



Florida Lawyers Assistance, Inc.

2004 - 2005 Annual Staff Report

FLORIDA LAWYERS ASSISTANCE, INC. 2004 - 2005 ANNUAL STAFF REPORT

CLIENTS SERVED

In its 19th year of operation, 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 colleagues. Of these calls, 158 resulted in new files, bringing the total number of formal cases opened by FLA since its inception to 2796. As has been FLA's practice, a large number of hotline calls were not opened as formal files, but were referred to local 12 Step and FLA support meetings, and to health care providers. FLA closed the year ending June 30, 2005 with 424 open files.

The cases formally opened during the past year represented the second highest total in the past six years. In addition the FLA staff continued to see utilization of the hotline by individuals requesting assistance. As was stated in last year's report, it is hoped that this represents a manifestation of FLA's continuing outreach efforts.

It is gratifying that the majority of files opened during the past year (75%) continued to be voluntary contacts, made either by the attorneys and law students themselves (62%) or through interventions performed at the request of concerned family members, colleagues, or judges (13%). Of

those files, 47% represented psychological or dual disorder cases, while 53% were chemical dependency cases. This represents a 15% increase in the number of mental health cases opened, and is the first time the ratio of substance abuse and psychological cases has been so close. As has been stated in the past several annual reports, the staff has noted an increase in the number of hotline calls seeking help for psychological issues, many of which can now be referred to FLA's Clinical Director, Scott Weinstein, Ph.D., as well as being to one of the FLA facilitated groups. Four formal interventions were arranged by FLA during the year, performed either by FLA staff or by concerned judges, colleagues or family members with FLA or professional consultation.

**FOR THE FIRST TIME,
THE RATIO OF
SUBSTANCE ABUSE
AND MENTAL HEALTH
CASES IS ALMOST
EQUAL.**

The number of new files opened as pre-admission or conditional admission cases represented 33% of new cases (31% pre-admission, 2% conditional admission), and the number of monitored conditional admission cases remained constant at 67. Unfortunately, under FLA's current coding and database system, cases which are opened as pre-admission and are later granted conditional admission are not reflected in the conditional admission figure, but many of the pre-admission cases opened in FY 2003 and 2004 were in fact granted conditional admission during FY 2005 (one of this year's goals is to develop a database system that will allow tracking of files through code changes). 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, continues to be one of the largest segments of new files opened by FLA, which the FLA staff believes is an indication of the Bar Examiners' awareness of the importance of addressing substance abuse and psychological disorders in the law school environment, as well as their clear understanding that rehabilitation and recovery from those impairments are possible.

FLA continues to provide monitoring, evaluation, and prevention 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 increased to 10% from last year's 7%. In addition, 15% of new files were evaluations performed by FLA or FLA certified health professionals at the request of The Florida Bar, approximately half of which eventually resulted in a recommendation for treatment and/or monitoring. For

a number of years, the actual percentage of open disciplinary monitoring cases has remained fairly constant at 24-27%. FLA's relationship with the Lawyer Regulation Department of The Florida Bar remains a model for other lawyer assistance programs, as evidenced by the fact that In evaluation cases, FLA's determination regarding the existence or non-existence of a substance abuse or psychological impairment, and recommendations regarding treatment are usually adopted by the Bar or referee.

For the third 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 17,620 hits on just the home page, representing a 29% increase over last 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 Bar publications, *The Florida Bar News* and *The Florida Bar Journal*. In addition, a many callers indicated they became aware of FLA through CLE seminars and law school orientations presented by the FLA staff and volunteers, including the *Practicing with Professionalism* series and local county bar association meetings.

**THE FLA SUPPORT GROUPS
AND VOLUNTEERS REMAIN
THE BACKBONE OF THE
PROGRAM**

The FLA network of volunteers and attorney support groups form the backbone of the program and are what permit FLA's small staff in Ft. Lauderdale to function. Currently, there are 26 weekly chemical dependency attorney support groups which meet throughout the state, including a new group started by dedicated FLA members in Destin. In addition, the 9 weekly facilitated support groups for attorneys suffering from psychological

impairments and dual disorders continue to draw extremely favorable responses from the participants and facilitators alike. One of FLA's goals for the coming year is to begin an in-house group in Ft. Lauderdale or West Broward facilitated by Dr. Weinstein, FLA's Clinical Director.

The response to Dr. Weinstein's first year as Clinical Director exceeded all expectations, and completely justified the Bar's approval last year of FLA's request for funding this position. Dr. Weinstein is a psychologist with a private practice in Broward, and devotes approximately twenty hours in-house weekly to FLA, as well as being accessible by cell phone at all times. He is 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 resources available through FLA, establishing 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. Currently, Dr. Weinstein is working individually with several FLA clients, while undertaking all the above tasks. Those clients, as well a clients and providers with whom Dr. Weinstein has dealt by phone, have all been very favorably impressed with this addition to the FLA staff.

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 (6%) and by the Lawyer Regulation Department of The Florida Bar (23%), income derived from the FLA annual workshop (3%), and interest income (.6%). 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.

Beginning in fiscal year (July 1 - June 30) 2006, the Bar provided FLA with additional funding which will permit it to almost double its office space (by taking space adjacent to its current offices), the first expansion since FLA moved to its current location in 1990.

The William and Peggy Kilby Memorial Fund created in 1995 was renamed The Hagan-Kilby Foundation and, through the efforts of FLA President and Director Wayne LaRue Smith, should be 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. Once tax exempt status is obtained for the Foundation, it is the intention of FLA and the Foundation to mount a substantial fund-raising effort to permit expanded assistance to needy legal professionals in Florida.

EDUCATION, PREVENTION & PUBLIC RELATIONS

The FLA staff and Board of Directors continued their ongoing efforts to educate the bench, bar, and law schools in Florida regarding attorney impairment and recovery. Prevention and education has been one of FLA's primary missions since its inception. This year, staff has focused its efforts on reaching the judiciary and law students in the belief that the former are often the first individuals (other than family and office staff) to come into contact with impaired lawyers, and educating the latter group may prevent problems in the future. FLA representatives continue to present at the orientation sessions at all eleven law schools in the state, and the efforts to reach the judiciary were capped by a presentation to The Supreme Court's morning conference in December 2004, as which strong support for the program was voiced by the entire bench.

Based on the responses of attendees at the 2003 workshop, FLA's 18th Annual Workshop, organized by FLA's Assistant Director Judy Rushlow, was again held at the Naples Beach Resort Hotel in July 2004. Attendance at each year's workshop continues to exceed the previous year, and the evaluations received from attendees were positive for both content and setting. The workshop included a presentation by Steven Pinkert, Esq., M.D. on understanding DSM-IV diagnoses, a seminar with Paul Ashe, Esq. and William Leary, Esq. on the issue of compulsive gambling within the legal profession, a dinner speaker telling his story of addiction and recovery, a presentation by Kathleen Leary on the impact of addiction on the family, and a well received discussion on the spiritual and medical aspects of recovery by John Eustace, M.D.

THE FLA STAFF HAS MADE A CONCERTED EDUCATION EFFORT THIS YEAR TO REACH ITS TARGET AUDIENCES OF JUDGES, AND LAW STUDENTS.

In October 2004, FLA staff attended the 17th annual workshop of the ABA Commission on Lawyer Assistance Programs (CoLAP) and the annual convention of International Lawyers in A.A. (ILAA) in Philadelphia, at which Mr. Cohen moderated seminars on *The Judicial Duty to Respond* and on *Setting*

Boundaries. Mr. Cohen was also appointed to the ILAA committee responsible for revamping the organization's web site (www.ilaa.org). Staff will be attending CoLAP's 2005 annual workshop and the ILAA conference in Charleston, SC in November 2005, at which Mr. Cohen will participate in a seminar on *Using Technology in Your LAP*.

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 (various locations). The FLA presentation on *Attorney Satisfaction, Addiction, and Distress* at these sessions reached approximately 3,500 newly admitted Florida attorneys this past year
- The Florida Bar Ethics School (various locations)
- The Florida Bar Anger Management School (various locations)
- Presentations at the University of Florida, St. Thomas, Stetson, Nova, Barry, Florida Coastal, Florida State, University of Miami, and FAMU law school orientations
- Inservice presentation to the Pinellas County State Attorney's Office (Clearwater)
- Keynote speaker at Illinois Lawyer Assistance Program's Annual Dinner (Chicago)
- Inservice presentation at Blitzin, Sunberg, et al. (Miami)
- Presentation at the Advanced Trial Advocacy course, Tulane University Law School (New Orleans)
- Inservice at South Miami Hospital Addiction Treatment Program

Mr. Cohen completed a six year term on The Florida Bar's Quality of Life and Career Committee (during two of which he served as Chair) and was appointed by Bar President Kelly Overstreet-Johnson to a three year term on the Standing Committee on Professionalism, attending a number of committee meetings and a Spring retreat in Tallahassee.

Mr. Cohen and Ms. Rushlow attended training sessions on eating disorders (Renfrew Center) and addiction research and application (National Institute of Health and University of Miami Medical School). Mr. Cohen attended the Bar's Annual Meeting in Orlando, at which the Bar provided space for two Friends of Bill meetings each day, which were chaired by members of the Orlando FLA group.

As mentioned above, one of the highlights of the year was the presentation made by FLA to The Florida Supreme Court in December 2004. The presentation was in part a report to the Court by FLA Executive Director Michael Cohen and Board members James Corrigan, Esq. and the Hon. Joseph Murphy, but even more was the Court's and the Florida Bar's (in the person of President Kelly Overstreet-Johnson) honoring of Charlie Hagan and his efforts in establishing FLA and helping countless Florida legal professionals. Mr. Hagan was presented with proclamations attesting to his efforts by President Overstreet-Johnson and Chief Justice Barbara Pariente and, in his words, represented one of the truly memorable days in his long career.

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. It is Mr. Cohen's hope that with his appointment to the Standing Committee on Professionalism (on which Board members John Berry and Gail Sasnett also serve) this spirit of cooperation can be extended to that group as well.

PERSONNEL

Clearly, the greatest change in the FLA “family” took place with the loss of Charlie Hagan, Jr. In January 2005. Charlie became ill at the CoLAP conference in Philadelphia in October 2004, was diagnosed with a rare form of liver cancer shortly after, and passed in January. He spent his last months much as he had the previous thirty years, talking with old friends and family, and helping other lawyers in need. The loss of Charlie, both personally and as the institutional memory of FLA, as well as of his dedication to the program he began in the early 1980’s, is incalculable. To say he will be missed does not do his loss justice, but it’s the best we can do.

Other than the profound loss of Charlie, personnel changes at FLA over the past year have been minimal. Myer J. (Michael) Cohen continues as FLA’s Executive Director (celebrating his 10th anniversary in that position), 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 Financial Affairs Administrator. Scott Weinstein, Ph.D. became a member of the FLA team in July 2004 as Clinical Director and, as stated above, has exceeded even the highest expectations.

Three current members of the FLA Board of Directors (Mary Barlow, Joseph Tomaino, and Wayne LaRue Smith, Esq.) and two new members (Mark Journey, Esq. of Ft. Lauderdale and Gary Work, Esq. of Pensacola) were appointed to three year terms by the Bar’s Board of Governors. The FLA Board currently includes a sitting and a senior judge, ten lawyers (including 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 the FLA staff, directors, and volunteers continue to deal with the ravages of addiction and mental illness in the legal community, including suicides, relapses, and arrests, the positive experiences and feedback far outweigh the negative. While the practice of law remains a high stress activity, 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. The ability to add a Clinical Director to the FLA staff provided by the Bar’s approval of funding has borne out our prediction last year that this would be one of the most exciting and important developments in FLA’s efforts to help

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

Florida legal professionals. As we do every year, it must be again said 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 is still our belief that being able to participate in and watch attorneys, law students, and judges achieve recovery from substance abuse and psychological disorders is a gift that is beyond measure.

July 13, 2005

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

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



**Presentation to Charles O. Hagan, Jr. by
Chief Justice Barbara Pariente and
Bar President Kelly Overstreet-Johnson
December 15, 2004
Tallahassee, Florida**