Florida Lawyers Assistance
800-282-8981
mail@fla-lap.org
www.fla-lap.org

- Developed in 1970’s as an informal volunteer peer assistance network and remains at the core one lawyer helping another through substance abuse and psychological problems
- Formed as separate non-profit corporation in 1986 pursuant to Supreme Court mandate, with Bar rule (1986) and statute (2000) to insure confidentiality
- Receives funding from the Bar and works cooperatively with the Bar and Bar Examiners, but *is not* a Bar agency
- Over 30 attorney support meetings and 300 volunteers around the state; referral resources trained to work with attorneys
FLA Objectives:

- To uphold (restore?) the public’s trust and confidence in the bench and bar by initiating intervention for judges and lawyers in need of help
- To educate the profession about the indicators of impairment and the resources available to affected judges and lawyers
- To develop strategies to facilitate early identification of impaired professionals and increase utilization of resources
FLA Monitoring Program

- FLA partners with the Florida Bar and Board of Bar Examiners to work with and monitor attorneys and applicants whose impairment may have resulted in misconduct
  - Monitoring may consist of weekly 12 Step and/or FLA attorney support meetings, random urinalysis testing, and monthly meetings with a recovering attorney/mentor (substance abuse), or weekly facilitated attorney therapy groups (mental health)
  - Reports are made to the Bar or Bar Examiners, which may help determine sanctions to be imposed or whether an applicant should be admitted, admitted conditionally, or denied admission
Monitoring Success

- FLA statistics compare favorably to other peer assistance programs (doctors, nurses), indicating that 85%-90% of FLA clients comply with the provisions of their contracts while being monitored
  - Since its inception in 1986, FLA has opened almost 4000 files, approximately 500 of which have been conditional admittees
  - The monitoring and conditional admission programs have permitted hundreds of lawyers to maintain or obtain their licenses
  - Due to the recovery principles and coping skills they are exposed to in FLA, many of these attorneys incorporate a high level of professionalism into their daily practices
  - Of those attorneys who fail to comply, FLA in most cases can identify and intervene prior to any significant client harm arising
Many legal professionals are in need of help from:

- Stress
- Substance abuse/dependence
- Depression and other mental health disorders
Did you hear the one about all the lawyers?

NASHVILLE — (AP) — He's not exactly a seasoned comic, but professor Marc Galanter knows so many lawyer jokes he even has a joke about lawyer jokes.

“A colleague asked me how many lawyer jokes there are. I told him just three — the rest are documented case histories,” Galanter told an audience this week at Vanderbilt University’s Law School.

Galanter’s routine is part of a lecture tour he’s doing to promote his new book that charts the increasingly bitter tone of lawyer jokes over the past couple of decades.

“We have 500-year-old lawyer jokes still in circulation, and most of them go back at least 100 years,” said Galanter, a professor at the University of Wisconsin-Madison. “But around the 1980s, there was a great shift. They became much more hostile.”

In “Lowering the Bar: Lawyer Jokes and Legal Culture,” Galanter said the animosity is a backlash to the increasing legal restrictions that have reached into American life.

Over the course of the 1980s, he said, public perception shifted from viewing lawyers as champions of justice to viewing them as arbitrators under a complex, artificial system only they understand.

Galanter said the historical lawyer jokes have two basic themes: They are greedy, and they are smooth-talkers.

But more recent jokes depict lawyers as immoral cheats and objects of universal scorn, he said.
The Prevalence of Impairment

- 15-20% of legal professionals will deal with substance abuse, as opposed to 10% of the general population (*Washington*).
- Up to 33% of legal professionals suffer from mental health issues, as opposed to 9% of the general population (*Washington*).
- Of 28 occupations surveyed, lawyers are most likely to suffer depression (*1990 Johns Hopkins Medical School study*), and have highest rate of suicide (*NIOSH*).
Chemical Dependency
Definition of Addiction: Continuing the Same Behavior After Suffering Negative Consequences of that Behavior
Punishment and Threats Won’t Stop Drug Use Because the Drug Becomes Equivalent to Survival

- Nothing’s higher than survival
- No threat (jail, disgrace, kids, family, career, job) matches loss of survival (death)
- In order to worry about those other things, you must secure survival first
- Survival imperative is on the level of the unconscious
With the installation of coping mechanisms (12 Step program, therapy, spirituality, etc.), the cortex comes back “on-line,” and the power of choice returns...
My Doctor said "Only 1 glass of alcohol a day". I can live with that.
“The taxi ride from the office to the Rajun Cajun gives me time to think about what Paul had said, without saying it. Though I’ve always liked my booze, I have to admit I have been hitting it pretty hard lately. If I were talking about someone else, I could point to early signs of alcoholism, the increased amounts, drinking myself to sleep at night, the bottle in the car console, and scariest of all, the blackouts. Today is not the first time I’ve waked up in the morning with no memory of the night before. Scary.

Actually, though, I’ve done pretty well, I think. This is the first time that I could say that drinking has affected my work. Besides, this is only temporary, just until this thing with Beth is worked out and this case is behind me. They say that time heals all wounds, and I believe it. If the booze helps me in the healing process, some adverse effects will have to be tolerated, for a while anyway.

I’ve just got to make sure that it doesn’t get out of hand. I’ve got to cut back, sure, but not quit cold turkey. That would be stupid. Just maybe put a limit on how much I can have. A little self-regulation. Let’s say no more than two drinks at a time. No, don’t be unrealistic. Let’s say four, or six if it’s on a weekend, maybe. Yeah, that ought to do it, I think. I can handle that, I think, as the cab pulls into the parking lot.”

*Conflict of Interest,* The Hon. Terry Lewis, Tallahassee
“Stressors are, in shorthand, whatever you’re trying to avoid. Everyone recognizes the adrenaline rush (pounding heart, dry mouth, butterflies) that marks their onset. Human beings are equipped to deal with it, *if it doesn’t happen too often*. But when it happens again and again, the effects multiply and cascade, invisibly, compounding over a lifetime.”

*Newsweek, June 14, 1999*
Factors in Legal Stress

- Practice development/management
- Time constraints and deadlines
- Paperwork
- Client expectations and demands
- Pressure for billable hours
- Adversarial system
- Disciplinary proceedings
Attorneys are Especially Vulnerable

- Adversarial nature (modern equivalent of trial by combat) fosters stress response
- Tremendous fear of being perceived as weak by others and of being taken advantage of due to such perception
- Increased competition creates stress
- Expectations of clients are unrealistic
- Decline of professionalism, collegiality: “dog eat dog” mentality
- Frustration of long, drawn out struggle with no clear victory
- Inability to separate professional from personal life
Stress Management Techniques

- **Work**
  - Get organized – clean up
  - Prioritize your to-do list, then tackle first what you want to avoid the most
  - Develop efficient office practices (LOMAS)

- **Home**
  - Make time to go to kids’ games, events
  - Set up “date night” with spouse/SO
  - **Realize interpersonal relationships are the most important aspect of your life**

- **Self**
  - Exercise/relaxation techniques
  - Have periodic physicals
  - Examine your use of substances
  - Give yourself permission to seek professional help
  - **Take yourself less seriously**
Why You Should Care: How Impairment Affects the Legal Profession
Relationship Between Lawyer Impairment and Errors in Judgment

- 33% of discipline cases involve a substance abuse or psychological issue
  (*Illinois*)
- 80% of Client Protection Fund cases involve chemical dependency or a gambling component (*Louisiana*)
2001 Oregon Survey

- Malpractice AND discipline complaint rates for lawyers before recovery are nearly 4 TIMES HIGHER than rates after recovery program implemented.
- Malpractice AND discipline complaint rates for those lawyers after recovery are LOWER than that of the general lawyer population.
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<th>Physical</th>
<th>Community</th>
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<td>Multiple complaints</td>
<td>Decrease in community affairs</td>
<td>Disorganized appointment schedule</td>
<td>Inappropriate behavior, moods</td>
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<td>Frequent absences</td>
<td>Increased use of</td>
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<td>Hostile behavior</td>
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<td>DUI, substance related arrests</td>
<td>“Locked door” syndrome</td>
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<td>Codependent behaviors by</td>
<td>Increased visits to</td>
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<td>Antisocial behavior/arrests of</td>
<td>Deterioration of personal</td>
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<td>Frequent sick days</td>
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<td>Sexual problems</td>
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<td>Client complaints to staff</td>
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<td>Separation/divorce</td>
<td>Serious emotional</td>
<td>Isolation from support system</td>
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<td>Loss of clients, practice, respect</td>
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There are resources available

- ABA Commission on Lawyer Assistance Programs (CoLAP): [www.americanbar.org/groups/lawyer_assistance.html](http://www.americanbar.org/groups/lawyer_assistance.html)
- Florida Lawyers Assistance (FLA): [www.fla-lap.org](http://www.fla-lap.org)
- Programs experienced in intervention and treatment of legal professionals
  - Betty Ford Foundation (Rancho Mirage, CA)
  - Rush Behavioral Health (Chicago)
  - Talbott Recovery Campus (Atlanta)
  - COPAC (Brandon, MS)
  - Sierra Tucson (Arizona)
  - Hanley Center (W. Palm Beach, FL)
  - HealthCare Connection (Tampa, FL)
  - Next Step/Pine Grove (Hattiesburg, MS)
FLA provides free and **confidential** services to *all* sectors of the legal profession [Rule 3-7.1(j); Ch. 397.482-486, F.S. (2001)]
Suggested Readings
www.fla-lap.org/bibliography
I think one of the basic problems of our profession and all professions is a loss of individual spirituality. This may offend some people, but when I read about the history of this country and the way our Constitution was formed ... I think about the reasons why lawyers do what they do. And for a lot of them, it is because they have no compass that is directing them. They have no internal direction. And that’s becoming more and more pervasive.... And this is something we never talk about. We would like to relegate this to the parlors of homes and so forth. But it is a problem that we’ve got to address and think about. We have lost touch. And I don’t care what kind of spiritual values you have – whatever you are is unimportant – but the fact that we are living in an increasingly technological and material world which has no time or room for these thoughts is, I think, one of the deepest problems that we as lawyers face.

Hon. William Hoeveler,
U.S. District Court, So. District of Florida