



2009 - 2010 Annual Staff Report

FLORIDA LAWYERS ASSISTANCE, INC. 2009 - 2010 ANNUAL STAFF REPORT

OPERATIONS & CLIENTS

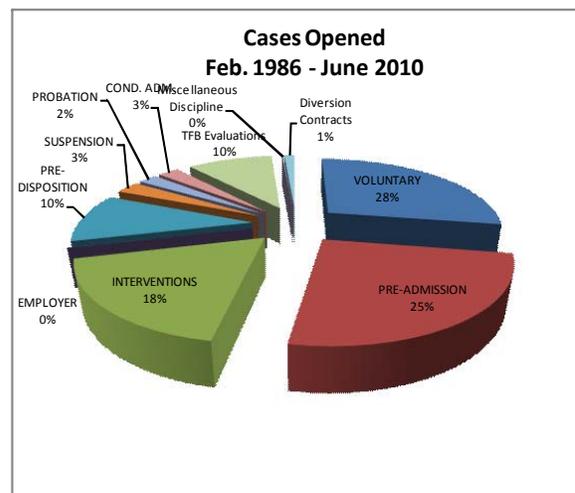
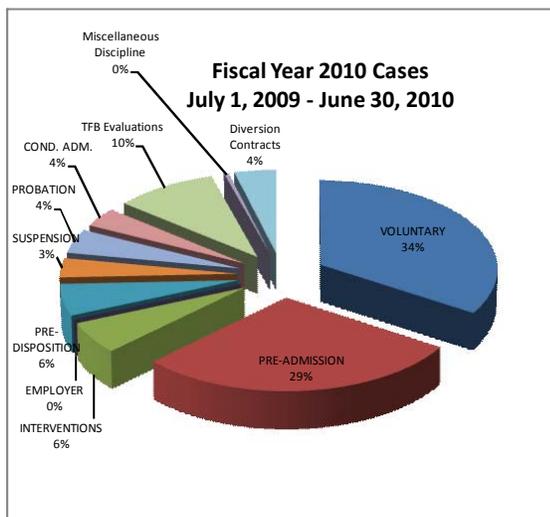
In its 24th year of operation, Florida Lawyers Assistance, Inc. responded to over 700 telephone calls and personal interviews with impaired attorneys, judges, and law students or their family members and colleagues. Of these calls, 226 were opened as new files, bringing the total number of formal cases opened by FLA since its inception to 3675. The majority of hotline calls are not opened as formal files, but are referred to local 12 Step and FLA support meetings, FLA certified mental health care providers, or a local FLA volunteer. FLA closed the year ending June 30, 2010 with 325 open files.

Almost 70% of the cases opened during the past year resulted from voluntary contacts. Of those voluntary cases, 92% were opened after contact made by the attorneys or law students themselves, while 8% were opened in response to calls made by concerned family members, colleagues, or judges.

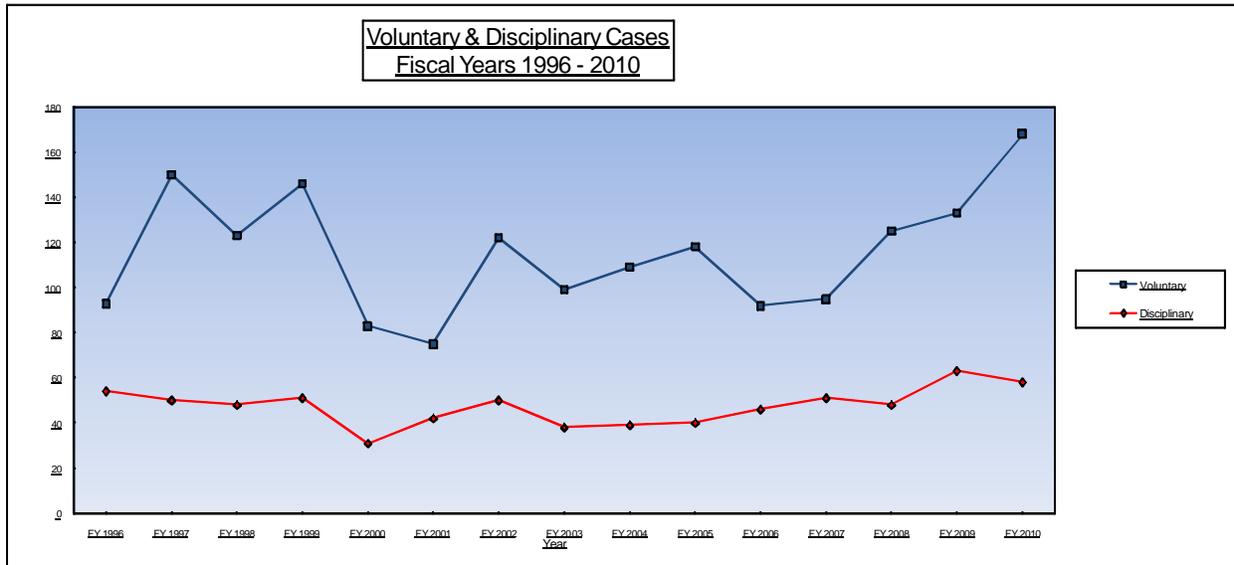
30% of new files were classified as psychological or dual disorder cases, while 56% were chemical dependency cases, and 14% were evaluations performed either at the client's request or pursuant to a Florida Bar or Board of Bar Examiners requirement. There remains a lingering impression within the bar that FLA services are limited to substance abuse issues, despite the fact that mental health and psychological cases have represented between one-third and one-half of FLA clients for the past decade. The FLA staff and volunteers continue to carry the message that FLA does in fact address mental health, quality of life, career transition, and professionalism matters, in addition to its efforts to inform Florida legal professionals about the disease of chemical dependency.

HELPING LEGAL PROFESSIONALS DEAL WITH THE EMOTIONAL FALLOUT OF FINANCIAL AND CAREER SETBACKS NOW REPRESENTS A MAJOR PORTION OF FLA'S EFFORTS

The number of pre-admission and conditional admission files remained at approximately their historical level of 33% (29% pre-admission, 4% conditional admission), and the number of monitored conditional admission cases increased slightly to 64. FLA changed drug testing services and client management system in February 2010, which should allow greater accuracy monitoring and tracking FLA clients through all stages of their participation in the program.



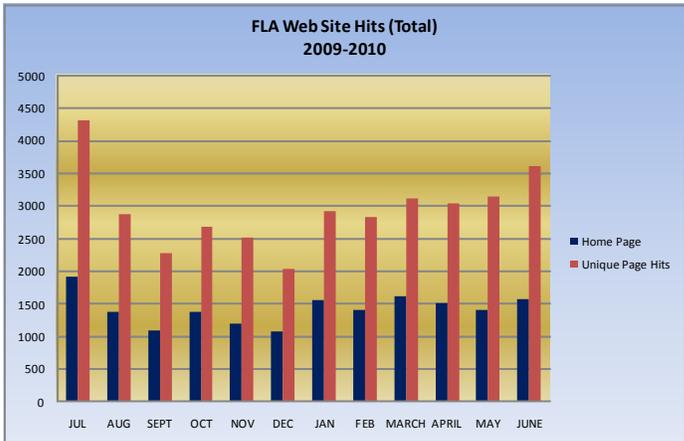
FLA continues to provide evaluation and monitoring services to The Florida Bar for attorneys whose misconduct may be related to a substance abuse or psychological impairment, which according to the 2007 Illinois Annual Report of Attorney Registration and Disciplinary Commission may be as high as 32% of all disciplinary cases. This year, cases opened as discipline or pre-discipline matters represented 20% of new files, while 10% of new files were evaluations performed by FLA or FLA certified health professionals at the request of The Florida Bar. For a number of years, the actual percentage of disciplinary monitoring cases has remained fairly constant at about 30% of FLA's open caseload. In addition, FLA participates in many aspects of the Bar's Professionalism Enhancement programs (diversion), including Anger Management and Ethics Schools.



In May 2009, FLA deployed its redesigned web site (www.fla-lap.org), which registered 17,086 home page hits and 35,354 unique page hits this year, and remains FLA's largest referral source. The web site contains a news feed, a "members only" section which contains specific attorney support meeting locations, an FLA membership directory, and a future portal to the "Lawyers in the Rooms" section of www.InTheRooms.com. Other resources available on the FLA web site include:

- a listing of attorney support meetings around the state
- a calendar of recovery related events around the country
- links to other substance abuse, lawyer assistance program, mental health awareness, and law practice sites
- a comprehensive bibliography and list of resources
- confidential self-tests for substance abuse and depression
- information, registration, and payment options for the annual FLA workshop
- information for law students
- printable monitor report forms, FLA annual reports, FLA drug testing policy, and other documents
- online monitor reports which can be completed and transmitted instantly

**FLA'S WEB SITE
REMAINS ITS PRIMARY
REFERRAL SOURCE**



FLA's second largest referral sources continue to be *The Florida Bar Journal* and *The Florida Bar News*, which published several supportive articles on FLA this year, as well as FLA ads in almost every issue. In addition, the June 2010 issue of *Florida Trend Magazine* published an article regarding FLA and its Executive Director, which generated a significant response. 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.

It must be repeated again this year that there would be no way a six person staff in Ft. Lauderdale could serve a state the size of Florida with almost 90,000 lawyers without the dedicated network of almost 400 volunteers who devote their time, energy, and resources to helping their colleagues. FLA consistently demonstrates its effectiveness, despite having one of the lowest per member costs among lawyer assistance programs, by providing quality care and support to one the largest bars and geographical areas in the country. Currently, there are 26 weekly chemical dependency attorney support groups and 8 facilitated mental health groups (including a new Gainesville group, and three groups run by Dr. Weinstein at the FLA Ft. Lauderdale office) that are available for any attorney, judge, or law student seeking help or information.

FLA's mental health resources continued to represent one of its primary functions over the past year due to the impact of the negative economic situation on legal practitioners. A number of mid- and late-career lawyers contacted FLA due to a substantial level of psychological distress as the result of job cuts, lower revenue, inability to find work, and sharply increased competition. FLA's Clinical Director, Dr. Scott Weinstein, is regularly dealing with lawyers who are expressing negative mental health conditions ranging from suicidal ideation to depression and stress. Unfortunately, in comparing our experience with other lawyer assistance programs around the country, it is clear that Florida is in no way unique, and the level of psychological pain in the legal community remains a critical issue. In response, FLA, the Florida Bar Center for Professionalism, the Bar's Law Office Management Assistance Service (LOMAS), and the American Bar Association continue to explore ways to best address the practical and psychological effects of the economic downturn.

As the result of an evaluation by The Florida Bar Program Evaluation Committee (PEC) and a report issued by the Florida Supreme Court Committee on Character and Fitness, FLA, The Florida Bar, and the Florida Board of Bar Examiners undertook a year-long review of FLA's monitoring and reporting procedures. In response to this review, a number of changes were mandated by the Bar and Bar Examiners, including much more stringent reporting requirements relating to FLA's drug testing component and an increased level of sanctions on those clients who fail to comply with the new protocols. As noted above, in February 2010, FLA implemented a new client management service (CMS) furnished by its drug testing provider, Affinity eHealth, which has allowed FLA greater ability to provide the level of monitoring now demanded by the Florida Bar and Bar Examiners. In addition to more accurate monitoring and reporting, the new CMS allows FLA clients to keep and submit their monthly meeting logs online, review their check-in and testing histories, and permits FLA monitors to review their monitorees' logs and records of check-ins and tests, as well as file their monthly reports through the CMS web site.

FINANCIAL

Approximately 31.5% 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 (20%), income derived from the FLA annual workshop (3%), and interest income (.5%). As FLA operates on a cash basis, these amounts represent cash actually received, and do not take into account registrations, evaluation, or monitoring fees which have been deferred until such time as the clients are financially able to make payment. The balance of FLA operating funds are received as an allocation from The Florida Bar.

Income and expenses for fiscal year 2010 did not deviate significantly from projections, and FLA finished its year with revenues slightly higher than expenditures. Despite the current economic situation which has challenged all segments of The Florida Bar, FLA's funding request for FY 2011 was approved, which

sends a strong message about the Bar's commitment to providing FLA with the resources necessary to help Bar members deal with mental health and substance abuse problems.

The tax exempt Hagan-Kilby Foundation continued its mission of assisting indigent attorneys obtain treatment and evaluation services. FLA Board member Wayne L. Smith has taken on the task of recruiting a new Hagan-Kilby Board of Directors and organizing fund-raising efforts in an attempt to increase the fund to a level where any legal professional needing help or treatment can get it.

EDUCATION, PREVENTION & PUBLIC RELATIONS

Florida Lawyers Assistance statistics indicate a decrease in the number of formal interventions performed, a trend which has been consistent over the past several years. It is hoped this is a response to FLA's twenty year effort to educate all segments of the bench, bar, and law schools about addiction, mental health issues, compulsive disorders, and recovery from those conditions, and to remove the stigma associated with them. Efforts in this area continue through presentations at law school orientations, professional responsibility classes, CLE seminars, and county bar association presentations. In April 2010, FLA's Executive Director, Michael Cohen, had the opportunity to meet with Florida Supreme Court Justices Pariente, Lewis, Polston, Labarga, and Perry in an informal setting to discuss FLA's mission, successes, and challenges.

Mr. Cohen, completed his sixth year on the Bar's Standing Committee on Professionalism, and was reappointed by Bar President Mayanne Downs for a seventh year. One significant benefit of Mr. Cohen's tenure on the Standing Committee has been the establishment of a strong bond with the Bar's Center for Professionalism. Mr. Cohen acts as Chair of the Committee's Accountability Subcommittee, which is reviewing honor and conduct codes at the state's law schools, and developing a model remediation program which can be implemented in cases of student misconduct.

FLA's 23rd Annual Workshop, organized by Assistant Director Judy Rushlow, was held at the Naples Beach Resort Hotel in July 2009. Evaluations received from the attendees remained positive for both content and setting. The 2009 workshop included a review of what lawyers need to know about suicide, a judges' panel discussing the Florida drug court experience, presentations on compulsive gambling, new pharmacological treatments for addiction, and the neurobiology of 12 Step recovery, as well as recovering attorney dinner speaker, and multiple 12 Step meetings. In an attempt to draw FLA members and attorneys from other parts of the state, the decision was made to hold the 2010 conference at the Lake Buena Vista Palace in Orlando (July 30-31).

In October 2009, FLA staff attended the 22nd annual workshop of the ABA Commission on Lawyer Assistance Programs (CoLAP), for which Mr. Cohen acted as Planning Committee Chair, and the annual convention of International Lawyers in A.A. (ILAA) in Phoenix, Arizona. One of the highlights of the conference was the presentation by CoLAP Chair Judge Robert L. (Butch) Childers to Florida Bar Legal Division Director John T. Berry of the CoLAP Meritorious Achievement Award for Outstanding Disciplinary Counsel. Mr. Berry also participated in a panel discussing aging within the profession. Staff will be attending CoLAP's annual workshop and ILAA conference in Indianapolis in October 2010. Mr. Cohen continues to serve as a member of the ABA Standing Committee on Substance Abuse Advisory Committee, and was appointed to the Board of Directors of the South Florida Behavioral Health Network, the entity which oversees expenditure of public funds for mental health and substance abuse treatment in Dade and Monroe Counties. Ms. Rushlow was appointed to a three year term on CoLAP's Advisory Committee, and Dr. Weinstein continues to serve on the Board of Directors of the Florida Council on Compulsive Gambling.

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 Florida Bar Ethics School (various locations)
- The Florida Bar Anger Management School (various locations)
- Florida law school orientations
- Various law school professional responsibility and SBA seminars
- The Florida Municipal Attorneys Association, Tallahassee
- National Association of Bar Executives, ABA Annual Meeting, Chicago
- 5th Public Defender's Conference, Naples
- 6th Circuit Bench and Bar Conference, St. Petersburg
- Stetson School of Law Student Leadership Conference, St. Petersburg
- Appellate Judges Education Institute, Orlando
- Palm Beach County Bar Association, W. Palm Beach

The relationship between FLA and the Florida Bar's Legal Division remains close, with staff members from the Division regularly attending the FLA Workshop to learn more about the program and meet the clients both agencies deal with on a daily basis. As noted above, both FLA and the Bar have been directed by the Florida Supreme Court to tighten their monitoring functions, which FLA and Bar personnel have been able to implement in a spirit of respect and cooperation. Despite the new requirements mandated by the Court, FLA, the Bar, and the Bar Examiners have so far been able to balance what are sometimes conflicting missions, while at the same time serving their respective constituents. FLA has worked since its inception to develop and maintain its credibility, as well as a mutual respect between the organizations, towards the end of fostering FLA's primary mission of reaching Florida lawyers, judges, and law students before the effects of substance abuse or mental health problems cost them their families, careers, or lives.

PERSONNEL

It is gratifying to report that there have been no personnel changes to the FLA staff over the past five years. Myer J. (Michael) Cohen and Judy Rushlow completed their fifteenth years as FLA's Executive and Assistant Directors, respectively, while Dr. Scott Weinstein finished his fourth year 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 (Harry Lee Anstead, Esq., Billy J. Hendrix, Esq. and Barbara Geraghty, R.N.) and two new Directors (Barnaby Min, Esq. and Judy S. Rivenbark, M.D.) were appointed to three year terms by the Bar's Board of Governors. The Hon. Joseph Murphy was appointed to the newly created position of Director Emeritus, and will hopefully continue to serve as FLA's institutional memory after sitting on the FLA board for over twenty years. The FLA Board currently includes eleven lawyers, the physician who heads the Professionals Recovery Network (PRN), an education coordinator for the Broward County DUI School, a registered nurse, and a psychologist. The Board's dedication to FLA's mission has been and continues to be unwavering and inspiring.

SUMMARY

The FLA staff, with the incalculable aid of its Board of Directors and volunteers, continues its mission to provide support, outreach, and educational services to Florida legal professionals, while looking for new ways to serve the profession. This simply could not be done without the support received from the FLA Board of Directors, the Florida Bar Board of Governors and Staff, the law schools, local county bar associations, monitors, volunteers, and the participants themselves. This has been one of the most challenging years in FLA's history, during which FLA has dealt with some negative perceptions, lack of understanding of its roles, and aspersions regarding its credibility and effectiveness. Through the efforts and good will on the part of most of the individuals involved, it is FLA's belief that many of these misconceptions have been addressed, although work remains to be done.

Dealing with the substantial mental health concerns of Florida lawyers continues to occupy an increasingly important part of FLA's efforts, which would be impossible without the emotional and financial support and time provided by the legal community. Without such support, 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.

July 13, 2010

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

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

SCOTT M. WEINSTEIN, Ph.D., Clinical Director
scott@fla-lap.org