



Florida Lawyers Assistance, Inc.

2003 - 2004 Annual Staff Report

FLORIDA LAWYERS ASSISTANCE, INC. 2003 - 2004 ANNUAL STAFF REPORT

CLIENTS SERVED

In its 18th year of operation, Florida Lawyers Assistance, Inc. responded to over 850 telephone calls and personal interviews with impaired attorneys, judges, and law students or their family members and business colleagues. Of these calls, 148 resulted in new files, bringing the total number of formal cases opened by FLA since its inception to 2638. 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, 2004 with 375 open files.

The past year showed a slight increase in the number of files formally opened compared to the previous year, which brought the number back into line with historical figures. However, FLA staff noted a marked increase in the number of hotline calls requesting assistance, 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.

**THE RATIO OF 66%
SUBSTANCE ABUSE TO
33% MENTAL HEALTH
CASES HAS REMAINED
CONSISTENT FOR A
NUMBER OF YEARS.**

As has historically been the case, the predominant number of cases opened during the past year (74%) were voluntary contacts, made either by the attorneys and law students themselves (56%) or through interventions performed at the request of concerned family members, colleagues, or judges (18%). Of those files, 32% represented voluntary depression/stress and psychological cases, while 68% were chemical dependency cases. This ratio of opened substance abuse and mental health cases has held steady for several years, although the staff is noting an increase in the number of hotline calls seeking help for psychological issues, many of which are referred to one of the FLA facilitated groups. Three 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 40% of new files (37% pre-admission, 3% conditional admission), and the number of open conditional admission cases increased to 67. Due to FLA's current coding and tracking system, cases which are opened as pre-admission and are later granted conditional admission are not reflected in the conditional admission figure, but almost all pre-admission cases opened in FY 2002 and 2003 were granted conditional admission during FY 2004. Over the past three years, FLA staff have witnessed 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 are possible. The FLA staff was pleased to be invited by the Board's new Executive Director, Eleanor M. Hunter, Esq., to the Board's annual retreat in June to discuss the conditional admission process and FLA's relationship with the Board, as well as to present a anger management seminar. This represented a unique opportunity to review a wide range of topics affecting the Board, the Bar, and FLA in an informal, small group setting, and was felt to be a valuable experience by both FLA and Board staff, as well as the Bar Examiners.

FLA continues to provide monitoring and evaluation services to The Florida Bar for those attorneys whose misconduct may be related to an impairment. This year, the percentage of cases opened as lawyer

regulation matters declined slightly to 7%. In addition, 14% of new files were evaluations performed by FLA or FLA certified health professionals at the request of The Florida Bar. As many of these latter cases are eventually transferred to probation or diversion cases, the actual percentage of disciplinary monitoring cases has remained fairly constant at approximately 27% for the past several years. In evaluation 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 are usually endorsed by the Bar or referee. A number of these cases are closed by the disciplinary agency upon receiving a report that the attorney has been evaluated and is following FLA's recommendations.

For the second year in a row, the majority of voluntary callers indicated they became aware of FLA through the organization's web site (www.fla-lap.org), which registered 12,581 hits on just the home page for the year. There are another eleven FLA pages under the home page, with multiple links off each of those pages, including links to other substance abuse, lawyer assistance program, and mental health awareness sites, a calendar of 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 and allow registration for the annual workshop, provide guidance and information for law students, and permit access to downloadable monitor reports, FLA Annual Reports, and other forms online. FLA's second largest referral source remained *The Florida Bar News* and *The Florida Bar Journal*. 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. The FLA Board of Directors also spearheaded an effort to place FLA notices in all local county bar association newsletters around the state, which has already had a favorable response.

**THERE ARE NOW 26
SUBSTANCE ABUSE AND 9
FACILITATED GROUPS IN
FLORIDA**

The FLA network of volunteers and attorney support groups remains the backbone of the program. Currently, there are 26 weekly chemical dependency attorney support groups which meet throughout the state, including new groups started by dedicated FLA members in Palm Bay, Titusville, and Tavares. Goals for the next year include starting groups in the Daytona Beach/St. Augustine and in the Panhandle/Panama City areas. In addition, the 9 weekly facilitated

support groups for attorneys suffering from psychological impairments and dual diagnosis issues continue to draw extremely favorable responses from the participants and facilitators alike.

In response to the increasing number of requests for assistance in the mental health area, FLA this year again applied to The Florida Bar for additional funding to permit the hiring of a part-time clinician (last year's request to fund this position was denied due to unfavorable financial conditions). The request has been approved and staff is in the process of interviewing individuals for the position. The new clinician will be responsible for administering the mental health segment of the FLA program, developing outreach procedures to educate legal professionals about the extent of psychological problems within the profession and the fact that FLA can act as a resource in such cases, establishing new facilitated groups around the state, acting as a liaison to Bar personnel who may have questions regarding mental health issues, and, of course, acting as a contact and resource for FLA clients dealing with psychological disorders.

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 33% 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 (.5%). 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.

The William and Peggy Kilby Memorial Fund created in 1995 was renamed The Kilby Foundation and, through the efforts of FLA Directors Gail Sasnett and Wayne LaRue Smith, was granted §501(c)(3) (tax exempt) status this year. The Foundation was started to assist indigent attorneys, and has provided funds to a number of lawyers and law students, allowing them to obtain evaluation and treatment. Now that tax exempt status has been obtained for the Foundation, FLA and the Foundation are planning a concerted fund-raising effort to permit expanded assistance to needy legal professionals in Florida.

EDUCATION, PREVENTION & PUBLIC RELATIONS

More than ever, the FLA staff and Board of Directors believe that ongoing efforts to educate the Bench, Bar, and law schools in Florida regarding attorney impairment and recovery remains one of the primary missions of the program. While such efforts by the staff, consultants, volunteers, and the Bar continue to positively affect lives and careers of legal professionals in the state, it is still astounding how many lawyers are unaware of FLA's existence and mission - there remains much work to be done.

Based on the responses of attendees at the 2002 workshop, FLA's 17th Annual Workshop, organized by FLA's Assistant Director Judy Rushlow, was again held at the Naples Beach Resort Hotel in August 2003. In addition to attendance by lawyers, judges, law students, members of the FLA Board of Directors, and health care professionals, lawyer assistance program directors from Indiana and Ohio attended the 2003 workshop. Attendance at this year's workshop exceeded previous years, and the evaluations received from attendees were positive for both content and setting. The workshop included a presentation by FLA Executive Director Michael Cohen and Steven Pinkert, Esq., M.D. on anger management, a seminar by the Medical Director of HealthCare Connection of Tampa, David Myers, M.D., on the history of alcoholism, a dinner speaker telling her emotional story of addiction and recovery, a presentation by the Medical Director of Twelve Oaks Recovery Center, Rick Beach, M.D., on *The Pursuit of Happiness*, and a seminar by M.K. O'Regan, M.S. of Hanley-Hazelden on how chemical dependency affects the family. The workshop was granted 8 CLE hours, 6 hours of which were in substance abuse, 1 hour in ethics, and 1 hour of general credit.

ALTHOUGH FLA SEMINARS REACHED OVER 4500 FLORIDA LAWYERS, JUDGES, AND LAW STUDENTS THIS YEAR, MUCH WORK REMAINS ON THE EDUCATION SIDE.

In October 2003, FLA staff attended the sixteenth annual workshop of the ABA Commission on Lawyer Assistance Programs (CoLAP) and the annual convention of International Lawyers in A.A. (ILAA) in Victoria, British Columbia, at which Mr. Cohen presented a seminar on *Gathering and Maintaining Support for Lawyer Assistance Programs*. Staff will be attending CoLAP's 2004 annual workshop and the ILAA conference in Philadelphia in October 2004, at which Mr. Cohen will participate in a seminar on *Setting Boundaries*. As a member of the Philadelphia conference Planning Committee, Mr. Cohen attended the CoLAP meeting in Colorado Springs in March 2004.

FLA staff and FLA representatives continued to make CLE and law school presentations throughout the state 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, Tampa, Orlando, Jacksonville, Deerfield Beach, W. Palm Beach, and Tallahassee. The FLA presentation on *Attorney Satisfaction, Addiction, and Distress* at these sessions reached approximately 3100 newly admitted Florida attorneys this past year.
- Presentations at University of Florida, St. Thomas, Stetson, Nova, Barry, Florida Coastal, Florida State, and FAMU law schools
- The Florida Bar Ethics School (various locations)
- The Florida Bar Anger Management School (various locations)
- Central Florida Rural Legal Services (Port St. Lucie)
- Broward County Public Defender's Office (Ft. Lauderdale)
- Appearance on *The Ricky Sanchez Show* regarding substance abuse in the professionals (together with Richard Seeley, M.D.) (Miami)
- Department of Children & Families Staff Attorney conference (Tampa)
- Year-end Report to the Bar Board of Governors (Hollywood)
- Presentation on Anger Management at The Florida Board of Bar Examiners Annual Retreat (Key Largo)

Mr. Cohen and Ms. Rushlow attended the Southern Coastal Conference on Treatment and Addiction in Jekyll Island, Georgia in March 2004, at which Mr. Cohen opened the conference with the sixth annual Roger Goetz Memorial Lecture. Due to the untimely and unexpected death of the Southern Coastal Conference's founder, Conway Hunter, M.D., Mr. Cohen's presentation was entitled *Cast a Giant Shadow: Pioneers in Peer Assistance for Professionals*. In October 2003, Mr. Cohen presented a seminar on *The Ethical Implications of Lawyer Impairment* at the Vermont State Bar Association's annual meeting in Killington, Vermont. Mr. Cohen and Ms. Rushlow also attended a two-day seminar in Hollywood on anger management.

In September 2003, Mr. Cohen appeared before the Bar's Special Committee on Discipline in Tampa. The committee, created by Bar President Miles McGrane and chaired by Board of Governors member Hank Coxe, is charged with reviewing and preparing an in-depth report on the current bar disciplinary system and how the system could be improved. The committee has conducted a survey of individuals who have been involved in the grievance process (either as complainants, respondents, representatives, grievance committee members, or referees) and has taken testimony from a number of individuals, including Mr. Cohen. In his testimony, Mr. Cohen made several suggestions regarding the relationship between FLA and the Bar, including greater consistency in branch offices decisions regarding sanctions to be imposed, expediting the disciplinary process, and permitting greater flexibility in allowing attorneys to take inactive status if circumstances warrant such action. The committee plans to issue its report in 2005.

The dialogue between FLA and Lawyer Regulation staff members is ongoing and open, and remains a model for other lawyer assistance programs around the country. Staff members from the Lawyer Regulation Department regularly attend the FLA Workshop to learn more about the program and meet the clients both agencies deal with on a daily basis. 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, or lives. FLA also maintains a cooperative relationship with the Bar's Quality of Life & Career Committee, and works with the QLCC to educate legal professionals about the dangers of stress and the need for balance in the legal life. Mr. Cohen concluded a six year term on the QLCC this year and was appointed by incoming Bar President Kelly Overstreet-Johnson to the Bar's Standing Committee on Professionalism, where he will serve with FLA directors Gail Sasnett and John Berry.

PERSONNEL

Personnel changes at FLA over the past year have been minimal. Myer J. (Michael) Cohen continues as FLA's Executive Director (and celebrated his 10th anniversary on the FLA staff), Judy Rushlow serves as Assistant Director, Eleni Uher is FLA's Office Manager, Val Lackey continues as Drug Testing Coordinator, and Deborah Blais remains as FLA's part-time Financial Affairs Administrator. Unfortunately, due to personal and family reasons, Karal Oberdier, Esq. of Jacksonville was forced to give up her position as FLA's North Florida consultant after almost ten years of dedicated service (although still serving a Jacksonville's preeminent volunteer). Charlie Hagan, Esq., FLA's founder and first Executive Director, of Pine Island continues to serve as FLA's West Coast consultant.

Four members of the FLA Board of Directors (Dena Geraghty, R.N., The Hon. William Blackwell, Norman Moss, Esq., and Mary Wakeman, Esq.) were reappointed to a three year term by the Bar's Board of Governors. To fill the vacant position left on the Board by Director Timothy Shea's retirement, the Board of Governors appointed Billy J. Hendrix, Esq. Mr. Hendrix is currently an attorney on the Attorney General's staff in Tallahassee, and previously served as the Chief Disciplinary Counsel for the Bar's Miami Branch Office and the Director of the Bar's Lawyer Regulation Department in Tallahassee. The FLA Board currently includes a sitting and a former judge, ten lawyers (including two members of the Attorney General's Office, a licensed clinical social worker, the Executive Director of the State Bar of Michigan, the CEO of the oldest community substance abuse treatment facility in Dade County, and an Associate Dean at the University of Florida School of Law), an education coordinator for the Broward County DUI School, a college administrator, and a registered nurse.

SUMMARY

Although there have been some frustrating experiences, including several attorney suicides, relapses, and high profile arrests for substance abuse and thefts resulting from gambling addiction, on the whole the year has been a very positive one. The political and military events which have transpired over the past year continue to have an impact on the lawyers, judges, and legal professionals in this state and, as always, the practice of law remains a high stress activity. However, the continued 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 continues to sustain the program. Both Judy and I agree that the Bar's approval of funding

for an FLA clinician is one of the most exciting and important developments we can remember. It goes without saying that without the emotional and financial support and time provided by all segments of the legal community, FLA simply could not come close to achieving its goals of carrying the message of recovery to lawyers and judges throughout the state and to providing assistance to any legal professional who needs or seeks it. It remains the FLA staff's perception that being able to participate in and watch attorneys, law students, and judges find recovery from substance abuse and psychological disorders is a gift that is beyond measure.

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

The fact that the message is apparently being heard (albeit not as quickly or by as many as we would like) that these illnesses are treatable conditions is a reflection of the efforts of all the agencies and individuals associated with FLA. The undersigned are constantly impressed with the FLA Board of Directors'

dedication and commitment. The FLA volunteers and monitors continue to devote literally inestimable amounts of *pro bono publico* hours to selflessly helping 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 one of this country's model lawyer assistance programs.

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

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