



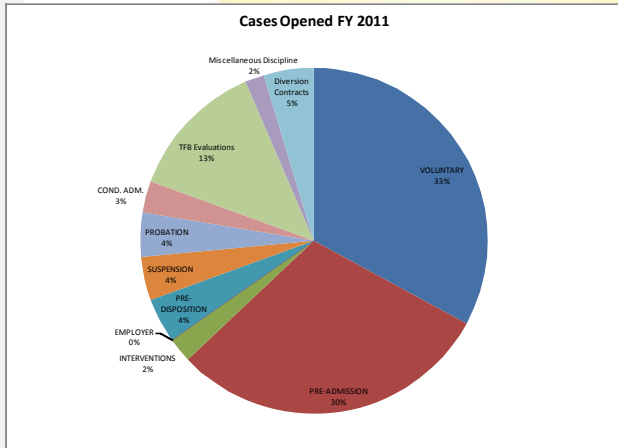
2011 Annual Report

Protecting the Public by Insuring the Health and Integrity of the Legal Profession

FLORIDA LAWYERS ASSISTANCE, INC. 2011 ANNUAL REPORT

OPERATIONS & CLIENTS

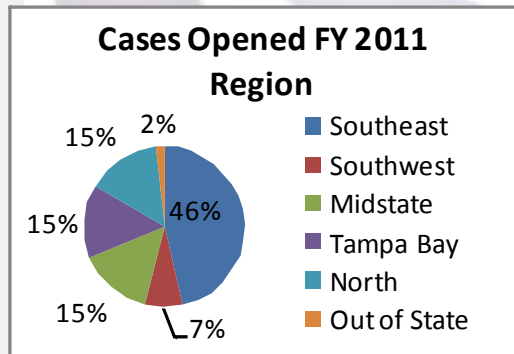
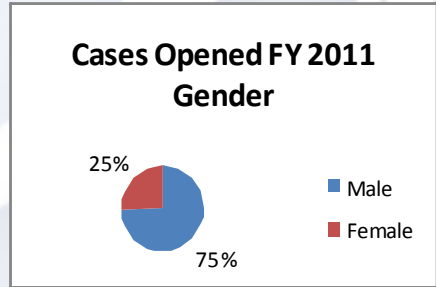
In its 25th year of operation, Florida Lawyers Assistance, Inc. responded to over 740 telephone calls and personal interviews with impaired attorneys, judges, and law students or their family members and colleagues. Of these calls, 170 resulted in new files, bringing the total number of formal cases opened by FLA since its inception to 3845. The majority of hotline calls are not opened as formal files; most callers are referred to local 12 Step and FLA support meetings, or to FLA certified mental health care providers. FLA closed the year ending June 30, 2011 with 389 open files.



Almost 2/3 of the formal cases opened during the past year (65%) were voluntary contacts. Of those voluntary cases, 61% were opened as the result of contact made by the attorneys and law students themselves, while 39% were opened after formal or informal interventions performed at the request of concerned family members, colleagues, or judges. Of

the voluntary files opened this year, 28% represented psychological or dual disorder cases, while 72% were chemical dependency cases. Conversely, however, the majority of hotline calls dealt with stress, depression, and anxiety, often resulting from the unfavorable economic climate. Thankfully, FLA's message regarding its mental health, quality of life, and professionalism services, in addition to its assistance to chemically dependent professionals, is reaching the legal community.

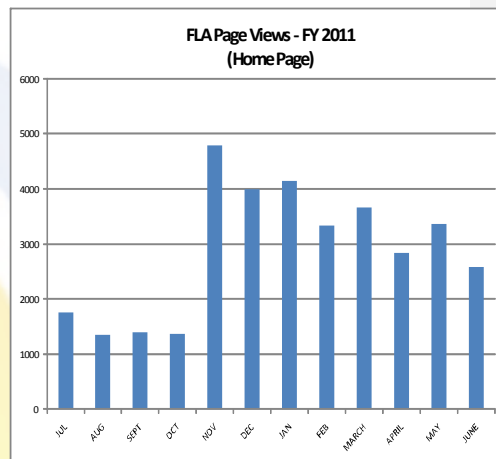
The number of new files opened as pre-admission or conditional admission cases remained constant at 33% (32% pre-admission, 1% conditional admission), as did the number of monitored conditional admission files at 63. FLA continues to work with the Florida Board of Bar Examiners and all Florida law schools to inform law students and applicants about FLA's existence and the benefits of developing a relationship with FLA as early as possible.



FLA continues to provide evaluation and monitoring services to The Florida Bar in cases where an attorney's misconduct may be related to an impairment. This year, the percentage of cases opened as disciplinary matters represented 13% of new files, while 19% of new files were evaluations performed by FLA staff or FLA certified health professionals at the request of The Florida Bar. For a number of years, the 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.

The FLA web site (www.fla-lap.org), registered 34,590 hits on the home page and remains FLA's largest referral source. A link to the FLA web site was also included in the Florida Bar's new Lawyers Helping Lawyers web page, which also provides job listings and CLE seminars. The FLA web site contains a news feed, a blog, information and registration for the annual FLA workshop, and a "members only" section containing a confidential directory and a listing of attorney support meetings throughout the state. Other resources on the web site include:

- 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 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



The Florida Bar Journal and *The Florida Bar News* remain critical referral sources for FLA, and continue their support through publication of comprehensive articles and ads regarding FLA's services. FLA's primary live outreach tools are CLE seminars and law school orientations, including appearances by FLA staff at the Florida Bar's *Practicing with Professionalism* seminars, presented to every newly admitted lawyer in Florida, as well as local county bar association meetings.

This year, FLA also joined the social networking community by initiating a Facebook page (Florida Lawyers Assistance) and a Twitter account (@flalap), both of which are used to disseminate current information and allow FLA members to communicate with staff and other FLA members. The FLA staff in Ft. Lauderdale remain dependent on (and very grateful to) FLA's almost 400 volunteers to assist in serving Florida's almost 90,000 lawyers. Both the FLA staff and volunteers are utilizing resources such as Skype and other video conferencing tools to bring support and recovery to attorneys in rural and less populated areas of the state. By using its volunteer network and multiple networking tools, FLA is able to maximize its effectiveness, consistently demonstrating one of the lowest per member costs among lawyer assistance programs, while covering one of the largest bars and geographical areas in the country. Currently, there are 27 weekly chemical dependency attorney support groups (including new groups in Stuart and Melbourne) and 8 facilitated mental health groups (including three at the FLA office in Ft. Lauderdale) that are available for any attorney, judge, or law student seeking help or information.

FLA's Clinical Director continued to play a critical role in providing support to attorneys severely impacted by the negative economic situation. The level of psychological distress being experienced by many segments of the profession, especially among young lawyers and in the real estate and family areas, due to staff reductions, lower revenue, and increased competition is profound. This year, Dr. Weinstein has regularly dealt with hotline calls from attorneys experiencing high levels of stress and symptoms of depression, at times expressing thoughts of suicide. These stressors seem to be replicated around the country, and FLA has been proactive in working with the Florida Bar Center for Professionalism and the Law Office Management Assistance Service (LOMAS), other state LAP's, and the American Bar Association to develop programs addressing the practical and psychological effects of the economic downturn.

FLA is also partnering with the Florida Bar, the Center for Professionalism, and the Bar's Standing Committee on Professionalism to address the issue of aging in the legal profession. The impetus behind this joint task force was the joint 2007 NOBC-APRL report on aging, chaired by the Bar's General Counsel, John Berry (<http://wp.me/PyEBJ-y>). Plans for the task force include a determination of the scope of the problem in Florida, development of procedures for identification and intervention on lawyers dealing with age related impairment, and utilization of the tremendous resource represented by attorneys who are aging out of active practice. It is hoped the task force can develop a model to be used by other states dealing with this pressing issue

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 (21%) and by the Lawyer Regulation Department of The Florida Bar (68%), income derived from the FLA annual workshop (10%), and interest income (1%). 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.

Expenses for fiscal year 2011 were somewhat higher than projected, but due to increased revenue received from the Lawyer Regulation Department for monitoring services, FLA finished its year with a surplus which was added to its reserve account. Based on the challenging economic situation faced by The Florida Bar, FLA's budget request for FY 2012 remained at the level provided for FY 2011, and was granted in full. As it has historically, the Florida Bar "put its money where its mouth is" by not only providing verbal support to its members dealing with mental health and substance abuse problems, but by backing up that support with financial assistance as well.

The tax exempt Hagan-Kilby Foundation continued its mission of assisting indigent attorneys to obtain treatment and evaluation services. The Foundation will continue its fund-raising efforts during the upcoming year in an attempt to build the fund to a level when any legal professional needing help or treatment can get it.

EDUCATION, PREVENTION & PUBLIC RELATIONS

Since its inception, Florida Lawyers Assistance has devoted much of its effort to prevention through education of the bench, bar, and law students. FLA continues its success in reaching these segments of the legal community through presentations at law school orientations, professional responsibility classes, CLE seminars, county bar associations, and national organizations.

FLA's Executive Director, Michael Cohen, completed his seventh year serving on the Bar's Standing Committee on Professionalism, and was reappointed to another year as a representative member of the Committee by Bar President Scott Hawkins. The Standing Committee has gone through a transition year and is in the process of redefining its mission, and will be one of the participants in the joint aging task force.

FLA's 24th Annual Workshop, organized by Clinical Director Scott Weinstein, was held at the Buena Vista Palace Hotel in Orlando in July 2010. While the annual workshop has traditionally been held in Naples, Orlando was chosen for the 2010 workshop in an attempt to draw FLA clients from the northern and Panhandle sections of the state. Evaluations received from the attendees were mixed regarding the venue (although positive for content), and the decision was made to alternate between Naples and Orlando, with the 2011 workshop returning to the Naples Beach Resort Hotel on July 29-30. The 2010 workshop included presentations on the 12 Step programs, mindfulness, psychopharmacology, bipolar disorder, and a panel discussion on bar admission and discipline.

In October 2010, FLA staff attended the 23rd annual workshop of the ABA Commission on Lawyer Assistance Programs (CoLAP) and the annual convention of International Lawyers in A.A. (ILAA) in Indianapolis, Indiana. The 2011 CoLAP conference will be held on September 13-16 in Tampa, and FLA staff and volunteers have been heavily involved in the planning for the convention. Mr. Cohen continues his membership on the CoLAP Evaluations Committee, as well as on the ABA Standing Committee on Substance Abuse Advisory Committee. Ms. Rushlow was reappointed as a member of the CoLAP Advisory Committee and Life Balance Committee. Mr. Cohen was also appointed to the Board of Directors of the South Florida Behavioral Health Network, the managing entity for DCF substance abuse and mental health programs in Dade and Monroe counties. Dr. Weinstein continued as a member of the board of the Florida Council on Compulsive Gambling.

FLA staff and representatives continued to present both locally and nationally at CLE, bar association, 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)
- All Florida law school orientations
- Various law school professional responsibility and SBA seminars
- Orange County Bar Association, Orlando
- Florida School Board Attorneys Association, Tampa
- Pensacola Bar Association
- Florida International University School of Law Professionalism Panel, Miami
- ABA Environmental and Land Use Section (Webinar)
- Tennessee Lawyers Assistance Program Annual Conference, Nashville
- Association of Legal Administrators National Conference, Orlando
- Kentucky Bar Association Annual Conference, Lexington, KY
- Pinellas County Professionalism Day, Clearwater
- West Publications webinar on Substance Abuse and Lawyer Assistance Programs

The relationship between FLA, the Florida Bar's Legal Division, and the Florida Board of Bar Examiners remains strong, despite some adverse conditions to which all three entities have had to respond. Staff members from the Bar and Bar Examiners attend the FLA Workshop to learn more about the program and meet the clients both agencies deal with. While there are instances where it appears the three agencies may have conflicting missions, there is an ongoing and open dialogue to attempt to balance the respective goals while at the same time serving their different constituents. FLA has always worked to develop mutual respect between the organizations in the belief that such respect will help FLA achieve its primary goal of reaching Florida lawyers, judges, and law students before the effects of a substance abuse or mental health problem cost them their families, careers, or lives.

PERSONNEL

Once again, it is a pleasure to report that there have been no personnel changes to the FLA staff in over six years. Myer J. (Michael) Cohen and Judy Rushlow completed their sixteenth years as FLA's Executive and Assistant Directors, respectively, while Dr. Scott Weinstein finished his fifth year as FLA's full-time Clinical Director. Eleni Uher remains as 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 (Wayne LaRue Smith, Esq., Mark Journey, Esq., and Barry Crown, Ph.D) and two new members (Kathy Kilpatrick, Esq. and Ms. Patricia Fowler) were appointed to three year terms by the Bar's Board of Governors. The FLA Board currently includes eleven lawyers (one of whom is a former Supreme Court Justice), the physician Director of the Professionals Recovery Network (PRN), the Assistant Director of the Florida Council on Compulsive Gambling, 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 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 Bar, the Board of Bar Examiners, the FLA Board of Directors, the law schools, local county bar associations, monitors, volunteers, and the participants themselves. As we do every year, it cannot be repeated enough 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.

July 8, 2011

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