

## Got Stress? Using CoLAP and Its New Judicial Assistance Project

By Hon. Robert L. Childers



Many of us have seen the disheartening statistics. Lawyers are much more likely than the general population to suffer from depression, emotional distress, anxiety, addictions, and other related mental, physical, and social problems.<sup>1</sup> Over a third of lawyers suffer from depression,<sup>2</sup> and we are almost four times more likely to experience depression than the general population.<sup>3</sup> According to at least one study, lawyers are the most frequently depressed occupational group in the United States.<sup>4</sup> As a result, lawyers are at a much greater risk of suicide.<sup>5</sup>

Given the stressors encountered on the bench, judges are certainly not immune from depression, addiction, or other problems. However, assisting judges who become impaired because of such problems may be considerably more difficult than assisting lawyers generally, for a number of reasons. As leaders within the judicial system, judges are concerned about being perceived as weak or unable to cope. They are often better able to hide their problems because they lead a relatively isolated lifestyle—often-times buffered by their staffs—and this can allow their conditions to worsen before others take notice. For a variety of reasons, attorneys and judicial colleagues hesitate to get personally involved with interventions for judges. Further, once a judge deems it necessary to make a lifestyle change, he or she may find it more difficult to attend local support groups or access local treatment providers because of his or her position in the community.

Because of the unique issues that judges face, the American Bar Association

Commission on Lawyers Assistance Programs has decided to implement a program reaching out to impaired or potentially impaired judges. It is giving this effort top priority. Based upon an initiative originally aimed at law school students that was commenced in 2002, the new Judicial Assistance Project is currently being tailored to meet the specific challenges of the leaders of the judicial system. I report below about the work of the commission generally and about the emerging program aimed at helping judges who may be depressed, chemically dependent, or have other mental health conditions that impair judicial performance.

### The Commission on Lawyers Assistance Programs

The first American Bar Association (ABA) attempt to address the health needs of lawyers was started in 1988, when the Commission on Impaired Attorneys was established. Its purpose was to provide a model for assisting local and state bar associations in handling lawyers suffering from alcoholism and drug addiction. By 1996, the name of the commission was changed to the Commission on Lawyers Assistance Programs (CoLAP), and its focus was broadened to include a much more comprehensive array of issues, including stress, depression, addictive behaviors, and any other mental health issues that can affect a lawyer's, judge's, or law student's professional or private life.

That same goal motivates the commission today. CoLAP seeks to advance the legal community's knowledge of

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## Introduction

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all quality-of-life issues. This runs the gamut from learning how to help an addicted lawyer to offering support for disaster victims, such as those otherwise healthy legal professionals whose lives were uprooted by Hurricanes Katrina and Rita last year and who subsequently experienced near total devastation, loss, and even post-traumatic stress disorder.

**General CoLAP services.** Perhaps the single most identifiable event that CoLAP sponsors is an annual national conference for persons working for state lawyers assistance programs (LAPs), bar association leaders, volunteers, law students, and others. For eighteen years, this conference has taken place annually, and its activities are now so detailed and all-encompassing that the event is spread over four days. The conference provides attendees with information on existing LAPs and best practices that can be used in their respective states or regions. It provides an opportunity for continuing education on the myriad issues affecting lawyers' professional and private lives and is good for both professionals servicing state programs and individual lawyers, as well as judges, law students, discipline counsel, and bar leaders who need to find out more solutions to apply in their lives.

However, a whole host of services is offered through CoLAP. The heart of the program can be found in the member services arena, where information is provided to ABA members who may not be active in their state or local bar associations. The information they access can alert them regarding the quality of life services available from state and local LAPs. Members are also able to call CoLAP and be referred to a confidential telephone number in their state where help is available in confronting alcohol, drug, or other addictions, as well as mental illnesses.

Whereas member services concentrate on helping the individual law professional one on one, the ABA also assists state bars to create and enhance LAPs. In 1988, approximately twenty states had LAPs. Today, all fifty states have some form of LAP, with the majority having at least one paid staff member. CoLAP has developed a Model Lawyers Assistance Program that contains best practices for establishing a LAP. CoLAP also provides evaluations of state LAPs upon request.

Publications are another significant area of endeavor. CoLAP provides several publications to assist state and local LAPs. Two of the more important ones are the *Survey of Lawyers Assistance Programs* and the *LAP Director's Management Manual*.

**New directions.** During the last several years, CoLAP has initiated several new efforts to assist those in underserved groups. In 2002, CoLAP created the Law School Outreach Committee to develop a strategic plan for assisting law schools in providing education and assistance to law students regarding substance abuse and other mental health issues. The committee—consisting of a select group of law school deans, professors, students, and LAP directors and volunteers—developed a plan that has resulted in the distribution of a tool kit called *Substance Abuse in Law Schools: A Tool Kit for Law School Administrators* to all ABA-accredited law schools. The kit contains a list of resources available for assisting law students, including an annotated bibliography of books, articles, and reports on law student addictions and mental health problems.

The committee, now known as the Law School Assistance Committee, is also working on a Model Rule on the Conditional Admission to Practice Law. The purpose of this is to assist states that may be interested in adopting a conditional admission rule. Such a rule can be used, in conjunction with educating law students about mental health and substance abuse issues, to encour-

age law students to seek assistance and treatment at the earliest possible time. It would allow bar applicants who have sought treatment to obtain conditional admission to practice law for a specified period of time. After successfully completing the probationary period, the affected applicant would be licensed to practice law unconditionally. The Conditional Admission Subcommittee includes members of the National Conference of Bar Examiners and the ABA Legal Education and Admissions to the Bar Section.

Another more recent CoLAP effort has been a diversity initiative. It has been reported that minority lawyers who have discipline problems due to substance abuse or addiction are less frequently readmitted to the bar. CoLAP believes that one reason for this is that minority lawyers are less likely to take advantage of LAP services. For this reason, in 2005 CoLAP began to formalize relationships with specialty bar associations by working with liaisons appointed by those specialty bars. For example, a formal agreement was signed by the presidents of the ABA and the National Bar Association to provide assistance to NBA members. CoLAP's goal is to achieve cooperative working relationships with national, state, and local minority organizations and introduce them to the help that is available for their members. CoLAP is also focused on increasing the awareness of the LAPs to the special needs of minorities related to substance abuse, addictions, and mental illness.

### Tailoring an Outreach Program for Judges

The initial planning session for the Judicial Assistance Project was held in early May 2006 in Greensboro, North Carolina, when members of CoLAP, the ABA Judicial Division, and the American Judicature Society met for the first time. Project members included judges, CoLAP members, and various state LAP directors and volunteers. Facilitated sessions

were conducted to develop a three-year plan of action.

The mission of the Judicial Assistance Project is to develop a comprehensive national program that will effectively assist judges who may be depressed, chemically dependent, or have other mental health conditions that impair judicial performance. The project will combine respect for judges as the pinnacle of the legal profession with an understanding of the need to identify and assist those who may be affected by conditions or diseases that impair their judicial performance and threaten their lives.

For two days, the participants at the planning session examined the issues involved in assisting judges. Participants specifically examined the barriers to treatment that exist for judges, the opportunities that are cur-

rently available to enhance development of a Judicial Assistance Project, and what specific steps this new project should take over the next three years to design a top-notch program that can assist judges and aid LAPs throughout the United States to provide the best possible services to judges in need.

**Identifying the issues.** Project members began by discussing the issues that judges face when seeking help for themselves or assisting other judges who may need help. One matter that was raised immediately is judicial isolation. All too often judges have difficulty confronting everyday problems because they cannot reach out with the same ease that others can. They also have trouble showing weakness on any level because of the nature of the judicial role. Similar to

lawyers generally, judges perceive their role as “fixing things” for others. They therefore assume that if they have a problem, they should be able to fix it by and for themselves.

This isolation is institutional as well as personal. Judicial impairment is hard to identify and resolve because of the institution surrounding it. Staff, family, and the judiciary as an institution all want to protect the idea and actuality of a fair and impartial justice system, and this can work to isolate and disadvantage judges. A judge’s “family” is often his or her staff, who can be very strong enablers of negative behavior by surrounding, buffering, and isolating the judge. In addition to many other factors, staff jobs often depend on the judge maintaining his or her position. Thus, erratic judicial behavior may be hidden or smoothed over, and the extent of the judge’s problems downplayed.

Court rules can also make it difficult to help affected judges. Some states have rules that make it almost impossible for judges to be referred to a LAP program without significant adverse consequences. Even when a judge is referred, it can be difficult for the LAP to provide help because resources are not available due to the restrictive rules.

The specific nature of judicial elections or life tenure can also complicate the picture. Intervening with judges who are appointed for life or who run for popular election is extremely difficult. Very few people—whether court administrators, clerks of court, or even other judges—are willing to intervene with tenured or elected judges until the problem becomes so great that someone’s hand is forced and some action has to be taken. Yet, by then, it is often too late for the judge.

Another pressing concern for many judges is the weight of public expectation. Judges generally feel that they must be perfect. Not only do they feel that they should be fair, impartial, and make the right decision 100 percent of the time, but the public *expects* this of them as well, as do the lawyers

## Depressed?

In any given one-year period, 9.5 percent of the population, or about 20.9 million American adults, suffer from a depressive illness. A depressive disorder is not the same as a passing blue mood. It is not a sign of personal weakness or a condition that can be willed or wished away. People with a depressive illness cannot merely “pull themselves together” and get better. Without treatment, symptoms can last for weeks, months, or years. Appropriate treatment, however, can help most people who suffer from depression.

Not everyone who is depressed or manic experiences every symptom. Some people experience a few symptoms, some many. Severity of symptoms varies with individuals and also varies over time. But if you have experienced several or more of the following, you may well be at risk and should seek help:

- persistent sad, anxious, or “empty” moods
- feelings of hopelessness or pessimism
- feelings of guilt, worthlessness, or helplessness
- loss of interest or pleasure in hobbies and activities that were once enjoyed, including sex
- decreased energy, fatigue, or being “slowed down”
- difficulty concentrating, remembering, or making decisions
- insomnia, early-morning awakening, or oversleeping
- appetite and/or weight loss or overeating and weight gain
- thoughts of death or suicide, or suicide attempts
- restlessness and irritability
- persistent physical symptoms that do not respond to treatment, such as headaches, digestive disorders, and chronic pain

Source: National Institute of Mental Health, *Depression*, <http://www.nimh.nih.gov/publicat/depression.cfm#ptdep1>.



who practice before them. This can create undue pressure for judges and consciously or subconsciously keep them from admitting or recognizing the signs of debilitating disease. When this is paired with another common problem—that of the lack of an adequate foundation of knowledge or information about addiction, mental diseases, or stress—the whole issue of how to go about seeking to change one's life becomes even more murky. Many judges are unaware or uneducated about the problems of addiction, mental health, and judicial impairment generally. This may allow them to choose to ignore behaviors that might indicate a problem. Quite frankly, many judges feel that they are immune from these sorts of problems. Further, many do not know what to do to help another judge who may be evidencing symptoms of concern or impairment.

All of these problems are exacerbated by a host of other items. The pressures to be found in a crowded urban courtroom may well differ substantially from those found in a small rural court, but each will present a unique challenge to a given judge. Men may face different pressures from women, as may members of one ethnic group from another. Even the kind of court over which a judge presides, and the cases that he or she must adjudicate, can make a major difference in the perception and actuality of pressure. For a judicial assistance program to be truly effective, the gamut of issues will have to be adequately raised, considered, and confronted.

**Removing the barriers to judicial treatment.** Facilitating treatment for judges is intimately linked with the issues just discussed. For example, one must get beyond the hurdle of enabling or protective behaviors by a judge's staff or colleagues. Removing the reticence of other judges and court staff to confront and aid a judge—not for disciplinary purposes but to ameliorate the quality of his or her life—thereby becomes one of the goals of the project. Marshalling the energy

and resources to work through the unique barriers that judges present is necessary, so as to provide state LAPs that do not currently have the financial or human resources available to adequately assist judges.

The structural nature of the job of judge is a key barrier. Some would liken this to the structural isolation of race. In each case, the *perception* of isolation can be so strong as to become the reality.

Another major barrier in helping an impaired judge to seek help—or in getting an administrative judge to deal with the impaired judge—is whether that judge is using some form of legal substance. If a judge is using alcohol

or prescription medication that is entirely legal, and if that substance is only intermittently impairing the judge's work on the bench, the offending judge is likely to fly under the radar and not be referred to an organization that can help because of an institutional climate that does not wish to publicly air any problems of judges. While this may seem acceptable in the short run, in the long term it does not serve either the individual judge or the judiciary well.

Barriers to effective treatment can exist in many ways. The respect and decorum accorded judges when working with them professionally are also a necessity when trying to get them to

## Am I an Alcoholic?

Alcoholism, also known as alcohol dependence, is a disease that includes the following four symptoms:

- *craving*—a strong need, or urge, to drink
- *loss of control*—not being able to stop drinking once drinking has begun
- *physical dependence*—withdrawal symptoms, such as nausea, sweating, shakiness, and anxiety after stopping drinking
- *tolerance*—the need to drink greater amounts of alcohol to get “high”

People who are not alcoholic sometimes do not understand why an alcoholic can't just “use a little willpower” to stop drinking. However, alcoholism has little to do with willpower. Alcoholics are in the grip of a powerful “craving,” or uncontrollable need, for alcohol that overrides their ability to stop drinking. This need can be as strong as the need for food or water.

Although some people are able to recover from alcoholism without help, the majority of alcoholics need assistance. With treatment and support, many individuals are able to stop drinking and rebuild their lives.

How can you tell whether you may have a drinking problem? Answering the following four questions can help you find out:

- Have you ever felt you should cut down on your drinking?
- Have people annoyed you by criticizing your drinking?
- Have you ever felt bad or guilty about your drinking?
- Have you ever had a drink first thing in the morning (as an “eye-opener”) to steady your nerves or get rid of a hangover?

One “yes” answer suggests a possible alcohol problem. If you answered “yes” to more than one question, it is highly likely that a problem exists. Even if you answered “no” to all of these questions, if you encounter drinking-related problems with your job, relationships, health, or the law, you should seek professional help. The effects of alcohol abuse can be extremely serious—even fatal.

Source: National Institute on Alcohol Abuse and Alcoholism, *Alcoholism: Getting the Facts*, [http://pubs.niaaa.nih.gov/publications/GettheFacts\\_HTML/facts.htm](http://pubs.niaaa.nih.gov/publications/GettheFacts_HTML/facts.htm).



understand their possible impairment, yet that “distance” may also be part of a hurdle when trying to reach them and get them to acknowledge very personal issues. The judicial sense of self-importance, both in their role and in that of the judicial system generally, can add to the problem.

The fact of the matter, at least currently, is that most LAP directors indicate that by the time an impaired judge is referred to them, that judge is often very far gone. Most administrative judges or other supervisory personnel will only refer an impaired judge when no other alternative exists. The impaired judge is referred only when the problem has become so acute that the court does not know what else to do, especially because no procedures are in place to help. Hence, the referral to a LAP is a last resort rather than a first option. This culture has to change if we are to make real inroads into the problem. So, too, must we adjust the practice of looking the other way. Very often fellow judges will say that they did not recognize that a specific judge had a problem. In reality, they often do but simply lack the will to intervene. If procedures were in place that could make it easy for them, that would be a positive and necessary step forward to confront the problem rather than looking away. Such procedures need to be so automatic that other judges or colleagues do not have to spend time debating what to do—they merely need to act.

**Accomplishing the mission.** While in Greensboro, attendees of the initial Judicial Assistance Project meeting discussed a number of opportunities to explore to accomplish the project’s mission. One option mentioned was working with the Conference of Chief Justices, the Appellate Judges Conference of Chief Judges, the Intermediate Court Judges, the Judicial Family Institute, and the National Judiciary Disciplinary Counsel Group to obtain multiple viewpoints on the issues and to explore satisfactory ways to resolve the differences of opinion that have emerged. Talk also focused

on educating administrative and chief judges about the proposed changes to Model Rule of Judicial Conduct 2.19, which would impose a mandatory obligation to take appropriate action when a judge learns of a colleague’s impairment.<sup>6</sup> Likewise, several state jurisdictions are looking at changing their codes of judicial conduct by adding rules that require judges to report other judges. Clearly, this will be controversial when its results are exclusively about discipline. Nonetheless, it may open a dialogue with the judiciary about a rule that also allows judges to help their fellow judges by referrals to LAPs rather than to disciplinary actions.

To implement the three-year plan, project members were divided into four working groups, each charged with a specific mission. The first group is focusing on *education*, and it has been charged to

- develop a comprehensive education program on the problems of addiction, depression, and mental health issues among the legal profession and the judiciary, as well as the unique difficulties for judges in getting assistance with these issues;
- target its efforts to several audiences, including judges in need of help, the judiciary as an institution, judicial administrators, and supreme courts;
- design the project to reach judges where they are, i.e., develop a sophisticated, science-based approach that shows the nature of the diseases and how identification and referral can serve as cures;
- build in components that motivate the judiciary to care about the issues and why—i.e., saving lives and protecting and improving the judicial system and the independence of the judiciary;
- provide specifics on recognizing the signs of various diseases or conditions, from onset to later stages;
- focus education in two ways, both

top-down (i.e., through supreme court justices who understand the issues and support identification and referral instead of solely disciplinary responses) and bottom-up (i.e., allowing judges in recovery to educate the leaders of the judiciary on the issue); and

- produce sophisticated materials that maintain a high respect for the judiciary as an institution, delineate the lethal nature of the diseases or conditions if they are left untreated, and deliver the message that silence or protection of the judge is very detrimental to the judge’s chances of recovery.

The *judicial administration group* is to

- develop best practices in judicial evaluation to provide to administrative judges and to judicial inquiry committees so that they know the signs to look for, understand the rules of identification and referral, have an established process in place, and can use the process quickly when an issue arises;
- in jurisdictions where no administrative structures are in place, implement a process by which model judicial administrative rules can be provided to all jurisdictions that need them;
- commence a process to eliminate the rules barriers in states where those rules make it impossible for judges to be referred to a LAP without major disciplinary consequences for the judge;
- combat the enormous difficulty of intervening with elected judges or lifetime-appointed judges and develop ideas to assist jurisdictions in providing intervention assistance for elected judges, who are unlikely to be reported or helped even by those who know they need help but do not do so because of the political ramifications;
- develop a database of judicial inquiry committees in each state so that CoLAP can disseminate

# Judicial Assistance: The Best-Kept Secret

By Hon. Charles J. Delaurenti II

Judges work in high-stress situations and are often isolated from their peers and communities. According to Dr. Isaiah Zimmerman, an expert on judicial stress, "their job can turn judges into trauma victims citing wrenching trial evidence, swollen dockets, and public criticism as some of the causes of this vocational trauma."

With the legal professional, such stress can lead to a high incidence of substance abuse and other personal problems. Eleven to eighteen percent of legal professionals have serious problems with substance addictions and stress-related illness. While bar associations have responded to the needs of lawyers, there has been little assistance available to judges. Unknown to many judges in the state of Washington, a number of the courts offer judicial assistance through their judges' associations.

Before 2000, judicial officers within various associations tried to help their peers who were experiencing problems in their personal and/or professional lives. While the efforts were

well intended, they did not include experienced counselors or confidential assistance, and serving judges could be compelled to provide information to the state's commission on judicial conduct or to other disciplinary bodies. This limitation, it was believed, discouraged judges from accessing services and limited the ability of the associations to provide needed assistance.

In 2001, the District/Municipal Court Judges' Association's Judicial Assistance Committee (DMCJA JAC) decided a more formal process was needed and started to train judges offering assistance. DMCJA JAC adopted a mission statement and developed protocols for providing intervention. At about the same time, it proposed a court rule to provide confidentiality for judges who wanted help. The proposed rule was adopted by the Washington Supreme Court and went into effect November 25, 2003.

Discipline Rules for Judges (DRJ) Rule 14(e) provides that communication between a judicial officer and peer counselors of DMCJA, the Superior Court Judges' Association Judicial Assistance Committee, and the Washington State Bar Association's Lawyers' Assistance Program is privileged against disclosure without consent of the judicial officer. Such communication is protected to the same extent and subject to the same conditions as confidential communications between a client and psychologist.

At about the same time the rule was adopted, the DMCJA JAC met with Barbara Harper, director of the Washington State Bar Association's Lawyer Services Department and Lawyers' Assistance Program (LAP), to explore how more effective and professional service could be provided

to judges in need. Part of that discussion focused on training for peer counselors who are trained to work with professionals and able to understand the stresses and isolation inherent within the legal profession.

As a result of those conversations, the Judicial Assistance Service (JAS) was set up under the auspices of the WSBA Lawyer Services Department. LAP provides JAS access to professional counselors experienced in working with legal professionals and training peer counselors. In addition, DMCJA JAC, with Ms. Harper's assistance, developed and published a brochure promoting the JAS, which is available through the judicial associations and the LAP.<sup>1</sup>

Communications between a judicial officer, JAS clinician, or peer counselor are privileged against disclosure without the consent of the judicial officer to the same extent and subject to the same conditions as confidential communication between a client and psychologist. JAS offers confidential assistance with mental/emotional, drug, alcohol, family, health, and other personal problems. Services include assessment, short- or long-term counseling, referral, follow-up, and training for judicial officers and their significant others. JAS clinical staff and peer counselors can meet with judges in their chambers or at a location mutually agreed upon. Most judicial officers self-refer to JAS. No one knows about requests for services.

A third-party referral is addressed with the same confidentiality and immediacy as a self-referral. A concerned party need only call 206-727-8268 and report his or her concern. A JAS clinician will call or write a letter to the subject of concern, offering JAS or referral to services in the



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judicial officer's community. The clinician will assist the judge in arranging for a peer counselor and any other services required.

The assistance provided is completely confidential and separate from the lawyer referral service. Confidentiality of all calls and services is covered by rules specific to the individual programs (see Washington's DRJ, Rule 14, and its Rules of Professional Conduct, Rule 19(e)).

In 2005, the JAS program saw four judges and sent six third-party letters of concern. Issues addressed included mental health/stress, physical health, and substance abuse. Help is available to judges who may be experiencing mental/physical problems—in Washington, it's a telephone call away.

**Update:** Since the above article

was published in December 2005, the DMCJA JAC and the JAS have continued to explore ways in which to assist individual judges and the judicial community. Advertisements have been created for periodic inclusion in the WSBA *Bar News*, and arrangements have been made to include information about the JAS in the Washington judicial branch publication *Full Court Press*, which is distributed to all Washington judicial officers and court administrators.

JAC is developing a curriculum for the upcoming Presiding Judges' Conference, which will take place in early December, that will alert presiding judges to their responsibilities under Washington's Presiding Judge Rule, General Rule 29, and the Code of Judicial Conduct, Canon 3. Presenters

will provide information intended to assist in recognizing the signs and symptoms of impairment and discuss when and how best to intervene when a problem has been identified. The program will also identify resources available to judges for addressing issues that impinge on a judicial officer's ability to perform his job. ■

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### Endnote

1. When JAS formed, the Superior Court Judges' Association's Judicial Assistance Committee ceased operation. The DMCJA JAC continues to operate. Any superior, district/municipal court judge willing to volunteer as a peer counselor should contact Judge Delaurenti at 206/296-3445 or Barbara Harper at 206/727-8268.

the current best practices to them, models can be sent to those that have no current structure, and CoLAP can get input from those that do have effective procedures in place on what works best for judges; and

- work with the National Judicial College on judicial discipline by enhancing contact and work among judicial administrators.

*Networking* is the subject of the third working group, and it is to

- develop a database of persons, organizations, and institutions specifically focused on judicial assistance;
- expand the judge volunteer corps in all LAPs;
- compile a list of administrative or chief judges in each state who are willing to work with LAPs to address groups of judges;
- develop a list of physician assistance networks;
- identify associations of judges knowledgeable about the issues of addiction and mental health, e.g., criminal and drug court judges, and identify a core group who

will conduct outreach to their fellow judges;

- develop judge telephone groups in each LAP;
- contact the national organization of judicial disciplinary counsel;
- develop a list of judges from each state LAP who will serve as experts to speak to local judges groups in other states;
- create a list of anonymous helplines for judges who need help and do not want to go to a local source;
- survey all LAPs to determine which have a judicial assistance program, which are effective, what makes them work, and determine what has not worked; in tandem with this, have LAPs identify the states that do not have judicial inquiry committees so that CoLAP can target them as jurisdictions to provide with information on how to do judicial evaluations; and
- build up a list of health and wellness committees in each state, and enlist these committees for their help as additional assistance teams.

The final working group is simply known as *peer-to-peer*, and it will work to

- build local judge peer groups for all LAPs, as well as anonymous peer assistance for judges;
- develop a national peer network for judges who do not want to make local contact for assistance, a cadre of judges who either understand the issues or are in recovery;
- develop a listserv and consider monthly conference calls or at regular intervals so that when a new judge needs help, the network is there for the judge right away;
- foster online or telephone peer groups so judges can work with fellow judges without having to make a local contact for assistance; and
- encourage LAPs to develop relationships with the medical professions so judges can join peer groups of doctors.

### Conclusion

Clearly, the ABA's CoLAP has much work to do to expand its efforts to help judges with addictions, mental diseases, and other problems that may

be affecting their ability to exercise their duties. But, just as clearly, a concerted effort is being made to do so, and to do so in ways that balance the professionalism and discretion of the judicial office with the need to administer to individual judges who are experiencing problems. One cannot doubt that we need to alter the current dynamic of isolation, fear, and looking the other way. Too many good judges are being compromised by their own perceptions or those of their fellow judges, staffs, and supervisory administrators. Rather than abandoning them to their own fate, it behooves the judicial corps to work together to find the means to work for all of its members.

For more information about CoLAP, the Judicial Assistance Project specifically, or any of the other CoLAP services, I urge you to contact Donna L. Spilis, staff director, ABA Commission on Lawyers Assistance Programs, at the ABA offices in Chicago. She can be reached by mail at 321 N. Clark Street, Chicago, IL 60610. She or her staff can be reached at 800/238-2667, ext. 5359 or 312/988-5359, (fax) 312/988-5483. The hotline for the program is 866/LAW LAPS, and further information can be obtained online at [www.abalegalservices.org/colap](http://www.abalegalservices.org/colap). Finally, Donna can be e-mailed at [spilisd@staff.abanet.org](mailto:spilisd@staff.abanet.org). ■

#### Endnotes

1. Connie Beck et al., *Lawyer Distress: Alcohol-Related Problems and Other Psychological Concerns among a Sample of Practicing Lawyers*, 10 J.L. & HEALTH 1 (1995).
2. N.C. BAR ASSOCIATION, FINAL REPORT OF THE QUALITY OF LIFE SURVEY OF NORTH CAROLINA ATTORNEYS (2003).
3. BENJAMIN SELLS, *THE SOUL OF THE LAW: UNDERSTANDING LAWYERS AND THE LAW* (1996).
4. W.W. Eator et al., *Occupations and the Prevalence of Major Depressive Disorder*, 32 J. OCCUPATIONAL MED. 1079, 1083-1132 (1990).
5. SELLS, *supra* note 3, citing Blachly, Osterud & Josslin, *Suicide in Professional Groups*, 268 NEW ENG. J. MED. 1278 (1963).
6. The Joint Commission to Evaluate the Model Code of Judicial Conduct is revising the

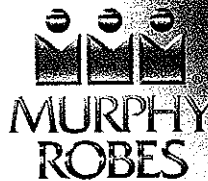
Model Code. It has heard public testimony and invited written comment. The latest public version of the Code can be found at the joint commission's Web site, <http://www.abanet.org/judiciaethics/home.html>. The joint commission plans to file the revised Code for consideration by the ABA House of Delegates at the 2007

Midyear Meeting. Rule 2.19 is currently planned to be renumbered as 2.18 and a new, related Rule 2.19 added. Note that the commission does not see this Rule 2.18 primarily as a disciplinary device. Rather, its fundamental purpose is to guide and encourage judges to address impairment problems when they arise.

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