



Florida Lawyers Assistance, Inc.

1999 - 2000 Annual Staff Report

FLORIDA LAWYERS ASSISTANCE, INC. 1999 - 2000 ANNUAL STAFF REPORT

CLIENTS SERVED

In its 14th year, Florida Lawyers Assistance, Inc. responded to over 600 telephone calls and personal interviews with impaired attorneys, judges, and law students, or their family members and business colleagues. Of these calls, 143 resulted in new cases, bringing the total number of formal cases opened by FLA since its inception to 2083. As has historically been the case, a large number of telephone and hotline calls were not opened as formal files, but were referred to local 12 Step and FLA support meetings, or to health care providers. FLA closed the year ending June 30, 2000 with 582 open files.

As in the past, the largest number of cases (29%) opened during the past year were voluntary chemical dependency contacts, made either by the attorneys themselves (15%) or through interventions performed at the request of concerned family members, colleagues, or judges (14%). As anticipated, the percentage of voluntary depression/stress and psychological cases opened by FLA remained sizeable (18%). Twenty-seven interventions were performed during the year (of which two were formal, structured interventions), either by FLA staff, or by concerned judges, colleagues or family members with FLA consultation.

The number of new files opened as pre-admission or conditional admission cases almost doubled from last year's 16% to 29% (24% pre-admission, 5% conditional admission). As stated in last year's report, it is anticipated that the percentage of conditional admissions will remain constant or increase due to new substance abuse protocols adopted by the Bar Examiners in June 1999.

FLA continues to provide monitoring and evaluation services to The Florida Bar for those attorneys placed on probation due to either conditional admission, diversion, or disciplinary sanctions. This year, the percentage of such cases remained level at 12%. In addition, 12% of new files were evaluations performed by FLA or an FLA certified health professional at the request of The Florida Bar. In such cases, FLA's determination regarding the existence or non-existence of a recognized impairment, and recommendations regarding the type of treatment to be utilized and terms of probation to be imposed have generally been adopted by the Bar or referee.

After one full year of operation, FLA's revised random urinalysis testing procedure has been largely successful. Despite some initial concerns and resistance expressed by FLA participants, the feedback received by FLA since the new program's inception has been almost uniformly favorable. Participants have indicated that the daily call-in procedure gives them greater flexibility in planning their activities and is not as burdensome as many had anticipated. Cooperation by the program's administrator, FirstLab of Philadelphia, with FLA requirements has been excellent.

As in the past, the majority of callers indicated they became aware of FLA through advertisements in *The Florida Bar News* or *The Florida Bar Journal* and through articles regarding FLA that have appeared in those publications this year. However, for the first time a significant number of callers said they became aware of FLA through the organization's web site (<http://www.fla-lap.org>), which registered 7898 "hits" for the year. In addition, a sizeable number of callers indicated they became aware of FLA or of FLA's services through CLE seminars presented by the FLA staff, including the Practicing with Professionalism series and local county bar association meetings.

The FLA network of volunteer attorneys and attorney support groups remains strong and committed. The FLA hotline directory currently 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 chemical dependency or psychological impairments. Currently, there are 24 weekly chemical dependency attorney support groups which meet throughout the state. In addition, there are now 5 facilitated support groups for attorneys suffering from psychological impairments and/or dual diagnosis issues, all of which have received extremely favorable responses from attorneys attending those groups.

FINANCIAL

Approximately 34% 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 (7.5%) and by the Lawyer Regulation Department of The Florida Bar (21%), income derived from the FLA annual workshop (2%), interest income (.5%), and donations (3%). 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 were derived from The Florida Bar's annual allocation.

As a result of various expense reductions, FLA's expenditures only slightly exceeded its income, despite the fact that revenues received by FLA for its monitoring and evaluation services were 20% lower than projected. Based on staff's belief that such a decrease in revenue is the result of FLA's education and prevention efforts to intervene on attorneys before they enter the disciplinary system, FLA's Executive Director appeared before The Florida Bar Budget Committee in April 2000 to request an increase in funding for fiscal year 2001. It was presented to the Budget Committee that the additional funds would be used to make up for the decrease in monitoring revenues and, after a discussion during which members of the Budget Committee expressed their strong support for FLA, the funding increase was approved. In addition, the FLA Board of Directors has voted to study the possibility of seeking a change of FLA's funding source from an annual allocation from the Bar to a specific per member dollar amount which would be allocated to FLA from annual Bar dues, as has been done with other state lawyer assistance programs. Such a change would insure a stable source of funding which would increase as bar membership increases.

EDUCATION, PREVENTION & PUBLIC RELATIONS

Education regarding attorney impairment and recovery remains one of the primary functions of the FLA program and staff. Due to the continued efforts of the staff, consultants, volunteers, and the Bar, such functions continue to bear fruit in terms of lives and careers saved.

As has been the practice the past two years, the FLA annual workshop, organized by FLA's Assistant Director, was held on the last weekend of July at the Naples Beach Resort Hotel and was a resounding success. Attendance by legal professionals, members of the FLA Board of Directors, and health care professionals exceeded previous years, and all attendees and their families seemed to thoroughly enjoy the format and setting. The 2000 workshop will again be held in Naples, with speakers including attorneys John McShane from Texas, and David Bogenschutz, Richard Marx, and Giselle Pollack from Florida discussing ethical considerations when representing chemically dependent clients. The 1999 workshop was awarded 8 hours of CLE, 5 of which were in substance abuse, and the 2000 workshop has been granted 8.5 hours, 7.0 hours of which are in substance abuse and 1.0 hour in ethics.

In September 1999, FLA staff attended the twelfth annual workshop of the ABA Commission on Lawyer Assistance Programs (CoLAP) and the annual convention of International Lawyers in A.A. (ILAA) at

Skamania Lodge, Stevenson, Washington, at which Mr. Cohen presented a seminar on *Internet Utilization for Marketing Lawyer Assistance Programs*. In December 1999, at the invitation of the New Jersey Supreme Court, Mr. Cohen participated in a CoLAP evaluation of the New Jersey judicial assistance program, and drafted the report of that evaluation which was adopted by the Court. In February 2000 Mr. Cohen, in his capacity as the Southeast Regional Commissioner for CoLAP, attended the CoLAP meeting held in conjunction with the ABA Midyear Meeting in Dallas, at which he was a participant on a joint CPR/NOBC/APRL/CoLAP panel discussion entitled *Beyond Bill W. - Alcoholism, Substance Abuse, and Mental Illness, and Their Impact on the Obligation to Protect the Public*. Staff will be attending CoLAP's 2000 annual workshop in Niagara Falls in October, at which Mr. Cohen will be presenting a seminar on *Judicial Interventions*. Despite the normal term limit of three years for CoLAP members, Mr. Cohen was appointed to a fourth term on the Commission by incoming ABA President Martha Barnett in June 2000.

FLA's past and current Presidents appeared before the full bench of the Florida Supreme Court in September 1999 to update the justices on FLA's status and progress since its last appearance in 1997, and were warmly received. In January 2000, in response to the *Bar Journal's* December 1999 theme issue (see below) and at the request of the Florida Senate Judiciary Committee, Mr. Cohen addressed the Committee with reference to attorney impairment. In May 2000, Mr. Cohen was reappointed by incoming Bar President Herman Russomanno as Chair of the Quality of Life/Stress Management Committee of The Florida Bar.

FLA staff continued to make presentations at all Florida law school orientations and classes other than the University of Miami and Nova law schools, who did not request an FLA presentation despite offers from FLA to make the same. Support from the University of Florida, Florida State, Stetson, and St. Thomas law schools, as well as the new Barry University law school in Orlando, remained strong.

Presentations on *Chemical Dependency and Stress* were made by FLA staff at all Practicing with Professionalism seminars around the state, often garnering the highest evaluations of any topic offered during the two days, as well as at The Florida Bar Ethics School sessions. FLA staff also were asked to make inservice presentations to the Bar's branch offices in Tallahassee, Orlando, Ft. Lauderdale, and Miami, and participated in the Bar's Grievance Institute training sessions in Jacksonville, Tampa, Miami, Ft. Lauderdale, and Orlando. In addition, during the past year, Mr. Cohen and Ms. Rushlow made presentations to the annual Public Defenders Conference, the W. Pasco County Bar Association, the Florida Department of Health, the Government Bar Association, and the ABA Commission on Women. Mr. Cohen and Ms. Rushlow attended the Southern Coastal Conference on Treatment and Addiction in Jekyll Island, Georgia in February 2000, at which Mr. Cohen and Kenneth Thompson, M.D. (FLA's medical review officer and Medical Director of the Shands at Vista addiction treatment program) opened the conference with the second annual Roger Goetz Memorial Lecture on *Impaired Professionals: The Similarities and Differences of Treating Doctors and Lawyers*.

The relationship between FLA and *The Florida Bar News* remains strong, despite the truly regrettable retirement of Judson Orrick as the *News/Journal* editor. FLA's relationship with Mr. Orrick has been longstanding and extremely close, and Mr. Orrick has always expended maximum effort to increase FLA visibility. Mr. Orrick was instrumental in finalizing the draft articles for the *Florida Bar Journal's* theme issue on FLA and attorney impairment which was published in December 1999 and which resulted in a unprecedented number of hotline calls and invitations to make presentations.

FLA's efforts to obtain statutory confidentiality and immunity protection were unsuccessful this year, despite the support of The Florida Bar and at least one state senator. It is FLA's intention to refile the proposed legislation during the 2000-2001 session, and it is hoped that such legislation will finally be enacted at that time.

PERSONNEL

A number of personnel changes have taken place at FLA over the past year. Due to last year's retirement of Jennifer Kenney, FLA's drug testing administrator, it was felt that a certain amount of regular client contact was lost. To compensate, FLA hired Val Lackey (the woman with the lovely British accent) to replace her. Val has made an effort over the past several months to contact each FLA client and introduce herself as a contact person for any questions or complaints that may require assistance at a staff level. A significant loss was suffered by FLA in April 2000 when Roberta Dalton, FLA's longtime Office Manager, announced her retirement. Roberta and her husband, John, decided to pursue the good life in Naples and all members of the staff and Board of Directors wish them nothing but happiness. Initially, the reaction by the FLA staff was unmitigated panic, but once again it turns out to be true that one door never closes without another one opening, and shortly after Roberta's announcement, FLA hired Debbie Blais as her replacement. Roberta spent her final two weeks training Debbie, and Debbie (who has an extensive legal, computer, and recovery background) has already become an invaluable member of the FLA office staff. Other than Roberta's departure and the hiring of Val and Debbie, the staff at FLA's Ft. Lauderdale office remains unchanged. Myer J. (Michael) Cohen continues as FLA's Executive Director, Judith Rushlow serves as Assistant Director, and Eleni Uher is the Administrative Assistant. Karal Oberdier, Esq. of Jacksonville and Charlie Hagan, Esq. of Pine Island act as FLA's representatives for the North Florida and West Coast regions, respectively.

SUMMARY

It has again been an extremely rewarding year. The support and encouragement received by the FLA program 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 has, as always, been gratifying. The privilege of sharing in and watching attorneys, law students, and judges find a program recovery from substance abuse and psychological disorders is unparalleled. The fact that a majority of the Bar no longer regards these illnesses as indications of moral weakness or personal failing is a testimony to the prevention and education efforts of the FLA staff and volunteers, as well as to the example shown by recovering attorneys around the state on a daily basis. The FLA Board of Directors continues to act as one of the most dynamic and committed governing bodies it has been the undersigned's pleasure to work with. The FLA volunteers and monitors continue to devote untold amounts of time and effort to assisting their brothers and sisters. FLA continues to be regarded by other state programs and Bars as a model lawyer assistance program, and the undersigned have no doubt that given the support received by FLA, such a role will continue into the foreseeable future.

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