



Florida Lawyers Assistance, Inc.

2001 - 2002 Annual Staff Report

FLORIDA LAWYERS ASSISTANCE, INC. 2001 - 2002 ANNUAL STAFF REPORT

CLIENTS SERVED

In its 16th year, Florida Lawyers Assistance, Inc. responded to over 800 telephone calls and personal interviews with impaired attorneys, judges, and law students, or their family members and business colleagues. Of these calls, 172 resulted in new cases, bringing the total number of formal cases opened by FLA since its inception to 2353. 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 352 open files.

The year ending June 30, 2002 showed a dramatic increase in both calls received and files opened compared to the previous several years. Whether such an increase was the result of the tragic events of September 11, 2001, the economic stresses being experienced in the legal profession, or a combination of these and other factors cannot be precisely determined. It is, however, the staff's opinion that these circumstances played, and will continue to play, a part in this year's FLA operations.

Gratifyingly, the largest number of cases opened during the past year (45%) were voluntary contacts, made either by the attorneys themselves (30%) or through interventions performed at the request of concerned family members, colleagues, or judges (15%). Of those files, 15% represented voluntary depression/stress and psychological cases, while 30% were chemical dependency cases. Six 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 27% of new files (25% pre-admission, 2% conditional admission), and the number of open conditional admission cases remained approximately static (a number of the pre-admission cases opened were granted conditional admission during FY 2002).

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 19%. In addition, 9% 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 has historically been the case, 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, a high percentage of voluntary callers said they became aware of FLA through the organization's web site (www.fla-lap.org), which registered 13,461 "hits" on just the home page for the year. The FLA staff continues its expansion of the web site, which now includes links to other related sites, a listing of 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 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 and law school orientations 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, the 7 facilitated support groups for attorneys suffering from psychological impairments and/or dual diagnosis issues are well attended (three of the groups are at capacity and additional facilitators are being sought) and continue to draw extremely favorable responses.

FINANCIAL

Approximately 35% 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 (2.5%), 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.

The William and Peggy Kilby Memorial Fund created in 1995 to assist indigent attorneys continues as an ongoing project, with three loans having been made in FY 2002. Through voluntary assistance from an FLA member, steps are being taken to obtain tax-exempt status for the fund, after which a concerted fund-raising effort is planned.

Due to an unanticipated 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 be utilized to fund a joint project with the University of Florida to effect a comprehensive outcome study which will examine participation in the Florida Lawyers 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 four years, the 2001 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 indicated that both the content and setting were very well received. The workshop included presentations on issues involving bar applicants and attorneys involved in the disciplinary system by Jack Weiss, Esq. and John Yanchunis (Florida Board of Bar Examiners), a discussion of The Florida Bar's alternative dispute resolution program by Kathi Lee Kilpatrick, Esq., the biochemistry and treatment of addiction by Drs. Kenneth Thompson and Joseph Molea, and seminars on finding satisfaction in the legal life by Michael Cohen, Esq. and Deborah Blais (author of *Letting Your Heart Sing*). In addition, the workshop dinner featured an award to Mary Ann Stiles and Rayford Taylor for their invaluable assistance in helping pass the FLA confidentiality and immunity statute, and an after-dinner speech by an attorney who shared his experience, strength, and hope. The workshop was granted 8 CLE hours, 4 hours of which were in substance abuse, 1 hour in ethics, .5 hours in mental health awareness, and 2.5 hours of general credit. The 2002 workshop will again be held in Naples, with speakers including Barry Rigby of The Florida Bar, Michael Keane of the Florida Board of Bar

Examiners, and Atty. Kevin Tynan. The primary speaker at the 2002 workshop will be Carlton Erickson, Ph.D., a nationally recognized leader in research on the neurobiology of addiction. The 2002 workshop has been awarded 9 CLE hours.

In September 2001 (the week following the terrorist attacks), FLA staff attended the fourteenth annual workshop of the ABA Commission on Lawyer Assistance Programs (CoLAP) and the annual convention of International Lawyers in A.A. (ILAA) in Albuquerque, NM, at which Mr. Cohen presented seminars on *Organizing and Running Attorney Support Groups* and *Internet Utilization by Lawyer Assistance Programs*. Staff will be attending CoLAP's 2002 annual workshop in Portland, ME in October 2002, at which Mr. Cohen will be presenting a seminar on *Educating Judges to Recognize Signs of Chemical Dependency, Gambling, and Depression*. Mr. Cohen was recently reappointed to a third term on the CoLAP Advisory Forum, in which capacity he attended the CoLAP midyear meeting in Ponte Vedre, FL in January 2002. In April 2002, Mr. Cohen presented a seminar on *Reducing Malpractice by Identifying the Impaired Lawyer* at the ABA Malpractice Conference in Charleston, SC. As a former CoLAP board member, Mr. Cohen participated in an evaluation of the Mississippi Lawyers and Judges Assistance Program in June 2002. Also in June 2002, Mr. Cohen completed a three year term as Chair of the Quality of Life and Career Committee of The Florida Bar.

FLA staff continued to make presentations at all Florida law school orientations, other than the University of Miami, which did not request FLA attendance. For the first time, FLA was invited to present at the Nova Southeastern University orientation, which presentation was made by Ms. Rushlow, an alumni of that school. The response to the Nova presentation was very positive, resulting in a complementary article in *The Broward County Bar Association* newsletter. Mr. Cohen was invited to address professional responsibility classes at the new Florida Coastal School of Law in Jacksonville and at St. Thomas School of Law in Miami. As always, support from the University of Florida, Florida State University, 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. Pursuant to discussions with The Florida Bar, inservice seminars regarding substance abuse and the role of FLA were presented at the Tampa, Ft. Lauderdale, and Miami bar offices. In addition, presentations were made at all Florida Bar Ethics School sessions, the Broward and Orlando Public Defenders' offices, the Florida Lawyers Mutual Insurance Corp. seminar, the annual Ohio CLE conference in Boca Raton, the Escambia/Santa Rosa and Brevard County Bar Associations, and several private law firms. In November 2001, Ms. Rushlow attended the Florida Medical Professional Group conference in Cape Canaveral, and presented a seminar on the FLA program. In February 2002, Mr. Cohen presented a seminar on *Reintegration into Practice* at the National Conference on Addiction in Montgomery, AL. Also in February, Mr. Cohen and Ms. Rushlow attended the joint conference organized by FLA, the Physicians Recovery Network (PRN), and the Intervention Project for Nurses (IPN) in Amelia Island, at which they 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 March 2002, at which Mr. Cohen opened the conference with the fourth annual Roger Goetz Memorial Lecture on *Humor in Recovery*. Mr. Cohen also participated in the development and presentation of The Florida Bar's new Anger Management Program, with sessions taking place in Miami and Ft. Lauderdale. In April 2002, Ms. Rushlow made presentations at The Florida Bar Disability Law Section conference in Ft. Lauderdale on *Recognizing Impairment in Clients and Colleagues*, and at the IPN annual conference in Daytona Beach on *Recent Developments in the Law Regarding 12 Step Programs*.

The relationship between FLA and *The Florida Bar News* remains strong, with development and placement of new FLA ads and copy appearing in almost every issue of the *News*. In addition, FLA, The Florida Bar, and The Mental Health Screening Project instituted a joint program in January 2002 to provide interactive, confidential screening (through either telephone or internet) for alcohol abuse, depression, bipolar disorder, and eating disorders. The screening instruments can be accessed from either the FLA web site or by calling 888-214-1540. The project will run through the end of 2002 and should provide some valuable statistics regarding the extent of these impairments within the legal profession in Florida.

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 has assumed the position of Office Manager, and Val Lackey continues as Drug Testing Coordinator. Deborah Blais, who left her full-time position last year 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 May 2002, the Bar's Board of Governors reappointed the incumbent FLA Board of Directors members whose terms concluded this year, leaving the board composition unchanged. The FLA Board currently includes two judges, ten lawyers (one of whom is also a licensed clinical social worker), an education coordinator for the Broward County DUI School, the CEO of the largest community substance abuse and mental health treatment facility in Florida, and a registered nurse.

SUMMARY

It has again been an extremely rewarding, although rather a taxing, year. The events of September 11, 2001 have clearly had an impact on the lawyers, judges, and legal professionals in this state, as they have on all segments of the population throughout this country. The FLA staff has witnessed not only an increase in new cases, but, unfortunately, a corresponding increase in the number of relapses, arrests, hospitalizations, suicides, and disciplinary cases of clients already enrolled in the program.

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 and, especially this year, has been 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. 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. 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 time and effort to assisting other legal professionals around the state. The Florida Bar continues to provide financial and moral support to the program. This support has resulted in FLA being regarded by other state programs and Bars as a model for lawyer assistance programs, and the undersigned have no doubt that such a role will continue into the foreseeable future.

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

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