



Florida Lawyers Assistance, Inc.

2006 - 2007 Annual Staff Report

FLORIDA LAWYERS ASSISTANCE, INC. 2006 - 2007 ANNUAL STAFF REPORT

OPERATIONS & CLIENTS

In its 21st year of operation, Florida Lawyers Assistance, Inc. responded to over 900 telephone calls and personal interviews with impaired attorneys, judges, and law students or their family members and colleagues. Of these calls, 146 resulted in new files, bringing the total number of formal cases opened by FLA since its inception to 3080. As has been FLA's practice, a large number of hotline calls were not opened as formal files, but were referred to local 12 Step and FLA support meetings, and to health care providers. FLA closed the year ending June 30, 2007 with 523 open files.

The majority of files opened during the past year (65%) continued to be voluntary contacts. Of those voluntary cases, 81% were opened as the result of contact made by the attorneys and law students themselves, while 19% were opened after formal or informal interventions performed at the request of concerned family members, colleagues, or judges. Of those files, 32% represented psychological or dual disorder cases, while 68% were chemical dependency cases. Hotline calls seeking help for psychological issues, which are now referred to FLA's full-time Clinical Director, Scott Weinstein, Ph.D., remain constantly high, with many callers seeking referral to a mental health provider or an FLA facilitated group. It is clear that stress continues to be an integral part of the legal profession, with the apparent decline of professionalism and increasing competition contributing to those negative mental health conditions. FLA has continued its efforts to inform Florida legal professionals that it deals with these types of impairments in addition to substance abuse.

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CONTINUES TO BE AN
INTEGRAL PART OF THE
LEGAL PROFESSION**

The number of new files opened as pre-admission or conditional admission cases increased sharply to 43% of new cases (42% pre-admission, 1% conditional admission), and the number of monitored conditional admission cases dropped slightly from 64 to 59. As has been noted in past reports, under FLA's current coding and database system, cases which are opened as pre-admission and are later granted conditional admission are not reflected in the conditional admission figure, so the number of monitored conditional admission files is actually higher than shown. It is anticipated a new database program will be implemented by the beginning of 2008, which will rectify this inaccuracy. The number of students being referred to FLA by the Board of Bar Examiners, either while in school or at the time of application to the Bar, remains the largest component of new files opened by FLA, and FLA continues to work with many of the law schools in the state to address issues of psychological conditions and substance abuse among students.

FLA continues to provide monitoring, evaluation, and prevention services to The Florida Bar for those attorneys whose misconduct may be related to an impairment. This year, the percentage of cases opened as disciplinary matters represented 10% of new files, while 25% of new files were evaluations performed by FLA or FLA certified health professionals at the request of The Florida Bar. As with the pre-admission cases, a substantial portion of Bar evaluations resulted in a recommendation for monitoring. For a number of years, the actual percentage of disciplinary monitoring cases has remained fairly constant at about 30% of FLA's open caseload. FLA's relationship with the Lawyer Regulation Department of The Florida Bar remains a model for other lawyer assistance programs, and FLA recommendations regarding treatment continue to receive a high degree of credence by the Bar or referee.

The majority of voluntary callers continue to inform FLA that they contacted FLA after finding the organization's web site (www.fla-lap.org), which registered 19,659 hits on the home page. The FLA home page represents a portal to multiple other pages, with links from each of those to other substance abuse, lawyer assistance program, and mental health awareness sites, recovery and law related events in Florida and the United States, and individual pages which provide a comprehensive bibliography and resource listing, permit confidential self-tests for substance abuse and depression, offer information about the annual FLA workshop, provide guidance and information for law students, and permit access to downloadable monitor report forms, FLA Annual Reports, and other forms online. This year, FLA added the capacity to register and pay for the annual workshop online. FLA's second largest referral sources remain *The Florida Bar News* and *The Florida Bar Journal*. As previously, many callers indicated they became aware of FLA through CLE seminars and law school orientations presented by the FLA staff and volunteers, including the *Practicing with Professionalism* series and local county bar association meetings.

The FLA network of volunteers and attorney support groups remains the bedrock of the program, allowing a relatively small staff in Ft. Lauderdale to cover the entire state. FLA continues to show an excellent "bang for the buck", having one of the lowest costs per member among lawyer assistance programs while covering one of the larger geographical areas in the country. Currently, there are 26 weekly chemical dependency attorney support groups (including a new group in Daytona Beach) and 10 facilitated mental health groups (including two run by Dr. Weinstein at the FLA office in Ft. Lauderdale) that are available for any attorney, judge, or law student seeking help or information. The FLA hotline directory lists over 400 recovering attorneys, judges, medical practitioners, and lay persons who have volunteered to assist members of the legal profession with the special problems encountered by lawyers in recovery from substance abuse or psychological impairments.

Dr. Weinstein's first year as FLA's full-time Clinical Director confirmed The Florida Bar's decision to fund this position last year, and reinforces the message that The Florida Bar is aware of the issue of psychological distress within the legal community and is willing to use its resources to address and treat the problem. As noted above, the number of hotline calls seeking help for psychological conditions remain high, and the necessity of having a clinician on staff becomes more apparent every day.

**THE NECESSITY OF HAVING
A FULL-TIME CLINICIAN ON
STAFF BECOMES MORE
APPARENT EVERY DAY**

FLA spent the past year in its temporary offices on E. Commercial Blvd. in Ft. Lauderdale, after being dispossessed from its Oakland Park Blvd. office in 2005 after Hurricane Wilma. Fortunately, the FLA staff has worked as a "family" for a long time, as the temporary space is approximately half the size of the regular office and has much less privacy. The projected date for moving back into the completely remodeled Oakland Park Blvd. office is now November 2007.

FINANCIAL

Approximately 32% of FLA's income was self-generated over the past year. The sources of these funds were monitoring and registration fees paid to FLA by clients (7%) and by the Lawyer Regulation Department of The Florida Bar (22%), income derived from the FLA annual workshop (3%), and interest income (.6%). This year for the first time, FLA clients can pay monitoring fees and workshop registrations online. In accordance with FLA's accounting procedures, this income represents cash actually received, and does not take into account evaluation and monitoring fees which have been deferred until such time as the clients are financially able to make payment. The balance of the FLA operating funds are received as an allocation from The Florida Bar.

Contrary to last year's budget overrun resulting from increased use of Dr. Weinstein's services (before becoming a full-time employee this year) and the unanticipated costs resulting from FLA's forced move, FLA was able to reduce a number of its expenses this fiscal year, and consequently returned a substantial portion of the reserve funds used to make up last year's shortfall.

The tax exempt Hagan-Kilby Foundation continued its mission of assisting indigent attorneys to obtain treatment and evaluation services, and anticipates undertaking a substantial fund-raising effort in 2007-2008 to permit expansion of these services to legal professionals in Florida.

EDUCATION, PREVENTION & PUBLIC RELATIONS

Prevention and education regarding attorney impairments and recovery have always been at the forefront of FLA's mission, and the ongoing efforts to educate the Florida bench, bar, and law schools continued this year. FLA representatives attended the orientation sessions of all eleven law schools in the state, and this year that role was expanded at several of the law schools to full class length seminars on substance abuse and stress.

**FLA CONTINUES ITS
STRONG RELATIONSHIP
WITH THE FLORIDA BAR
AND THE CENTER FOR
PROFESSIONALISM**

Through his work on the Bar's Standing Committee on Professionalism, FLA's Executive Director has established a strong relationship with the Bar's Center for Professionalism. This relationship has resulted in two ongoing projects with the Center: development of a CLE seminar on transitions within and out of the legal profession which will hopefully be presented in the Fall of 2007; and an attempt to look at the degeneration of professionalism in a new framework, utilizing concepts from public health, addictionology, and other doctrines to develop different interventions to address the problem.

FLA's 20th Annual Workshop, organized by Assistant Director Judy Rushlow, was again held at the Naples Beach Resort Hotel in July 2006. Attendance at each year's workshop continues to increase, and the evaluations received from the 2006 attendees were positive for both content and setting. The 2006 workshop included a mock Bar disciplinary hearing (with a Dade County circuit judge acting as referee), a seminar regarding the utilization of neurofeedback in addiction treatment, a discussion of various models of intervention, an "Ask the Experts" panel, a presentation on the spiritual components of the 12 Steps, and a dinner presentation by an FLA "success story".

In October 2006, FLA staff attended the 19th annual workshop of the ABA Commission on Lawyer Assistance Programs (CoLAP) and the annual convention of International Lawyers in A.A. (ILAA) in San Francisco, at which Mr. Cohen, Ms. Rushlow, and Dr. Weinstein participated in several panels. Staff will be attending CoLAP's annual workshop and the ILAA conference in Halifax, Nova Scotia in October 2007. As Chair of the CoLAP Evaluations Committee and member of the CoLAP Advisory Committee, Mr. Cohen was part of the team which performed an evaluation of the lawyer assistance program in Hawaii in August 2006.

FLA staff and FLA representatives continued to travel throughout the state to present CLE and law school seminars regarding impairment in the legal community and the role of FLA in addressing those issues. These presentations included:

- The Florida Bar *Practicing with Professionalism* seminars (various locations). The FLA presentation on *Attorney Satisfaction, Addiction, and Distress* at these sessions reached over 3,000 newly admitted Florida attorneys this past year
- The Florida Bar Ethics School (various locations)
- The Florida Bar Anger Management School (various locations)
- All Florida law school orientations

- The Pasco-Pinellas County Seminar on Professionalism
- Seminole County Bar Association
- Tulane School of Law Advanced Trial Advocacy Seminar
- Becker & Poliakoff Professionalism Seminar
- Maine Lawyer Assistance Program Annual Conference

Mr. Cohen completed his third year on the Florida Bar Standing Committee on Professionalism and was appointed to another three year term by Bar President Francisco Angones. As part of his duties, Mr. Cohen attended committee meetings and a Spring retreat in Tampa which focused on new lawyers and the pressures they are facing, facilitated by Mr. John Berry and Supreme Court Justice Raoul Cantero.

The dialogue between FLA, the Bar's Lawyer Regulation Department, and the Florida Board of Bar Examiners remains a model for other lawyer assistance programs around the country. Staff members from the Lawyer Regulation Department and the Bar Examiners regularly attend the FLA Workshop to learn more about the program and meet the clients both agencies deal with on a daily basis. All three agencies respect the difficult tasks the others face, and continue to work at balancing confidentiality while fostering early identification of impaired attorneys or bar applicants. This mutual respect allows FLA to achieve its primary goal of reaching Florida lawyers, judges, and law students before the effects of a substance abuse or mental health problem costs them their families, careers, or lives. FLA also maintains its relationship with the Bar's Center for Professionalism, and works with the Center to educate legal professionals about the dangers of stress and the need for balance in the legal life.

PERSONNEL

Personnel changes at FLA over the past year have been minimal. Myer J. (Michael) Cohen continues as FLA's Executive Director, Judy Rushlow serves as Assistant Director, Dr. Scott Weinstein begins his second year as full-time Clinical Director, Eleni Uher is FLA's Office Manager, and Val Lackey continues as Drug Testing Coordinator. FLA's long-time Financial Affairs Administrator, Deborah Blais, retired, and was replaced by Dawn Withrow in January 2007.

Two current members of the FLA Board of Directors (Billy Hendrix, Esq. and Dena Geraghty, RN) and three new members (Brian McDonnell, Esq., Stacy Feinstein, Esq., and Mitchell Feld, MSW) were appointed to three year terms by the Bar's Board of Governors. In addition, the FLA Board appointed The Hon. Christine Greider of the 20th Circuit to fill the remaining period of John Berry's term, necessitated by Mr. Berry's retirement from the Board upon his appointment as the Bar's General Counsel. The FLA Board currently includes two sitting judges, nine lawyers (including the General Counsel for the Florida Dept. of Health, and the CEO of one of the oldest community substance abuse treatment facilities in Dade County), an education coordinator for the Broward County DUI School, a college administrator, a registered nurse, and a social worker. The Board's dedication to FLA's mission has been and continues to be inspiring.

SUMMARY

After settling into its temporary quarters, the FLA staff, with the assistance of its board of directors and volunteers, continued to provide support, assistance, and educational services to legal professionals throughout Florida. As always, the support received from The Florida Bar, Board of Bar Examiners, the FLA Board of Directors, the law schools, local county bar associations, monitors, volunteers, and the participants themselves allows FLA to provide these vital services. The addition of a full-time Clinical Director to the FLA staff remains an important development in FLA's efforts to help Florida legal professionals as the issues of dissatisfaction, distress, and psychological impairment become more apparent. As we do every year, it bears repeating that without the emotional and financial support and time provided by all segments of the legal community, FLA simply could not achieve its goals of carrying the message of recovery to lawyers and judges throughout the state and providing assistance to every legal professional who seeks it. It remains our belief that being allowed to participate in and watch attorneys, law students, and judges achieve recovery from substance abuse and psychological disorders is a gift beyond measure.

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