

# HIGHLIGHTS

of the American Bar Association Commission on Lawyer Assistance Programs

VOL. 14, NO. 4 ■ WINTER 2012



## Seeking Help for Substance Use Before the Bar Becomes a Bar

BY DAVID JAFFE

### Substance Use and Abuse is a Problem Among Law Students

“Jane,” a rising 2L, came to my office last week to share that she was off probation for her DUI charge. She thanked me for my counsel during the prior year, including the recommendation that she seek support from the local Lawyer Assistance Program (LAP). Jane also informed me that she had been attending a local AA meeting, and was both surprised and relieved to recognize several individuals from the law school. Outwardly, I expressed happiness for Jane that she was taking affirmative steps in addressing her situation. I assured her that her actions, while not guaranteeing success would only facilitate her ultimate admission to the bar, adding that what was paramount was that she was simultaneously taking care of her physical and mental well-being. Internally, though, I was troubled: “Just a few recognizable faces at the AA

meeting? Given the suspicion that a far greater number of law students are affected by issues involving alcohol (as well as drugs), were others attending different meetings, or is my ongoing concern about students in need not getting help being confirmed?” Substance use and abuse by students, including alcohol, performance-enhancing drugs such as Adderal and Ritalin, and other illicit drugs, exists at law schools throughout the United States.<sup>1</sup> Such behaviors by law students can adversely affect their academic (and, ultimately, professional) interests, along with their physical well-being. Stressors unique to law school, including a new vocabulary, the Socratic method, and limited feedback leaving some at least initially confused; higher levels of competition; increasing debt coupled with employment concerns; expectations from family members, are exacerbated for many by their undergraduate experience and concomitant experimentation in things illicit (or even legal). Law school can be an erratic time, one of excitement and anticipation, but also of transition and anxiety.

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## The Reviews are In! The Smash New Drama “The Road to Redemption: Recovery and Reinstatement” is a Hit!

BY TRACY L. KEPLER

The stage was set...the Magnolia Ballroom of the Westin New Orleans, early morning of Saturday, February 4, the actors behind the scenes nervously running their lines amidst the high-fives and wishes of “Break a Leg,” the buzz of the audience anxiously awaiting the dimming of the lights signaling the beginning of the show. And then, precisely at the strike of nine

a.m., as a hush came across the room, the curtain parted on stage revealing the courtroom and the drama to unfold in *In the Matter of Darrin William Stephens, Petitioner*.

A tad too dramatic? Maybe. But an apt description of the excitement and feeling of anticipation among the audience and the presenters for “The Road to Redemption: Recovery and

Reinstatement,” the joint program presented by members of the ABA Commission on Lawyer Assistance Programs (CoLAP), National Organization of Bar Counsel (NOBC), Association of Professional Responsibility Lawyers (APRL) and National Council of Lawyer Disciplinary Boards (NCLDB) at their Mid-Year meetings in New Orleans.

This presentation was born out of

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

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## Comments from the Editor

**H**ighlights editor Jeanne Marie Leslie is on medical leave. CoLAP's Chair, Sarah L. (Sallie) Krauss is serving as acting editor in the interim. So as my first official act as editor I would like to announce - This is the last paper issue of *Highlights*. **Highlights Is Going Electronic!** Beginning with our next issue - Spring 2012 - **Highlights will be sent to you via email.** An email will appear in your inbox with a link to *Highlights* - just click and read! The electronic version will still have all the great features you've come to enjoy, delivered more quickly and conveniently and can be easily forwarded to others.

So that you continue to receive *Highlights* without interruption, please be sure that CoLAP staff has your correct email address by contacting Leigh Stewart by email [leigh.stewart@americanbar.org](mailto:leigh.stewart@americanbar.org).

**Please Note:** The contact information that CoLAP has for you, including your email address, does not come from the ABA's membership system. So for those of you who are ABA members and are part of the ABA's "no email" list, you can still receive *Highlights* via email while not changing your email status with the ABA. But you need to let us know your email address. **H**

- Honorable Sarah L. "Sallie" Krauss, CoLAP Chair

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## Chair's Column Winter 2012 CoLAP Highlights

BY HONORABLE SARAH L. "SALLIE" KRAUSS



**N**ew Orleans in

February-what could be better! The weather was balmy, the music cool and that coffee

at Café Du Monde-excellent. Despite the location, food and weather, we all worked very hard so we are well into our 2012 program planning for the various CoLAP Committees. Before all the CoLAP Committee meetings started, we participated in collaboration with both NOBC and APRL in a program entitled "The Road to Redemption"- a role play demonstrating a re-instatement hearing for an attorney whose license had been suspended due to ethical violations related to his substance abuse. We had some really great actors perform in the role play who played their parts as a reprise of their actual

real life experiences. Two of the actors are state LAP Directors and, in the case of the suspended attorney, a marketing manager for a treatment center who is also on the CoLAP Advisory Committee. Over 300 people attended, many of whom had thoughtful questions and comments at the end of the "performance".

This presentation is an example of the kind of education that is the backbone of CoLAP's mission. CoLAP can provide exciting and informative educational programs that bring the message of hope and the possibility of recovery to diverse legal audiences. In addition to my comments in the column regarding the presentation, there is also a more in depth article written by Tracy Kepler.

This is an exciting time in CoLAP with so many new projects being developed. The Life Balance, Law School Assistance, Policy and Conference Planning Committees all met on Saturday in preparation for the

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## IN MEMORIUM



### IN MEMORY OF GUY QUESNEL

It is my duty to advise you that Guy Quesnel, founder and former head of PAMBA, the Quebec Bar's lawyer assistance program, passed away peacefully in Montreal, on January 10th 2012, surrounded by his loved ones, after a year-long battle with cancer.

A recovering alcoholic himself, Guy devoted his heart and soul to PAMBA and to the cause of lawyers afflicted by personal problems which impaired their ability to practice law. As such, from the program's inception, he worked tirelessly for more than 16 years, the first 5 of which for 24 hours a day, seven days a week until, I came along.

Guy was always available to listen and to meet one on one with any person he felt needed more than an ear and a referral to a psychologist. Attorneys he accompanied personally to their first AA meeting number in the hundreds.

Even Guy could at times outdo himself and on at least one occasion, he did so by managing to leave the Bar's convention where he was, hop in a car (not his, or the ones who knew him) and drive 650 miles in 8 hours to meet with an attorney who had a grave substance abuse problem, who had mercifully and finally cried out for help, and whom Guy had promised to meet the same day, even though he was at the time at the other end of the province.

Quebec's Bar would not have a Lawyers Assistance Program or at least would not

have one that has been running now for more than 17 years, if it had not been for Guy's tireless work, incessant phone calls and numerous meetings he held or attended in 1994 and 1995, convincing every one on the way of the necessity of such a program. In June of 1995, when the official proposal for the program was brought forward at the annual general assembly of the Quebec Bar, he courageously told the members of his personal experience as an alcoholic at a time where most would deny the obvious and the stigma against attorneys in AA was still very real and so was the reference to any type of depression. I salute his courage in doing so.

He also sat on numerous committees with the American Bar Association, the last of which he had to step down from given his health.

In January 2011, while he was in intensive care following massive surgery, all Guy could talk about was the future of the program, and if I, as his right arm would pursue his work. It went without saying that I would continue. Even through the pain, Guy wanted to make sure that attorneys in Quebec would be served and that the future of the program would be insured. Only when he was sufficiently convinced of such, did he accept to talk about his condition and allow us to take care of him.

On June 16th 2011, Guy received the 2011 Quebec Interprofessional Merit for his work with PAMBA, a prize awarded by the Interprofessional Council of Quebec (the council regroups all of the different professional corporations). It is such a high honour that it is not necessarily awarded every year.

On a personal level, Guy was extremely generous with me through the months leading to his demise. He was always available for any question or doubt I could have; he never second-guessed what I was doing, nor asked to veto or know about the many decisions I had to make as the new director. In so doing, he granted me the gift of his utter confidence in my capabilities (even though I lay awake at night). It was a fabulous gift on his part given that PAMBA was his baby, the child he had created and cared for all through the years. It must have been hard to let go and not inquire at all times as to what I was doing. Unfortunately, I only

realized this while attending his funeral.

In the last few weeks of his life, Guy spoke frequently of his imminent death while making his farewell to all around him, in honest, heart-felt speeches.

An epicurean at heart, Guy loved great food and would cook for days if he had invited you for supper then usually had left-overs for days if not weeks thereafter. Accordingly, Guy planned one last fabulous meal for his family. Though no longer capable of cooking it himself by that date, he hired great chefs to insure it would be one meal every one would enjoy and remember. Though quite weak by that time, he managed to attend and give each of his adored grandchildren, one of his personal belongings that he knew they cared for especially and could remember him by. With such a generous act, Guy can be recognized as what he was, an eminently loving individual.

In closing, Guy will be greatly missed by all who knew him.

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**Marie Christine Kirouack**, *Director,*  
PAMBA (*Quebec Lawyer's Assistance*  
*Program*)

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**Marie Christine Kirouack**, *Director,*  
PAMBA (*Quebec Lawyer's Assistance*  
*Program*)

# Addicted Lawyers Start as Addicted Law Students

BY MEGHAN VIVO

Lawyers are at roughly twice the risk of becoming addicted to drugs or alcohol as people in other professions. They also have higher incidence of depression, anxiety, suicide and other mental health issues than the general population. While many cite long hours, huge caseloads and the stress of the field as reasons for these problems, one judge warns that the seeds of addiction are planted long before an attorney begins practicing law.

According to Hon. Robert L. Childers, a judge in the Circuit Court of Tennessee since 1984, who has served on the ABA Commission on Lawyer Assistance Programs (CoLAP) since 1999, substance abuse and mental illness often begin in law school.

On the first day of law school, studies show that the average law student is “normal” in terms of their happiness, mental health and wellness. Within the first six months, early signs of psychiatric problems, such as depression, anxiety, hostility and paranoia, can be detected. After the first year of law school, as many as 40 percent of law students suffer from depression. Symptoms often persist through law school and into their later legal careers.

## Does Legal Training Make Students Depressed?

Substance abuse and depression are prevalent on law school campuses across the country. Why? In studies, law students have reported using alcohol to “relax or relieve tension” and to “get away from problems.” Experts speculate that the following factors are also at play:

- Stress caused by excessive workloads and intense competition
- Emphasis on analysis rather than connection with morals, values or feelings
- Intimidating teaching style
- Type of individual attracted to legal profession (often overachievers or perfectionists)
- Increased access to drugs and alcohol
- Relying on academic success to build self-worth

- Loss of connection with original reasons for attending law school (such as helping people or passion for the law)
- Emphasis on image, status, affluence and impressing others, which leads to sacrifice of positive values and subsequent loss of self-esteem and personal satisfaction
- Training to ignore emotional and personal reactions and represent positions that are in opposition to their own opinions and beliefs

Many attorneys turn to drugs or alcohol because they have compromised their ethical principles and moral values. They may bend the rules to hold onto a key client or pursue “winning” at all costs. When Judge Childers speaks with law students and young lawyers, he emphasizes the importance of practicing law in a way that doesn’t go against their values. Stress turned inward, he warns, often results in health problems, depression and addiction.

“In some ways, the legal profession has become more of a business and less of a profession,” says Judge Childers. “There are lawyers who cut corners and do things that are against normal ethical or moral standards. Then when the guilt and shame build up, they try to bury those feelings with drugs or alcohol.”

## Awareness & Prevention Efforts

A legal education is an honorable pursuit, but there are a few precautions law students should consider before school begins. According to Judge Childers, stress management and self-care are critical to long-term success as an attorney.

“The stress of law school continues as students graduate into young lawyers with billable hour requirements and the stress of legal practice,” says Judge Childers. “Since the stress will always be there, students can set themselves up for success by embracing a healthy lifestyle, eating a balanced diet, exercising, staying close to their faith and developing a solid social support system.”

Since addiction and mental health problems appear in law school, he says, it is during this time that education and prevention must begin.

In his role as member and past chair of CoLAP, Judge Childers has dedicated much of his career to educating law students about the risks of substance abuse and the prevalence of addiction and mental illness in the legal community. One of his goals is to teach law students to recognize the signs of addiction and seek help early on.

In support of this goal, Judge Childers helped get a rule passed in 2008 that allows impaired law students to get a conditional license to practice law if they get treatment and monitoring. Young lawyers with conditional licenses do not have to disclose to employers or clients that there are conditions on their admission to the bar. If lawyers remain sober during the conditional period, they earn an unconditional license.

Judge Childers was also involved in the development of a toolkit that has been given to all ABA accredited law schools. The toolkit includes information about the signs and risk factors for addiction as well as education about lawyer assistance programs, and is designed to help law school administrators address substance abuse among students.

As a result of growing awareness surrounding law students and substance abuse, a number of law schools are instituting health and wellness programs for their students. Judge Childers and other advocates are working on law student assistance programs and other resources for this high-risk population.

## Help for Law Students Struggling with Addiction & Mental Illness

Almost every state offers a lawyer assistance program (LAP) that provides advice, counseling and drug rehab referrals to legal professionals and law students struggling with substance abuse, addiction and mental illness. LAPs accept calls – in many states, seven days a week, 24 hours a day – from a

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## Seeking Help for Substance Use Before the Bar Becomes a Bar

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### Implications for Character and Fitness Assessment for Admission to the Bar

Whether a student finds herself engaging in “self-medicating” or other unhealthy methods of coping with stress, or as a continuation of an addiction previously acquired, many students believe they face a major hurdle in seeking assistance: the bar exam application, specifically the portion related to character and fitness. A number of jurisdictions call for information relating to evidence of substance abuse or treatment thereof,<sup>2</sup> and these questions often have a chilling effect on a student’s willingness to seek treatment. “If I ask for help, either I or my dean of students will have to report this to the bar authorities, and I will never be admitted.” The truth is students have this perception only partially correct.

Bar officials seek to admit candidates who are able to provide proper and appropriate representation as an attorney. While some jurisdictions ask seemingly probing questions, many use language that reflects on the respondent’s assessment of the candidate as he or she is presently situated.<sup>3</sup> Ideally, jurisdictions are seeking assurance that their applicants have or are in the process of receiving assistance for their issues. Moreover, more than half of the U.S. jurisdictions allow for conditional

admission,<sup>4</sup> whereby an applicant is able to practice while under supervision of a lawyer assistance, review, or disciplinary program; the status of the attorney is generally understood to be confidential.<sup>5</sup> Beyond an applicant’s failure to address an underlying substance use or abuse issue, what often concerns bar authorities (and what will certainly trip up a bar applicant) is if the applicant has been less than candid and forthright regarding prior incidents and circumstances. Whether in an effort to address the perception that he will be denied bar admission, or because the student is in denial, an inappropriate response to one or more bar application/character and fitness questions may be inconsistent with a deeper background check by a bar admissions office. The failure to report a DUI, a conversation with a former employer or other acquaintance that suggests there may have been a substance use issue, or some other relevant information brought to light will lead an examiner to address two matters: the substantive issue at hand, and the failure to report the issue as a reflection on the applicant’s character. A situation such as this is virtually guaranteed to slow the process.

### Resources for Preventing and Recovering From Substance Use and Other Destructive Behaviors

What then are the remedies to address the foregoing situations? First, a student who is not engaged in harmful practices can help herself by not succumbing to stressors that by and large offer no positive

consequences. A booklet developed by Prof. Lawrence Krieger, “The Hidden Sources of Law School Stress,” is designed to help students with issues they face during law school that may affect them during school or afterwards.<sup>6</sup> According to Krieger, actions can be taken to prevent those stressors that are avoidable and thereby prepare oneself for healthier professional and personal development. Further, a law student early on should identify who she is, what her strengths are, and where potential challenges may lie, with the goal of developing herself in ways that best support her character and traits.<sup>7</sup> Understanding and being honest about one’s capacities and limitations will allow for a more honest assessment of what is achievable, and will give way to an open mind and clear and positive

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## Addicted Lawyers Start as Addicted Law Students

BY MEGHAN VIVO

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variety of concerned parties. The services are free, confidential and available to law students as well as lawyers, judges and bar applicants.

There are also drug rehabilitation centers that specialize in treating law students, lawyers, judges and other professionals. These programs can assist with interventions, assessments, short- or long-term treatment, and monitoring and aftercare. Law students and young lawyers who struggle with drug or alcohol addiction suffer significant consequences, including health problems, financial troubles and the threat of job loss. For every lawyer struggling with addiction or mental illness, there’s a family, circle of friends and a full book of clients who are also put in danger. If you or someone you know is suffering, get help today. **H**

*Meghan Vivo, J.D., is a writer for Elements Behavioral Health, a network of addiction treatment programs that includes The Ranch at Piney River outside Nashville.*

### CoLAP CALENDAR OF EVENTS

#### 2012

MAY 11-12 SPRING BUSINESS MEETING  
The Curtis Hotel  
Denver, Colorado

AUG 02-07 ABA ANNUAL MEETING  
Chicago, Illinois

OCT 09-12 2012 NATIONAL CONFERENCE FOR LAWYER ASSISTANCE PROGRAMS  
Amway Grand Plaza  
Grand Rapids, Michigan

#### 2013

FEB 06-12 ABA MIDYEAR MEETING  
Dallas, Texas

## Around the LAPs

### Indiana

In Indiana we are very proud of the increased number of volunteer trainings we produced in the past year. We decided that rather than doing one large volunteer training in 2011 we would take the show on the road and do six smaller volunteer training sessions around the state. Due to a request that came in we ended up doing seven training sessions between June and the end of October 2011. The training was approved for CLE credits, which helped encourage attendance. Topics included the role of a JLAP volunteer, confidentiality, motivational interviewing, mentoring, monitoring, suicide prevention, intervention, healthy boundaries and resources. As a result of those training sessions we then received requests for two additional training sessions. We completed one in January 2012. Our next training session will be on March 29, 2012 for the Kimbrough Bar Association, a specialty bar association serving lawyers in northwest Indiana and the Chicago area. We are also proud to announce that last fall our JLAP Committee Chair, Kimberly A. Jackson, received the Recovery Advocate of the Year Award by the Indiana Addictions Issues Coalition, a subsidiary of Mental Health America of Indiana. Ms. Jackson was given the award for her statewide work with JLAP, her work as a prosecutor in drug courts, and her volunteer work for a variety of local recovery-related organizations. In addition, our past JLAP Chair, John "Jack" Vissing, received the Bales Humanitarian of the Year Award at the Clark County Chapter of the American Red Cross Bales' Humanitarian Gala. Several JLAP Committee members were able to enjoy the evening with Mr. Vissing. - Terry L. Harrell

### Missouri

Missouri Director Jim Brady has announced his retirement for March 31, 2012, after 7 years of service. The Missouri Bar has hired a replacement, Ms. Anne Chambers, LCSW. Anne will begin her new duties March 1. Anne

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## A Book Review

*Sane: Mental Illness, Addiction and the 12 Steps,*

By Marya Hornbacher

When I signed on as director of the CT lawyer assistance program, a member of our newly-minted board of Directors, herself a veteran of many years in the substance abuse/treatment/rehab field, told me that I shouldn't expect to see many "plain vanilla alcoholics" in the population we intended to serve. Little did I know then how true that would be. Whether we come to our jobs as lawyers, people in recovery, mental health professionals or any combination of same, it is vital to our shared mission of helping lawyers that we understand something about co-occurring disorders. Years into a journey of recovery from alcoholism, my new sober life was nearly derailed by a repeat episode of severe depression, a condition that had been with me since childhood, so when one of our lawyers, successfully recovering from drug addiction and living with bipolar disorder, told me about a woman by the name of Marya Hornbacher and her book *Sane: Mental Illness, Addiction and the 12 Steps* it immediately went on my "must read" list.

*Sane* was published in 2010 by Hazelden. Prior to its publication Ms. Hornbacher authored two other books which I think should be considered the first in what I like to call a four-part series. The first of these two is *Wasted: A Memoir of Anorexia and Bulimia* (1998) and the second is *Madness: A Bipolar Life* (2008). The fourth book is entitled *Waiting: A Nonbeliever's Higher Power* (2011). Of course, like any good alcoholic I did not read the four books in the order of their publication. *Sane* was what had been recommended and that was the first one I read. I was hooked.

Step 2 of the Twelve Steps says "Came to believe that a Power greater than ourselves could restore us to sanity." When Marya Hornbacher first read that step she believed there was no way she could ever

attain that goal. Marya Hornbacher has a mental illness – bipolar disorder – and says that illness, compounded by alcoholism and addiction, took from her over and over again the sanity she desperately wanted.

The acceptance of the disease model of addiction shares a complicated interplay with the understanding of mental illness in alcoholics and addicts. Many alcoholics/addicts with apparent mental health issues are able to regain a firm hold on their mental health early in their recovery. Others, however, continue to be plagued by mental health problems even after successfully giving up their drug of choice. Sometimes these people are mistakenly encouraged by well-meaning sponsors and others in recovery to give up the very "drugs" that are prescribed for their underlying mental health conditions. In *Sane*, Ms. Hornbacher provides insights through her personal experience, strength and hope into this complicated interplay in a stunningly honest and poignant narrative of her journey through the Twelve Steps of Alcoholics Anonymous with bipolar disease that was sometimes, and sometimes not, under control.

In AA we are frequently told that we should never compare our insides with someone else's outsides. Good advice. What Ms. Hornbacher provides in *Sane* and the other three titles mentioned in this review is an opportunity to share the "insides" of someone deeply committed to a life of recovery living with co-occurring disorders and I, for one, find myself a more educated, empathetic and compassionate participant in the world of lawyer assistance as a result of her contributions. These are not happily-ever-after tales, but they are inspiring in that special way we are fortunate to witness and share in recovery and working with people in recovery. Read 'em. **H**

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**Beth D. Griffin, Esquire, Executive Director**  
*Lawyers Concerned for Lawyers - CT, Inc.*

## Chair's Column Winter 2012 CoLAP Highlights

BY HONORABLE SARAH L. "SALLIE" KRAUSS

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CoLAP meeting on Sunday. CoLAP met for the first time with the Commission on Disability Rights early Saturday morning to discuss our common issues and to plan joint educational programs.

Initiatives such as 1) the Law School Assistance survey to describe the educational components that LAP's currently provide to law schools around the nation and efforts to develop new ways to educate the deans of law schools about student issues; 2) development of a Model Confidentiality and Immunity Rule; 3) planning to assist LAP directors find balance in their professional and personal lives; 4) planning for programming to address issues related to senior lawyers and judges; 5) planning a program to assist the entire legal community with emergency related issues in their practices and their lives modeled on the Louisiana SOLACE project; 6) development of a LAP panel presentation for the National Hispanic Bar Association by the Diversity Committee; 7) assessing the need to develop a Model

Diversion Rule for Judges by the Judicial Assistance Initiative; and, of course, 8) the 2012 annual conference in Grand Rapids, Michigan were all part of the CoLAP business meeting on Sunday.

Recently, I read a column in the New York Times about film making entitled, "Happy Without Happy Endings." The premise of the article was that people are attracted to films that portray five elements of well-being: positive emotions, engagement, relationships, meaning and accomplishment. This reminded me of the hard work and commitment by the Commissioners and Advisory Committee members as well as all the LAP Directors and volunteers who contribute to the mission of CoLAP. Our work generates the positive emotions and meaning that are an integral part of helping those attorneys, judges, law students and their families who are affected by substance abuse or depression. We all are engaged in this meaningful work which creates enhanced relationships not only among our commissioners, volunteers and treatment professionals but also for the affected attorney and his/her family and work relationships. And last but, certainly not least, our work provides an enormous sense of accomplishment. While the article on films posited that film goers would enjoy a movie that did not have a happy ending as

long as all these elements were portrayed in the film, in our work, we are definitely going for the happy ending too.

As CoLAP continues to provide policy and educational initiatives which bring a message of hope and help to the entire legal community, we can better the chances that there will indeed be a happy ending for attorneys and their families when the addiction or mental health issues are addressed promptly, professionally and with confidentiality. **H**

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## Seeking Help for Substance Use Before the Bar Becomes a Bar

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outlook to accomplishing one's goals. This positive outlook in turn should go a long way to staving off detrimental means of coping with circumstances that arise. Students who have brought forward an addiction prior to law school or who have developed a use issue while in school need to be honest with themselves and then with others about their prior and current behaviors. Getting help early on in school is the best way to ensure that several years of study (and tuition) are not forfeited. A student can utilize a variety of resources for advice and counseling and comprehensive treatment. Every U.S. bar jurisdiction (and Canada) has either an affiliated or freestanding lawyer assistance program that offers law students (as well as attorneys and judges) free and confidential counseling.<sup>8</sup> These programs are equipped to address not only issues involving substance abuse, but other forms of addiction such as gambling, pornography, and shopping, as well as stress and anxiety stemming from other sources. LAPs are also aware of students' concerns and challenges facing them regarding the bar application. Therefore, a major LAP goal is to provide direct treatment or, when appropriate, to direct the student to other resources, and to rehabilitate not only the student's health, but the student's record in seeking admission. The single best way to overcome concerns about the bar application (if it is not obvious by now) is to begin seeking allies in getting help. At the same time, a student needs to overcome any sense of stigma attached to seeking help; beyond the assurances of privacy surrounding the assistance provided, it is far better to seek help when not doing so will have immediate, ongoing, and long-term consequences. Resources also exist for law school administrators and students wishing to help their classmates by bringing support to their student community. While most law schools are well-equipped to respond to students in crisis, few have had the resources to invest in prevention.

Whether through orientation, professional development/legal ethics classes, or stand-alone wellness programs, information needs to be conveyed to students on multiple, appropriate occasions. LAPs are available to assist in this area. For example, your area LAP can send a director or counselor into the classroom to describe their services or have a volunteer share his or her (typically quite compelling) story. A video produced by American University Washington College of Law for the classroom features current law students and lawyers in prominent positions who communicate the importance of getting in front of substance issues.<sup>9</sup> Further, the ABA has produced "Substance Abuse in Law Schools: A Tool Kit for Law School Administrators,"<sup>10</sup> which provides strategies on developing policies and procedures, prevention, education, and related areas.

Law school administrators can identify additional ways to support student efforts to avoid falling prey to substance abuse issues. If a law school campus is not dry, an administrator may wish to explore what possibilities exist for making it so, or at least for limiting alcohol consumption to certain occasions.<sup>11</sup> Career services offices that work with law firms may consider asking whether the firms have considered minimizing an emphasis on cocktail receptions and drinking-tailored events, rather than sending the message that drinking is a regular component of working.<sup>12</sup> A collaborative effort between law school administrators and students regarding substance abuse issues, coupled with a student's willingness to get in front of an issue should it arise, is a recipe for success in seeing these students develop physically and mentally into the attorneys they are training to become. Numerous resources exist, from local bar associations, law schools and other organizations, to help law students prevent or overcome substance abuse and destructive behaviors. For law students that do struggle with such problems, admitting that the problem exists and seeking help will not jeopardize your legal career; ignoring the problem will. **H**



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1 Report of the Association of American Law Schools Special Committee on Problems of Substance Abuse in the Law Schools (May 1993) (indicating, inter alia, that 12 percent of law students begin abusing substances in law school, and that nearly 82 percent of the students had consumed alcohol in the prior 30 days, a reliable indicator of regular use of a substance). Although the data is 20 years old, administrators are convinced that use and abuse has at a minimum remained constant, and that the pervasive use of performance-enhancing drugs, not discussed in the 1993 report, also needs to be taken into account.

2 See "Survey of State Bar Form Questions to Law Deans Regarding Students Character" (prepared by Patricia A. Halstead, Cornell Law School Certification Coordinator at the request of Dean Anne Lukingbeal, Cornell University Law School; copy on file with the author). A jurisdiction, for example, that asks if an applicant has been addicted to or dependent on prescription drugs within the past 10 years, or has displayed a substance abuse problem, without further inquiring as to the current health and state of the applicant, creates at a minimum the perception that the applicant will have trouble being admitted.

3 Id. Some jurisdictions use language such as ". . . impairing the ability to perform the functions of an attorney", ". . . that would currently interfere with [the candidate's] ability to practice law," inferring their interest in the applicant's present abilities, not past actions.

4 See "Comprehensive Guide to Bar Admissions Requirements 2011" (National Conference of Bar Examiners and the American Bar Association Section of Legal Education and Admissions to the Bar) at [www.ncbex.org](http://www.ncbex.org).

5 See ABA Model Rule on Conditional Admission to Practice Law at <http://apps.americanbar.org/legalservices/colap/>.

6 [http://www.law.fsu.edu/academic\\_programs/](http://www.law.fsu.edu/academic_programs/)

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## Seeking Help for Substance Use Before the Bar Becomes a Bar

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[humanizing\\_lawschool/booklet.html](#)

7 The VIA (Values in Action) survey ([www.viacharacter.org](http://www.viacharacter.org)) is an increasingly popular vehicle for assessing one's character strengths.

8 See "State and Local Lawyer Assistance Programs" at <http://apps.americanbar.org/legalservices/colap/>

9 <http://www.wcl.american.edu/studentaffairs/> ("Staying Healthy Video"; also available in hard copy upon request)

10 [http://apps.americanbar.org/legalservices/colap/downloads/Substance\\_Abuse\\_in\\_Law\\_Schools.pdf](http://apps.americanbar.org/legalservices/colap/downloads/Substance_Abuse_in_Law_Schools.pdf)

11 A number of schools in recent years, for example, have moved away from open bars at on-campus and/or off-campus events, citing both the expense and the wrong message being sent.

12 Students alternatively should order a non-alcoholic drink either openly or separately if they feel more comfortable doing so.

**DAVID JAFFE**, Dean of Students at American University Washington College of Law.

In addition to counseling students on these and other matters, Dean Jaffe currently serves as committee chair of the District of Columbia Bar Lawyer Assistance Program. He is a member of the ABA Commission on Lawyer Assistance Programs (CoLAP) and serves as chair of CoLAP's Law School Assistance Committee. He can be reached at [djaffe@wcl.american.edu](mailto:djaffe@wcl.american.edu).

## The Reviews are In! The Smash New Drama "The Road to Redemption: Recovery and Reinstatement" is a Hit!

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the vision of Jeanne Marie Leslie, Director of the Alabama Lawyer Assistance Program, and members of the Alabama Bar. They were looking to create a unique and interactive way to educate the Bar on various rules and regulations related to reinstatement proceedings while also

highlighting issues and situations that arise when substance abuse/dependence concerns are involved. They drafted a fact pattern, created pleadings and recruited members of the Bar, the judiciary and LAP to play roles in a mock reinstatement proceeding based on a compilation of real-life disciplinary cases. This program was first presented during the 2011 Annual Meeting of the Alabama State Bar to rave reviews. As the accolades kept rolling in, members of CoLAP and then-NOBC Liaison, Tracy Kepler, started thinking that this program might be the perfect candidate for a joint program between the two groups at the ABA and NOBC Mid-Year meetings in New Orleans. Not only were the members of the NOBC Planning Committee excited, but members of APRL and NCLDB jumped on board when they heard of the idea.

While the original fact pattern had to be tinkered with a bit to make it relevant for an audience of jurisdictions from across the nation and Canada with similar but different rules and regulations for reinstatement proceedings, the Case of Darrin Stephens began to take shape. The groups, which, in addition to the "actors" included CoLAP members Judge Sallie Krauss, Eileen O'Brien, Karen Kahle, Joan Bibelhausen, and Michael Cohen, decided that since our target audience already had a firm grasp on the "ins and outs" of a reinstatement proceeding, the focus should really be about explaining the roles and functions of LAP directors, LAP monitors, and also some discourse on how to best deal with those questions that are routinely asked of attorneys and their clients when substance abuse issues are involved; questions such as "How can we be assured that Petitioner will not engage in this behavior in the future?", "Can you give us a guarantee that this will not happen again?", and "What is Petitioner's risk to relapse?"

Prior to the start of the program, the audience was provided with a fact pattern relating to Petitioner, Darrin Stephens', background, and Stephens' own statement in support of his petition for reinstatement. Darrin Stephens, played by Michael Stewart (CoLAP-AL), was a successful Massylvania attorney with a general practice, who always loved to drink, but never had any major consequences. That is, until he did. His

drinking increased dramatically with the arrival of his live-in, mother-in-law, Endora. His situation worsened following his back surgery and subsequent dependence on the pain medication, Lortab. His work began to slip, he was having problems at home, and clients began to complain to his boss, Larry Tate, and to the Bar about his behavior. Initially, Darrin managed to forestall formal disciplinary proceedings, but as more complaints came in, including one where Darrin had taken a \$5,000 retainer from his client, Ward Cleaver, performed no work on the matter and then failed to refund the unearned portion of the funds when asked, the Bar had to take action. Darrin failed to respond to the Bar's requests for information, and he was summarily and immediately suspended. Upon receipt of the notice of the suspension of his license, Darrin picked up the phone and called the Director of the Massylvania LAP, played

## "How can we be assured that Petitioner will not engage in this behavior in the future?"

by Laura McClendon (CoLAP-TN). He signed a contract, and among other things, went in to a 90-day treatment program, started seeing a psychiatrist, and was assigned an attorney monitor, played by Buddy Stockwell (CoLAP-LA). A few months after his release from treatment, Darrin relapsed; however, he contacted McClendon, admitted the relapse and accepted responsibility for his actions. Since that time, Darrin complied with the requirements of the LAP monitoring agreement and remained sober. In order to regain his law license, Darrin would need to petition for reinstatement to the Massylvania Bar and to resolve the grievances filed against him by his former clients, including a refund of the unearned retainer fees. He hired counsel, played

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## Around the LAPs

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has extensive work experience with the seriously mentally ill, including work with people with co-occurring disorders. She has been a Board member for NASW-Missouri, and is past president of the National Association for Forensic Social Work. Anne comes to MOBAR with a well-deserved reputation for hard work and productivity. She looks forward to the help and support of all the LAP family. On a personal note, Jim says a huge thank you to all who have been so helpful on-line and in person. It has been a terrific experience, and I wish great success for all as the work continues.

As Steve D would say, "Aloha." - Jim Brady

### New York

2011 was a productive year for the Lawyer Assistance Program. In May, we received approximately 2,000 responses to our "Quality of Life as a Lawyer" survey. A report summarizing the data analysis is expected in the spring of 2012. We are looking forward to this opportunity to better align our services with the needs of legal professionals in New York State. Our most exciting endeavor of 2011 was the November launching of our new eLAP, a state-of-the-art, convenient, and confidential online resource to help attorneys assess and attend to their emotional and psychological well-being. The online resources of eLAP are designed to help busy professionals maintain psychological well-being. Members of the legal profession often see themselves as problem-solvers and are reluctant to seek assistance with problems they may be facing in their own lives. The status they have in their communities can prevent them from seeking help for fear of loss of respect. But, truth be told, a career in the legal profession can be stressful, and stress, if not managed, can cause or exacerbate mental health problems.

eLAP provides over 2,000 articles on mental health topics, as well as assessments, self-help modules, and direct email communication with lawyer assistance professionals. eLAP is as confidential as

it is comprehensive. The brief registration process requires the user to establish a password. This password-protected site offers the user complete privacy and confidentiality. Visit [www.nysba.org/elap](http://www.nysba.org/elap) and use the access code NYLAP to get instant access to this website.

Our 22nd Annual Spring Retreat will be held the weekend of May 18-20, 2012. This year's theme is Alcoholism: a Family Disease. Larry Zimmerman, Chair of NYSBA's Lawyer Assistance Committee, and his daughter, Sacha, will be our presenters at the Saturday morning program. This year's Frank Gavin Award recipient is Robert Guido, Special Counsel for Grievance Matters. The newly established Ray O'Keefe Memorial Award will be given to Ray O'Keefe and his wife, Stephanie, will be present to accept this award in Ray's honor. Please consider joining us for this special weekend. Contact Linda McMahon at 518.487.5686.

- Patricia Spataro

### Oregon

Sometimes the new year gets off to a leisurely start, but that has not been the case in 2012 at the Oregon Attorney Assistance Program. To capitalize on all those well-meant New Year's resolutions, Meloney Crawford has started two sessions (noon and evening) of "Getting it Done", a five-week group that helps lawyers to find individual solutions for their procrastination and disorganization issues. Next month, she hopes to launch an online version of the group to serve lawyers throughout the state. Shari Gregory is facilitating a divorce support group for lawyers working through the emotional process and stages of forming a new life. The 10 week group uses a divorce recovery model and participants work on exercises including grief, resentment, death of a dream and starting a new life. Mike Long will be presenting a panel of experts discussing a popular topic, "Heath Insurance Today, at 65, and in Retirement" and Doug Querin, is beginning a confidential workshop for men, entitled "Practicing Law While Practicing Life." - Barbara Fishleder

### Pennsylvania

Lawyers Concerned for Lawyers of Pennsylvania is establishing a new judges' assistance program with a separate judges' helpline number and website as part of its expanded judicial outreach efforts. The 9th Annual Volunteer Conference will be held April 14-15 in Harrisburg with an emphasis on the "ripple effect" of untreated addiction/mental illness and the "ripple effect" of recovery on others. The LCL sponsored 6th Annual Law School Dean of Students Retreat will be held in April or May. This retreat enables the deans of Pennsylvania's eight law schools to informally network among themselves, the executive staff of the Board of Law Examiners and LCL staff. Three new continuing legal education programs are under development: (1) the differing roles of the Disciplinary Board, the Lawyers Fund for Client Security and LCL; (2) sobriety and mental health monitoring; and (3) drug courts. These programs will eventually be available through Internet CLE providers. - Ken Hagreen

### Vermont

On a personal note, I just completed 9 1/2 years as a Public Member of the Vermont Medical Practice Board and now have accepted the offer to be a Public Member on the Vermont Chiropractic Board. - John Webber H

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## The Reviews are In! The Smash New Drama “The Road to Redemption: Recovery and Reinstatement” is a Hit!

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by Steven Lee (APRL-TX) and filed a petition for reinstatement. Objecting to Darrin’s petition was Massylvania Bar Counsel, Cynthia Bullington (NOBC-MI). In addition to the audience members, the evidence presented by the parties was heard by a panel of three judges played by Maureen Mulvenna (NCLDB-IL), Melissa Theriot (NCLDB-LA) and Frank Keough (NCLDB-MA).

The mock reinstatement proceeding began with opening statements from Cindy Bullington and Steve Lee. Given the limited time frame of the program, and in order to reserve time for discussion, each counsel presented a truncated version of the relevant facts, both for and against Darrin Stephens’ reinstatement. Steve Lee focused on Darrin’s recovery and commitment to sobriety. Cindy Bullington reminded the panel and the audience that this commitment had only been for a short period of time, and that during this period, Darrin had relapsed. The panel and the audience also heard the testimony of Darrin, the LAP Director and the LAP Monitor. Darrin testified about his past history with drugs and alcohol, one of its triggers, his mother-in-law (which was met with laughter from the crowd and provided a much needed release from an otherwise difficult storyline), his treatment, his relapse and his commitment to recovery. The LAP Monitor described the process of becoming a monitor, his function and his role and relationship with Darrin. The LAP Director testified about her role in the monitoring process, the monitoring contract, and her relationship with Darrin and also described the nature and purpose of certain standardized tests that are performed as part of a LAP contract and provided an explanation of Narcotics Anonymous

(NA) and Alcoholics Anonymous (AA). Following the testimony of each witness, the panel members peppered the witnesses with questions about the risk of relapse and guarantees of continued sobriety.

Following the reinstatement proceeding, the moderator, Tracy Kepler (NOBC-IL), opened the floor to questions from the audience. Comments and concerns ran the gamut of ideas from how to get LAP more involved in these types of situations at the first inkling of a problem, to issues of confidentiality and required reporting standards of LAP directors and monitors. In closing, Tracy Kepler asked for a vote - a show of hands as to whether or

not Darrin should be reinstated. The final word of the program was from the audience. A resounding “Yes” on reinstatement and cheers of “Bravo!” for the talent.

If you would like additional information on this presentation, copies of the fact pattern/statement, bios of the actors, or have any other questions, please feel free to contact Tracy Kepler at [tkepler@iardc.org](mailto:tkepler@iardc.org).

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**TRACY L. KEPLER**, Senior Counsel, IL  
Attorney Registration & Disciplinary Com.  
(ARDC)



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**ABA** Commission on  
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# HIGHLIGHTS

VOL. 14, NO. 4 ■ WINTER 2012

## *Commission on Lawyer Assistance Programs*

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# HIGHLIGHTS

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# Addicted Lawyers Start as Addicted Law Students

BY MEGHAN VIVO

Lawyers are at roughly twice the risk of becoming addicted to drugs or alcohol as people in other professions. They also have higher incidence of depression, anxiety, suicide and other mental health issues than the general population. While many cite long hours, huge caseloads and the stress of the field as reasons for these problems, one judge warns that the seeds of addiction are planted long before an attorney begins practicing law.

According to Hon. Robert L. Childers, a judge in the Circuit Court of Tennessee since 1984, who has served on the ABA Commission on Lawyer Assistance Programs (CoLAP) since 1999, substance abuse and mental illness often begin in law school.

On the first day of law school, studies show that the average law student is “normal” in terms of their happiness, mental health and wellness. Within the first six months, early signs of psychiatric problems, such as depression, anxiety, hostility and paranoia, can be detected. After the first year of law school, as many as 40 percent of law students suffer from depression. Symptoms often persist through law school and into their later legal careers.

## Does Legal Training Make Students Depressed?

Substance abuse and depression are prevalent on law school campuses across the country. Why? In studies, law students have reported using alcohol to “relax or relieve tension” and to “get away from problems.” Experts speculate that the following factors are also at play:

- Stress caused by excessive workloads and intense competition
- Emphasis on analysis rather than connection with morals, values or feelings
- Intimidating teaching style
- Type of individual attracted to legal profession (often overachievers or perfectionists)
- Increased access to drugs and alcohol
- Relying on academic success to build self-worth

- Loss of connection with original reasons for attending law school (such as helping people or passion for the law)
- Emphasis on image, status, affluence and impressing others, which leads to sacrifice of positive values and subsequent loss of self-esteem and personal satisfaction
- Training to ignore emotional and personal reactions and represent positions that are in opposition to their own opinions and beliefs

Many attorneys turn to drugs or alcohol because they have compromised their ethical principles and moral values. They may bend the rules to hold onto a key client or pursue “winning” at all costs. When Judge Childers speaks with law students and young lawyers, he emphasizes the importance of practicing law in a way that doesn’t go against their values. Stress turned inward, he warns, often results in health problems, depression and addiction.

“In some ways, the legal profession has become more of a business and less of a profession,” says Judge Childers. “There are lawyers who cut corners and do things that are against normal ethical or moral standards. Then when the guilt and shame build up, they try to bury those feelings with drugs or alcohol.”

## Awareness & Prevention Efforts

A legal education is an honorable pursuit, but there are a few precautions law students should consider before school begins. According to Judge Childers, stress management and self-care are critical to long-term success as an attorney.

“The stress of law school continues as students graduate into young lawyers with billable hour requirements and the stress of legal practice,” says Judge Childers. “Since the stress will always be there, students can set themselves up for success by embracing a healthy lifestyle, eating a balanced diet, exercising, staying close to their faith and developing a solid social support system.”

Since addiction and mental health problems appear in law school, he says, it is during this time that education and prevention must begin.

In his role as member and past chair of CoLAP, Judge Childers has dedicated much of his career to educating law students about the risks of substance abuse and the prevalence of addiction and mental illness in the legal community. One of his goals is to teach law students to recognize the signs of addiction and seek help early on.

In support of this goal, Judge Childers helped get a rule passed in 2008 that allows impaired law students to get a conditional license to practice law if they get treatment and monitoring. Young lawyers with conditional licenses do not have to disclose to employers or clients that there are conditions on their admission to the bar. If lawyers remain sober during the conditional period, they earn an unconditional license.

Judge Childers was also involved in the development of a toolkit that has been given to all ABA accredited law schools. The toolkit includes information about the signs and risk factors for addiction as well as education about lawyer assistance programs, and is designed to help law school administrators address substance abuse among students.

As a result of growing awareness surrounding law students and substance abuse, a number of law schools are instituting health and wellness programs for their students. Judge Childers and other advocates are working on law student assistance programs and other resources for this high-risk population.

## Help for Law Students Struggling with Addiction & Mental Illness

Almost every state offers a lawyer assistance program (LAP) that provides advice, counseling and drug rehab referrals to legal professionals and law students struggling with substance abuse, addiction and mental illness. LAPs accept calls – in many states, seven days a week, 24 hours a day – from a

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## Around the LAPs

### Indiana

In Indiana we are very proud of the increased number of volunteer trainings we produced in the past year. We decided that rather than doing one large volunteer training in 2011 we would take the show on the road and do six smaller volunteer training sessions around the state. Due to a request that came in we ended up doing seven training sessions between June and the end of October 2011. The training was approved for CLE credits, which helped encourage attendance. Topics included the role of a JLAP volunteer, confidentiality, motivational interviewing, mentoring, monitoring, suicide prevention, intervention, healthy boundaries and resources. As a result of those training sessions we then received requests for two additional training sessions. We completed one in January 2012. Our next training session will be on March 29, 2012 for the Kimbrough Bar Association, a specialty bar association serving lawyers in northwest Indiana and the Chicago area. We are also proud to announce that last fall our JLAP Committee Chair, Kimberly A. Jackson, received the Recovery Advocate of the Year Award by the Indiana Addictions Issues Coalition, a subsidiary of Mental Health America of Indiana. Ms. Jackson was given the award for her statewide work with JLAP, her work as a prosecutor in drug courts, and her volunteer work for a variety of local recovery-related organizations. In addition, our past JLAP Chair, John "Jack" Vissing, received the Bales Humanitarian of the Year Award at the Clark County Chapter of the American Red Cross Bales' Humanitarian Gala. Several JLAP Committee members were able to enjoy the evening with Mr. Vissing. - Terry L. Harrell

### Missouri

Missouri Director Jim Brady has announced his retirement for March 31, 2012, after 7 years of service. The Missouri Bar has hired a replacement, Ms. Anne Chambers, LCSW. Anne will begin her new duties March 1. Anne

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## A Book Review

*Sane: Mental Illness, Addiction and the 12 Steps,*

By Marya Hornbacher

When I signed on as director of the CT lawyer assistance program, a member of our newly-minted board of Directors, herself a veteran of many years in the substance abuse/treatment/rehab field, told me that I shouldn't expect to see many "plain vanilla alcoholics" in the population we intended to serve. Little did I know then how true that would be. Whether we come to our jobs as lawyers, people in recovery, mental health professionals or any combination of same, it is vital to our shared mission of helping lawyers that we understand something about co-occurring disorders. Years into a journey of recovery from alcoholism, my new sober life was nearly derailed by a repeat episode of severe depression, a condition that had been with me since childhood, so when one of our lawyers, successfully recovering from drug addiction and living with bipolar disorder, told me about a woman by the name of Marya Hornbacher and her book *Sane: Mental Illness, Addiction and the 12 Steps* it immediately went on my "must read" list.

*Sane* was published in 2010 by Hazelden. Prior to its publication Ms. Hornbacher authored two other books which I think should be considered the first in what I like to call a four-part series. The first of these two is *Wasted: A Memoir of Anorexia and Bulimia* (1998) and the second is *Madness: A Bipolar Life* (2008). The fourth book is entitled *Waiting: A Nonbeliever's Higher Power* (2011). Of course, like any good alcoholic I did not read the four books in the order of their publication. *Sane* was what had been recommended and that was the first one I read. I was hooked.

Step 2 of the Twelve Steps says "Came to believe that a Power greater than ourselves could restore us to sanity." When Marya Hornbacher first read that step she believed there was no way she could ever

attain that goal. Marya Hornbacher has a mental illness – bipolar disorder – and says that illness, compounded by alcoholism and addiction, took from her over and over again the sanity she desperately wanted.

The acceptance of the disease model of addiction shares a complicated interplay with the understanding of mental illness in alcoholics and addicts. Many alcoholics/addicts with apparent mental health issues are able to regain a firm hold on their mental health early in their recovery. Others, however, continue to be plagued by mental health problems even after successfully giving up their drug of choice. Sometimes these people are mistakenly encouraged by well-meaning sponsors and others in recovery to give up the very "drugs" that are prescribed for their underlying mental health conditions. In *Sane*, Ms. Hornbacher provides insights through her personal experience, strength and hope into this complicated interplay in a stunningly honest and poignant narrative of her journey through the Twelve Steps of Alcoholics Anonymous with bipolar disease that was sometimes, and sometimes not, under control.

In AA we are frequently told that we should never compare our insides with someone else's outsides. Good advice. What Ms. Hornbacher provides in *Sane* and the other three titles mentioned in this review is an opportunity to share the "insides" of someone deeply committed to a life of recovery living with co-occurring disorders and I, for one, find myself a more educated, empathetic and compassionate participant in the world of lawyer assistance as a result of her contributions. These are not happily-ever-after tales, but they are inspiring in that special way we are fortunate to witness and share in recovery and working with people in recovery. Read 'em. **H**

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**Beth D. Griffin**, Esquire, Executive Director  
Lawyers Concerned for Lawyers - CT, Inc.

## Seeking Help for Substance Use Before the Bar Becomes a Bar

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outlook to accomplishing one's goals. This positive outlook in turn should go a long way to staving off detrimental means of coping with circumstances that arise. Students who have brought forward an addiction prior to law school or who have developed a use issue while in school need to be honest with themselves and then with others about their prior and current behaviors. Getting help early on in school is the best way to ensure that several years of study (and tuition) are not forfeited. A student can utilize a variety of resources for advice and counseling and comprehensive treatment. Every U.S. bar jurisdiction (and Canada) has either an affiliated or freestanding lawyer assistance program that offers law students (as well as attorneys and judges) free and confidential counseling.<sup>8</sup> These programs are equipped to address not only issues involving substance abuse, but other forms of addiction such as gambling, pornography, and shopping, as well as stress and anxiety stemming from other sources. LAPs are also aware of students' concerns and challenges facing them regarding the bar application. Therefore, a major LAP goal is to provide direct treatment or, when appropriate, to direct the student to other resources, and to rehabilitate not only the student's health, but the student's record in seeking admission. The single best way to overcome concerns about the bar application (if it is not obvious by now) is to begin seeking allies in getting help. At the same time, a student needs to overcome any sense of stigma attached to seeking help; beyond the assurances of privacy surrounding the assistance provided, it is far better to seek help when not doing so will have immediate, ongoing, and long-term consequences. Resources also exist for law school administrators and students wishing to help their classmates by bringing support to their student community. While most law schools are well-equipped to respond to students in crisis, few have had the resources to invest in prevention.

Whether through orientation, professional development/legal ethics classes, or stand-alone wellness programs, information needs to be conveyed to students on multiple, appropriate occasions. LAPs are available to assist in this area. For example, your area LAP can send a director or counselor into the classroom to describe their services or have a volunteer share his or her (typically quite compelling) story. A video produced by American University Washington College of Law for the classroom features current law students and lawyers in prominent positions who communicate the importance of getting in front of substance issues.<sup>9</sup> Further, the ABA has produced "Substance Abuse in Law Schools: A Tool Kit for Law School Administrators,"<sup>10</sup> which provides strategies on developing policies and procedures, prevention, education, and related areas.

Law school administrators can identify additional ways to support student efforts to avoid falling prey to substance abuse issues. If a law school campus is not dry, an administrator may wish to explore what possibilities exist for making it so, or at least for limiting alcohol consumption to certain occasions.<sup>11</sup> Career services offices that work with law firms may consider asking whether the firms have considered minimizing an emphasis on cocktail receptions and drinking-tailored events, rather than sending the message that drinking is a regular component of working.<sup>12</sup> A collaborative effort between law school administrators and students regarding substance abuse issues, coupled with a student's willingness to get in front of an issue should it arise, is a recipe for success in seeing these students develop physically and mentally into the attorneys they are training to become. Numerous resources exist, from local bar associations, law schools and other organizations, to help law students prevent or overcome substance abuse and destructive behaviors. For law students that do struggle with such problems, admitting that the problem exists and seeking help will not jeopardize your legal career; ignoring the problem will. **H**



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1 Report of the Association of American Law Schools Special Committee on Problems of Substance Abuse in the Law Schools (May 1993) (indicating, inter alia, that 12 percent of law students begin abusing substances in law school, and that nearly 82 percent of the students had consumed alcohol in the prior 30 days, a reliable indicator of regular use of a substance). Although the data is 20 years old, administrators are convinced that use and abuse has at a minimum remained constant, and that the pervasive use of performance-enhancing drugs, not discussed in the 1993 report, also needs to be taken into account.

2 See "Survey of State Bar Form Questions to Law Deans Regarding Students Character" (prepared by Patricia A. Halstead, Cornell Law School Certification Coordinator at the request of Dean Anne Lukingbeal, Cornell University Law School; copy on file with the author). A jurisdiction, for example, that asks if an applicant has been addicted to or dependent on prescription drugs within the past 10 years, or has displayed a substance abuse problem, without further inquiring as to the current health and state of the applicant, creates at a minimum the perception that the applicant will have trouble being admitted.

3 Id. Some jurisdictions use language such as ". . . impairing the ability to perform the functions of an attorney", ". . . that would currently interfere with [the candidate's] ability to practice law," inferring their interest in the applicant's present abilities, not past actions.

4 See "Comprehensive Guide to Bar Admissions Requirements 2011" (National Conference of Bar Examiners and the American Bar Association Section of Legal Education and Admissions to the Bar) at [www.ncbex.org](http://www.ncbex.org).

5 See ABA Model Rule on Conditional Admission to Practice Law at <http://apps.americanbar.org/legalservices/colap/>.

6 [http://www.law.fsu.edu/academic\\_programs/](http://www.law.fsu.edu/academic_programs/)

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[humanizing\\_lawschool/booklet.html](#)

7 The VIA (Values in Action) survey ([www.viacharacter.org](#)) is an increasingly popular vehicle for assessing one's character strengths.

8 See "State and Local Lawyer Assistance Programs" at <http://apps.americanbar.org/legalservices/colap/>

9 <http://www.wcl.american.edu/studentaffairs/> ("Staying Healthy Video"; also available in hard copy upon request)

10 [http://apps.americanbar.org/legalservices/colap/downloads/Substance\\_Abuse\\_in\\_Law\\_Schools.pdf](http://apps.americanbar.org/legalservices/colap/downloads/Substance_Abuse_in_Law_Schools.pdf)

11 A number of schools in recent years, for example, have moved away from open bars at on-campus and/or off-campus events, citing both the expense and the wrong message being sent.

12 Students alternatively should order a non-alcoholic drink either openly or separately if they feel more comfortable doing so.

**DAVID JAFFE**, Dean of Students at American University Washington College of Law.

In addition to counseling students on these and other matters, Dean Jaffe currently serves as committee chair of the District of Columbia Bar Lawyer Assistance Program. He is a member of the ABA Commission on Lawyer Assistance Programs (CoLAP) and serves as chair of CoLAP's Law School Assistance Committee. He can be reached at [djaffe@wcl.american.edu](mailto:djaffe@wcl.american.edu).

## The Reviews are In! The Smash New Drama "The Road to Redemption: Recovery and Reinstatement" is a Hit!

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the vision of Jeanne Marie Leslie, Director of the Alabama Lawyer Assistance Program, and members of the Alabama Bar. They were looking to create a unique and interactive way to educate the Bar on various rules and regulations related to reinstatement proceedings while also

highlighting issues and situations that arise when substance abuse/dependence concerns are involved. They drafted a fact pattern, created pleadings and recruited members of the Bar, the judiciary and LAP to play roles in a mock reinstatement proceeding based on a compilation of real-life disciplinary cases. This program was first presented during the 2011 Annual Meeting of the Alabama State Bar to rave reviews. As the accolades kept rolling in, members of CoLAP and then-NOBC Liaison, Tracy Kepler, started thinking that this program might be the perfect candidate for a joint program between the two groups at the ABA and NOBC Mid-Year meetings in New Orleans. Not only were the members of the NOBC Planning Committee excited, but members of APRL and NCLDB jumped on board when they heard of the idea.

While the original fact pattern had to be tinkered with a bit to make it relevant for an audience of jurisdictions from across the nation and Canada with similar but different rules and regulations for reinstatement proceedings, the Case of Darrin Stephens began to take shape. The groups, which, in addition to the "actors" included CoLAP members Judge Sallie Krauss, Eileen O'Brien, Karen Kahle, Joan Bibelhausen, and Michael Cohen, decided that since our target audience already had a firm grasp on the "ins and outs" of a reinstatement proceeding, the focus should really be about explaining the roles and functions of LAP directors, LAP monitors, and also some discourse on how to best deal with those questions that are routinely asked of attorneys and their clients when substance abuse issues are involved; questions such as "How can we be assured that Petitioner will not engage in this behavior in the future?", "Can you give us a guarantee that this will not happen again?", and "What is Petitioner's risk to relapse?"

Prior to the start of the program, the audience was provided with a fact pattern relating to Petitioner, Darrin Stephens', background, and Stephens' own statement in support of his petition for reinstatement. Darrin Stephens, played by Michael Stewart (CoLAP-AL), was a successful Massylvania attorney with a general practice, who always loved to drink, but never had any major consequences. That is, until he did. His

drinking increased dramatically with the arrival of his live-in, mother-in-law, Endora. His situation worsened following his back surgery and subsequent dependence on the pain medication, Lortab. His work began to slip, he was having problems at home, and clients began to complain to his boss, Larry Tate, and to the Bar about his behavior. Initially, Darrin managed to forestall formal disciplinary proceedings, but as more complaints came in, including one where Darrin had taken a \$5,000 retainer from his client, Ward Cleaver, performed no work on the matter and then failed to refund the unearned portion of the funds when asked, the Bar had to take action. Darrin failed to respond to the Bar's requests for information, and he was summarily and immediately suspended. Upon receipt of the notice of the suspension of his license, Darrin picked up the phone and called the Director of the Massylvania LAP, played

## "How can we be assured that Petitioner will not engage in this behavior in the future?"

by Laura McClendon (CoLAP-TN). He signed a contract, and among other things, went in to a 90-day treatment program, started seeing a psychiatrist, and was assigned an attorney monitor, played by Buddy Stockwell (CoLAP-LA). A few months after his release from treatment, Darrin relapsed; however, he contacted McClendon, admitted the relapse and accepted responsibility for his actions. Since that time, Darrin complied with the requirements of the LAP monitoring agreement and remained sober. In order to regain his law license, Darrin would need to petition for reinstatement to the Massylvania Bar and to resolve the grievances filed against him by his former clients, including a refund of the unearned retainer fees. He hired counsel, played

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## Around the LAPs

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has extensive work experience with the seriously mentally ill, including work with people with co-occurring disorders. She has been a Board member for NASW-Missouri, and is past president of the National Association for Forensic Social Work. Anne comes to MOBAR with a well-deserved reputation for hard work and productivity. She looks forward to the help and support of all the LAP family. On a personal note, Jim says a huge thank you to all who have been so helpful on-line and in person. It has been a terrific experience, and I wish great success for all as the work continues.

As Steve D would say, "Aloha." - Jim Brady

### New York

2011 was a productive year for the Lawyer Assistance Program. In May, we received approximately 2,000 responses to our "Quality of Life as a Lawyer" survey. A report summarizing the data analysis is expected in the spring of 2012. We are looking forward to this opportunity to better align our services with the needs of legal professionals in New York State. Our most exciting endeavor of 2011 was the November launching of our new eLAP, a state-of-the-art, convenient, and confidential online resource to help attorneys assess and attend to their emotional and psychological well-being. The online resources of eLAP are designed to help busy professionals maintain psychological well-being. Members of the legal profession often see themselves as problem-solvers and are reluctant to seek assistance with problems they may be facing in their own lives. The status they have in their communities can prevent them from seeking help for fear of loss of respect. But, truth be told, a career in the legal profession can be stressful, and stress, if not managed, can cause or exacerbate mental health problems.

eLAP provides over 2,000 articles on mental health topics, as well as assessments, self-help modules, and direct email communication with lawyer assistance professionals. eLAP is as confidential as

it is comprehensive. The brief registration process requires the user to establish a password. This password-protected site offers the user complete privacy and confidentiality. Visit [www.nysba.org/elap](http://www.nysba.org/elap) and use the access code NYLAP to get instant access to this website.

Our 22nd Annual Spring Retreat will be held the weekend of May 18-20, 2012. This year's theme is Alcoholism: a Family Disease. Larry Zimmerman, Chair of NYSBA's Lawyer Assistance Committee, and his daughter, Sacha, will be our presenters at the Saturday morning program. This year's Frank Gavin Award recipient is Robert Guido, Special Counsel for Grievance Matters. The newly established Ray O'Keefe Memorial Award will be given to Ray O'Keefe and his wife, Stephanie, will be present to accept this award in Ray's honor. Please consider joining us for this special weekend. Contact Linda McMahon at 518.487.5686.

- Patricia Spataro

### Oregon

Sometimes the new year gets off to a leisurely start, but that has not been the case in 2012 at the Oregon Attorney Assistance Program. To capitalize on all those well-meant New Year's resolutions, Meloney Crawford has started two sessions (noon and evening) of "Getting it Done", a five-week group that helps lawyers to find individual solutions for their procrastination and disorganization issues. Next month, she hopes to launch an online version of the group to serve lawyers throughout the state. Shari Gregory is facilitating a divorce support group for lawyers working through the emotional process and stages of forming a new life. The 10 week group uses a divorce recovery model and participants work on exercises including grief, resentment, death of a dream and starting a new life. Mike Long will be presenting a panel of experts discussing a popular topic, "Heath Insurance Today, at 65, and in Retirement" and Doug Querin, is beginning a confidential workshop for men, entitled "Practicing Law While Practicing Life." - Barbara Fishleder

### Pennsylvania

Lawyers Concerned for Lawyers of Pennsylvania is establishing a new judges' assistance program with a separate judges' helpline number and website as part of its expanded judicial outreach efforts. The 9th Annual Volunteer Conference will be held April 14-15 in Harrisburg with an emphasis on the "ripple effect" of untreated addiction/mental illness and the "ripple effect" of recovery on others. The LCL sponsored 6th Annual Law School Dean of Students Retreat will be held in April or May. This retreat enables the deans of Pennsylvania's eight law schools to informally network among themselves, the executive staff of the Board of Law Examiners and LCL staff. Three new continuing legal education programs are under development: (1) the differing roles of the Disciplinary Board, the Lawyers Fund for Client Security and LCL; (2) sobriety and mental health monitoring; and (3) drug courts. These programs will eventually be available through Internet CLE providers. - Ken Hagreen

### Vermont

On a personal note, I just completed 9 1/2 years as a Public Member of the Vermont Medical Practice Board and now have accepted the offer to be a Public Member on the Vermont Chiropractic Board. - John Webber H



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## The Reviews are In! The Smash New Drama “The Road to Redemption: Recovery and Reinstatement” is a Hit!

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by Steven Lee (APRL-TX) and filed a petition for reinstatement. Objecting to Darrin’s petition was Massylvania Bar Counsel, Cynthia Bullington (NOBC-MI). In addition to the audience members, the evidence presented by the parties was heard by a panel of three judges played by Maureen Mulvenna (NCLDB-IL), Melissa Theriot (NCLDB-LA) and Frank Keough (NCLDB-MA).

The mock reinstatement proceeding began with opening statements from Cindy Bullington and Steve Lee. Given the limited time frame of the program, and in order to reserve time for discussion, each counsel presented a truncated version of the relevant facts, both for and against Darrin Stephens’ reinstatement. Steve Lee focused on Darrin’s recovery and commitment to sobriety. Cindy Bullington reminded the panel and the audience that this commitment had only been for a short period of time, and that during this period, Darrin had relapsed. The panel and the audience also heard the testimony of Darrin, the LAP Director and the LAP Monitor. Darrin testified about his past history with drugs and alcohol, one of its triggers, his mother-in-law (which was met with laughter from the crowd and provided a much needed release from an otherwise difficult storyline), his treatment, his relapse and his commitment to recovery. The LAP Monitor described the process of becoming a monitor, his function and his role and relationship with Darrin. The LAP Director testified about her role in the monitoring process, the monitoring contract, and her relationship with Darrin and also described the nature and purpose of certain standardized tests that are performed as part of a LAP contract and provided an explanation of Narcotics Anonymous

(NA) and Alcoholics Anonymous (AA). Following the testimony of each witness, the panel members peppered the witnesses with questions about the risk of relapse and guarantees of continued sobriety.

Following the reinstatement proceeding, the moderator, Tracy Kepler (NOBC-IL), opened the floor to questions from the audience. Comments and concerns ran the gamut of ideas from how to get LAP more involved in these types of situations at the first inkling of a problem, to issues of confidentiality and required reporting standards of LAP directors and monitors. In closing, Tracy Kepler asked for a vote - a show of hands as to whether or

not Darrin should be reinstated. The final word of the program was from the audience. A resounding “Yes” on reinstatement and cheers of “Bravo!” for the talent.

If you would like additional information on this presentation, copies of the fact pattern/statement, bios of the actors, or have any other questions, please feel free to contact Tracy Kepler at [tkepler@iadc.org](mailto:tkepler@iadc.org).

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# HIGHLIGHTS

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## *Commission on Lawyer Assistance Programs*

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

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