



2007 - 2008 Annual Staff Report

FLORIDA LAWYERS ASSISTANCE, INC. 2007 - 2008 ANNUAL STAFF REPORT

OPERATIONS & CLIENTS

In its 22nd year of operation, Florida Lawyers Assistance, Inc. responded to over 700 telephone calls and personal interviews with impaired attorneys, judges, and law students or their family members and colleagues. Of these calls, 173 resulted in new files, bringing the total number of formal cases opened by FLA since its inception to 3253. 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 mental health care providers. FLA closed the year ending June 30, 2008 with 575 open files.

Almost 3/4 of the files opened during the past year (72%) were voluntary contacts. Of those voluntary cases, 82% were opened as the result of contact made by the attorneys and law students themselves, while 18% were opened after formal or informal interventions performed at the request of concerned family members, colleagues, or judges. Of the voluntary files, 40% represented psychological or dual disorder cases, while 60% were chemical dependency cases. Hotline calls seeking help for psychological issues are handled by FLA's full-time Clinical Director, Scott Weinstein, Ph.D., who can then either assess the caller directly or refer them to FLA's expanding network of mental health providers and facilitated support groups throughout the state. FLA continues to expand its focus on quality of life, career transition, and professionalism issues, as well as its efforts to inform Florida legal professionals that it deals with these matters in addition to substance abuse.

**FLA CONTINUES TO
EXPAND ITS FOCUS ON
QUALITY OF LIFE, CAREER
TRANSITION, AND
PROFESSIONALISM ISSUES**

The number of new files opened as pre-admission or conditional admission cases declined slightly to 35% of new cases (34% pre-admission, 1% conditional admission), and the number of monitored conditional admission cases remained constant at 58. FLA is continuing its work on a revised coding system and database program which will allow greater accuracy in tracking pre-admission and conditional admission cases, and is hopeful the new system can be implemented in the upcoming year. FLA works with the Florida Board of Bar Examiners and the eleven law schools in the state to inform law students and applicants about FLA's existence and the benefits, both in the rehabilitation and admission areas, of developing a relationship with FLA as early as possible.

FLA continues to provide evaluation and monitoring 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 represented 11% of new files, while 16% of new files were evaluations performed by FLA or FLA certified health professionals at the request of The Florida Bar. As with the pre-admission cases, a substantial portion of Bar evaluations resulted in a recommendation for monitoring. For a number of years, the actual percentage of disciplinary monitoring cases has remained fairly constant at about 30% of FLA's open caseload. This year, FLA began working with the Bar on developing a monitoring program to deal with aging attorneys, and its relationship with the Bar's Legal Division remains a model for other lawyer assistance programs.

The FLA web site (www.fla-lap.org), which this year registered 21,058 hits on the home page, remains FLA's largest referral source. The home page provides a statement of FLA's mission, a listing of attorney support meetings around the state, a calendar of recovery related events around the country, and links to

other substance abuse, lawyer assistance program, mental health awareness, and law practice sites. The FLA web site also contains pages which provide a comprehensive bibliography and list of resources, provide confidential self-tests for substance abuse and depression, offer information about the annual FLA workshop, provide guidance and information for law students, and permit access to downloadable monitor report forms, FLA annual reports, the FLA drug testing policy, and other documents. Last year, FLA added the capacity to register and pay for the annual workshop and monthly monitoring fees online, which generated extremely favorable feedback from FLA clients. FLA's second largest referral sources remain *The Florida Bar Journal* and *The Florida Bar News*, which this year did several articles on FLA, including one focusing on its activities in the mental health area. FLA's primary live outreach tools remain CLE seminars and law school orientations, including the *Practicing with Professionalism* series presented to every newly admitted lawyer in Florida, as well as local county bar association meetings.

As has been true for over twenty years, the FLA network of volunteers and attorney support groups remains the only way a small staff in Ft. Lauderdale could cover the entire state. Throughout its existence, FLA has demonstrated an exceptionally high rate of effectiveness, having one of the lowest costs per member among lawyer assistance programs, while covering one of the largest bars and geographical areas in the country. Currently, there are 26 weekly chemical dependency attorney support groups (including a new group in Melbourne) and 8 facilitated mental health 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 some 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 FLA's full-time Clinical Director confirmed the need to provide a resource for bar members dealing with psychological distress in their personal and professional lives. The economic downturn over the past year has clearly impacted Florida lawyers and further increased the level of psychological distress in the profession, resulting in an increase in the number of hotline calls seeking help and advice on how to deal with these conditions. Dr. Weinstein participated in several conferences this year, including a joint seminar with the Florida Physician's Recovery Network (PRN).

**FLA FINALLY RETURNED TO
ITS OAKLAND PARK BLVD.
"HOME" THIS YEAR**

In March, FLA finally was able to return to its permanent "home" on Oakland Park Blvd. in Ft. Lauderdale, after spending 20 months in temporary offices after being dispossessed in 2005 by Hurricane Wilma. During its absence, FLA's offices were completely renovated and (barring future natural disasters), it is FLA's intention to remain there for the foreseeable future. All telephone and email contact information remains the same.

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 (7%) and by the Lawyer Regulation Department of The Florida Bar (19%), income derived from the FLA annual workshop (3%), and interest income (.7%). 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 as an allocation from The Florida Bar. The introduction last year of the ability to make online monitoring, registration, and workshop fees has been extremely well received by FLA clients, and has noticeably increased FLA's efficiency and user friendliness.

Despite the extraordinary non-recurring costs of moving back to the Oakland Park Blvd. offices, FLA was able to keep other costs low enough to end the year with a small surplus of revenue over expenses, which will be deposited to the FLA reserve account.

The tax exempt Hagan-Kilby Foundation continued its mission of assisting indigent attorneys to obtain treatment and evaluation services. The Foundation's directors plan to utilize the 2008 FLA annual workshop to kick off a substantial fund-raising effort to permit expansion of these services to legal professionals in Florida.

EDUCATION, PREVENTION & PUBLIC RELATIONS

Florida Lawyers Assistance believes that intervention begins with educating all segments of the bench, bar, and law schools about addiction, mental health issues, compulsive disorders, and recovery from those conditions. FLA efforts in this area have continued this year through presentations at law school orientations, professional responsibility classes, CLE seminars, and county bar association presentations.

This year marked the second year of a joint project between FLA and Barry School of Law in Orlando where at the close of the first semester, Mr. Cohen addressed all three 1L tort classes to discuss the stresses and potential dangers of placing too much emphasis on external markers of "success". During the second semester, presentations were made to all 2L professional responsibility classes regarding substance abuse and psychological impairments, building on the 1L presentation the students had heard the previous year. The final session, to be presented to 3L students in the fall, will be on the bar application process and transitioning into the actual practice of law. All three sessions utilize the latest research on law school stress, most notably the data developed by Professors Lawrence Krieger of Florida State School of Law and Susan Daicoff of Florida Coastal School of Law. It is hoped this three year "track" will teach students how better to handle the stress and potential depression which the data shows is endemic in law school, as well as preparing them to be more effective and professional attorneys. Response from both students and faculty to the "Barry Model" has been extremely positive.

JOINT PROJECTS WITH THE FLORIDA BAR AND CENTER FOR PROFESSIONALISM INCLUDE A CAREER TRANSITION WORKSHOP AND DEVELOPING A MONITORING PROGRAM FOR AGING ATTORNEYS

Through his work on the Bar's Standing Committee on Professionalism, FLA's Executive Director, Michael Cohen, has established a strong relationship with the Bar's Center for Professionalism, which has resulted in development of a two day CLE seminar on career transition which will take place in September 2008 in Tallahassee. FLA is also working with the Bar's Legal Division on a project to address the aging of the profession. This project is in response to the May 2007 final report of the Association of Professional Responsibility Lawyers (APRL) and National Organization of Bar Counsel (NOBC) Joint Committee on Aging Lawyers, and seeks to develop guidelines for the identification, intervention, evaluation, and monitoring of attorneys who may be demonstrating an impaired

ability to practice due to age related issues. As the APRL-NOBC reports makes clear, the problems associated with attorneys and judges practicing after these impairments are evident could represent a "senior tsunami" if not addressed immediately. A copy of the APRL-NOBC report can be found on the FLA web site.

FLA's 21st Annual Workshop, organized by Assistant Director Judy Rushlow, was held at the Naples Beach Resort Hotel in July 2007, representing the conference's tenth year at that location. As in the past, the evaluations received from the 2007 attendees were positive for both content and setting. An internet survey

conducted on the FLA web site regarding the workshop indicated overwhelming support for keeping the conference at the Naples Beach location and maintaining the Friday afternoon - Saturday morning format. The 2007 workshop included a presentation on substance abuse in older adults, a panel discussion featuring the Chair of the Florida Board of Bar Examiners, an attorney who represents bar applicants, and FLA's Clinical Director, a presentation by Prof. Susan Daicoff on how personality traits in attorneys lead to dissatisfaction and distress, and a seminar by Dr. Rick Beach on the medical, psychological, and spiritual aspects of chemical dependency, as well as the dinner presentation by an FLA "success story".

In October 2007, FLA staff attended the 20th annual workshop of the ABA Commission on Lawyer Assistance Programs (CoLAP) and the annual convention of International Lawyers in A.A. (ILAA) in Halifax, Nova Scotia, where Mr. Cohen received the first Distinguished Service Award given in CoLAP's history. The award was a recognition by lawyer assistance program personnel from the United States and Canada of Mr. Cohen's efforts on behalf of CoLAP over the past fifteen years. Staff will be attending CoLAP's annual workshop and the ILAA conference in Little Rock, Arkansas in October 2008 (of which Mr. Cohen is the Planning Committee Co-Chair). Mr. Cohen also serves as Chair of the CoLAP Evaluations Committee and member of the CoLAP Advisory Committee, and was appointed as Chair of the Planning Committee for CoLAP's 2009 annual conference in Phoenix, Arizona, while Ms. Rushlow was appointed as the Chair of CoLAP's Program Survey Committee.

Mr. Cohen was appointed to the Steering Committee for a national peer assistance program conference (physicians, nurses, and attorneys) which is planned for the Fall of 2009 in Orlando. The conference will include representatives of peer assistance programs, disciplinary boards, licensing agencies, and malpractice carriers from across the country, and represents the first attempt to bring together these disparate organizations in the hope of learning from each other and sharing resources.

FLA staff and FLA representatives continued to travel throughout the state to present CLE and law school seminars 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 over 2,000 newly admitted Florida attorneys this past year, and consistently receives some of the highest evaluations from the attendees
- The Florida Bar Ethics School (various locations)
- The Florida Bar Anger Management School (various locations)
- All Florida law school orientations
- Various law school professional responsibility and SBA seminars
- Small Firm & Solo Practice Seminar, Orlando
- 11th Judicial Circuit Public Defender's Office, Miami
- Federal Public Defenders Conference, Daytona Beach
- Central Florida Association of Criminal Defense Attorneys, Orlando
- Stimulants in Law School Symposium, University of Miami School of Law
- The Florida Bar Trial Lawyers Section Seminar, University of Florida School of Law
- Ackerman, Senterfitt Lunch 'n Learn Seminar, Miami

Mr. Cohen completed his fourth year on the Florida Bar Standing Committee on Professionalism and attended various committee meetings and retreats in Orlando and Tallahassee which focused on the transition from law school to the "real world", facilitated by the Center for Professionalism's John Berry and Carl Zahner and Supreme Court Justice Raoul Cantero.

The dialogue between FLA and the Bar's Legal Division remains a model for other lawyer assistance programs around the country. At the ABA Midyear Meeting in Los Angeles in January 2008, FLA was highlighted at one seminar as being the program having the most experience with conditional admissions in the country, and assisted in gaining passage by the ABA House of Delegates of a new model rule on conditional admission. Staff members from the Bar's Legal Division and the Bar Examiners 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 continue to work at balancing what are sometimes conflicting missions, while at the same time serving their respective constituents. The mutual respect that has developed between the organizations helps FLA 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.

PERSONNEL

It is a testimony to the devotion of the FLA staff that there have been no personnel changes over the past two years. Myer J. (Michael) Cohen completed his thirteenth year as FLA's Executive Director, and Judy Rushlow her thirteenth year as Assistant Director. Dr. Scott Weinstein continues as FLA's full-time Clinical Director, Eleni Uher is FLA's Office Manager, Val Lackey continues as Drug Testing Coordinator, and Dawn Withrow serves as FLA's Financial Affairs Administrator.

Three incumbent FLA Directors (Ms. Mary Barlow, Mark Journey, Esq., and Wayne Smith, Esq.) and two new members (Patrick Reily, Esq. and Barry M. Crown, Ph.D.) were appointed to three year terms by the Bar's Board of Governors. The FLA Board currently includes two sitting judges, nine lawyers, an education coordinator for the Broward County DUI School, a registered nurse, a social worker, and a psychologist. The Board has planned a half-day retreat prior to the annual workshop to examine FLA's ongoing mission, its long-term goals, and its relationships with the Bar, Bar Examiners, Supreme Court, and its volunteers and clients. The Board's dedication to FLA's mission has been and continues to be unwavering and inspiring.

SUMMARY

The FLA staff, with the assistance of its Board of Directors and volunteers, continues to provide support, assistance, and educational services to legal professionals throughout Florida, while looking for new ways to serve the profession. This simply could not be done without the support received from The Florida Supreme Court, Bar, Board of Bar Examiners, the FLA Board of Directors, the law schools, local county bar associations, monitors, volunteers, and the participants themselves. Addressing the mental health concerns of Florida lawyers continues to occupy an increasingly important part of FLA's efforts as the issues of dissatisfaction, distress, and lack of professionalism become more apparent. As we do every year, it bears repeating that without the emotional and financial support and time provided by all segments of the legal community, FLA could not achieve its goals of carrying the message of recovery to lawyers, judges, and law students throughout the state and providing assistance to every legal professional who seeks it, with the corresponding benefits to and protections for the clients and public they serve. It remains our belief that being allowed to participate in and watch attorneys, law students, and judges achieve recovery from substance abuse and psychological disorders is a gift beyond measure.

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