



Florida Lawyers Assistance, Inc.

2005 - 2006 Annual Staff Report

FLORIDA LAWYERS ASSISTANCE, INC. 2005 - 2006 ANNUAL STAFF REPORT

OPERATIONS & CLIENTS

In its 20th year of operation, Florida Lawyers Assistance, Inc. responded to over 950 telephone calls and personal interviews with impaired attorneys, judges, and law students or their family members and colleagues. Of these calls, 138 resulted in new files, bringing the total number of formal cases opened by FLA since its inception to 2934. 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, 2006 with 510 open files.

The majority of files opened during the past year (67%) continued to be 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 (9%). Of those files, 49% represented psychological or dual disorder cases, while 51% were chemical dependency cases. As predicted several years ago, this represents the first time the ratio of substance abuse and psychological cases has been virtually equal. The increase in the number of hotline calls seeking help for psychological issues, most of which are now referred to FLA's Clinical Director, Scott Weinstein, Ph.D., has been dramatic. This increase may be the result of the practice of law itself becoming more stressful and competitive, as well as FLA's ongoing efforts to publicize the fact that it deals with these types of impairments in addition to substance abuse. Several interventions took place during the year, performed either by FLA staff or by concerned judges, colleagues or family members with FLA or professional consultation.

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The number of new files opened as pre-admission or conditional admission cases remained fairly constant at 34% of new cases (31% pre-admission, 3% conditional admission), and the number of monitored conditional admission cases dropped slightly from 67 to 64; as noted in last year's annual report, 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. The FLA staff has been working on completely revamping the database system, but due to financial considerations was forced to suspend work on the new system until FY 2007. 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, the relationship between FLA and the Examiners remains a close and cooperative one, and FLA continues to work with many of the law schools in the state to address issues of psychological and substance abuse impairments among students.

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 disciplinary matters increased to 18% from last year's 10%. In addition, 22% 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 27-30%. 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 and cases in which an attorney violates bar probation, FLA's recommendations regarding treatment are given a great deal of weight 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 23,067 hits on just the home page, representing a 31% 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 network of volunteers and attorney support groups form the backbone of the program and allow a relatively small staff in Ft. Lauderdale to carry out its duties. FLA has one of the lowest costs per member among the lawyer assistance programs in the U.S. while covering one of the largest geographical areas in the country. This would be impossible without the efforts of the FLA volunteers throughout the state. Currently, there are 26 weekly chemical dependency attorney support groups and 11 facilitated groups (including two run by Dr. Weinstein at the FLA office in Ft. Lauderdale) that are available for any attorney, judge, or law student seeking help or information. 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.

Dr. Weinstein's second year as part-time Clinical Director convinced both FLA and The Florida Bar that his position was critical to FLA's mission. Based on that perception and the uniformly positive responses to Dr. Weinstein from FLA clients, other clinicians, and the bar staff, the Bar's Board of Governors and its Budget Committee authorized funding to make Dr. Weinstein's position full-time as of FY 2007. This represents the first new full-time position added by FLA in over ten years, and represents one of the clearest statements possible that The Florida Bar is aware of the issue of psychological distress within the legal community and is willing to use its resources to address and treat the problem.

THE SUPPORT SHOWN TO FLA BY ITS CLIENTS, PROVIDERS, AND THE BAR DURING ITS RELOCATION WAS APPRECIATED AND HUMBLING.

A rather substantial "snag" to FLA operations occurred in the latter part of 2005. On October 24, 2005, only a few months after FLA had expanded its office space, Hurricane Wilma came across Florida from the Gulf coast to Dade, Broward, and Palm Beach counties. FLA's office building in Ft. Lauderdale suffered extensive damage, both as a result of the hurricane itself and due to water damage from a torrential storm several days later which came through a breach in the roof caused by Wilma. Due to the water

damage, which impacted all six floors of the building, the FLA staff was prevented from entering the building for a full month, during which time everyone did the best they could to operate from home (and did an amazing job under the circumstances). In November 2006, the staff was allowed back into the building with the caveat that environmental tests were still being performed by the City of Ft. Lauderdale, and no warranty could be made regarding the health or safety of the workers. Despite this, FLA operations resumed shortly after Thanksgiving 2005. However, in February 2006, FLA was informed that as the result of the water damage, the entire building would need to be gutted and renovated, which process would begin at the end of March and was expected to take 9 - 18 months. As FLA had only recently negotiated a new long-term lease which its Board of Directors and staff determined could not be terminated under these circumstances, it became necessary for FLA to find short-term office space and move within six weeks. This was accomplished primarily through the efforts of FLA's Assistant Director, Judy Rushlow, who spent most of that next month looking at

properties which might serve FLA's needs. An office was located on E. Commercial Blvd., and the move was effected during the last week of March 2006. While the space is approximately half the size of and much more open than the Oakland Park Blvd. office, the staff has done a remarkable job of "making do" in the home we will occupy for at least the next year. During the entire period, the offers of support received by FLA from clients, providers, other lawyer assistance programs around the country, and The Florida Bar were consistent and gratifying, and the FLA staff is proud of the fact that few if any clients went unserved during this difficult time.

FINANCIAL

Approximately 30% 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 (19%), income derived from the FLA annual workshop (4%), 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.

As noted above, beginning in fiscal year 2007, the Bar will provide FLA with additional funding which will permit Dr. Weinstein's position to become a full-time staff level slot. However, due to the increasing necessity of Dr. Weinstein's services, his "part-time" position in effect became almost full time over the past year, which resulted in a significant overage on that line item in the budget. In addition, the unanticipated costs resulting from FLA's forced move, including the expenses of wiring the new suite for telephone and computers, storage for the furniture and files which would not fit in the new space, and the moving cost itself, caused FLA's expenses to substantially exceed its income for the first time in over five years. However, utilizing the reserve account FLA has built up over the past several years, it was not necessary to seek additional funding from the Bar to cover the deficit.

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, 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. One of the goals for the upcoming year is 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 always been one of FLA's primary missions since its inception, and this year staff maintained its efforts to reach 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 relationship between FLA and The Florida Supreme Court remains close and strong.

THE FLA STAFF HAS MAINTAINED ITS EFFORTS TO REACH ITS TARGET AUDIENCES OF JUDGES, AND LAW STUDENTS.

Based on the responses of attendees at the 2004 workshop, FLA's 19th Annual Workshop, organized by FLA's Assistant Director Judy Rushlow, was again held at the Naples Beach Resort Hotel in July 2005. Attendance at each year's workshop continues to exceed the previous year, and the evaluations received from the 2005 attendees were positive for both content and setting. The workshop included a mock Board of Bar Examiners hearing, a seminar regarding relapse prevention from national expert Terrence Gorski, a discussion of cultural differences in the treatment setting, a presentation on spiritual enlightenment and the 12 Steps, and a moving dinner presentation by Mary Hagan on her remembrances of life with Charlie.

In November 2005, FLA staff attended the 18th annual workshop of the ABA Commission on Lawyer Assistance Programs (CoLAP) and the annual convention of International Lawyers in A.A. (ILAA) in Charleston, SC, at which Mr. Cohen and Ms. Rushlow participated in several panels. Staff will be attending CoLAP's 2006 annual workshop and the ILAA conference in San Francisco in October 2006, at which Mr. Cohen and Dr. Weinstein have been invited to make presentations. As part of his duties with CoLAP, Mr. Cohen performed evaluations of the lawyer assistance programs in Alabama and New York, and has been asked to evaluate the Hawaii lawyer assistance program in August 2006.

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 4,000 newly admitted Florida attorneys this past year
- The Florida Bar Ethics School (various locations)
- The Florida Bar Anger Management School (various locations)
- All Florida law school orientations
- The St. Thomas Moore Legal Society (Ft. Lauderdale)
- Keynote speaker at the 20th Annual Virginia Lawyers Helping Lawyers Dinner (Richmond)
- The Martin County Bar Association

Mr. Cohen completed his second year on the Florida Bar Standing Committee on Professionalism, attending a number of committee meetings and a Spring retreat in Orlando which focused on law schools and students, facilitated by FLA board member John Berry and Supreme Court Justice Raoul Cantero.

The dialogue between FLA, the Bar's Lawyer Regulation Department, and the Florida Board of Bar Examiners 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. All three agencies respect the difficult tasks the others face, and seem to have reached a sustainable balance between maintaining confidentiality while fostering early identification of impaired attorneys or bar applicants. This mutual respect is gratifying, and allows 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 its relationship with the Bar's Quality of Life & Career Committee and Standing Committee on Professionalism, and works with both to educate legal professionals about the dangers of stress and the need for balance in the legal life.

PERSONNEL

Personnel changes at FLA over the past year have been minimal. Myer J. (Michael) Cohen continues as FLA's Executive Director (celebrating his 20th anniversary of sobriety), Judy Rushlow serves as Assistant Director, Dr. Scott Weinstein begins his tenure as full-time Clinical 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.

Four current members of the FLA Board of Directors (John Berry, Esq., Gail Sasnett, Esq., The Hon. Joseph Murphy, and Matthew Gissen, Esq.) and one new member (Julie Meadows, Esq. of Tallahassee) 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 the General Counsel for the Florida Dept. of Health, 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. The Board's dedication to FLA's mission has been and continues to be inspiring.

SUMMARY

Although this was clearly a difficult and stressful year for FLA, both financially and operationally, the FLA staff, directors, and volunteers were able to continue to provide support, assistance, and educational services to legal professionals in Florida. 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 addition of a Clinical Director to the FLA staff has proven to be a supremely important development in FLA's efforts to help Florida legal professionals as the issue of psychological impairment becomes more obvious. As we do every year, we must emphasize that without the emotional and financial support and time provided by all segments of the legal community, FLA simply could not achieve 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.

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 17, 2006

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