



Florida Lawyers Assistance, Inc.

2002 - 2003 Annual Staff Report

FLORIDA LAWYERS ASSISTANCE, INC. 2002 - 2003 ANNUAL STAFF REPORT

CLIENTS SERVED

In its 17th year, Florida Lawyers Assistance, Inc. responded to over 700 telephone calls and personal interviews with impaired attorneys, judges, and law students or their family members and business colleagues. Of these calls, 137 resulted in new files, bringing the total number of formal cases opened by FLA since its inception to 2490. 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, 2003 with 332 open files.

The past year showed a slight decline in actual files opened compared to the previous year, which had been anticipated as the shock associated with the tragic events of September 11, 2001 lessened. However, FLA staff noted that the files which were opened represented legal professionals who were suffering more dramatic and serious effects of their impairments than had previously been seen. Likewise, the number of hotline calls requesting assistance did not decrease appreciably, which may be the result of FLA's continuing outreach efforts on the positive side, and the continuing economic and political stresses being experienced in the legal profession on the negative side.

**IT IS GRATIFYING
THAT ALMOST 3/4
OF ALL NEW CASES
WERE VOLUNTARY**

As has been the case since FLA's inception, the largest number of cases opened during the past year (72%) were voluntary contacts, made either by the attorneys and law students themselves (58%) or through interventions performed at the request of concerned family members, colleagues, or judges (14%). Of those files, 33% represented voluntary depression/stress and psychological cases, which represents a significant increase, while 67% were chemical dependency cases. Four formal interventions were performed during the year, 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 represented 30% of new files (27% pre-admission, 3% conditional admission), and the number of open conditional admission cases remained approximately static at 60 (a number of the pre-admission cases opened in FY 2001 and 2002 were granted conditional admission during FY 2003). The past two years have seen a substantial increase in 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. The FLA staff believes this is an indication of the Bar Examiners' awareness of the prevalence of substance abuse and psychological disorders in the legal community, as well as their clear understanding that rehabilitation and recovery from those impairments is possible. The FLA staff was both pleased and saddened upon receiving the news that the Board's Executive Director, Kathryn Ressel, with whom they had forged an extraordinary relationship, would be leaving the position in April 2003 to get married. However, the staff looks forward to continuation of that relationship with the Board's new Executive Director, Eleanor M. Hunter, Esq.

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 declined to 10%. In addition, 17% 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 substance abuse or psychological impairment, and recommendations regarding the type of treatment to be utilized and terms of probation to be imposed have

generally been accepted by the Bar or referee. It is hoped that the substantial decline in probation cases is an indication that FLA is succeeding in its mission of getting the message of recovery to attorneys before they become involved in the disciplinary system.

For the first time, the majority of voluntary callers indicated they became aware of FLA through the organization's web site (www.fla-lap.org), which registered 12,778 hits on just the home page for the year. As has always been the case, a large number of callers contacted FLA as the result of advertisements and articles which have appeared in *The Florida Bar News* or *The Florida Bar Journal* this year. The FLA staff continues its development of the web site, which includes links to other related sites, a listing of recovery and law related events in Florida and the United States, and individual pages which provide a comprehensive bibliography and resource listing, give a description of the signs and symptoms of substance abuse, allow registration for the annual workshop, provide guidance and information for law students, and permit access to downloadable monitor reports, the FLA Annual Report, and other forms online. In addition to Bar publications and the Internet, a sizeable number of callers indicated they became aware of FLA through CLE seminars and law school orientations presented by the FLA staff, including the *Practicing with Professionalism* series and local county bar association meetings.

**OVER 400 VOLUNTEERS
AROUND THE STATE GIVE
THEIR TIME TO HELP
THEIR COLLEAGUES WHO
STILL SUFFER.**

The FLA network of volunteers and attorney support groups remains strong and committed. There has been discussion among the volunteers regarding the changing nature of the attorney support meetings due to the increase in non-voluntary participants who are being required to attend by Supreme Court order. This is an issue which affects all FLA participants and Staff plans to place the matter on the agenda for the year-end Board of Directors meeting in Naples. Currently, there are 25 weekly chemical dependency attorney

support groups which meet throughout the state. In addition, the 7 facilitated support groups for attorneys suffering from psychological impairments and/or dual diagnosis issues are well attended (several of the groups are at capacity and a second Miami group should begin in the Fall of 2003) and continue to draw extremely favorable responses.

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, and without whom the FLA program could not exist.

FINANCIAL

Approximately 36% 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 (8%) and by the Lawyer Regulation Department of The Florida Bar (24%), income derived from the FLA annual workshop (3%), and interest income (.8%). 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 from The Florida Bar's annual allocation. Due to unanticipated increases in monitoring revenues from probationary and conditional admission cases, FLA's expenditures for FY 2003 were slightly below income.

The William and Peggy Kilby Memorial Fund created in 1995 to assist indigent attorneys continues as an ongoing project, with two loans having been made in FY 2003. Through voluntary assistance from

several FLA members, steps are being taken to obtain tax-exempt status for the fund, after which a concerted fund-raising effort is planned.

EDUCATION, PREVENTION & PUBLIC RELATIONS

Education regarding attorney impairment and recovery remains one of the primary missions 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 five years, the 2002 FLA Annual Workshop, organized by FLA's Assistant Director, was held on the last weekend of July at the Naples Beach Resort Hotel. Attendance by legal professionals, members of the FLA Board of Directors, and health care professionals continued to increase, exceeding previous years, and the evaluations received from attendees were some of the most positive (for both content and setting) in the workshop's history. The workshop included a panel discussion on issues involving bar applicants and attorneys involved in the disciplinary system with Kevin Tynan, Esq., Michael Keane, Esq. (Florida Board of Bar Examiners), and Barry Rigby, Esq. (The Florida Bar). The 2002 Workshop format was unusual in the sense that it had one primary speaker, Carlton Erickson, Ph.D., a nationally recognized leader in research on the neurobiology of addiction, who presented a six hour seminar (over the two days) entitled, *The Problem is not in the Bottle - It's in the Brain*. The presentation generated numerous positive comments, and the number of requests for Dr. Erickson's tape were the highest in FLA's history. The workshop was granted 9 CLE hours, 7 hours of which were in substance abuse, 1 hour in ethics, and 1 hour of general credit.

**PRESENTATIONS BY
FLA STAFF REACHED
OVER 4000 FLORIDA
LAWYERS AND JUDGES**

In October 2002, FLA staff attended the fifteenth annual workshop of the ABA Commission on Lawyer Assistance Programs (CoLAP) and the annual convention of International Lawyers in A.A. (ILAA) in Portland, Maine, at which Mr. Cohen presented a seminar on *Educating Judges to Recognize Signs of Chemical Dependency, Gambling, and Depression*. Staff will be attending CoLAP's 2003 annual workshop and the ILAA conference in Victoria, British Columbia in October 2003, at which Mr. Cohen will be presenting a seminar on *Gathering and Maintaining Support for a Lawyer Assistance Program*. Mr. Cohen was reappointed to a fourth term on the CoLAP Advisory Committee. During the year, Mr. Cohen also participated in CoLAP evaluations of lawyer assistance programs in British Columbia, Vermont, and New Jersey.

FLA staff continued to make Florida and national presentations 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 in Ft. Lauderdale, Miami (twice), Tampa (three occasions), Orlando (twice), Jacksonville, Deerfield Beach, W. Palm Beach, and Tallahassee. As each of these seminars is attended by approximately 250 new lawyers, the FLA presentation on *Attorney Satisfaction, Addiction, and Distress* reached approximately 3000 legal professionals in the past year.
- Law school orientations at the University of Florida, St. Thomas, Stetson, Nova, and Barry
- Professional responsibility classes at Barry and Nova
- The Florida Bar Ethics School (Tampa and Ft. Lauderdale)
- The Florida Bar Anger Management School (Tampa and Ft. Lauderdale)
- Association of Legal Administrators (Miami)
- Central Florida Rural Legal Services (Port St. Lucie)

- FLA/PRN/IPN joint conference (Ponde Vedre)
- Circuit Court Judges' Conference (Orlando)
- NY Lawyer Assistance Program Trust conference on *Substance Abuse in Law Schools* (NYC)
- International Conference on Addictions (Montgomery, AL)

Mr. Cohen and Ms. Rushlow attended the Southern Coastal Conference on Treatment and Addiction in Jekyll Island, Georgia in March 2003, at which Mr. Cohen and Kenneth Thompson, M.D. opened the conference with the fifth annual Roger Goetz Memorial Lecture on *The Role of Spirituality in Healing*. Mr. Cohen and Ms. Rushlow also attended a one-day seminar in Miami on *Understanding Sexual Offenders*.

The relationship between FLA and *The Florida Bar News* remains strong. Mark Killian, the editor of the *News*, continues his predecessor's practice of developing and placing new FLA ads in almost every issue of the *News*. In addition, FLA's relationship with the Lawyer Regulation Department and other agencies of The Florida Bar remains a model that other lawyer assistance programs around the country look to for guidance. The balance between maintaining confidentiality and early identification of impaired attorneys which has been struck between FLA and the Lawyer Regulation Department is gratifying, and is hopefully allowing 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, and lives.

PERSONNEL

Personnel changes at FLA over the past year have been minimal. Myer J. (Michael) Cohen continues as FLA's Executive Director, Judith Rushlow serves as Assistant Director, Eleni Uher is FLA's Office Manager, and Val Lackey continues as Drug Testing Coordinator. Deborah Blais, who left her full-time position in 2001 after publishing her book, *Living Your Bliss*, continues as FLA's part-time Financial Affairs Administrator. 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. In July 2002, Stanley Spring, Esq. of Pensacola was appointed as FLA's new Northwest Florida/Panhandle representative.

William Penrose, Esq., who has served on the FLA Board of Directors for nine years and as its President for the past two, announced his retirement from the Board at the conclusion of his term in June 2003. In May 2003, the Bar's Board of Governors reappointed the incumbent FLA directors whose terms concluded this year, other than Mr. Penrose, and appointed Matthew Gissen, Esq. to fill Mr. Penrose's slot on the FLA Board. Mr. Gissen is an attorney and is the founder and CEO of The Village, one of the oldest community addiction treatment programs in Dade County. In addition, Mr. Phil Diaz announced his early retirement from the FLA Board in June 2003. Pursuant to the FLA by-laws, his position was filled by a vote of the remaining board members through appointment of Mr. Joseph Tomaino. Mr. Tomaino is the Director for Major Gifts at the University of South Florida Athletic Association. The FLA Board currently includes two judges, ten lawyers (one of whom is also a licensed clinical social worker, one the Executive Director of the State Bar of Michigan, and one the CEO of a long established community substance abuse treatment facility in Dade County), an education coordinator for the Broward County DUI School, a college administrator, and a registered nurse.

SUMMARY

It has again been an extremely rewarding year. Unfortunately, the events of September 11, 2001 and the political and military events which have followed continue to have an impact on the lawyers, judges, and legal professionals in this state. However, the continued support and encouragement received by FLA 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. It goes without saying that such support has been and remains critical to allowing FLA to successfully achieve its mission of carrying the message of recovery to lawyers and judges throughout the state and to provide

assistance to any legal professional who seeks it. The FLA staff believes that being able to share in and watch attorneys, law students, and judges find recovery from substance abuse and psychological disorders is an unparalleled honor. The fact that the message is apparently being heard that these illnesses are treatable conditions is a testimony to the efforts of the FLA staff and volunteers. The FLA Board of Directors continues to function as one of the most dedicated and active group of individuals it has been the undersigned's pleasure to work with. The FLA volunteers and monitors continue to devote untold amounts of *pro bono publico* time and effort to assisting their colleagues around the state. The Florida Bar continues to provide financial and moral support to the program. Because of the support from all facets of the legal community, FLA continues to be regarded by other state programs and Bars as a model for lawyer assistance programs.

**THE SUPPORT OF THE
FLORIDA BAR, THE BAR
EXAMINERS, THE FLA
VOLUNTEERS, AND THE
FLA BOARD OF
DIRECTORS HAS BEEN
UNWAVERING, STRONG,
AND GRATIFYING.**

July 16, 2003

MYER J. COHEN, Executive Director
michael@fla-lap.org

JUDITH R. RUSHLOW, Assistant Director
judy@fla-lap.org