

Highlights

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

Editorial Comments

by Steve Barrett, *Highlights* Editor

This is our 3rd issue of *Highlights* for the year 2002, and I am delighted with the information and articles that are being provided by its readers. I am reminded that less than a year ago, in December, I went to Chicago at Chair Clark's request to meet with Donna Spilis about creating the 1st issue. Gail Thompson, from the Legal Services Division staff, happened to walk by the conference room in which we were meeting. Donna grabbed her, introduced her and asked about her experience in the design and layout of newsletters (since we knew she was a graphic designer). At that moment, Gail was recruited and has done an outstanding job for CoLAP. I want to publicly thank her for the contribution that she has made to the success of this newsletter. At this time, I should also thank Laura Ramirez for all the data input and editing assistance she provides, and Erika Wilson from Seattle for all her editorial support. Without their contributions, we would not have a newsletter.

See you in Portland.

ABA CoLAP October 1-4, 2002

ILAA October 4-6, 2002

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Some recollections of the history of the movement to help addicted lawyers and the American Bar Association

by David G. Evans, Esq.

Note from the Editor: Highlights is gathering information to accurately present the inter-relationship of ILAA, the ABA and the early LAPs that resulted in the formation of CoLAP. We have Jack Keegan's (2nd CoLAP Chair) history of ILAA, my interviews with the people involved in the formation of the Commission and the ABA's documents relating thereto. I solicit any information on this subject, either in Portland or by any other means of communication. We offer here Dave Evans' article on the early pioneer work within the ABA. Dave has shifted his focus since the mid-1980's but remains one of the pioneers of lawyer assistance who has passed the baton.

One of the great things about being an ABA member is that we are supported by a vast network of people around the world who are available to each other upon request. For that we are responsible. This network is built upon a foundation laid by all those who have gone before. We are inspired by their unselfish devotion in setting up a system with a practical philosophy that benefits mankind.

Lawyers have a long involvement with AA. The third member of AA after Dr. Bob and Bill Wilson was an attorney. You can read his story "Anonymous Number Three" in the book *Alcoholics Anonymous*.

I want to acknowledge Judge A. B. Logan, an early pioneer within the American Bar Association, who worked to benefit the suffering alcoholic lawyer. A. B. Logan got sober I believe sometime in the late 40's or early 50's. He was one of the people responsible for the joint ABA/American Medical Association resolution in the 1950's declaring that alcoholism is a disease. In my discussions with A. B. he talked about the work involved in getting this resolution through. In the 1950's this was a great

pioneering effort because alcoholism was regarded as a moral problem rather than a disease. Afterwards A. B. continued to work within the ABA to promote their involvement with alcoholism.

My involvement with the ABA began sometime in the late 70's or early 80's was asked to chair the Committee on Alcohol and Drug Law Reform in the Individual Rights and Responsibilities Section of the ABA. I worked closely with Steve Raikin, the staff person for the Individual Rights and Responsibility Section.

During this period I spent a lot of time talking to A. B. on the phone and visited him in Colorado. He was elderly and ill and he seemed anxious for me to take up his work within the ABA. He had often worked alone and without support. We can learn from his example how to continue to pursue the interests of alcohol and drug addicted lawyers even in the face of misunderstanding, opposition, ignorance and our own unwillingness to go the extra mile. He went the extra mile for us. We should "pass it on."

In 1984, John C. Shepherd assumed the presidency of the ABA. In the summer of 1984, I was in the Netherlands visiting my wife's family and received a call from Steve Raikin informing me that John Shepherd wanted to make youth alcohol and drug problems the highlight of his term as ABA President. In his inaugural address on August 8, 1984, John Shepherd stated, "I intend to put the needs of the children of America, which have long been overlooked, high on the agenda of the American Bar Association." He noted that many of America's children had become the customers of the merchants of drug and alcohol. He acknowledged the especially important role the ABA could play in lending their expertise and

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Message From the Chair

by John W. Clark, Jr.

I think I enjoy the advantages of a “Bully Pulpit.” An alcoholic control freak just loves an opportunity to say what he thinks—particularly when there is no place for a “Reader’s Response.” As I begin this column, I have almost no idea what I want to say but there are a few things that I need to say.

First of all, let me thank the Caron Foundation and Father Martin’s Ashley for the aid and assistance they provided at the Annual Meeting in Washington, D.C. Not only did we receive financial help from these great treatment centers, but we also had the pleasure of having their representatives participate in our deliberations. While I am on this gratitude journey, let me also add my special thanks to David T. from the DC Lawyer Counseling Program, who arranged for local chairs at all the open AA meetings for us. I am grateful to the Maryland Lawyer Assistance Program and Virginia Lawyers Helping Lawyers for sponsoring coffee and other refreshments during the open AA Meetings. Also, I would like to thank the DC, Maryland and Virginia Bar Associations

for permitting their staff to participate in our meetings. We had great discussions—either to end our year or to begin our year—depending upon your point of view.

We have one new member of the Commission, Zeb Barnhardt from North Carolina, and we are saying goodbye to the Commission membership, but not the presence, of Bill Leary who has helped us in so many ways. You can always count upon Bill to get the job done.

We had some new faces peeking around in Washington—Jennifer Rose and Gail Driebe spent some time with us as new members of the Lawyers Assistance Action Forum. Lynn Phillips, Frank Hampton and Sheryl Cline from the DC Lawyer Counseling Program participated in our deliberations, and Richard Vincent actually joined the ABA so he could feel like a legitimate attendee—and he provided us with a lot of insight on a number of subjects.

About the time you receive this column and newsletter, we will be making final preparation for a trip to Maine for our Educational Conference. Our Exhibition area is sold out, and

Donna and her crew are well organized. We are going to have a great Conference.

Changing subjects, I have just returned from an interesting trip. Many of you have already had this experience, so I needed to catch up. Last week, I was able to visit the Cirque Lodge, a treatment facility in Sundance, Utah. I was able to see a treatment center from a somewhat different prospective, unlike when I was a “client” at Hazelden in 1991. This time I saw how a treatment center operates from the business side, and as a bonus I had the pleasure of spending some time with Keith Arnold from Sierra Tucson and a good friend of mine here in Dallas, Mickey Bickers, a highly regarded chemical dependency counselor. A number of my clients have worked with Mickey, and the whole weekend was just a lot of fun listening to some real pros talk about treatment issues, recovery problems, and the future of mental health and addiction treatment.

Finally, it is football season and for me that means the golf courses will not be busy on Sunday when the Dallas Cowboys are playing. I welcome Fall. (*Note from Editor: Is this true? Even after the Cowboys’ loss to the Texans that first game?*) All good things come to an end, and I think this Column has reached that point.

Recollections

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support in combating this growing problem.

Steve and I talked on the phone for over an hour. The phone bill must have been huge because he was calling me from the ABA headquarters in Chicago. We decided to create an ABA commission on youth alcohol and drug problems as a joint project with the White House. My friend, Abigail Healy, the wife of a lawyer, was President Reagan’s alcohol liaison in the White House Office of Drug Abuse Policy. Gail agreed to chair the commission and we began having hearings all over the United States to investigate youth alcohol and drug problems and what the ABA could do about them. We received a large grant from the ABA and I believe that there was also some Federal money involved.

The ABA House of Delegates approved the report of this commission and its recommendations in July of 1985. It is entitled, “American Bar Association Policy Recommendation on Youth Alcohol and Drug Problems.” I was the single largest package of resolutions ever passed by the ABA.

Two of the resolutions dealt with addicted attorneys. Resolution 19 stated “state courts and bar authorities should establish and support peer support programs for attorneys suffering or recovering from alcohol or other drug abuse.” Resolution 20 dealt with attorney discipline referral and treatment urging that “the bar should exercise leadership in dealing with substance abuse by providing programs for its members who suffer from alcohol and other drug problems.” As a result of the Commission these became official ABA policy.

People in the News

James O. Heiting has been elected to California’s Board of Governors. He is scheduled to take office in October for a three-year term. He is one of a total of 23 members of the Board that governs all activities from admission to retirement of all lawyers in the state.

Oregon’s Attorney Assistance Program is pleased to announce that **Meloney Crawford Chadwick** has attained her CADC II certification. Congratulations Meloney!

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More History: *A Second Chance at Life*

by John H.

The Nebraska Lawyers Assistance Program exists because of a belief by the NSBA that the public and individuals in the Bar are best served by a formal program to assist lawyers, judges and law students troubled by substance abuse problems, stress, depression and other types of disorders, which may impair their ability to perform in a competent and professional manner.

Before the Nebraska Lawyers Assistance Program there was not a formal method or program to help lawyers with an alcohol or substance problem. The NSBA Committee on Alcohol and Drug Abuse was mostly comprised of lawyers "in recovery." The Committee informally reached out to fellow lawyers, often spending hours assisting and advising other members of the Bar before their impairments led to discipline and other problems. The Committee was conceived by a lawyer new to recovery, who recruited two other lawyers that he knew were also in recovery. Together they set about to sell the idea to Bar leadership. Shortly after they were given permission to proceed, they were joined by another sober lawyer. The following is the story of that fourth "old timer" on the Committee. The writer began attending meetings of the ABA Commission on Lawyers Assistance Programs. Acutely aware of the need to reach out to impaired lawyers, he would, each year upon returning to Nebraska, share the information obtained at these meetings and encourage the Committee to pursue a full-time program. As a result of the work and commitment of these dedicated early members of the Committee and those they recruited, the Nebraska Lawyers Assistance Program became a reality in 1996 with staff support provided by Rick B. Allan.

I am 86 years old. On June 1, 2002, I had 26 years in the AA program. I did not come to the program singing "Alleluia!" and I didn't think there would be a solution for me. However, I hung around and ceased practicing contempt for the program. The philosophy of the program changed my life completely. Somehow, I found the courage born of humility rather than bravado. I was in an option reduction position. I either had to go insane, kill myself, or come to AA. Thank God I chose sobriety. The program, I have learned, gave me a second chance at life. For this I am eternally grateful. The program, in its philosophy, is based upon the design for living; it is not enough just to be sober. The fruits of sobriety are much more extensive. They say about the alcoholic that he is never afraid of anything that's going to kill him, but he is deathly afraid of anything that's going to help him.

I now have a great relationship with my children. I had a great relationship with my wife until her recent death. The relationship with my family became remarkably better once I joined AA. I have seen many people in recovery who have been able to repair seemingly hopeless relationships with spouses and adult children even after years of drinking. I drank for a long time. I had a lot of good times drinking. I drank during a period in time when it was not frowned upon. A lot of drinking was chalked up to camaraderie. Alcoholism, however, is like a one sided, long-term contract of adhesion. It is cunning, baffling, powerful and patient. When its toll began to be exacted, it was

unforgiving. AA, however, has been more powerful than the alcohol foe.

Today I have a host of friends and even though I am on the back nine of life, my friends are legion and hold out their hands every day to assist me in my sobriety. I have finally learned that it is not about me, but about you. I truly believe that I must give this program away in order to keep it. I have found that God has entered my life in a manner that is truly miraculous. I trust that I may be eternally grateful to God and this program for my continued sobriety. My suggestion, if you are new, is that you read the literature go to meetings, clean house, and trust God. Meeting makers make it.

I am now able to enjoy each day in gratitude for what I have that day. I am grateful that it is never too late to get sober and stay sober. Each period in life has its unique problems; I have been and continue to be able to handle the problems that come with retirement. I only wish I had found sobriety sooner.

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Note from the Editor: Because of health reasons, John H. could not be with us of late. I miss him: his abiding serenity based on the principles of AA; his leading of AA meetings; his inability to find his way around in Nashville; his good natured bumbling in PEI; his enjoyment of the game of golf and his annoyance with his 80+ year old slice; and just his calming presence.

Recovering a Winning Verdict Every Day: Practicing Fitness First, Then Law

by David Stevens Hobler

By the time a lawyer starts to get help from chemical dependency, the entire being reverberates in fundamental disorientation. A volatile mix of disorder permeates life resulting in mental confusion, physical inertia, social distance, and mood extremes. Inactivity and isolation become routine and chronic behaviors. Regular moderate physical activity declines, contributing to these symptoms. Isolation and inactivity are unhealthy behaviors for anyone—but far more so for a person in recovery because the risk of relapse increases.

But as lawyers in recovery, our risk of relapse is greater because as a profession we have a higher incidence than average for chemical dependency and job dissatisfaction. [See studies cited in "Lawyer, Know Thyself," by Susan Daicoff, *American University Law Review*, Vol. 46, 1997, pg. 1338.]

When confronting a problem—even our own discontent—our legal reflexes ignite our head, not our heart, to analyze resolution by thinking. We labor in sorting through possible external causes for our unrest, attempting to pinpoint the many variables

that each, in degree and combination, leave us with that numbing tense tiredness. We criticize ourselves for not producing—for wasting time—which, after all, translates to billable hours and more money. With work demands mushrooming, and "disease" beginning to disrupt life outside the office, our recovery stalls—taking a backseat to a constant bombardment of interruptions. Recovery then gets a lower priority on our daily calendar. Low energy and high tension abound, underlying a gnawing gloomy mood.

This negative cycle for a lawyer undermines recovery portending certain relapse. However, "relief" is sure and progressive through regular and diverse physical activity. Credible health practice requires daily attention—like dental hygiene and brushing our teeth. Physical activity, as an interven-

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A Winning Verdict Every Day

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tion tool, guards against relapse by significantly grounding our sensory response to triggering stimuli.

In recovery, when irritable and in need of a mood change we must take a fresh look at our traditional problem-solving methods. To support recovery and gain "relief," we must experience *acting* our way into good thinking, a behavior pattern reversing our legal training that teaches to first analyze, then utilize. When we move the body, our heart, not the brain, provides the solution by activating our psycho-physiological system into a revitalized pattern of arousal.

Irrefutable scientific studies directly connect physical activity to increased energy and elevated mood. This convincing non-pharmaceutical demonstration suggests that physical activity is like going to our own drugstore to better ensure against relapse. Blood analysis, drawn before and after thirty minutes of moderate physical activity, confirms a host of positive physiological changes guaranteed by just boosting heart rate 20 beats per minute. Other research

delivers more of this motivating proof! A half-hour brisk walk, even in ten-minute increments, brings about this pleasurable mood change. This easy prescription elevates our psycho-sensory system for as much as six hours with no negative side effects or crashing withdrawal. Indeed, even with moderate depression—a nagging consequence of sedentary living—physical activity is a self-generating aid to reclaiming joy and perpetuating happiness. When taken as directed, the dose of ease and comfort we immediately receive by choosing our own physical activity antidote is tailor-made, cheap, legal, and propels us to fit in recovery!

Research again shows that moderate regular physical activity dramatically helps inoculate against the insidious build-up of stress. People who exercise report fewer stressful events on those days. Others who are physically active say that stressful times are less threatening that a renewed self-esteem from more energy lessens preoccupation of fear, bringing on a new confidence that generates intuitive understanding, calm acceptance, and creative solutions to problems that used to baffle us. By reliance on healthy management of negative stress, we gain a

physiological tension release coupled with a psychological sense of pleasure derived from our own action—the fundamental principle in any recovery treatment menu. Incorporating physical activity into our recovery lifestyle promotes a drug-free treatment protocol which leads to a natural evolution of appropriate moods. To regulate mood, physical activity is compatible with the tenants of recovery. It reduces and then eliminates external dependence upon medication, nicotine, food—and, yes, "consumptive law practice!"

In making our choice, we "feel good about Self," rather than simply "feel good." We don't just "have" a body—we *are* a body meant to move; this is our biological legacy and destiny. To postpone or deny this basic instinct sabotages overall health and short-changes our recovery progress.

Why don't we get with this program? Realistically, our negative mood and contributing influences do not put us in a frame of mind to be physically active. Several myths stand as barriers:

1) No Time: Many professionals at challenging desk jobs tend to spend almost

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The Humility Cup

by Michael Sweeney

Humility is what many recovering people are striving to achieve. It requires a leveling of self-pride and a deflation of the ego. Nothing assists in the development of humility as the game of golf. It teaches patience and tolerance, and you come to understand the word "insanity."

A few years ago the ABA Commission was looking for ways to transition from the CoLAP workshop to the International Lawyers of AA (ILAA) conference. The result was a golf tournament to be held at the conclusion of the workshop and the kickoff of the ILAA. The responsibility for the tournament was assigned to Michael Sweeney of Oregon and Bill Leary of Louisiana. They decided the tournament needed a trophy and they purchased one and named it the "Humility Cup" in light of what the game of golf had done to them and many others. Of course they engraved the words "Sweeney-Leary Humility Cup" since they paid for the trophy. They claimed they were trying to be funny, but many suspect it was really a function of their egos.

The tournament was established in 1999 at the workshop held at Skamania Lodge. The format for the first two years consisted of 4 person teams and also individual net and

gross scores. The first year the team award went to a group captained by John Clark of Dallas, Texas the current chair of the CoLAP. Members of that team included Michael Sweeney, Rob Olinitz, and David Williams. David shot a low net and Sweeney won low gross with a 75. Captain Clark was presented with the trophy to display in his Dallas office. When accepting the "Humility Cup" he stated he did not know if he would display the trophy in his office, as the Cup was not big enough. The Humility Cup resided in Dallas for nearly two years. A team consisting of Sweeney, Leary and Steve Barrett and Patrick Reily won the 2000 tournament held at Whirlpool Golf Course in Niagara Falls, Ontario, Canada. Barrett shot low net with a 66 and Sweeney repeated with a low gross of 79. In the summer of 2001, Clark grudgingly sent the cup to Captain Steve Barrett for display in Newark, NJ

The 2001 tournament was held at Albuquerque, New Mexico. A team led by Jim Heiting of Riverside, California garnered the award. Low net and low gross were dropped from the format and a true scramble was played. Heiting's team consisted of Darren Davis, Scott Mote and Michael Drain. The prizes and the Humility Cup were to be presented at the Saturday night dinner of ILAA. The Cup was stolen and a ransom note delivered to Sweeney demanding that

certain conditions be met before it would be returned. Sweeney commenced an investigation after finding that the signature of the notorious John Duffy appeared to be the same as the handwriting on the ransom note. Further investigation unraveled a sinister plot. It appears the idea was the brainchild of Julia Blewer wife of the former chair of CoLAP, Ed Blewer. The Cup was returned by Sunday morning breakfast as the plot was collapsing. Just before the Cup was to be presented to Jim Heiting and the story of its theft told Ed and Julia Blewer left the meeting, which I believe is further evidence of their involvement in the plot. It is reported that Heiting has been distributing pictures of himself kissing the "Humility Cup" which has resided in his office this last year.

Mark October 4, 2002 on your calendar as the Fourth Annual Humility Cup will be played in Portland, Maine. The tournament will commence at the conclusion of the CoLAP workshop on Friday afternoon. If you are interested in participating in the Humility Cup and being part of history contact Michael Sweeney at (503) 226-1057 ext. 12 or by email at Michaels@oaap.org or David Kee at kee@mymailstation.com. The cost for the golf tournament is \$46. US dollars and will be played at None Such River Golf Course. Remember we are not a glum lot and there is no way I am going to miss the fun.

Around the LAPs

Arizona: After reading the e-mails about suicides following disbarment, we are going to institute a simple process that we hope will help. Member Assistance Program will obtain information on lawyers who are about to be disbarred or to receive a long-term (or possibly any length) suspension. We will send them a letter offering assistance and providing my number and a laminated card with the number of the 24-hour crisis hotline. We hope lawyers will take advantage of the assistance or will keep the information and use it at a later time. Even if they don't, at least they will know we're here and that an effort was made to help them despite the disciplinary outcome. For more information contact Diane M. Ellis (602) 340-7313.

California has been working enthusiastically to implement their new Lawyer Assistance Program (effective January 1, 2002) and we even made it to the front page of the State Bar's Website this month. We now have a staff of six, including the Director, Acting Deputy Director, Project Coordinator and three Case Managers. Program offices are in Los Angeles (headquarters), San Francisco, and Sacramento. We are very pleased that the State Bar Court has recently drafted a plan for a pilot program for respondents with substance abuse and mental health issues. This pilot program is designed to coordinate with the LAP and recognizes treatment and rehabilitation as the goal. The Office of the Chief Trial Counsel of the State Bar is actively referring respondents to the LAP and may, in some circumstances, accept participation in the LAP in lieu of discipline. However, nearly half of our current population have self-referred—in spite of the fact that we haven't begun to implement our outreach plan.

As you know, The Other Bar has been providing service to attorneys (and others in the legal professions) for many years. Three members of The Other Bar were appointed to the LAP Oversight Committee and have been serving in that capacity since its inception. Early this fall, staff of the LAP will be meeting with the consultants from The Other Bar to determine how the two organizations can most effectively coordinate efforts to assist attorneys who are in need. Several of us will be attending the Co-LAP meeting in Maine and look forward to meeting all of you. For more information contact Janis Thibault (213) 765-1190.

New Positions Available in Lawyer Assistance Program: *The California's*

Lawyer Assistance Program is currently searching for candidates to fill Case Manager and Case Specialist positions throughout California. For more information, or to apply to either of these positions, please visit our Website or email HRLA@calbar.ca.gov.

Colorado Lawyers Health Program announced today the appointment of Robert Blaine Holt as Executive Director. Mr. Holt will assume his post immediately as head of the independent non-profit organization. Since its formal inception in 1993, the Colorado Lawyers Health Program (CLHP) has served hundreds of lawyers, judges, family members and legal organizations statewide by providing confidential referral and peer support services for lawyers with substance abuse and mental health issues. Leslie Hilton, President of the Board of CLHP, stated, "CLHP is fortunate to have a director of Robb's stature, professionalism, and dedication and we look forward to working with him. A licensed attorney and member of the CLHP Board for a year prior to his appointment, Mr. Holt will take on management of all CLHP services and programs immediately.

Illinois LAP Funding proposal signed by Governor (Chicago Daily Law Bulletin). Wednesday, July 31, Governor George Ryan signed into law the long-awaited proposal to provide stable funding for the Lawyers' Assistance Program by assessing each registered Illinois lawyer \$7 per year.

The ceremony took place in the McDermott Center chapel at Haymarket House, where Monsignor Ignatius McDermott has helped hundreds of lawyers and judges overcome dependence on alcohol and drugs. It was the priest's 92nd birthday. LAP was represented at the signing by President Sheila M. Murphy of Rothschild, Barry & Myers, Chicago; Vice President Laura Otten Grahek of Peoria; and Executive Director Janet Piper Voss. As House Bill 4078, the Lawyer's Assistance Program Act was approved unanimously by the Senate on May 8 after leaving the House on April 4 with a 91-26 vote. The bill was sent to the governor June 6.

ISBA past president Ralph A. Gabric, Todd A. Smith and Timothy L. Bertschy had made enhanced funding for LAP an essential element of their terms as statewide bar leaders. Bertschy received LAP's Carl Rolewick Award in October 2000 for encouraging more than 75 bar associations throughout the state to agree to support an annual fee for administration and expansion of the program. Chief Justice Moses W. Harrison II appointed Bertschy to chair a committee to explore assistance programs

around the country and to make recommendations for a consistent funding mechanism for the Illinois organization.

The court approved the committee's concept of an annual fee, and the ISBA proposed legislation to create an appropriate method for administering the funds. Although it now appears that LAP can depend on an ample future source of revenue, it remains in need of contributions to continue operating until new funds start trickling in next year. LAP officials hope to become able to expand counseling and intervention services to impaired lawyers and judges from substance abuse into the areas of mental and emotional health. For more information, call Janet Voss at (312) 726-6607.

New Jersey Law Journal

Court Marks New Middle Ground for Lawyer Discipline

The New Jersey Supreme Court has created the new punishment of indefinite suspension for lawyers "on the cusp of disbarment" who seem capable of rehabilitation. The new rule, effective Sept. 3, was enacted in response to longstanding complaints that the court, unlike regulators in most other states, has a policy of permanent disbarment that gives New Jersey lawyers no chance to redeem themselves and return to practice. <http://www.law.com/jsp/article.jsp?id=1028321273127>

Washington: The Lap/LaSD 5th Annual Statewide Conference

by Erika Wilson, Lawyer Services Coordinator

The Lawyers Assistance Program/Lawyer Services Department 5th Annual Statewide Conference was held April 5-7 in Chelan, Washington. I wondered why these lawyers get together for an annual conference in Chelan when they've already attended so many CLE events over the years. Some of them are retired and don't even need the credits. (One attendee explained to me with a smile that he had "CLEs to burn.") What could a group who has seen it all possibly learn from yet another conference?

One way to answer that question is to note that a majority of the conference goers are peer counselors with the WSBA Lawyers' Assistance Program. As volunteers, they give their time and experience toward the goal of assisting their colleagues through the difficulties of addiction and recovery, depression and other challenges. The network of peer counselors covers most of Washington, and helps to bring counseling and treatment referrals to members living outside Seattle. These counselors and other

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Around the LAPs

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interested lawyers come to the conference to learn more about themselves and to gain insight into helping others.

Presentations at the conference were aimed at addressing mental health and law-practice issues. Carol Vecchio (many LAP Directors attended her session at the ABA Workshop last year in Albuquerque) started the Saturday sessions with an engaging talk about the seasonal cycles of change. Challenging the notion that our lives are fixed on an inflexible linear path, Ms. Vecchio explained that rather than moving from youth to age in a straight trajectory, we

instead experience seasonal cycles in many aspects of our lives—career, relationships, self-development and family. Not only are such major life changes necessary, they are opportunities for self-knowledge and growth.

Dr. Adrian Hill, executive director of Canada's Legal Profession Assistance Committee, brought to light the issue of gambling addiction, which is quickly becoming a major concern in the legal community. The ubiquity of gambling in our culture, from seemingly "harmless" lottery tickets available in any convenience store, to online casino betting, has contributed to ever-higher rates of addiction. Gambling is especially insidious because debts can be hidden until the gambler has lost all of his assets—from

a home and car to children's college funds.

Lending his perspective from the field of medicine, Dr. Ray Baker discussed the dangers of "hidden" disabilities such as depression and burnout, which is often the result from overwork, and are endemic in professional fields such as law and medicine. He emphasized that maintaining balance in life is a challenge for those whose careers depend on consistently high demands and workloads, but also offered strategies to relieve stress and keep priorities such as family in perspective.

Barbara Harper and I are well on our way to planning the 6th Annual Conference to be held in April 2003. We're hoping it will be even better than last year's!

A Winning Verdict Every Day

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an hour a day in confusion, indecision and redrafting. Spend 30 minutes early or at noon enhancing recovery through physical activity and the responding workday dividends will be a more focused, efficient and competent law practice. Personal satisfaction and firm profits will soar.¹

2) Too Tired: A sedentary lifestyle begins to erode up to 50% of our lung capacity to deliver oxygen. Imagine, denying oneself the chemical life most depends upon. To sit and remain inactive is to slowly suffocate.²

3) Too Much Pressure: By constant sitting, we accumulate a toxic abundance of stress producing hormones, such as cortisol and adrenaline. With no complementary release mechanism, we slowly poison ourselves! So, literally, *to snooze is to lose*.

4) Sometime Later: Chemical dependency is never cured nor goes on vacation. We'd never postpone dental hygiene until the weekend—we know better. To delay brushing our teeth daily invites subtle decay that gradually and inevitably worsens. Our recovery is no different. We never get back what we give up. The bio-chemical benefits of physical activity are instant and fully last one day only. To live recovery, yesterday's news and tomorrow's intentions won't do. Let's be grateful today that life for us lucky ones is no longer a dress rehearsal.

5) Out of Shape: Those of us fortunate to find real recovery have already acknowledged our on-going daily health risk. Therefore, we have no leeway, cushion, or rationale to reject a best-practice approach to clean and sober living. Every person, whether newcomer or seasoned athlete, gains a complete individual capacity of natural health insurance by thirty minutes of physical

activity. This is not about competing or "looking good." Rather, as lawyers in recovery, this is lifesaving protection against deadly relapse. Physical activity translates to promoting our generation's gift of an extended lifetime. Our life expectancy is 30 years beyond that of a century ago. Studies show our current national health crisis stems from the inactive American who will spend the last 10-12 years of "added life" wasting away with premature disease, disability, and death—as a huge financial drain and emotional burden to loved ones and heirs. For lawyers in recovery, active aging is the key to both staying around and participating in life. Why not go "out" like a soap bubble, in perfect form looking splendid—"Pop!"

Now here's the clincher to make physical activity a daily practice for lawyers: law firm leadership must first recognize the tremendous cost-saving and other professional benefits to an on-site incentive program. When management adopts this goal and learns how to institutionalize a flexible yet appealing program that rewards participation, the entire firm's community reaps success—that includes lawyer, staff, client, and, most importantly, family members.³

When a law firm champions a tested 12-week voluntary workplace program that tangibly values commitment, favorable office response is customarily about 85% and completion amazingly high at 75%. Furthermore, we know that healthy behavior change transforms into inspired habit after three months—the length of this scripted fit-in-recovery program. Compare this team approach to "passive" employee offerings, such as perks like discounted club memberships, coupons, or local workout facilities. Surveys tell us that these conveniences attract but a few—less than 14% of firm employees—these being the very persons who otherwise

regularly engage in physical activity.

Given that most attorney discipline matters involve substance abuse or chemical dependency, law firms could better insure health and malpractice safeguards through a policy and practice that rewards a physically active professional lifestyle. Studies prove that motivation is fueled by peer association and institutional recognition. This requires a firm's management corps, as the derivative catalyst, to announce and then walk the talk. In this lifesaving pursuit, the good is the enemy of the better. The best legal services flow from the healthiest source.

At its core and in permutation, physical activity is no less than the ultimate gateway behavior.⁴ Its practice ushers in good relationships and genuine community. Relaxation, attention, concentration, learning, and creative problem-solving increase. Emotionally, we develop more compassion and understanding. We provide listening to those who need and deserve to be heard. Sleep patterns become more restful and restorative. Our food choices and nutrition begin to sustain a balanced energy. And, as this constellation of benefits to physical activity gains wider expression, our vibrant recovery sounds in boundless moments of clarity when passing on the message of experience, strength, and hope.

Notes

¹ Cf. Using 'Stages of Behavior Change' Constructs to Measure the Short-Term Effects of a Worksite-Based Intervention to Increase Moderate Physical Activity," by Bruce Leonard and others, *Psychology Reports*, Vol. 82, 1998, pg. 615-618.

² Walter M. Bortz II, M.D., addressing the Association for Worksite Health Promotion, Annual International Conference, in Chicago, Sept. 1997, and also in his groundbreaking treatise *We Live Too Short and Die Too Long*, Bantam Books, 1991; see also, U.S. Department of Health and Human Services, *Physical Activity and Health: a report of the surgeon General*, 1996.

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Calendar of Events

September 27-28, 2002: Virginia: Virginia Lawyers Helping Lawyers Fall Conference. More information is available by contacting Susan Pauley at (804) 644-3212 or valhl@vba.org.

September 27-29, 2002: Canada: British Columbia 6th Annual Lawyers Spiritual Retreat, Loon Lake, BC (outside Vancouver). Contact: Derek LaCroix (604) 685-2171.

October 1-4, 2002: Maine: 15th National Workshop for Lawyer Assistance Programs will take place at the South Portland Sheraton, 363 Maine Mall Road South, Portland, Maine. [Http://www.abanet.org/legalservice/colap](http://www.abanet.org/legalservice/colap) (312) 988-5717.

October 4-6, 2002: Maine: ILAA Annual Conference, Portland, Maine. David Kee,

(207) 667-0176, kee@mymailstation.com

October 11-13, 2002: Oregon: The Oregon Attorney Assistance (OAAP) presents a 12-Step & Recovery Weekend for Professionals. Please join us on in Bend, OR at the Riverhouse Hotel for a weekend with Don Major and Dr. Burns Brady from Louisville, Kentucky. For information call or e-mail: Michael Sweeney at (503) 226-1057 ext. 12; or via e-mail: Michaels@oaap.org or Liisa Gardner at (503) 226-1057 ext. 10; or via e-mail: LiisaG@oaap.org

October 18-20, 2002: Canada: LPAC National Workshop 2002 - Elder and Aging Issues for Older Lawyers and Judges. OBA Education and Meeting Centre, Suite 200-20 Toronto Street, Toronto. Retirement, competency, and many other aging and elder issues will be covered, with humor and lots of

laughter! For more information contact Conference and Program Organizer Dr. Adrian Hill, LSM, Executive Director, (416) 520-9016; fax: (416) 595-1731; e-mail: adrian@lpac.ca; Website: www.lpac.ca.

November 1, 2002: Illinois LAP: Annual Meeting and Dinner, award presentations, and installation of officers in the Empire Room of the Palmer House Hilton, Chicago. Call Janet Piper Voss, (312) 726-6607.

November 8-10, 2002: North Carolina: PALS Conference and Workshop in Wrightsville Beach, North Carolina at the Holiday Inn SunSpree Resort. Contact: Betty Whitley at (919) 828-4620.

November 20, 2002: Illinois: Volunteer Intervention Training. Contact: Janet Piper Voss, (312) 726-6607.

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2002 Lawyer Assistance Action Forum

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Lawyer of the Year Award: David R. Pfalzgraf

David R. Pfalzgraf is a lawyer who cares deeply about lawyers and the legal profession. He has an abiding understanding and empathy for those who are less fortunate and his tireless efforts on behalf of fellow lawyers is legendary. David has made a difference in the lives of more lawyers than any of us will ever know and we are proud to be able to pay him this special tribute.

Perhaps best known for his involvement with the New York State Bar Association's Lawyers Helping Lawyers Committee, David is the immediate past president of the Erie County Bar Foundation. During his tenure

on the Foundation Board he has devoted countless hours helping lawyers and the families of lawyers who are experiencing catastrophic illness or other debilitating circumstances.

David has been active in the Bar Association throughout his career and has chaired the Committee for the Disabled, the Committee on Professional Continuity and the Elder Law Committee. He also served a term on the Board of Directors from 1988-1990, but most importantly, David was President of the Bar Association of Erie County in 1996-97.

He has been an extraordinary representative of the Erie County legal community at the state and national level. He has been a Delegate to the New York State Bar Association House of Delegates and was recently elected to the State Bar's Executive Committee. David has helped other bar associations around the state and the country

set up lawyer assistance programs and was instrumental in getting legislation passed that protects the communications between lawyers assistance committees and those whom they assist. He has served on the New York State Bar Association's Committee on Lawyer Alcoholism and Drug Abuse for twenty years, and also served as its chair. On the national level, David was appointed to the American Bar Association's Commission on Lawyer Assistance Programs where he served for two terms. Most recently, he was appointed by Chief Judge Judith Kaye to the newly formed Board of Trustees of the New York State Lawyers Assistance Trust.

Although unfailingly modest and humble, David clearly finds great comfort in this work. He is a man of personal honor and integrity and truly a bright light in our community. We are proud to name him Lawyer of the Year for 2002.

Calendar of Events

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December 12, 2002: Illinois: Volunteer Peer Assistance Training in Chicago, Illinois, Contact: Janet Piper Voss (312) 726-6607.

February 20-23, 2003 California: Commission Meeting - Inn at Rancho Santa Fe - Rancho Santa Fe, California (near San Diego). (Schedule not yet set.)

April 4-6, 2003: Washington: 6th Annual Lawyers' Assistance Program / Lawyer Services Department Statewide Conference, Chelan, Washington. Contact: Erika Wilson (206) 727-8268.

May 9-11, 2003: California: The 16th Annual Spring Networking of The Other Bar in Rancho Las Palmas Resort & Spa. Contact: Dave Dawson or Bob Resner (425) 334-0769 in Northern California, or Larry K. (909) 987-0018 in Southern California.

October 14-17, 2003: Canada The Fairmont Empress Hotel: CoLAP's 16th National Workshop for Lawyer Assistance Programs, Victoria, British Columbia. More info to follow.

October 17-19, 2003: Canada The Fairmont Empress Hotel: ILAA Annual Conference, Victoria, British Columbia. Contact: Derek LaCroix, (604) 685-2171 lapbc@aol.com

A Winning Verdict Every Day

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³ See Report; *National Coalition to Promote Physical Activity Challenge Program, March Into May,* 1998, sponsored by The American Heart Association National Center, The Cooper Institute for Aerobics Research, and others—citing results from the top five companies participating in this *March Into May* worksite health campaign.

⁴ Reported by host Dr. Dean Edell, ABC television health feature, interviewing David Hobler about his program, *Fit In Recovery*, April 9, 2001.

Mr. Hobler can be reached at: dhobler@aol.com; P.O. Box 1409, Mill Valley, CA 94942; (415) 388-7686, tele; (415) 388-7667, fax.

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Highlights