

Highlights

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

Comments From Editor Steve Barrett

We present CoLAP's new Chair, Richard Soden, and his first column and all look forward to working with him. Also, meet the new CoLAP Presidential appointees. In addition to the report on CoLAP's business meeting in Atlanta, we are presenting a report by the ABA Standing Committee on Substance Abuse for the joint meeting and a copy of our cosponsored resolution adopted by the House of Delegates on August 9-10, 2004 on ending discrimination against people with alcohol and drug problems. Included is a history of Minnesota's early LCL (Lawyers Concerned for Lawyers). I would also suggest that prompt replies be made to surveys by Cydney Bachelor, because she will be "relentless" in getting the information. I am disappointed in the scant replies for Around The LAP's, Calendar of Events, and People in the News. In order to make these sections useful we need your help. Please make "Highlights" part of your marketing program and we'll do our part by getting the issues published in a more timely fashion.

Table of Contents

Message from the Chair	1
Accommodation or Transformation	2
Around the LAPs	3
Calendar of Events	3
Minnesota LCL Pioneers	4
People in the News	4
LAP-Discipline Proposal & Surveys	4
Resolution Adopted	5
Addicted Lawyers Overcome Barriers	7
Report on CoLAPs August Meeting	7
Cosponsored Resolution	8
Commission Roster	8
Advisory Commission Roster	8

Message from the Chair Richard A. Soden

As I assume the position of Chair of the American Bar Association's Commission on Lawyer Assistance Programs, I must begin by thanking those who have come before.



Richard A. Soden

While I am sure that he believes that the last encomium has been delivered, I must thank John Clark once again for his efforts over these last three years. Those efforts have worked to further integrate the work of those who labor at trying to improve the quality of life for lawyers who have encountered difficulty in their personal or professional lives further into the fabric of the organized bar. As a past president of both a major metropolitan bar association and a state-wide ethnic bar and a past Chair of the Association's Standing Committee on Bar Services and Activities, I have long viewed the American Bar Association as a partner with the state and local bars in providing services to the lawyers of this nation and the people they serve. The Commission is one of our most effective ways of advancing the goals of that partnership.

The Commission continues to emphasize the importance of local Lawyer Assistance Programs through its advocacy and its evaluation program. John's efforts with respect to the development and strengthening of individual state programs has reminded us all of how important it is to be close to the ground when seeking to help others and confirms that "Lawyers Helping Lawyers" is still the best way to help our fellow professionals.

As an African American I could not be more excited about our new working

relationship with the National Bar Association, the oldest national ethnic bar in the United States, and I look forward to welcoming that Association's representatives at our National Conference in Philadelphia. For this I must thank as well Dennis W. Archer, immediate past president of the American Bar Association and its first African American president.

The Commission's focus on Law Schools during John's tenure has provided the opportunity to intervene in the lives of young professionals before the damage is done. Perhaps more importantly it gives us the opportunity to begin to change a culture in the legal profession that puts too high a value on invulnerability and power and too low a value on caring for others. Many years ago when I was serving on the Peer Support Committee of my local bar association, Preston Munter, a psychiatrist associated with the Harvard Law School, reminded us that the law was once considered one of the caring professions, much as medicine and nursing, and held in high regard not for the foes we vanquished but for the people we helped and the lives we improved. Many of us remember the family's lawyer who was the go to person in time of crisis or the local lawyer who everyone felt could make everything right. Not to worry, we still do good works.

Of course our National Conference, coming up in a few short weeks, focuses clearly on these issues as our theme for this year is "Striving for Balance." As we work on bringing balance to lives of the lawyers and families we serve, I would also like to help bring balance to the LAP community as we seek to take the best from both our volunteer and professional resources. When we meet in Philadelphia we will begin the process of planning for 2005 and facing the challenges of our ever changing practice environment.

Accommodation or Transformation

by Don Carroll, Director, North Carolina Lawyer Assistance Program

The heart is the literal and metaphorical center of our lives. We have either an open heart toward life or we may be closed hearted. Our response toward life may be one full of heartache or heartfelt joy.

All of us have issues and challenges from time to time. How we respond will tell us something about our heart, and how we respond will determine something about the health of our hearts. Issues that center around the heart are usually issues of transformation. Those issues not felt so deeply are usually issues of accommodation. Often problems occur for the heart when transformation is needed, but we settle for accommodation.

If I break my leg, I can go to the doctor and get the bone set and a cast placed on the leg. I can use crutches and accommodate my schedule to the injury. Over time it will heal and my heart will probably not be stressed at all in the process. When we are faced with more long-term issues in our lives, chronic illnesses or disorders, such as diabetes, alcoholism, attention deficit disorder or depression, our challenge is going to be different. We no longer have the option of accommodating to a short-term inconvenience but we must come to terms with living a life with a disorder we did not anticipate or want. Often this is only possible through a transformation that involves a change of heart about how we see our life.

Lots of times in talking with lawyers facing difficulties or particular times of stress, I am surprised to learn that their desire to become a lawyer in the first place springs from some early injustice they experienced in their own lives. They might have grown up with a raging and abusive father. Or, grown up, dirt poor and felt the harshness of struggling to survive and to succeed. These lawyers are driven by their desire to help make the world more just and fair for others. This early experience, which was wounding in a way, was what launched them into their career as a lawyer. In a sense, the wound is also a gift. It has given them a sense of determination and a keen sense of what is right and wrong and this has propelled them forward. However, most lawyers will at some point have to face up to the negative part of this wound: the part that makes them driven, that makes them feel overly responsible for seeing that justice is achieved. There must be a change of heart, in which they come to terms with the past, and see, often for the first time, the gift that came

with their wound. In so doing they open their hearts to themselves as well as the clients they try to serve. Otherwise, they are apt to lapse into depression or addiction or workaholism (or some combination of these) as a way to avoid dealing with the underlying feelings of personally experienced unfairness. They may be an aggressive, hard fighting lawyer on the exterior and unwittingly be stuck in a place of being a victim on the interior.

I remember one time reading a book on creativity. The author had done his research across many fields of endeavor, musicians, artists, bankers, and lawyers. All of the most creative individuals, regardless of their vocation, had one characteristic in common. They all accepted the reality of who they were and their external environment exactly the way it was. Their acceptance of themselves meant that all their energy went into their own creative passion. There was no lost effort in trying to make themselves or the world different from the way they actually were. Acceptance seems to be one of the characteristics of being open hearted: acceptance of myself regardless of whether I have a chronic condition like diabetes, alcoholism, attention deficit disorder or depression. Such disorders can either be the starting place for acceptance, or an enduring place of struggle that can go on endlessly.

As lawyers we daily face the choice of accommodation or transformation in how we adapt to the technologies of cell phones, emails, and computers that all accelerate our lives. Are we accepting them as useful tools, or are these technologies tending to run our lives? If they are running our lives, the chances are we are not having the chance to emotionally absorb and enjoy our daily activities. We run the risk of becoming closed hearted.

Recent research confirms the connection between heart problems and our ability to stay open hearted. Over the past several years a number of large studies have been conducted that show depressed people are more vulnerable to coronary disease, congestive heart failure, and heart attacks. Almost everyone who suffers from alcoholism or another chemical addiction is depressed. Often depression comes from the difficulty in adjusting to the loss of the idealized view that one had in law school of how one's life as a lawyer would be, and accepting the reality of the difficulties and challenges of what practicing law actually is. This is an

emotional adjustment that takes time and an open heart, but too often we avoid feeling that loss and close the heart by simply working long hours. What starts off as simple emotional avoidance can, over time, become a pattern that leads to the onset of clinical depression. Regardless of the cause of the depression, current studies show that the risk of heart related problems is significantly greater for those suffering from depressive symptoms.

In a study of 5000 people over age 65 those who had frequent depressive symptoms were 40% more likely to develop coronary artery disease, and 60% more likely to die than those who do not have depressive symptoms.

A longitudinal study by John Hopkins Medical School tracked individuals every five years for forty years. Those who had suffered clinical depression even a depressive episode more than ten years earlier were at twice the risk of developing coronary disease.

In another study, men in their 50's with high levels of depression and anxiety were over three times more likely than average to have a fatal stroke during the next fourteen years.

Even among people who are not clinically depressed, these studies confirm what Alcoholics Anonymous has long stressed, that resentment is a killer. People with normal blood pressure, who scored high on a rating scale for anger, were nearly three times more likely to have a heart attack or require bypass surgery within the next three years.

And here is a zinger! In another three-year study, hostility, measured by a personality test, predicted heart attack and heart disease better than other factors such as high cholesterol, smoking, or being overweight.

We know that on a simple biological level depressed people react physically as if under chronic stress. Persistent high levels of stress hormones make the heart less sensitive to normal demand signals. Stress hormones stimulate the production of inflammatory substances and oxygen free radicals. Depression affects the heart in many indirect ways as well. People who are depressed become discouraged, don't eat right, don't exercise well and don't avoid the use of addictive substances. Finally depression leads to social isolation which reduces the normal support needed from family and friends. Coronary disease rates are substantially higher for older men who live alone.

(continued on page 3)

Website: <http://www.abalegalservices.org/colap>

Around The LAPs

Florida - the continuing education rule was changed about 6 years ago to require that every lawyer in Florida take a minimum of five hours in either substance abuse, mental health awareness, ethics, or professionalism (or any combination) every three years. Although there are no hard and fast statistics, I can tell you the rule change was probably one of the most significant actions taken by The Florida Bar with regard to FLA. It sent a message that the issues of substance abuse and mental health are to be taken seriously, removed much of the stigma of attending a CLE presentation on those subjects, raised our visibility enormously, and has become one of our primary marketing and referral sources. The feedback we get from the lawyers and judges we speak to is that they find these presentations among the most valuable they attend, in that they learn about impairment and, more importantly, what they can do if they see it in their colleagues.

Nebraska - Richard*: "A True Story Regarding the Calif. LAP Video" First let me preface this my sharing that in NE we have a very good relationship with our Supreme Court and they are very supportive of NLAP. However your video has enhanced our position with the Court and opened up new communications. Upon receiving the tape our Chief Justice reviewed it and sent it on to me,

suggesting that I should keep it and use as I saw fit. This gave me an opportunity to correspond with the CJ, thanking him for the tape, stating that it is a very good portrayal of what LAP's are all about, reviewing some of our work and asking him for some time to obtain his input as to how we may better serve the Bench and Bar of Nebraska.

He called me back as soon as he received my letter, his first comments were very complimentary and he indicated that he really didn't have any suggestions as to how we could improve our program. However in the course of our conversation one issue did come up. Both the CJ and I have been concerned about the use of our program by judges generally. The timing of the mailing of your video could not have been better. The Court this Spring revamped its continuing education program for judges and hired a full time coordinator, within a day of my conversation with the CJ the coordinator called. Amazing, his philosophy is very similar to ours and we will be meeting in the near future to brain storm concerning more participation by NLAP in the continuing education of the judiciary.

** Email from Rick Allen, Director of Nebraska LAP, to Richard Carlton, Deputy Director of California LAP.*

New Jersey - NJLAP recently added an interactive "web blog" to raise visibility on the internet and provide people with an anonymous way to ask questions of the LAP staff online. The blog has proven itself to be an excellent way to secure good search engine

rankings, and within weeks we had top ten placements all over Google on important, relevant key word searches. And with a few others... Denise Malinowski's moving article on our special womens' group is doing particularly well. Under the title, "A Unique Bond: Women Attorneys Supporting Each Other in Recovery," it has unintentionally been ranked #9 out of 3,320,000 Google results for an especially popular search. Unfortunately, this particular search is for "Bond Women." *As in James Bond.* And NJLAP comes in ahead of Sean Connery, who is at #10.

Tennessee - On 8/31/04 TN Sup Ct Rule 7, Sec. 12.11 was amended to add TLAP to list of entities to whom Board of Law Examiners is authorized to release information which would otherwise be confidential. Another step in the right direction toward making TLAP more effective in accomplishing its mission.

Calendar of Events

LPAC National Workshop, "The Cost of Justice: Secondary Trauma in the Courts", November 18, 19, 20, 2004 at the OBA Meeting Centre in Toronto.

Feb 11-13, 2005 the Menucha Annual Retreat is being re-established.

The Spring Networking of The Other Bar will be April 22-24, 2005 in San Diego.

Accommodation

(continued from page 2)

When there is a tendency toward a long-term chronic illness, or if you have a chronic disease, the mistake most often made is to seek a solution of accommodation rather than transformation. A problem with alcohol most often represents itself with an inability, on occasion, to stop drinking or the inability to handle one's moods without drinking. For the depressed person, the difficulty is often the fear of looking at unresolved emotional

issues. For the person with ADD, the issue may be finding the unique gift in what otherwise seems like confusion and wild energy. For the person with diabetes, a key issue is often coming to terms with the need for ongoing medication and diet control. For almost all of these chronic problems, there are a number of things that can be done that help good nutrition, exercise, and medication may all be part of the solution. However, any one factor alone may simply be an accommodation to the problem. What is going to stand the problem on its head will be when the problem is a catalyst to personal trans-

formation. This may involve some or all of the same factors that could be accommodations, but at its core it will involve a willingness to be open hearted toward oneself and the practice of law, a reordering of priorities and acceptance of whom one is and the willingness to follow a road that brings meaning to one's life by giving the unique gift you have back to the world.

**This article first appeared in the Campbell Law Observer and is reprinted with permission of the author, who is Director of the North Carolina Lawyer Assistance Program.*

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Minnesota Pioneer With Lawyers Concerned For Lawyers

In May, 1976, a group of recovering chemically dependent lawyers and judges in Minneapolis and St. Paul, Minnesota, met to hear Judge Leon Emerson of Downey, California, who was invited to speak on California's attempt to provide a support system for chemically dependent lawyers. The Twin Cities lawyers were interested in forming a similar organization in Minnesota.

Lawyers attending this meeting included Fred Allen, Warren Eustise, Judge Eugene Farrell, R. J. Fitzgerald, Paul Filing, Gerald R. Freeman, Earl Isensee Jr., John McEachron, William R. Nelson, Ellsworth Serstock, Edward Vaverick, Mike Welch, and Dick Wright. They were founders of Lawyers Concerned for Lawyers (LCL).

After the speech, the group discussed and determined that many lawyers and judges in

Minnesota were suffering from chemical dependency and that this condition created problems for themselves, their families, their clients, and their law firms. The group also felt that chemically dependent lawyers and judges cannot accept their conditions unless another lawyer or judge, who is in recovery, intervened face to face. Recovering lawyers and judges, the group said, provided the understanding and compassion necessary to successful treatment when the chemically dependent lawyer or judge was assured of confidentiality.

During the next two months, the group met periodically to discuss creating a formal organization, specifically for lawyers that would benefit not only the judicial system but also clients and families of afflicted lawyers and judges. In addition, this

organization would keep membership and recovery information in strict confidence.

In July, 1976, Lawyers Concerned for Lawyers (LCL) was formed. One month later, the founders incorporated LCL as a non-profit organization and began a campaign within the Minnesota State Bar Association to publicize its mission to help lawyers and judges recover from the effects of chemical dependency. LCL then asked two highly respected judges, Edward Devitt, U.S. District Court, St. Paul, and Susanne Sedgwick, Hennepin County District Court, Minneapolis, to serve on its first board of directors although they were not chemically dependent. Their presence in LCL, according to its founders, would help members of the bar and bench become aware of LCL's mission.

Proposal to Create Model LAP-Discipline Plan Presented for Lawyer Assistance Programs

Winter Business Meeting, Colorado Springs, Colorado

March 26-28, 2004

by Cydney Batchelor

Proposal to Create Model LAP-Discipline Plan

The lawyer assistance movement began with lawyers helping lawyers primarily about alcohol abuse and dependency. The second wave has been to bring clinicians into the programs, and to address drugs and mental health problems, too. The third wave could and should be LAPS cooperating with state discipline agencies to monitor, test and treat attorneys who have incurred licensing problems as a result of these conditions, to the end of rehabilitating their careers along with their personal lives.

The development of a LAP-Discipline Model Plan could be approached in three phases described below, with written reports to be provided to the ABA Commission on Lawyer Assistance Programs on a schedule to be set by the Commission.

Phase I: Survey LAPs that currently cooperate with discipline agencies, and their discipline counterparts, to determine how they work together and what they think works and what does not, and to solicit their input for the development of a model plan.

Phase II: Survey LAPs that currently do not cooperate with discipline agencies, and their discipline counterparts, to determine first why they do not cooperate with each other; second, whether they would like to work together; and third, how they envision the relationship would be structured. To the extent the respondents indicate that they do not want to cooperate with each other, the survey would inquire what obstacles exist to cooperation, and what might serve to lessen or remove those obstacles.

Phase III: Combine the results of Phases I and II into a draft model plan, to be circulated to the CoLAP Commission and Advisory Commission for initial consideration and revision, and then rolled out initially to the LAP directors for comment and revision, and next to the discipline agencies for comment and revision. The final draft version would then be presented at the CoLAP National Conference next occurring, for further consideration, revision and prior to submission to the House of Delegates for ABA adoption.

People in the News

Michael J. Sweeney – Oregon Attorney Assistance Program Assistant Executive Director and Attorney Counselor Michael J. Sweeney was invited by the National Council on Alcohol and Drug Dependence (NCADD) to participate in their "Stand up for Recovery" luncheon, which was held in Washington, D.C. on September 9, 2004. The luncheon celebrated the advances made since May 8, 1976 when NCADD founder, Marty Mann, held a similar luncheon in Washington, D.C. called "Operation Understanding." At that time, a press conference was held in which 50 persons of influence openly acknowledged that they were alcoholics and in recovery. The September 9, 2004 luncheon was a call for all to again challenge the *Stigma* associated with alcoholism and to put a Face on Recovery.

Gail S. Harber - The Supreme Court approved Gail Harber's request for a full time position with a strong benefit package with no questions asked! She met with them briefly in May to update them on the program—the one justice that had challenged the program from its inception was complimentary!

Bob Resner – **CONGRATULATIONS!!!!**
To Bob Resner who recently got married to Donna DeBardi Resner, August 15, 2004, in Sonoma, CA.

Hal M. Nevitt CISW/CEAP - Is the new Director of the Arizona Member Assistance Program.

(continued on page 6)

REPORTS

AMERICAN BAR ASSOCIATION ADOPTED BY THE HOUSE OF DELEGATES

August 9-10, 2004

RESOLVED, That the American Bar Association urges federal, state, territorial and local governments to implement the following principles adopted by a national policy panel in a 2003 report published by Join Together entitled, "Ending Discrimination Against People with Alcohol and Drug Problems," addressing discrimination against people seeking treatment or recovery from alcohol or other drug diseases:

1. Addiction to alcohol or other drugs is a treatable chronic disease that should be viewed and addressed as a public health issue; and
2. People seeking treatment or recovery from alcohol or other drug diseases should not be subject to legally imposed bans or other barriers based solely on their addiction. Such bans should be identified and removed.

FURTHER RESOLVED, That the American Bar Association urges federal, state, territorial and local governments to eliminate policies that sanction discrimination as a deterrent or punishment by implementing the following recommendations concerning public benefits included in "Ending Discrimination Against People with Alcohol and Drug Problems:"

1. People with drug convictions but no evidence of current drug use should not be denied or hindered in obtaining student loans, other grants, scholarships, or access to government training programs;
2. Persons with non-violent drug convictions but no evidence of current drug use should not be banned from receiving government cash assistance and food stamps; and Public housing agencies and providers of Section 8 and other federally assisted housing should use the discretion given to them in public housing laws to help people get treatment, rather than permanently barring them and their families from subsidized housing, provided that the person seeking or in treatment poses no threat to the safety of other persons, including family members.

In 2002-2003, the ABA Standing Committee on Substance Abuse launched an outside-funded initiative entitled "Substance Abuse, Addiction and Discrimination" to examine discrimination against individuals in recovery. The purpose of the initiative was to examine areas of discrimination against people seeking treatment or recovery from alcohol or other drug disease.

DEVELOPMENT OF THE NATIONAL POLICY PANEL Report on Ending Discrimination Against People With Alcohol and Drug Problems

Join Together, founded in 1991 by a grant from The Robert Wood Johnson Foundation to the Boston University School of Public Health, supports community-based efforts to reduce substance abuse. In the spring of 2002, Join Together, as assisted by the Standing Committee, formed a national policy panel to address discrimination against people seeking treatment or recovery from alcohol or other drug disease. The panel, chaired by Kurt L. Schmoke, Esq., a former Mayor of Baltimore and currently Dean of Howard University School of Law, included leaders from law, medicine, business and journalism. This initiative was prompted, in part, by the results of the Peter D. Hart and Associates survey. The panelists developed the principles and recommendations included in the 2003 report, "Ending Discrimination Against People with Alcohol and Drug Problems."

The panelists agreed upon two guiding principles and ten policy recommendations that address discrimination. The Standing Committee and its ABA cosponsors, the Commission on Lawyer Assistance Programs and the Commission on Mental and Physical Disability Law, recommended that the two guiding principles and three of the ten policy recommendations be adopted by the House of Delegates as Association policy. The Standing Committee and its cosponsors may wish to consider others of these policy recommendations for possible future action by the House of Delegates.

Conclusion

People with alcohol or other drug dependency diseases face public and private policies and prejudices that restrict their access to appropriate health care, employment and public benefits, thus discouraging them from seeking treatment, robbing them of hope for recovery and costing the U. S. economy billions of dollars.

Bans enforced without considering individual circumstances often have unintended, counterproductive consequences. Decisions should be based on an individual's present, not past, circumstances so that individuals who are in treatment or recovery from drug or alcohol disease can have equal opportunities to live successful lives.

The recommendation is consistent with several of the American Bar Association's missions and goals, including Goal I (To promote improvements in the American System of Justice) and Goal III (To provide ongoing leadership in improving the law to serve the changing needs of society). Adoption of the report with recommendations will enhance the American Bar Association's ability to encourage federal, state, territorial and local governments to change laws and policies that discriminate against individuals in recovery from chemical dependency.

Respectfully submitted,
Barbara J. Howard
Chair, Standing Committee on Substance Abuse
August 2004

People in the News

(continued from page 4)

Hal Nevitt is certified in social work, substance abuse, and as an employee assistance professional. Hal has 15 years of experience providing therapy to individuals, couples, families, and adolescents. Hal's clinical experience includes the assessment and treatment of substance abuse/dependency disorders, including those with concurrent psychiatric diagnoses, depression, anxiety, and other stress-related symptoms.

Additionally, he has considerable experience with critical incident debriefings, to include World Trade Center personnel. Hal has helped to select, train, and implement debriefing teams for police and fire departments across the state of Arizona.

Hal also provides workplace trainings for employees, and supervisors, covering a variety of issues. Hal has testified as an Expert Witness for the Attorney General's office on Mental Health Issues.

Honorable Sheila M. Murphy, CoLAP member, has been asked by Chair Richard Soden to serve as liaison from CoLAP to the ABA Standing Committee on Substance Abuse.

Ray O'Keefe - Don Muccigrosso reports that he spoke to Ray on October 3, 2004 and said: "He has been home for two weeks and is doing great. He is getting around in a wheelchair and he sounded optimistic and sober."

COMMISSION APPOINTMENTS

ABA President Robert Gray appointed the following people as new members of CoLAP

Richard Soden: Served 4 years as a member of the Commission on Lawyer Assistance Programs and has been appointed the new chair. A partner in Goodwin Proctor's Business Law Department, he specializes in corporate and securities law.

Mr. Soden is a fellow of the Boston and American Bar Foundations. He is currently President of The Boston Bar Foundation, a trustee of the Social Law Library and an overseer of the Massachusetts Supreme Judicial Court Historical Society. He serves as Chair of the Supreme Judicial Court Lawyers Concerned for Lawyers Oversight Committee. He is past president of the Boston Bar Association and was instrumental in the formation of the Massachusetts Black Lawyers Association, where he served as its president. Mr. Soden is former chairman of the Association's Standing Committee on Bar Services and Activities. He is a member of the

ABA's House of Delegates. He is also a former chairman of the Steering Committee of the Boston Lawyers' Committee for Civil Rights Under Law.

In addition, Mr. Soden is president of Area 1 of the Northeast Region of the Boy Scouts of America, a member of the Overseers Advisory Board of WGBH and an overseer of the New England Aquarium. He is past chairman of the Boston Municipal Research Bureau, past chairman of the Board of Trustees of the Judge Baker Children's Center, past president of United South End Settlements and a former trustee of Boston University.

Mr. Soden received his J.D. from Boston University School of Law in 1970 and an A.B. from Hamilton College in 1967.

Cydney Batchelor is a deputy trial counsel for the State Bar of California, and for the past three years has coordinated the Northern California attorney discipline cases that involve drugs, alcohol or mental health conditions. She graduated from the University of Houston in 1980, and Hastings College of the Law in 1984. Earlier this year, she obtained a certificate in alcohol and drug studies from the University of California, Berkeley. Her professional background includes: federal and state court clerkships, deputy district attorney for Alameda County, and associate campus counsel for the University of California, San Francisco. Batchelor served on the Advisory Committee to the Commission on Lawyer Assistance Programs from 2003-2004, and has been appointed to the Commission for 2004-2005.

Philip H. Corboy, a senior partner in the 20-lawyer firm of Corboy & Demetrio in Chicago. He has been in the practice of law for over 50 years and is a nationally-known attorney who represents plaintiffs in personal injury and wrongful death actions. Mr. Corboy is a former president of the Chicago Bar Association, former president of the Illinois Trial Lawyers Association, former chair of the ABA Section of Litigation and Special Committee on Medical Professional Liability.

Among the many awards he has received, Phil was honored with the Hazelden Chicago Distinguished Leadership Award in 1999 and in 2000 he received the First Annual John Paul Stevens Award, which is given to an attorney who best exemplifies Justice Stevens' commitment to public service and integrity while practicing law. Mr. Corboy is a board member of the Illinois Lawyers Assistance Program and has been since its creation. In 1998, he established a patient-aid fund with Illinois LAP to provide treatment at Hazelden Chicago for those who may not otherwise have the financial ability to obtain the treatment.

Shell Goar is the State Bar of Wisconsin's Coordinator of the Lawyer Referral and Information Service, Administrator of the Wisconsin Lawyers Assistance Program, and Coordinator of the Wellness and EAP programs for the State Bar staff. She has been employed at the State Bar for seventeen years and worked with WisLAP since 1996. Before that, Goar was director of the University of Wisconsin Eating Disorders Clinic. She went to law school in Iowa and decided not to continue when her interests turned to the health and well-being field. Goar has taught Biology in New Jersey and after a 35 year sabbatical, she picked up the flute and piccolo and plays in two bands, a flute choir and a woodwind ensemble. In 2003, ABA President Dennis Archer recognized Goar for her work in the area of lawyer well being by honoring her with a Presidential Appointment to the ABA Commission on Lawyer Assistance Programs' Advisory Commission.

Derek LaCroix is the Director, of the British Columbia Lawyers Assistance Program and a member of the Oregon Bar Association. Mr. LaCroix does outreach and interventions as part of his duties in BC. He provides ongoing counseling and support, and presents workshops on topics dealing with healthy living, such as stress management, developing balance, time management, meditation, dealing with procrastination. He also leads seminars such as "what can you do with your law degree?" Mr. LaCroix trains and supervises members of the legal community to be able to provide peer support. He practiced law for 18 years, primarily as a criminal defense lawyer. During that time, particularly early in his career had a great number of interesting experiences. In getting his life on track and rebuilding his law practice he developed an interest in, and got training in, helping others. He had an opportunity to help create a biotech business and moved to Portland, Oregon. In Portland he met the attorneys at the Oregon Attorney Assistance Program and became interested in the concept of lawyers helping lawyers and in providing a service to the legal community. In late 1996 the LAP of British Columbia applied for and received a grant to pay a full time executive director.

Appointments to the Advisory Commission are shown on page 8. Reappointments to CoLAP include Zeb (Barney) Barnhardt, Ann Foster, Sheila Murphy, Stephenson Todd and Dolores Wilson. Special appreciation is extended to those members who completed their terms, John W. Clark, Jr., as chair, Don Carroll, Barbara Harper and David Kee.

Addicted Lawyers Can Overcome Barriers to Recovery

Robert started drinking at age 18 and was an alcoholic by the time he entered law school. "I managed to get my degree and go to work for a Wall Street firm. After that I changed jobs every two years or less. I just couldn't hang on to one. Nobody ever mentioned drinking to me. But I'm sure that with every job I lost, drinking was the main reason."

Images of hardheaded, hard-drinking lawyers abound in popular culture. These images make a point: The professional status granted by a law degree offers no immunity from addiction. The same can be said for people in other prominent professions, such as physicians, pilots and politicians. In fact, the rate of addiction for attorneys may exceed that for the general population.

In 2002, the Substance Abuse and Mental Health Services Administration estimated that 9.4 percent of Americans age 12 and older could be classified as substance abusers or substance dependent. According to the American Bar Association, the corresponding estimate for lawyers is nearly double—15 to 18 percent.

Emil Jalonen, an attorney in recovery and former Executive Director of the Minnesota

LCL, connects chemical use to the over-achieving, high-pressure lifestyle of the legal profession.

"Lawyers in private practice often have many clients, which means multiple bosses," says Jalonen. "All these bosses have different personalities that the attorney must deal with, and all of them have their own needs to meet. Also, lawyers operate under very strict timelines. If you don't get a certain paper filed by a certain time, for example, your case gets thrown out of court."

Increased competition is another factor. The fact that lawyers in many states can now advertise, paired with increased graduations from law school, creates an expanding pool of lawyers all chasing the same clients.

Lawyers' professional survival depends on their competence as perceived by peers and clients. This in turn creates pressure to appear invincible and deny signs of addiction.

A solution lies in lawyer assistance programs—organizations formed by legal professionals to assist each other with recovery from addiction and other mental health problems. Today, such programs exist in all 50 states and Canadian provinces as

well as Great Britain.

Lawyer assistance programs differ widely. Some are basically support groups. Others are full-blown diversion programs that aim to rehabilitate impaired lawyers as an alternative to suspension or disbarment. In all cases, confidentiality is strictly maintained.

One goal of peer assistance is to get impaired lawyers into addiction treatment programs. However, many lawyers fear that attending treatment will take them out of the office for extended periods of time and lead to loss of clients. Lawyers assistance programs are frequently the answer.

"Many lawyers who have been helped by the organization want to volunteer their services to help others," says Tom Shroyer, executive director of Minnesota Lawyers Concerned for Lawyers. "Our volunteers will go in and at no cost for their time assist with another person's practice in order to meet the needs of clients and keep the attorney out of trouble until he or she is able to get back on the job."

It is suggested by experts that peer assistance should include aftercare—continuing help for lawyers after they complete treatment. Long-term treatment outcomes for attorneys are dramatically improved when lawyers have a fair amount of external support. This includes monitoring, ongoing contact with a treatment professional, and access to other recovering attorneys.

Robert, an advocate of peer assistance, achieved sobriety through inpatient treatment, four months in a halfway house, and a permanent move to Minnesota.

"I've managed, in large part as a result of that move, to stay sober for the last 16 years," he says. "I still practice law, and I sincerely believe that I am very possibly the luckiest man I will ever meet."

If you are a lawyer, judge or law student, you can access confidential help for chemical dependency and other mental health issues. Contact your state bar association and ask for a referral to a lawyer assistance program.

Other resources include: American Bar Association Commission on Lawyer Assistance Programs, 312-988-5359, www.abanet.org/legalservices/colap/home.html

International Lawyers in Alcoholics Anonymous, a support group that acts "as a bridge between reluctant (in denial) lawyers/judges and AA," can be reached via e-mail at webmaster@ilaa.org. Its Web site is www.ilaa.org/index.html

Alive & Free is a health column that offers information needed to help prevent substance abuse problems and address such problems. It is provided by Hazelden, a nonprofit agency based in Center City, Minn.

CoLAP Business Meeting at ABA August 6-7, Atlanta, Georgia

by: Steve Barrett

The most important issues discussed were:

1. John Clark announced the signing of the historic Memorandum of Understanding between the ABA and the National Bar Association which gives the NBA access to CoLAP's toll-free number for referral to the existing state and local LAPs, and a way to get into the LAP business.
2. On Saturday there was a joint meeting with the ABA Standing Committee on Substance Abuse. *See their report on page xx.*
3. The discussion of the possibility of outsourcing the annual conference was discussed in detail and tabled.
4. John Clark announced that Colorado has a funded program outside the discipline system as a result of the March meeting there.
5. The Law School Outreach program is proceeding in three main areas. They are: regional law school conferences; conditional admission and a tool kit for deans.
6. Barbara Harper reported that as a result of the CoLAP survey conducted there three years ago by Bill Leary, her North Dakota now has a LAP program.
7. John also discussed the recent ABA proposal to amend the Code of Judicial

Conduct to require judges to report or confront colleagues who may be impaired.

As a result of some undercover work, the Georgia LAP concerns may be on its way to being resolved.

At the conclusion of the meeting, John Clark turned the gavel over to the incoming chair Richard Soden. John particularly thanked his wife, Barbara for her support and Ed Blewer for his guidance.

At the conclusion of the meeting and at the Friday night dinner Richard expressed the thanks of the Commission to John for the job he had done over the past three years. John was presented with a suitably engraved crystal vase in recognition for his dedicated service. Barbara wished to ship the vase home based on very good source we now know that John hand carried the vase to Colorado Springs and thence home to the Park Cities where it now resides in their living room.

Many of these issues and others will be on the agenda for the CoLAP business meeting to be held during the 17th National Conference for Lawyer Assistance Programs. The meetings will take place on October 12 and 13, 2004. All meetings are open and you are invited to attend.

ABA Standing Committee on Substance Abuse met jointly with the Commission on Lawyer Assistance Programs Saturday, August 7, 2004 at the ABA's Annual Meeting in Atlanta, GA

The meeting allowed discussion of joint programs, including:

- The Standing Committee, jointly with CoLAP, is pursuing external funding from the Substance Abuse and Mental Health Services Administration, Center for Substance Abuse Treatment, for the initiative "The Lawyers' Peer-Driven Recovery Support Network. This four-year initiative, collaborating with CoLAP, state and local bars, and lawyer assistance programs in eight states, will develop community based, peer-driven networks for attorneys and judges in recovery. The joint grant application was submitted May 17, 2004;

- CoLAP's co-sponsorship, with the Standing Committee, of a proposed ABA policy position on legal issues related to discrimination against people who are in or are seeking recovery. The resolution was approved by the House of Delegates at the 2004 Annual Meeting; and
- Serving as a planning partner with the Substance Abuse and Mental Health Services Administration in planning the annual observance in September of National Alcohol and Drug Addiction Recovery Month. Planning partners participate with other public sector entities and national and local coalitions in planning **Recovery Month** observances.

The Standing Committee looks forward to further collaboration with CoLAP to develop and influence practices and policies that support prevention and treatment of as well as education about substance abuse.

American Bar Association Commission on Lawyer Assistance Programs COMMISSION ROSTER - 2004-2005

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Regional and commissioner's assignments will be finalized at the 17th National Conference in Philadelphia.

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