



Florida Lawyers Assistance, Inc.

2000 - 2001 Annual Staff Report

# FLORIDA LAWYERS ASSISTANCE, INC. 2000 - 2001 ANNUAL STAFF REPORT

## **CLIENTS SERVED**

In its 15<sup>th</sup> year, Florida Lawyers Assistance, Inc. responded to over 650 telephone calls and personal interviews with impaired attorneys, judges, and law students, or their family members and business colleagues. Of these calls, 117 resulted in new cases, bringing the total number of formal cases opened by FLA since its inception to 2181. 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, 2001 with 350 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%). Almost 10% of the new files represented voluntary depression/stress and psychological cases. Sixteen 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 rose from last year's 29% to 41% of new files (35% pre-admission, 6% conditional admission). As stated in last year's report, it is anticipated that the percentage of conditional admissions will continue to 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 rose slightly to 14%. In addition, 14% 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.

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. Again this year, however, an increasing number of callers said they became aware of FLA through the organization's web site ([www.fla-lap.org](http://www.fla-lap.org)), which registered 10,937 "hits" on the home page for the year. The FLA web site has been significantly expanded over the past year, and now includes pages directed at law students, a comprehensive bibliography and resource listing, a description of the signs and symptoms of substance abuse, and the ability to register for the annual workshop and download monitor report and other forms online. In addition to the *Bar News* and internet, 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 substance abuse or psychological impairments. Currently, there are 25 weekly chemical dependency attorney support groups which meet throughout the state. In addition, there are now 7 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 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 (9%) and by the Lawyer Regulation Department of The Florida Bar (20%), income derived from the FLA annual workshop (2.5%), and interest income (.5%). 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.

As a result of various expense reductions and an increase in monitoring revenues from probationary and conditional admission cases, FLA's expenditures were below income. It is anticipated that a portion of this surplus will eventually be utilized to fund a long-term goal of FLA, a comprehensive outcome study which will examine the effects of participation in a lawyer assistance program and, hopefully, suggest ways in which such participation can be made more effective.

## **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 three years, the 2000 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 exceeded previous years, and the evaluations received from attendees indicated that both the content and setting were very well received. The workshop included presentations on attorney satisfaction by John McShane of Dallas, Texas, David Bogenschutz, Richard Marx, and Giselle Pollack from Florida discussing ethical considerations when representing chemically dependent clients, and a seminar on addiction by Richard Seely, M.D. The workshop was granted 8.5 CLE hours, 7.0 hours of which were in substance abuse and 1.0 hour in ethics. The 2001 workshop will again be held in Naples, with speakers including Kathi Lee Kilpatrick of The Florida Bar, members of the Florida Board of Bar Examiners, and presentations by physicians and mental health professionals on addiction, stress, and finding satisfaction in the legal life. The 2001 workshop was awarded 8 CLE hours, 5.5 of which were in substance abuse and mental health awareness, and 1 of which was in ethics.

In July 2000, at the ABA Annual Meeting in New York City, FLA's Executive Director assisted in a Presidential Showcase presentation on *Lawyers as Agents of Social Change*, with a panel consisting of ABA President Martha Barnett, Gen. Barry McCaffrey, former ABA Presidents William Ide and David Brink, and Director of the U.S. Center for Substance Abuse Treatment, Wesley Clark, M.D. In October 2000, FLA staff attended the thirteenth annual workshop of the ABA Commission on Lawyer Assistance Programs (CoLAP) and the annual convention of International Lawyers in A.A. (ILAA) in Niagara Falls, Canada, at which Mr. Cohen presented a seminar on *Judicial Interventions*. Staff will be attending CoLAP's 2001 annual workshop in Albuquerque, NM in September, at which Mr. Cohen will be presenting seminars on *Internet and Computer Utilization for Lawyer Assistance Programs* and *Forming and Maintaining Attorney Support Groups*. In February 2001, Mr. Cohen presented a seminar on *Performing Evaluations of Lawyer Assistance Programs* at the ABA Midyear meeting in San Diego, CA. Mr. Cohen will be completing his four year term on the Commission, but has been appointed to the CoLAP Advisory Committee for an initial one year term.

In May 2001, Mr. Cohen was reappointed by incoming Bar President Terry Russell as Chair of the Quality of Life and Career Committee of The Florida Bar. In December, Mr. Cohen addressed the Bar's Board of Governors at their Coral Gables meeting, providing a report on FLA's activities and expressing thanks for the consistent support received from the Bar. The Bar, at this year's Annual Meeting in Orlando in June, provided FLA with a room for "Friends of Bill" meetings each day. The meetings were attended by lawyers who were at the Annual Meeting, as well as by members of the Orlando FLA group. All who attended said they were extremely grateful to have the meetings at the beginning of the day.

FLA staff continued to make presentations at all Florida law school orientations, other than the University of Miami and Nova law schools, who did not request FLA attendance. As always, support from the University of Florida, Florida State, Stetson, and St. Thomas law schools remained strong and consistent.

Presentations on *Chemical Dependency and Stress* were made by FLA staff at all Practicing with Professionalism seminars around the state, often receiving the highest evaluations of any topic offered during the two days, as well as at The Florida Bar Ethics School, the Public Defenders Conference, the Leon County Bar Association, the International Land Use Seminar, the Palm Beach Inns of Court, and several private law firms. In February 2001, Ms. Rushlow attended the joint conference organized by FLA, the Physicians Recovery Network (PRN), and the Intervention Project for Nurses (IPN) in Ponte Vedra, at which she presented a seminar on the similarities and differences between the three programs. Mr. Cohen and Ms. Rushlow attended the Southern Coastal Conference on Treatment and Addiction in Jekyll Island, Georgia in February 2001, at which Mr. Cohen and Kenneth Thompson, M.D., Medical Director of the Shands at Vista addiction treatment program, opened the conference with the third annual Roger Goetz Memorial Lecture on *They Are Not At Fault: Treating Impaired Doctors and Lawyers*. In August 2000 and January 2001, Mr. Cohen acted as moderator for two week-long online seminars presented by law.com, dealing with attorney stress and satisfaction.

The relationship between FLA and *The Florida Bar News* remains strong, despite last year's retirement of FLA's long-time friend and contact at the paper, Judson Orrick. Mark Killian, who took Mr. Orrick's place as *News/Journal* editor, has been equally supportive, developing new FLA ads and copy, and insuring placement of FLA information in almost every issue of the *News*.

By far, FLA's greatest achievement this year was realized in successfully obtaining statutory confidentiality and immunity protection, representing the culmination of a ten year effort. The legislation was introduced by Senate Democratic leader Tom Rossin of Palm Beach County and Representative Bruce Kyle of Lee County. Passage of the bill was effected through the selfless efforts of lobbyists Mary Ann Stiles and Rayford Taylor, and was signed by Governor Jeb Bush as Chapter 397.482-486, F.S. on June 15, 2001. The legislation provides civil immunity for persons who in good faith report or receive information or take action in connection with a lawyers assistance program, and specifies that "the records, proceedings, and all communications by and between an individual seeking assistance and the lawyer assistance program shall be deemed confidential and shall not be subject to disclosure or available for court subpoena." The full legislative history and text of the statute can be found at the Florida Sunshine Web site at:

[http://www.leg.state.fl.us/Session/index.cfm?Mode=Bills&SubMenu=1&Tab=session&Bill\\_Mode=ViewBillInfo&BillNum=0778&Chamber=Senate&Year=2001&Title=%2D%3EBill%2520Info%3AS%25200778%2D%3ESession%25202001](http://www.leg.state.fl.us/Session/index.cfm?Mode=Bills&SubMenu=1&Tab=session&Bill_Mode=ViewBillInfo&BillNum=0778&Chamber=Senate&Year=2001&Title=%2D%3EBill%2520Info%3AS%25200778%2D%3ESession%25202001)

## PERSONNEL

There have been personnel changes at FLA over the past year. Deborah Blais, who replaced Roberta Dalton as Office Manager after Roberta's move to Naples last year, found a publisher for her book, *Living Your Bliss*, and found it necessary to leave FLA due to the constraints imposed by marketing and book signing tours. Deborah will be speaking on her book at the 2001 FLA Workshop in July. Other than Deborah's departure (no replacement has yet been hired), 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, Eleni Uher is the Administrative Assistant, and Val Lackey acts as Drug Testing Coordinator. 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.

This year also saw the retirement of The Hon. Miles Davis, U.S. Judge/Magistrate for the Northern District of Florida, from the FLA Board of Directors. Judge Davis served on the board for over six years, and his absence will be keenly felt. In May 2001, the Bar's Board of Governors appointed Tim Shea, Esq., an attorney from Orlando, to fill the vacancy created by Judge Davis' retirement. Board of Directors member John Berry left Florida to assume the position of Executive Director of the State Bar of Michigan, but has graciously agreed to continue serving on the Board.

## SUMMARY

It has again been an extremely rewarding year. Passage of the FLA confidentiality and immunity legislation marked the most exciting event of the year, but 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. Being able to share in and watch attorneys, law students, and judges find a program of recovery from substance abuse and psychological disorders is an unparalleled honor. The fact that the message is getting out that these illnesses are not indications of moral weakness or personal failing, but are treatable conditions, 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 function as one of the most dedicated group of individuals 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 other legal professionals around the state. 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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