeast Asian, Women, and Lesbian and Gay bar associations) to determine how LCL can better reach and serve those underrepresented populations. This is an ongoing effort. As a past-president of the Massachusetts Black Lawyers Association myself, I have worked with these bar associations on a host of other issues, so I have continued to cultivate these relationships and several are in the process of adding LCL’s link and logo, as well as program advertisements to their websites. We also met with a representative from the Massachusetts Black Judges Conference on the same topic.

Clinician Barbara Bowe appeared on a panel for the ABA National Conference on Professional Responsibility, which was held in Boston this year. The topic was Conditional Admissions.

We hosted LCL’s Annual Dinner—my first since joining LCL—with keynote speaker Margot Botsford, associate justice of the Massachusetts Supreme Judicial Court. I was grateful for the supportive presence of my CoLAP colleagues from New Hampshire and Connecticut!

A presentation was given to the board of the Massachusetts Black Lawyers Association, which has asked LCL to give a presentation for the entire membership in the fall. Similarly, we met with the co-chairs of two committees from the Women’s Bar Association (the Solo and Small Firm Committee and the Women of Color Committee) in order to plan collaborative programming for the 2008–09 term.

And finally, Executive Director Walcott has been nominated for the prestigious “Women of Justice Award” by her alma mater, Boston University School of Law. This award is given by Lawyers Weekly in conjunction with the Women’s Bar Association of Massachusetts.

GINA WALCOTT-TORRES

Missouri
MOlap has been doing some good work with the Missouri Board of Bar Examiners. Under Missouri Supreme Court Rule 8.11, the board can seek consultation with outside professionals on Character and Fitness issues. Recently, they have been formally asking MOlap for written opinions on Character and Fitness files. In 2007, the board referred six cases, and so far in 2008, thirteen files. Most of the bar applicants referred have multiple alcohol-related police contacts, and a few have mental health issues that may intrude into future practice. The MOlap director, a clinician, reviews...
the file and provides written opinions to the board and its investigative staff. Both the investigators and the board have been pleased with the detailed opinions provided. Some of these cases have resulted in conditional admission to the bar under Monitoring Agreements. MOLAP is often involved in locating Monitoring Attorneys for these agreements. Monitored Attorneys in Missouri complete their agreements at a very high rate, which is good news for all concerned. JIM BRADY

New Hampshire
The sense that I presently have of how NHLAP has established itself so far in New Hampshire is two-fold: one, lawyers, judges, and law students are becoming aware of NHLAP’s existence; and two, the powers that be are happy with what the program is becoming.

The first is apparent because people are calling. My board’s members are all people who were involved with the previous bar committee and LCL group that handled distress call for lawyers. By their report, they got five to ten calls per year. In the year since we started NHLAP, we have had 44 calls. They are all across the board in terms of needs. A little over half involve alcohol and/or drug abuse (mostly prescription and one cocaine). We have had one severely depressed attorney and a few less severe, allowing them to still function, but not fully. Three lawyers have been through 28-day programs and a fourth just entered one. I have an attorney whose life fell apart in every way—bad divorce, bankruptcy, a slowdown in business tied to the economy, and then, metastatic breast cancer. She has been my hero when I needed one. I now know what you all meant when you said, “take care of yourself,” because this work can be particularly exhausting.

The second aspect I owe to CoLAP. The powers that be here in New Hampshire—my commission, the Supreme Court, the other judges that I’m in contact with, the lawyers I have been in contact with in crisis situations—these people are happy with the program. We are learning together that the LAP approach to attorney impairment is, to quote the big book on a related matter, “immensely practical.” In the midst of the chaotic and intense crisis that can be created when a firm finds out that an addicted lawyer has been out there practicing, or when partners are worried about a colleague’s depression, it is very hard to know what to do. No matter what one’s opinion may be about how to treat addiction or depression, or about the world of recovery, lawyers feel great relief in just not having to deal with it themselves. And then, the fact that the Supreme Court set it up like this, to render this type of assistance—there’s been almost a sense of incongruity at first. And then, it’s simply a relief.

So, we are learning what role NHLAP is going to play in our state, and again, there is so much strength in
the CoLAP approach. It must be the combination of 12-step experience in recovery with what I call “the clinical side,” which at this point would comprise everything else—all finished evaluations, all levels of treatment, anything that is not 12-stepping in the traditional way. I’m sure you all understand this better than I do. This is not news to you the way it is to us. Having been simply an AA junkie and a lawyer, I am still just slightly amazed at how we seem to sneak everything in “under the radar,” as our chief likes to say of AA work. God bless the early AAs who knew to allow cooperation with others, and God bless the work. I’m sure you all understand this way. I’m sure you all understand this better than I do. this is not news to you the way it is to us. Having been simply an AA junkie and a lawyer, I am still just slightly amazed at how we seem to sneak everything in “under the radar,” as our chief likes to say of AA work. God bless the early AAs who knew to allow cooperation with others, and God bless the people who go into this field even though they don’t have to save their own lives.

CECIE B. HARTIGAN

North Carolina

The North Carolina LAP’s 29th Annual PALS Meeting and Training Workshop will be held November 7–9, 2008, at the Holiday Inn SunSpree in Wrightsville Beach, North Carolina.

This year’s presenters are Dr. Melissa Lee Warner, medical director of Williamsburg Place and The William J. Farley Treatment Center, an addiction and treatment program specializing in the treatment of healthcare professionals, located in Williamsburg, Virginia; Dr. Al Moody, ASAM-certified addictionologist and clinical director for Five County Mental Health Authority and Medical Director of The Healing Place of Wake County; and Dr. Kristi Webb, a dialectical behavioral therapy (DBT) therapist in private practice psychologist in Chapel Hill, North Carolina.

The Annual PALS Meeting and Workshop is the chance for PALS volunteers and prospective volunteers to get together and receive training and to share their personal experiences in recovery so that the LAP is better able to serve lawyers needing assistance.

Want to Share News About Your LAP?

Send your submissions for the winter edition of Around the LAPs to Hugh Grady, hughgrady@mac.com, by November 24, 2008.

If you’re in another state and interested in participating, please contact Betty Whitley at 919/719-9269. DON CARROLL

Ontario

OLAP’s annual volunteer workshop was held on July 25 and 26 with about twenty-five participants. Workshop goals include providing volunteers with information and skills, self-care techniques, relaxation, and updates on mental health and addiction issues. This made for a full schedule.

The relaxation and self-care component is dealt with by the location. The workshop was held at a Jesuit Retreat—Manresa Renewal Centre. The effect was seen immediately as attendees were able to relax in the setting.

We had some wonderful presenters. They included Dan Lukasik who is managing partner of the law firm Cantor Lukasik, Dolce & Panepinto in Buffalo, New York. He is involved with the LAP in New York State. He provided great information and is the force behind the website www.lawyerswithdepression.com. Dr. Graeme Cunningham, president of Homewood Health Centre spoke about the destruction of addiction and the hope of recovery. Other presenters dealt with addiction and the family. Christine Delaney of the Coaching Centre updated volunteers on communication and listening skills.

There were interactive sessions for sharing and a very powerful 12-step meeting. Another highlight was the presentation of the Volunteer of the Year Award. Doug Bourassa was the recipient of the 2007 Volunteer of the Year Award.

Five of our volunteers trained with the Ontario Self Help Network to be group facilitators. OLAP plans to establish two support groups in the fall. One will be a lawyers in recovery group and the other will be a lawyers with depression mutual aid group.

A recent article published in the summer edition of LAWPRO magazine by Doron Gold, OLAP case manager, debunks the myth of the lawyer lone sufferer. The article is available at www.practicepro.ca/LawPROmag/OLAP_LoneSufferer.pdf. LEOTA EMBLETON

Oregon

Summertime may be when “the livin’ is easy” for some of us, but here at the Oregon Attorney Assistance Program, we spend a lot of time planning programs for the fall months. Shari Gregory will be facilitating another Inner Peace for Busy People group, based on the work of Joan Z. Borysenko. She has already heard from more participants than one group can accommodate! Meloney Crawford Chadwick and Doug Querin will be doing a group on relapse prevention called Sustaining Recovery, and Meloney will be traveling to Southern Oregon in October to hold a luncheon for lawyers in recovery in that area. On October 3, the OAAP will sponsor a daylong seminar addressing personal and professional effectiveness, featuring Alisa Blum, LCSW and Dr. Kenton Hill, author of the book Smart Isn’t Enough: Lessons from a Work Performance Coach. MELONEY CRAWFORD CHADWICK

Tennessee

TLAP proudly introduces its new commission chair, Teresa Jones. Jones has been a commissioner and volunteer with TLAP since it was established. Her first six-year commission term ended in 2005, and she was reappointed by the Supreme Court in 2007. In her words:

My understanding of the importance of TLAP to the legal community and the anticipation of any small role I might be able to play in its success humbles me. I regard it a duty and privilege to advance the policies of TLAP as established pursuant to rule 33 of the rules of the Supreme Court of Tennessee. Awareness of the magnitude of this office and a sincere desire to discharge the duties of the Commission will be my guide over the next two years—Teresa Jones, chief city prosecutor, City of Memphis Law Division

Other recently appointed commissioners include Margaret (“Marnie”) M. Huff, of Margaret Huff Mediation in Nashville, and Frank Pinchak of Burnette, Dobson & Pinchak in Chattanooga.

TLAP announces the 4th annual CAMP TLAP. This well-attended volunteer retreat will be held at Montgomery Bell State Park, March 13–15, 2009. The Saturday night keynote speaker is John “Jack” P. Corderman. To reserve a room, contact the park directly at: 800-250-8613 or 615/797-3101. For registration materials, e-mail: emily.mcleendon@tncourts.gov.
Justice Janice M. Holder, the third woman in the state’s history to serve on the Supreme Court of Tennessee, will become the first woman to serve as its chief justice. She was sworn into office at 2:00 p.m. on September 2, 2008, at the Supreme Court Building in Nashville. In 1984, under the impetus of Justice Holder, the Tennessee Bar Association formed a task force to investigate and make recommendations regarding the formation of a statewide lawyer assistance program. In 1999, the Supreme Court adopted Rule 33 of the Rules of the Supreme Court, and TLAP was created. Since that time, Justice Holder has remained a steadfast supporter of all lawyer assistance programs across the country and has continued to serve as a liaison between TLAP and the court. It is our belief that TLAP would not exist today were it not for Justice Holder. TLAP congratulates her in her new role and looks forward to continued collaboration with the court to serve the lawyers of Tennessee. LAURA GATRELL

Vermont
The Vermont LCL is doing a two-hour seminar at the fall VBA Annual Meeting at Lake Morey on marijuana, which will include its identity, administration, types, its neuropharmacology and behavioral effects, and the issue of legalization decriminalization. The balance of the program will pertain to the types of mental and physical impairments we face with clients, partners, and associates and how to identify the particular problem and solutions. JOHN B. WEBBER

CoLAP acknowledges its appreciation to the advertisers that support Highlights. We are pleased to have the support of the following companies in this issue:

Fairbanks LaVerna Lodge
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JOB OPENING

Psychotherapist-Addictions Specialist
WASHINGTON STATE BAR ASSOCIATION
Lawyers Services Division
Job Grade E11; Exempt;
Full-time; Monday–Friday
Starting Salary Range:
$63,551–$72,000/year DOE + benefits
(Posted 08/15/08)

This position provides confidential counseling and assistance to members of the Washington State Bar Association when work place demands affect on-the-job performance. This position is accountable for maximizing the mental health, sobriety, and occupational functioning of lawyers by assessing and treating lawyers suffering from a range of addictions. The position also treats mental health issues within the limits of a non-medical setting and aims to prevent problems that can result in lawyer discipline and lowered esteem of the profession.

Day-to-day accountabilities incorporate counseling or psychotherapy services and addiction treatment to lawyers. The position will assess current functioning and refer when appropriate, conduct individual and group psychotherapy sessions, consult with other professionals, manage crises, coordinate client and peer counselor interactions, and maintain appropriate HIPPA-compliant documentation. When necessary, the position also performs Diversion Respondent clinical evaluations and/or Character and Fitness evaluations. The position holds additional accountability for organizing and participating in therapeutic interventions for addicted individuals and those they affect in the legal community.

Requirements include a Masters or Doctoral degree and Washington state licensure in an area of mental health; five (5) years experience providing psychological assessment, psychotherapy, and addictions counseling; knowledge of substance abuse treatment; some familiarity with the legal profession; and excellent communication skills. Previous experience with MS Word, Outlook, and Excel is essential.

To apply for a position, please mail, fax, or e-mail your résumé and a cover letter to the Human Resources Department: WSBA, 1325 Fourth Ave., Ste. 600, Seattle, WA 98101-2539; fax: 206/727-8321; e-mail: HR@wsba.org.

CALENDAR OF EVENTS

OCT
21–24 ABA COLAP’S 21ST NATIONAL CONFERENCE FOR LAWYER ASSISTANCE PROGRAMS
The Peabody Hotel, Little Rock, Arkansas

OCT
24–26 ILAA ANNUAL MEETING
The Peabody Hotel, Little Rock, Arkansas
www.ilaa.org

NOV
07–09 29TH ANNUAL PALS MEETING AND WORKSHOP
Holiday Inn SunSpree, Wrightsville Beach, North Carolina
For more information contact: Robert Turnbull at 866-545-9590.

2009
FEB
11–17 ABA COLAP BUSINESS AND COMMITTEE MEETINGS
ABA Midyear Meeting
Boston, Massachusetts

For a full list of events, visit CoLAP’s website www.abalegalservices.org/colap.
Students are often afraid to admit they have a problem and to seek help because they fear that they will be found to lack the character and fitness needed to practice law.
then after that continue to attend meetings. I also had to check in with them one to two times per week. I knew Scott and Stephanie on a first-name basis, they knew my voice, they knew what was going on. Scott knew how to guide me through issues I had being new in AA. Stephanie went with me to get a physical and sign up at the IOP.

I would advise a student to seek assistance because OLAP will hold you accountable, and if you are willing to try, they are willing to help. Others will lose interest; OLAP doesn’t go away.

Students are often afraid to admit they have a problem and to seek help because they fear that they will be found to lack the character and fitness needed to practice law. As Jake shares, “Sometimes fear of the unknown weighs greater than the misery of the present.” He ultimately made it through the process with little problem, but Emily faced and won a more difficult battle:

The Character and Fitness process was one of the worst experiences of my life. It was humiliating, terrifying, and I felt completely out of control. I absolutely could not have gotten through it without OLAP. Also, I advise anyone who may face troubles with the Character and Fitness program to get an attorney. I had to go through two interviews and a hearing. It was horrible. By the time I got to my second interview and the hearing, I had undergone a lot of treatment and had been sober for a while. It was obvious the panel members who knew what they were talking about in terms of substance abuse, and those who did not. But no matter what, I just had to be honest. I knew I was at a big risk for being told I needed to wait to take the bar, so all I could do was be honest and pray for the best. OLAP was there for me every step of the way. Stephanie testified on my behalf at the hearing. She was wonderful.

I did not find out I could sit for the bar until 13 days before the July bar. So I had to study for the bar not knowing whether I would be able to take it.

My advice: Be honest from the get-go. Even if they come down on you for something, they see the progress.

Jake’s parting thoughts for anyone in trouble: “Don’t let fear stand in the way. If you sincerely want help, you can get it and your life will be immeasurably better.” You can learn more about your state’s lawyer assistance program by visiting www.abanet.org/legalservices/colap/lapdirectory.html or calling 800-238-2667, ext. 5359.

*The names in this column are fictitious, but the stories are true and the words are those of the law students who lived them.

LORI E. SHAW is a professor and assistant dean for student affairs at the University of Dayton School of Law.
Sharing Secrets
CONTINUED FROM PAGE 1

to take a drink, never to get sober again. Sadly, many of us saw that coming.

Three successful, promising attorneys met premature deaths due to alcoholism. These Illinois tragedies propelled a handful of us to share our secrets and tell our stories. Each of us brings a different expertise on the topic of alcoholism and each has a different story that needs to be told. We worried about what you might think of us. We worried that you might harm us with this information. We worried about what you might say or do with our secrets, how you, our brethren, might treat us. We worried about what effect it might have on those we love. Still we could not sit by and watch other lawyers suffer when there are some solutions. We are no longer willing to let our fears dictate our actions.

Breaking Our Silence
The legal community has paid, and will continue to pay, a very high price if we remain silent. It is our hope that, as we break our silence and as we walk through our fears, we might inspire you to have the courage to intervene if necessary. You may have an opportunity to reach a lawyer, repair a family, save a license or even a life. To shatter the myths and the distorted images of what alcoholism looks like, we are willing to share our secrets. In doing so, we hope that we will raise attorney awareness about the issue of alcoholism in the profession. We hope judges, attorneys, and legal staff will better understand how to recognize when a colleague is not functioning as he or she should. These colleagues may be at risk. They may be our colleagues in crisis. When we have open, honest dialogues about the insidious disease of alcoholism, we can help inspire more recovery options, more opportunities for success for impaired lawyers everywhere.

We were gratified to see that, when we conquered our fears and mustered the courage to share our secrets, the local legal community welcomed our stories. We hope that by continuing to tell the story of our community, it will become safe for others in other communities to talk about their stories. We hope you, too, will create safe environments for lawyers to have honest and open dialogues about this deadly disease and our friends who are affected by it. By doing so, we can help our brethren before lives are lost and make the legal community better for each other and the public we serve.

The Illinois Judges Association, the Illinois State Bar Association, the Illinois Supreme Court Commission on Professionalism, the Illinois Attorney Registration and Disciplinary Commission, the 18th Judicial Circuit, the DuPage County Bar Association, the Illinois Lawyers Assistance Program, other local Illinois Bar Associations, and the Judicial Division of the American Bar Association have embraced our efforts and we are forever grateful for their support.

As our professional associations have opened doors for us, we have learned that when we remain silent. It is our hope that, as we continue to pay, a very high price if we

Drinking was acceptable as long as I did not do anything to embarrass the family.

tell other lawyers our secrets, it is harder for them to have distorted ideas of what an alcoholic looks like and what alcoholism is all about. Armed with this knowledge, we all limit alcoholism’s ability to take the lives of our brethren.

As legal professionals we are twice as likely to be affected by alcoholism as the general population. We are also at risk for depression, abuse of drugs, and other addictions, such as gambling.

Many of us, spared from the ravages of the disease, are protective of our restored reputation. We keep secret and are reluctant to talk about the alcoholic despair and the tragedies that we once suffered which brought us to our knees. We also have kept secret the gifts we have been blessed with as we recover from alcoholism.

My Story
I come from an Irish Catholic family, the oldest of eight, and the product of a parochial education, strict family rules, and specific family secrets. Integrity, hard work, and ethics were drilled into us. We were expected to do better than our best, to be honest without revealing family secrets, and to be hard working.

Alcohol had a special place in our home. It had a space in a decanter on the door of the refrigerator, another on the shelf under the bread drawer, and another in the cabinet under the sink. It was out when my father came home from work, for parties, for Saturday nights, and other occasions, festive or not.

I do not remember how old I was when I had my first drink, but I remember the toothaches that required whiskey at a very young age. From the day I started to drink to the day I stopped, I drank a lot, never feeling like it was enough and always looking for more. I loved to drink. I never knew it was a problem for me. In my family, we never talked about alcoholism, and I did not understand the genetic predisposition I had to this disease. I never knew it was a disease. It was not until I was spared an early death from alcoholism that I learned the biggest family secret. That secret was that countless members of my family had been afflicted with and died from the disease of alcoholism.

Drinking was acceptable as long as I did not do anything to embarrass the family. I learned how, or perhaps was just innately able, to out drink everyone. I prided myself on the fact that I could hold my liquor as well as most men and better than others.

In college I sold pop cans for MD 20/20 and Everclear. When I had extra money, I bought a case of beer and a fifth of Southern Comfort. I was completely oblivious to the idea that there might be something wrong with that. Loved ones excused my behavior because I was in college . . . . I was supposed to do things like that.

Through law school, I worked full time. Though I altered and controlled my drinking, I never stopped.

My family and friends innocently, perhaps naively, did things that made it possible for me to keep drinking. Friends drove me when I could not drive. When they could not get me up the stairs to my third floor apartment, they drove me to my sister’s house. When my sister could not get me into her house, she let me sleep on her front yard.
People cared about me and tried to help me. They just did not know what to do and they couldn’t reach me. Their idea of helping usually included trying to figure out how to make me stop drinking. None of those well-intended people had any idea how to deal with someone with an active drinking problem. I didn’t know it was an illness and neither did they. Their well-intended attempts to save my life frequently fell on my deaf ears and often backfired.

Paradoxically, during the same period, only a few people at work saw the signs of my dysfunction. Those who did shied away from acknowledging my problem. My family had long since determined that they could not get through to me and did not want to be around me. Similarly, my friends decided it was too hard to deal with me. It was not long before I was going home night after night to drink—alone.

Denial is an amazing powerful thing. Even as my life came crashing down around me, I could not see that I had a problem, especially an alcohol one. In those rare moments when I questioned why I was doing certain things, I was sure I was not an alcoholic. What I did not know was that my reality was based on my distorted view of alcoholism. I believed that an alcoholic was a man. An alcoholic was old and drank wine out of a bag. An alcoholic had no job, no friends, no family. I could not be an alcoholic. I was a young woman, who drank beer and Southern Comfort. I was a lawyer and as long as I was working, I believed I was okay. And until the final stages of my impairment, I was. Despite the incredible amount of alcohol I was consuming, I was still functioning at a very high level. I was the staff attorney, lobbyist, and vice president of a trade association. Outwardly, I looked successful. Inwardly I was dying. I was suicidally depressed, regularly fearing that someone was going to discover that my life was a sham.

During the late stages of my drinking, there were times that I thought death was more attractive than life. I was less worried about dying than I was about living. I thought about what people were going to say standing at my casket. I scripted their sentiments. I obsessed about how much they would miss me and how sorry they would be for not treating me the way I thought I should be treated. I contemplated suicide as I stood on the deck of a luxury cruise ship in the Pacific Ocean.

My moment of clarity occurred at the precise moment I realized that if I did not stop drinking, I would die. At that moment, the words and actions of the people who loved me and who cared enough to try to help me, echoed in my ears. I finally heard the voices that I had revoluted against and arrogantly refused to listen to. This lifesaving moment is different for everyone.

Statistically, alcoholics like me do not stay sober. We do not survive. If we live, we do not live long, sober lives. Seventy percent of us will drink again and never recover.

My miracle is that twenty-one years ago, I had what I pray was my last drink. I cannot pretend that I am safe, that I am immune, or that I am never going to pick up a drink. I am an alcoholic. The most natural thing for me to do is to drink and the most unnatural thing for me is to not drink.

The Unpredictable Path of Alcoholism

There is no predictable path the disease of alcoholism will take. For some, it might be a long, slow progression. For others it may start later in life when a life event creates the need to seek relief, to escape. For some it is genetic. For others it is a short but devastating descent to Hell. But whatever form it takes, if a person is an alcoholic, lawyer or not, once he or she takes that first drink, willpower alone will not be enough to solve the problem.

Without recovery it ends up the same . . . jail, insanity, or death. The visible manifestations of a lawyer’s impairment include misuse of client funds, missed court appearances, disrespect to the court, counsel, and staff, missed deadlines, fabrication of elaborate lies, and disciplinary matters. The unseen manifestations include a hell defined by despair, depression, and suicidal ideations.

Similarly, there is no predictable path recovery will take. For some, a call from a judge may stop excessive, irresponsible drinking. For others it may be the tears of a spouse, a parent, a child. For some, inpatient treatment will be required. For others it will be participation in a twelve-step recovery program. But once an alcoholic begins a journey of recovery, he can once again live a joy-filled, productive, and service-filled life. Recovery often means re-united families and useful lives. It can mean peace of mind, serenity and tranquility for the individual lawyer, her clients, and all the lives they touch.

What Can You Do?

KNOW WHAT YOU ARE WILLING TO DO. It will be different for each one of us, and it will be different in different circumstances.
It will be different in different communities. Assess your comfort level as you help someone. What is your sensitivity to sharing your story? Be realistic when deciding how far you can stretch yourself to be of service to a lawyer in need, a colleague in crisis.

**BE COURAGEOUS.** Don’t let the alcoholic off the hook. Confront the impaired lawyer. Use your words, emotion, and personal experience to carry a message of hope—but also set limits. Establish firm lines in the sand. Impose and follow through on realistic consequences. Set boundaries you can stick to no matter what. Calling a colleague on his inappropriate or less-than-professional behavior may one day save him from ultimate destruction.

**CALL YOUR LAWYERS ASSISTANCE PROGRAM.** Whether you are a lawyer, a spouse, a partner, a secretary, or a parent, your local LAP has professional help specific to lawyers. LAPs will put you in touch with a clinician, an intervention team, or an experienced lawyer. These people will help figure out how best to help your colleague or loved one.

**TALK TO OTHERS WHO CARE ABOUT YOUR LOVED ONE.** Perhaps a judge, another lawyer, a disciplinary commission administrator, or a therapist can help. As a community we need to be safe with each other, safe enough so we can talk about important personal things—our secrets. We need to be vulnerable to each other to have a heartfelt honest discussion if we are going to save lives.

**BE TRUSTWORTHY.** Draw on your experience, your humanity. We are all flawed. Look in your heart for your passion and responsibility to the profession. Let your colleagues trust you enough to share their secrets. Allow yourself to be vulnerable as you talk with them; help them talk to you about their important issues. What would you want us to do if you were the colleague in crisis?

**FIND A RECOVERING ALCOHOLIC.** If you don’t know an alcoholic, find a recovering one. The disease of alcoholism touches us all. We all know alcoholics who are actively drinking and those who are recovering. Pose your questions to someone who has experience with the illness and its insanity.

**GO TO AN OPEN AA MEETING.** Go to Al-Anon or a twelve-step program like Families Anonymous. Hear about the insanity of the illness and what an alcoholic is capable of doing. Getting support from like-minded people and people with similar experiences will save your sanity. You will be amazed at what you think is real, isn’t.

**TRUST YOUR GUT.** If you smell what you believe is vodka and Altoids it probably is. No matter what an alcoholic tells you, vodka and Altoids smells like vodka and Altoids.

**DON’T ENGAGE IN THE DEBATE.** The more you tell alcoholics they have a problem, the more they will tell you they don’t. When you are dealing with alcoholics, remember that they will give you all the reasons why you are wrong, defending their actions and the insanity of what they are doing, even when the truth is a better answer. If the alcoholic is a lawyer . . . multiply that by ten.

**READ THE LITERATURE.** In addition to professional publications, volumes of literature on alcoholism and other mental illnesses are available from lawyer assistance programs and professional treatment facilities across the nation.

**PREPARE FOR FAILURE.** Sometimes, many times, despite your best efforts, you will fail . . . like I did with my girlfriend. Statistically, chances of recovery for an alcoholic are not good. Worse, if the alcoholic is an isolated solo practitioner, it is bleak. Sometimes alcoholics don’t want to be, or cannot be, saved from themselves or the illness.

**The Challenge, If You Are Willing TO THE JUDGES:** Make it safe for lawyers to talk to you about impaired colleagues in your jurisdictions. Help your trained interveners be beacons of hope in your community. Establish and honor rules for confidential, safe communication. Borrow the Illinois Supreme Court rules about confidentiality if you don’t have any.

**TO BAR ASSOCIATION LEADERSHIP:** Be vigilant and responsible in your communities. We know which lawyers, our friends, are not functioning. Resist the hesitation to walk away. Say, “You have a problem . . . I am taking your keys . . .” If an impaired lawyer resists your attempts, don’t stop. Keep them accountable. Suggest alternatives.

**TO LAWYER ASSISTANCE PROGRAM VOLUNTEERS:** Renew your commitment to your LAP and to lawyers everywhere. Be mindful and alert to our friends in need. The person next to you may be suffering in silence and need your help. Share your experience, strength, and hope. Those lawyers who die cause us to redouble our efforts, to step out of our comfort zone, and to raise our consciousness—but we don’t need them to die for us to share our miracles.

**TO THE FAMILIES:** Thank you. We truly appreciate and are grateful for what you do. You are in the forefront of our colleague’s pain and crisis. You are the gatekeeper. Do not be afraid to work with those of us who can help you. Let us help you. Help us fulfill our obligation and our mission to your loved one.

If the day comes that you have the chance to save a suffering alcoholic lawyer from unpredictable but certain death, we hope that you will be ready, willing, and able. If you are, we hope that you might witness a talented lawyer, once caught up in the throes of alcoholism, get help, get on the road to recovery, and be restored to the productive human being and attorney he or she was destined to be. That is a miracle worth being a part of.

BRIDG A. DUFFIELD practices family law in her Chicago-area firm. In addition, she serves as a hearing board panel chair for the Attorney Registration and Disciplinary Commission of the Supreme Court of Illinois.
Seabrook House is a nationally recognized, non-profit inpatient alcohol and drug rehabilitation treatment center. Founded by Jerry and Peg Diehl in 1974, Seabrook House has been helping families find the courage to recover from alcoholism and drug addiction for over 34 years. Seabrook House has earned a reputation for excellence in the treatment of adults and its specialized work with mothers and their children. Seabrook House has assisted thousands in achieving a new life in recovery.

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- Gender-specific individual and group therapy
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- State-of-the-art workout facilities
- Minimum 90-day length of stay

Most insurances are accepted; call to find out about available scholarships through the Seabrook House Foundation.

800-761-7575
www.seabrookhouse.org
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