

A Newsletter from
The ABA Commission
on Lawyer Assistance
Programs

Volume 6 Number 2 • Spring 2003

Comments from Editor Steve Barrett

At the Midwinter meeting of the Commission on Lawyer Assistance Programs (CoLAP) in February, I requested input from CoLAP members past and present, the Advisory Commission and LAP directors in attendance on how to improve our newsletter. Some of those suggestions have been incorporated and we would like to hear more. Please contact me at CSB309@aol.com with a copy to Donna Spilis at spilisd@staff.abanet.org. The deadline for sending materials for the Summer Issue is July 22, 2003. The *Highlights* mailing list has been reviewed and duplicate labels for the same address have been removed. All issues will be published on our website at www.abalegalservices.org/colap. We encourage you to print and duplicate copies for distribution to your LAP volunteers/peer counselors. You can also make copies of this original.

We would like to include an article about your LAP and staff. If something has been published recently, please obtain the appropriate reprint permission and send it electronically to Donna Spilis at spilisd@staff.abanet.org. In addition, I am writing the history of CoLAP, which includes its relationship with ILAA and LAPs. If you have information in writing or a personal experience that you would like to share, please contact me at 973/622-5153 or CSB309@aol.com.

My last comment is to recommend that you look at the job posting in this issue for an Assistant LAP Director in New Jersey. Enjoy.

Website:

www.abalegalservices.org/colap/



Highlights

of the American Bar Association
Commission on Lawyer Assistance Programs

Caselaw: Substance Abuse Issues, the ADA and the U.S. Capitol

by Roger B. Jacobs, Esq.

In *Dean v. Architect of the Capitol*, 2001 U.S. Dist. LEXIS 23662 (D.D.C. 2001), aff'd, 2002 U.S. App. LEXIS 7316 (D.C. Cir. 2002), the Federal District Court in the Capitol dismissed the claims of a former employee of the United States Senate Restaurant. The employee, Deborah Dean, sued the Architect of the Capitol in his official capacity under the Congressional Accountability Act granting her rights similar to the Americans With Disabilities Act as a Senate employee. Dean alleged in her Complaint that she was discriminated against due to her substance abuse disability and in retaliation for protected activity. The employer contended that she was suspended based upon frequent episodes of tardiness and absences without leave.

Dean was charged with being AWOL on eighteen occasions over an eleven-month period. She had been counseled about her attendance problems on numerous occasions. Ms. Dean was scheduled for a hearing regarding her proposed suspension but sought a continuance to enter a substance abuse detoxification program at Seaton House. After a few days she was admitted to a residential substance abuse treatment program in Laurel, Maryland and was released about one month later. During this time, defendant issued a final decision on her suspension. Dean alleged that the failure to grant her a continuance of the hearing was a discriminatory denial of a request for reasonable accommodation of her substance abuse disability and the five-day suspension, the second proposed suspension and the abeyance agreement were in retaliation for the "protected activity" of her request for a continuance.

What makes the *Dean* decision significant is that the court engages in a classic ADA review of her claim. In order to establish a prima facie case of disability discrimination, Dean had to prove that she had a "disability" under the ADA and that she was qualified for her position with or without a reasonable accommodation. The court went right to the definition of a "qualified individual with a disability" which, under the ADA, does not include any employee or applicant who is currently engaging in the illegal use of drugs. 42 U.S.C. 1214(a). However, under the next provision, an individual who has successfully completed a supervised drug rehabilitation program and is no longer engaging in the illegal use of drugs, or who has otherwise been rehabilitated successfully and is no longer engaging in the use of such drugs, or who is participating in a supervised rehabilitation program and is no longer engaging in use of illegal

(continued on page 2)



Table of Contents

Feature Article: Caselaw: Substance Abuse Issues, the ADA and the U.S. Capitol . . .	1
Message from the Chair	2
Other CoLAP Activities	3
Law School Outreach Committee	4
Letter to the Editor	4
Drug Treatment Courts	5
Editorial - Drug Court: A Cause for Optimism	5
Around the LAPs	6
Calendar	7
Job Posting	8

Message From the Chair

by John W. Clark, Jr.

ABA Commission On Lawyer Assistance Programs Report

The Commission recently held its Winter Meeting at The Inn at Rancho Santa Fe, California. The Commission enjoyed the glorious weather and the hospitality of Creative Care (the treatment center in California that funded our reception). During business hours we had an opportunity to address a number of issues that are of current interest to the Commission.

Before I go any further, I want to say that I had a wonderful time at this meeting (that means I played a lot of golf). I especially appreciate the help I received from the Commission members who have selflessly accepted important assignments and have assumed responsibility for the time-consuming personal effort required by these assignments. Our Commission is certainly not a "meet and vote" group—we all have an opportunity to do some real hands-on work.

We began with a wonderful panel discussion addressing multiple intervention techniques, put together by our good friend Advisory Commissioner Mark Greenberg. We heard a lot more about the "Kinder, More Gentle" intervention technique. Thank you, Mark! Butch Childers, one of our Volunteer Commission members, gets kudos for the efforts of his Committee. Butch assembled an impressive array of law school deans and

administrators to focus upon recovery issues, including depression, in the law schools. As a result of our initial effort, the group was energized and many of those present will also be in attendance at a meeting co-sponsored by the ABA in New York City entitled "Meeting Our Responsibilities: Substance Abuse and Law Schools" on June 24. For more information about this meeting, please contact the primary sponsor through Barbara Smith with the New York State Lawyer Assistance Trust (bfsmith@courts.state.ny.us). This meaningful work with the law schools will lead to profound improvement in the well-being of the legal community.

Some time has passed since the House of Delegates of the American Bar Association approved our original Model LAP Program. For the past year, Commissioner Richard Soden and his Committee have diligently explored and examined the operations of LAP programs around this country. Richard's Committee is now prepared to offer an updated Model LAP Program for approval by the Commission and ultimately by the House of Delegates of the ABA. The updated Model LAP Program clearly adopts a broad-brush approach—encouraging mental health and addiction related state programs. It is anticipated that we will have this new Model LAP Program available for formal approval by the Commission at our meeting in San Francisco. If you have questions about this, please contact Richard

(rsoden@goodwinprocter.com).

We are in the process of extending invitations to our speakers in Victoria, and I think everyone will be extremely happy with the lineup and the programs that have been put together by Barbara Harper and the Planning Committee. They deserve our full support.

President-elect Dennis Archer will have a lot of people asking him for appointments to our Commission and the Advisory Commission. I sent an e-mail message to several of our list serves notifying everyone that they should submit their names for appointment if they wish to become more directly involved in our activities. The appointments are made by the President-elect and an Advisory Committee member that assists him in reviewing the applications. I know some of you have asked that President-elect Archer and his advisory group consider your names. I hope that all of us will continue to be involved in the activities of the Commission regardless of who is selected.

We have had a number of suggestions about the format of Highlights. The editing and compilation of Highlights is a time consuming and thankless job. I will be forever indebted to Steve Barrett for his interest and willingness to bring Highlights back into circulation. Steve and I have listened to your suggestions, and I hope you enjoy this issue. If you have any other suggestions please send them to Steve. He loves to hear from you.

ADA and the U.S. Capitol

(continued from page 1)

drugs may be a qualified individual with a disability.

In other words, the first hurdle the individual must overcome is to be considered a "qualified individual with a disability" under the ADA. In *Dean*, the court concluded that Dean was not a qualified individual with a disability because she was still engaging in drug use at the time the continuance was denied. The federal court relied upon other authority which had earlier stated, on similar facts, that "Congress had in mind a drug free period of some considerable length" and concluded in that case that the plaintiff did not qualify.¹

The federal court, in *Dean*, also concluded that even if the plaintiff could establish that she was a "qualified individual" her request for a continuance was not a request for reasonable accommodation within the meaning of the ADA. The court proceeded to discuss and analyze the "reasonable accommodation" obligations of employers under the ADA noting that the reasonable accommodation obligation looks to modifications to the employer's procedures, facilities or performance requirements "that will permit a qualified individual with a disability to perform the essential functions of his or her job." The *Dean* court rejected plaintiff's claim for accommodation since granting Dean a continuance was a convenience but had nothing to do with her ability to perform the essential functions of her job.

In that regard, the court noted at footnote 7 that "[indeed, plaintiff does not allege what kind of reasonable accommodation would have enabled her to perform the essential function of showing up to work."

The decision of the court, in *Dean*, lays out some basic parameters for employers and employees as well in dealing with substance abuse in the workplace. Under the ADA, individuals who are currently using illegal drugs are not considered to be disabled under the statute. Thus, no obligation to reasonably accommodate will follow since they do not qualify as a "qualified individual with a disability." Failing to achieve the threshold definitional obligation or hurdle under the statute, substance abusers will not be entitled to relief unless and until they have success-

(continued on page 3)

Other CoLAP Activities

Learn To Become A Lifeline For Lawyers In Your Community

by Barbara Harper, Workshop Chair

Join us in Victoria, British Columbia—the City of Gardens—for our 16th National Workshop for Lawyer Assistance Programs. Surrounded by gorgeous flowers, signature hanging baskets, and a beautiful coastline, this is an ideal setting for friendship, camaraderie, and stimulating discussions. Here's a chance to get cutting-edge insights so you can become a real lifeline for lawyers in your community. This year's 16th National Workshop on Lawyer Assistance Programs, October 13-17, 2003, sponsored by the ABA's Commission on Lawyer Assistance Programs (CoLAP), includes thought-provoking sessions on such topics as:

- Identifying and treating alcohol abuse in the older lawyer
- Creating an effective program for diverse constituencies
- Complying with HIPAA confidentiality issues
- Preventing burnout for lawyers, judges, and law students
- The difference between men and women in treatment
- Suicide prevention

Think, interact, and relax. This is your once-a-year opportunity to talk with peers and facilitators about current issues, solutions, and new trends. Some of the most outstanding leaders in the field will be attending this Workshop. Register today to enjoy the Workshop and the many attractions in Victoria. And, you'll save \$50 if you sign up on or before September 12, 2003! Contact Adrienne Tucker at 312/988-5751

or tuckera@staff.abanet.org for a brochure or register online at www.abalegalservices.org/colap

Expo Participants as of April 22, 2003:

Bellwood Health Services, Inc. - Scarborough, Ontario, Canada
Betty Ford Center - Rancho Mirage, CA
Bradford Health Services - Birmingham, AL
Caron Foundation - Wernersville, PA
Cottonwood de Tucson - Tucson, AZ
Crossroads Centre - Antigua, West Indies
Edgewood Ltd. - Nanaimo, BC
Father Martin's Ashley - Havre de Grace, MD
Hazelden - Center City, MN
Healthcare Connection of Tampa, Inc. - Tampa, FL
Illinois Institute for Addiction Recovery at Proctor Hospital - Peoria, IL
New Beginnings at Waverly - Waverly, MN
New York-Presbyterian Hospital - New York, NY
The Menninger Clinic - Topeka, KS
Metro Atlanta Recovery Residences - Doraville, GA
Palmetto Addiction Recovery Center - Rayville, LA
Pine Grove/Next Step - Hattiesburg, MS
Promises Treatment Centers - Malibu, CA
Ridgeview Institute - Smyrna, GA
Rush Behavioral Health - Downers Grove, IL
Sober Living by the Sea - Palm Springs, CA
Talbott Recovery Campus - Atlanta, Georgia
Valley Hope Association - Norton, KS
Victoria Life Enrichment Society - Victoria, BC., Canada
Williamsburg Place/Farley Center - Williamsburg, VA

Plus: Visit with exhibitors from some of the most prominent treatment and recovery centers in the U.S.

ADA and the U.S. Capitol

(continued from page 2)

fully completed a program for some period of time.

The decision in *Dean* did not establish a bright line for how long such a period of time would be, but suggested it was more than nominal. Therefore, assuming that an individual has successfully completed a rehabilitation program, then such an individual would be considered "disabled" under the ADA and entitled to the benefits

or obligations of the statute, e.g. reasonable accommodation.

Dean should be read as sending a clear message to substance abusers on the job that they are not protected under the ADA whether or not they file complaints in federal court. Similarly, even assuming the court permits such individuals to file complaints, it will not require employers to reasonably accommodate their addictions unless such accommodation assists in performing the essential functions of the job. But accommodation will not excuse attendance or tardiness issues.²

Notes

¹See *McDaniel v. Mississippi Baptist Medical Center*, 877 F.Supp. 321, 327-328 (S.D. Miss. 1995). See also *Baustian v. Louisiana*, 910 F.Supp. 274, 277 (E.D. La. 1996).

²In *Amadio v. Ford Motor Co.*, 2001 U.S. App. LEXIS 1354 (7th Cir. 2001), the court ruled that work attendance is an essential requirement of employment. An individual cannot be "disabled" for ADA purposes if they do not or cannot go to work.

Roger B. Jacobs is the senior partner of Jacobs Rosenberg, a Newark, New Jersey law firm specializing in Employment Law.

Highlights is a quarterly newsletter published by the American Bar Association Commission on Lawyer Assistance Programs for the news and information exchange needs of the lawyer assistance programs community. Comments and proposed articles should be directed to spilisd@staff.abanet.org. All reprint rights are reserved. American Bar Association ISSN Pending. © 2003 American Bar Association.

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

Law School Outreach Committee

by Judge Robert L. Childers

At the August 2002 Commission meeting, Chairman John Clark appointed Commissioner Don Carroll and yours truly as Co-Chairs of a new Law School Outreach Committee. The impetus for the Committee was a report published by a Special Committee of the Association of American Law Schools (AALS) on Substance Abuse in the Law Schools. The Special Committee Report contained recommendations for law schools to address these issues as they affected law students and faculty. The CoLAP Commission felt that more should be done to reach lawyers at the earliest possible stage, i.e., in law school.

An outstanding group of law school deans, professors, Commissioners, and Action Committee members has been assembled to address the issues and to come up with an action plan. In addition to the Co-Chairs, the members are:

Dean Hannah Arterian, Syracuse University Law School

Dr. Andrew Benjamin, University of Washington School of Law

Edwin L. Blewer, former CoLAP Commission Chair

Betty M. Daugherty, Action Committee member

Professor Leary Davis, Norman Wiggins School of Law

Professor Michael Distelhorst, Capital University Law School

Dean Janine Geske, Marquette University Law School

David W. Kee, CoLAP Commissioner

Dean Gena Lewis, South Texas Law School

Professor Larry Krieger, Florida State University School of Law

Dean Donald J. Polden, University of Memphis School of Law

Dean Laura Rothstein, University of Louisville School of Law

Barbara F. Smith, Action Committee member

Dean Steven Smith, California Western School of Law

Dean Judith Wegner, University of North Carolina School of Law

Elizabeth Escobar, The Menninger Clinic

Bonnie Waters, Action Committee member

Natasha Woodland, University of Southern Maine, ABA Law Student Division Liaison to CoLAP

The Law School Outreach Committee has established two goals:

1) To develop the best strategy possible to encourage law schools to have ongoing programs in place to educate law students and faculty about stress related issues (depression, substance abuse, eating disorders, gambling addictions, etc.) and a procedure for identifying and assisting law students and faculty who may be affected by these issues, and;

2) To develop the best strategy possible for encouraging law schools to develop a close working relationship with local Lawyers Assistance Programs.

The Committee had its first meeting February 20-21, 2003 in San Diego. The focus of the first day was to brainstorm as to why the recommendations in the 1993 AALS Special Committee Report have not been implemented or adopted by law schools. The second day of the meeting was devoted to brainstorming solutions

and assigning tasks to members of the subcommittee. The Committee was divided into three working groups:

1) Student Insights/Involvement: One group focused on the needs of students: educating students and faculty regarding the issues, improving communication/access to resources for students, and broadening and empowering a network of communicators, including student leaders and faculty.

2) Models: The second group focused on the creation of a model packet or "toolkit" of information for the law schools dealing with education, prevention, policies, faculty consciousness, available resources and local LAP partnerships.

3) Bar Admission: The third group focused on working with the Conference of Chief Justices, Law Examiners and/or Licensing Agencies and others to address the problems created by requiring treatment information on bar applications. Some students are concerned about the confidentiality of treatment records and are hesitant to seek necessary treatment for fear of having to disclose treatment information, or the fact of treatment, on the bar application. They are concerned that seeking treatment would prevent them from being licensed to practice law.

At the conclusion of the two days of meetings the Committee developed an Action Plan with short term and long-term goals. The Committee will meet again in New York City on June 25, 2003, in conjunction with the Regional Conference on Law Schools and Substance Abuse on June 24, 2003. The Committee members are excited and energized about the prospects of helping the law schools to help affected law students and faculty.

Letter to the Editor

To the Editor:

Kansas takes umbrage at being omitted from the Winter 2003 Highlights article regarding the history of the movement to help attorneys with substance abuse problems. In fact, page 16 of the ABA 2002 Survey of Lawyer Assistance Programs acknowledges that Kansas had the earliest program, established

in 1972 by Kansas Supreme Court Rule 206.

What we cannot brag about is the fact that Kansas was one of the last to adopt a funded program. We are just commencing our second year of being a half-time funded operation, but hope that we will commence full-time soon, with a better budget with which to expand help to Kansas lawyers.

We wish to thank Ed Blewer (Past Chair, 1998-2001) again for his comments in a Highlights article in 1998 which helped build a fire under Kansas to get us funded. Now

we're getting hotter! Just wanted to keep the record straight.

—Don Zemites, Executive Director, KALAP

Note from the Editor: We apologize and acknowledge that we are not perfect. In our defense, we solicit facts via e-mail and at meeting/workshops. Working as volunteers and with limited staff time for research, we are bound to omit some information, which we will continue to correct as it is received.

Drug Treatment Courts

by Sheila Murphy

In 1992 an alliance of African American ministers and community leaders invited the new presiding judge of the Sixth District Court in Cook County, Illinois, to meet with them. The ministers stated that the current judicial policy of sentencing drug abusers to prison was hurting their communities. In prison, the defendants received little or no treatment for drug addiction, were forced to join gangs and in fact remained addicts while imprisoned. They were released back to the communities with lowered self-esteem, ready for little else but to re-offend.

The Sixth District Court invited Judge Michael Brennen Getty to address the judges. Judge Getty, a former Illinois state legislator and prosecutor initiated the first drug treatment court in 1985, and taught Judge Stanley Goldstein at the National Judicial College. Later, Judge Goldstein's Miami

court became the drug court model for hundreds of drug treatment courts in America in the 1990's.

Drug Treatment Court judges use incentives and sanctions to change behavior. The defendant is monitored by Orequest drug testing and helped to find appropriate substance abuse and mental health treatment. Prosecutors such as Charles Hynes, the King County District Attorney in Brooklyn, New York have received acclaim for drug treatment alternatives. The King County Drug Court was studied by the National Center on Addiction and Substance Abuse (CASA) at Columbia University. Their research indicated that drug treatment court graduates are 87 percent less likely than offenders without treatment to return to prison after two years.

At the 19th annual drug court training conference on May 14, 2003 in Reno,

Nevada the National Association of Drug Court Professionals DUI Drug Courts will focus on the reduction of alcohol-related fatalities. Many drug treatment courts and DUI treatment court judges find that 12 step programs such as Alcoholics Anonymous and Narcotics Anonymous assist the recovery efforts enormously. There are 12 step meetings for atheists and agnostics as well as traditional meetings.

Recently drug treatment courts in some states began providing newly released prisoners the benefits of community support, accountability and incentives. Challenges for the future in America's drug treatment courts are huge. Juvenile defendants are often children of untreated alcoholics, addicts and those in need of mental health treatment. Our divorce courts have child custody issues where addiction is an unaddressed issue. There are over 1,000 drug treatment courts in America. The Sixth District Court in Illinois has multiple drug treatment courts. Judges and attorneys from America have traveled to

(continued on page 6)

EDITORIAL – Drug Court: A Cause For Optimism

Reprinted with permission of the "New Jersey Lawyer," Monday January 20, 2003.

There are few problems facing modern society that are more costly, more frustrating and more destructive than the scourge of drug addiction. People who may begin as recreational users become ensnared in a trap from which they cannot escape. A source of pleasure becomes a taskmaster overtaking and destroying lives. Honest, productive people become criminals to support their habits. Attempts at escape through various forms of rehabilitation are, more often than not, fruitless. Neither wealth nor incentive provide ways out, as evidenced by the repeated relapses of Darryl Strawberry, Lawrence Taylor and Robert Downey Jr. and Carroll O'Connor's son found the only escape in suicide.

It is, accordingly, gratifying to comment on a program which, although currently limited to those charged with indictable nonviolent offenses, has shown promise in turning addicts around. It is, moreover, the one area where the courts have proved effective in dealing with addicts, becoming a true part of the rehabilitation, rather than the punishment process. The program is drug court.

Drug court, which began in Miami in 1989 and is now in place in all 50 states, involves a close coordination between criminal justice and drug treatment profes-

sionals. It is a very rigorous program, which requires the participant to submit to a minimum of 18 months of treatment, which can consist of a combination of inpatient, intensive outpatient, outpatient and halfway-house environments. During that time the supervision is intensive. There is frequent drug testing and judicial monitoring, with immediate sanctions, including incarceration, for program violations. The program requires the participant to be employed, to pay fines, child support, etc., i.e., to act as a responsible person. Drug court also provides incentives to participants who comply with program requirements, e.g., certificates, applause and positive praise from the drug court judge.

Because of its rigorous nature, those who are in the program have to want to be in it. Drug court judges report a phenomenon that is a source of amazement to anyone who has been involved in the criminal justice system—when there is a drug court session, everyone shows up! People who previously had found any excuse not to come to court, will now drag themselves out of legitimate sickbeds to be there. It shows that if there is real hope, many people who had been considered total failures both to themselves and to their families, will make a sustained effort to succeed.

Drug court is a relatively new program in New Jersey, currently active in 10 vicinages, with the anticipation that it will be in place throughout the state by mid-2003. As of August 2002, there were 1,273 active drug court participants, with 122 graduates from all phases of the program. There were 1,318 minor children of active drug court participants and 23 drug-free babies born to participants.

While the numbers are modest compared to the size of the addicted population in the state, that is in large part a function of the newness of the program. Many of the existing programs have not been around long enough to have a first graduating class. Right now, moreover, the target population is limited by resources to those charged with indictable offenses, but not involving violence. Hopefully with success will come more resources and expansion of eligibility for the program. After all, the Office of National Drug Control Policy reports that for every dollar spent on treatment there is a \$7.46 reduction in crime-related spending and lost productivity.

In the meantime we can be thankful for each person who successfully completes the drug court program, now a productive and healthy member of society.

Around the LAPs

British Columbia, Canada – The BC LAP has continued to grow. The numbers of individuals helped in 2002 were up considerably. BC LAP has hired two new part time Program Assistants: Barbara Armstrong, a lawyer/registered counselor and Fiona Murphy, a registered counselor. Office space has increased.

The BC LAP will be having its third annual Gratitude Lunch and will honor Judge Mario Mondin. Judge Mondin has been helpful in promoting peer support programs. He has been active with the Judges support program and as a member of the LAP BC Board for several years.

CoLAP conducted an Evaluation of the BC LAP September 3-5, 2002. The evaluation team included Michael Cohen of Florida, Richard Soden of Massachusetts and Michael Sweeney of Oregon. The LAP expressed their appreciation for the work done and felt it did confirm the progress made by the BC LAP since its first evaluation. Executive Director Derek LaCroix expressed his gratitude to the evaluators and the participants from Canada, which included representatives from the judiciary, Law Society, Canadian Bar Association, law schools, supporting organizations and others. The evaluation process is an important way for LAPs to educate the legal profession about the service it provides and its progress.

The British Columbia Lawyers in AA Round up was held April 25 –27, 2003 and an annual lawyers spiritual retreat is planned for the last weekend in September.

California - The California LAP has passed the milestone of completion of its first year of operation and the Annual Report to the Legislature is complete and available on request. With over 125 current participants in the program, things have been busy. Five clinicians have been hired, nine therapists are on contract as group facilitators and three evaluation committees have been established. Coordination of efforts with the Other Bar has continued in support of providing an optimal combination of peer and professional assistance to California attorneys. Progress also continues with the Bar's discipline program to establish the LAP as both an alternative and an adjunct to discipline. As many of you know, we are fortunate to have "insider" support from several key prosecutors, which has served to be instrumental in the evolution of these relationships. In addition, the State Bar Court has implemented a first-of-its-kind pilot program, modeled after the drug court system, for attorneys with substance abuse or mental

health disorders. We anticipate that the rest of 2003 will include a continuation of these efforts as well as the rollout of a statewide outreach program.

Florida – The FLA annual workshop will be held on August 1-2 at the Naples Beach Resort and Golf Club. Speakers will include physicians, representatives from the Florida Bar and the Bar Examiners, attorneys who represent lawyers and law students, and an AA dinner speaker. The program also includes Friday night sit-down dinner and full breakfast on Saturday looking over the Gulf of Mexico. See the Calendar of Events section for more information.

Illinois - The Illinois Lawyers' Assistance Program is pleased to report that it has stable funding for the first time in its 23-year history as a result of a recent state law that establishes a \$7 increase in attorneys' annual registration fees to help lawyers overcome alcohol, drug, and mental health problems. Money collected from the fee increase is in a new state fund administered by the Illinois Supreme Court.

The Court appointed a new 14-member LAP Board of Directors to provide oversight. Peoria, Illinois lawyer Timothy Bertschy, who chaired a committee to research LAP programs and make recommendations for a new funding mechanism for the Illinois organization, is chairman of the Board. Janet Piper Voss is executive director. In March, new board members and former board members met in a two-day strategic planning session to establish working committees and discuss ways to expand services and increase statewide coverage. ABA staff member Dolores Gedge, facilitated the session.

Kansas – The Kansas Lawyers Assistance Commission presented an award to Justice Allegrucci, who was instrumental in the creation of the program. The award read: "In appreciation of your exceptional efforts to assure the well-being of the Bench and Bar, thus maintaining the excellence of the legal profession in Kansas." The ABA Commission had also submitted certificates of recognition to Justice Allegrucci and the Kansas Supreme Court, en banc, which read "In recognition of your outstanding contribution to the Bench, Bar and Public through your efforts to maintain the integrity of the legal profession and improve the quality of life for lawyers."

Maine - The Maine Supreme Judicial Court adopted of the state-wide lawyers assistance program to be known as the Maine Assistance Program for Lawyers. Effective September 1, 2003, The Maine Assistance Program will provide immediate, continuing and confidential help to lawyers and judges who suffer

from the effects of chemical dependency or mental conditions that result from disease, disorder, trauma or other infirmities that impair their ability to practice law or serve in a judicial capacity. The program also will plan and present educational programs to increase the awareness and understanding of members of the legal profession so that they will recognize problems in themselves and their colleagues.

An unpaid commission of five lawyers and two non-lawyers to be appointed by the Court will administer the program. One of the responsibilities of the commission was to hire and supervise a full time director. This was accomplished on April 4, 2003 when the decision was made to hire David W. Kee from Bucksport, Maine. David is completing his second year as a member of the ABA Commission on Lawyer Assistance Programs. His practice is concentrated in Criminal Defense and Family Law. David was a member of the Maine State Bar Association Board of Governors in 1989-1994 and served as the President of the Bar in 1993.

Oregon – The Oregon Attorney Assistance Program is pleased to announce that Meloney Crawford-Chadwick and Michael Sweeney have become Certified Alcohol and Drug Counselors, Level III (CADC-III). Level III is Master level proficiency and the highest level one can obtain in Oregon.

Washington – We are pleased to announce a new monthly discussion group for Senior Lawyers. Whether they are old-fashioned or new-fangled, this group is for attorneys 65 and older. Topics are determined by the participants, and may include changes in the profession, aging, retirement, family, and self-care. This group will be a place for older attorneys to obtain information and support from one another in a friendly, congenial atmosphere. For more information, contact Ellen Begley, PhD at 206/733-5988.

Drug Treatment Courts

(continued from page 5)

Ireland, Scotland and Britain with the drug treatment court message. Drug Treatment courts are opening internationally. What Judge Getty started in Illinois nearly twenty years ago has helped thousands of men and women and children. To save one life is to save the world.

Sheila Murphy is the retired presiding judge of the Sixth District and is a consultant for the Justice Department on Drug Treatment Courts.

Calendar of Events

May 27-29, 2003

Spiritual Renewal and Preventing Burnout retreat for Employee Assistance Counselors and Professionals/Lawyer/Judge/Physician/Dentist Assistance Programs. It will be held at the Manresa Jesuit Spiritual Renewal Centre in Pickering, Ontario. Contact: Dr. Adrian Hill, 416/520-9016 or Adrian@LPAC.ca.

May 30-31, 2003

The Oregon Attorney Assistance Program is holding its 15th Annual Attorney Dinner and Workshop on May 30. The Workshop is a half-day on May 31. Jack G. from Colorado will be the dinner speaker as well as facilitator for the Workshop, the topic will be "Doing the 12-Steps following the directions in the Big Book." For information contact: OAAP 503/226-1057.

June 24, 2003

"Meeting Our Responsibilities: Substance Abuse and Law Schools." A northeast U.S. Regional conference about the role of law schools addressing the issue of substance abuse in the legal profession. Co-sponsored by the New York Lawyers Assistance Trust and the American Bar Association Commission on Lawyer Assistance Programs, as well as several other state bars. It will be held at the office of the Association of the Bar of the City of New York City, 42 W. 44th Street from 8:15 a.m. to 3:45 p.m. Contact: New York State Lawyer Assistance Trust, 518/432-8881. Registration is free, but space is limited.

June 25, 2003

CoLAP's Law School Outreach Subcommittee will meet in New York City the morning of June 25, 2003. Location TBA. Contact:

Donna Spilis, 312/988-5359 or spilisd@staff.abanet.org

August 1-2, 2003

The FLA annual workshop will be held on August 1-2 at the Naples Beach Resort and Golf Club (www.naplesbeachhotel.com/homepage.htm). Details will be available by the middle of May at www.flalap.org/workshop03.html or by calling Eleni at 954-56-9040.

August 7-12, 2003

Open AA Meetings during the ABA Annual Meeting will be held Thursday, August 7 at 9:00 p.m.; Friday-Monday, August 8-11 at 7:30 a.m. and 5:30 p.m.; and Tuesday, August 12 at 7:30 a.m. All meetings are one hour and will be held at the Hilton San Francisco, 333 O'Farrell Street, Room Union Square 5-4th Floor.

(continued on page 8)

2002-2003 Lawyer Assistance Commission Members

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

Zeb Barnhardt
Leland, NC
910/383-3175
E-mail: zbarnhardt@ec.rr.com

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

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

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

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

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

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

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

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

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

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

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

ABA STAFF
Division for Legal Services

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

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

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

2002-2003 Lawyer Assistance Action Forum

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

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

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

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

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

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

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

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

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

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

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

Susan D. Pauley
800/838-8358 or 804/644-3212
E-mail: valhl@vba.org

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

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

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

Highlights—Spring 2003

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

Job Posting

Assistant Director, New Jersey Lawyers Assistance Program-Position begins July 1, 2003

Reports to:

William John Kane, NJLAP Director

Requirements:

- Prefer Masters degree in counseling/related discipline with minimum of 3 years of counseling/relevant program experience.
- Minimum Bachelor's degree with 5 years

of counseling/relevant experience.

- Prefer certifications in employee assistance (CEAP), addictions (CADC), and/or licensed professional counseling (LPC).
- Prefer staff supervisory experience.
- Prefer Bar membership, law degree or experience with legal professionals.
- Computer keyboard facility.
- Must frequently provide own transportation statewide; some evening/Saturday meetings.

Major Duties: Assists NJ lawyers, judges, and law students/graduates by counseling, short term motivational interviewing and

follow-up support.

Promulgates and represents NJLAP to legal profession, public, media; networks with professional organizations and treatment resources.

Supports director in program operation, executing program policies/procedures and, in his absence, supervises staff/volunteers and assumes other responsibilities, as directed.

If interested, contact Phyllis Wolfe, Human Resources Director, NJSBA, The Law Center, 1 Constitution Square, New Brunswick NJ 08901, Fax 732-249-2815 or: resume@NJSBA.com. Resumes must be accompanied by salary history/requirements.

Calendar of Events

(continued from page 7)

August 9, 2003

CoLAP Dinner with speaker Yank Sing at 49 Stevenson Street – between 1st & 2nd and Market & Mission, 7:00 p.m. For reservations and tickets, contact Donna Spilis at spilisd@staff.abanet.org or 312/988-5359.

August 8-9, 2003

CoLAP Business Meetings, Intercontinental Mark Hopkins, Number One Nob Hill, San Francisco, California. The meetings will run both days from noon until 4:30 p.m. and will meet on Friday in the Room of the Dons, Lobby Level and on Saturday in the Willard ½, 2nd Level.

October 13-17, 2003

CoLAP's 16th National Workshop for Lawyer Assistance Programs, The Fairmont Empress (800/441-1414 or 250/384-8111 - \$160 CDN single/double), Victoria, British

Columbia, Canada. Call the Empress directly for reservations. For Workshop registration information; contact Adrienne Tucker at tuckera@staff.abanet.org or 312/988-5751.

October 17-19, 2003

ILAA Annual Conference, Victoria, British Columbia, Canada, The Fairmont Empress (800/441-1414 or 250/384-8111 - \$160 CDN single/double), Victoria, British Columbia, Canada. Call the Empress directly for

reservations. For Workshop registration information contact Derek LaCroix at derek@lapbc.com or 888/685-2171 or 604/685-2171. Registration - \$170 US per person (Guest \$140 US per person).

October 23-25, 2003

The Canadian Addiction Counselors Certification Board and The Ontario Bar Assistance Program present "A Wellness Approach to Mental Illness and Mental Health." It is accredited for 20 hours of continuing education credits or for 20 hours of qualifying core

education hours for CACCB members. For more information contact Dr. Adrian Hill at Adrian@lpac.ca or 416/520-9016.

October 24-26, 2003

The Annual Men's Retreat sponsored by The Other Bar of California. For more information, contact Bob Resner at 415/334-0796 or visit The Other Bar website – www.otherbar.org/mens_retreat.htm.

October 31-November 2, 2003

The Annual Women's Retreat sponsored by The Other Bar of California. For more information, contact Bob Resner at 415/334-0796 or visit The Other Bar website – www.otherbar.org/womens_retreat.htm.

November 7-9, 2003

The Annual PALS Training Meeting will be held at the Holiday Inn SunSpree in Asheville, North Carolina. The trainer will be Dr. Kevin McCauley. For more information contact Betty Whitley at 919/828-4620 Ext. 269.