



# 2015 Annual Report

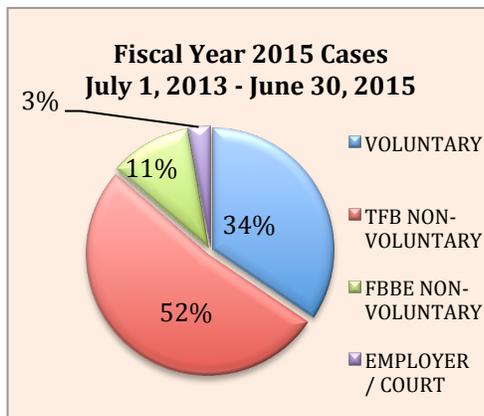
Protecting the Public by Insuring the Health and Integrity of the Legal Profession

# FLORIDA LAWYERS ASSISTANCE, INC. 2015 ANNUAL REPORT

## OPERATIONS & CLIENTS

In its 29<sup>th</sup> year of operation, Florida Lawyers Assistance, Inc. responded to over 500 telephone calls, emails, and messages from impaired attorneys, judges, law students, family members, colleagues, the Florida Bar (TFB), and the Florida Board of Bar Examiners (FBBE). Of these contacts, 184 resulted in new files, bringing the total number of formal cases opened by FLA since its inception to 4,551. The majority of hotline calls are not opened as formal files, but are instead directed to local 12 Step and FLA support meetings, FLA volunteers, or FLA certified mental health care providers. FLA closed the year ending June 30, 2015 with 364 open files, of which 304 represented clients who are currently under an FLA monitoring contract.

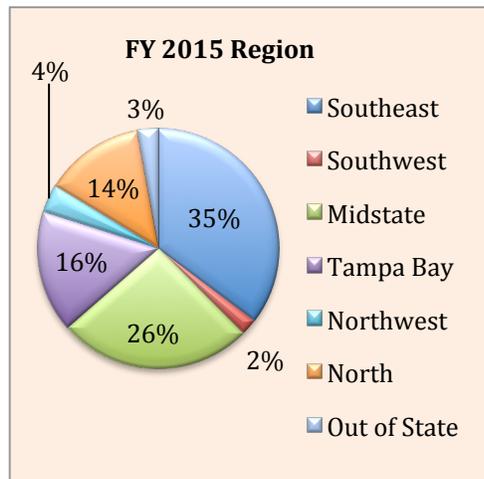
About one-third of the formal cases opened during the past year (35%) were voluntary contacts, while 65% were classified as non-voluntary. This figure is somewhat misleading due to the fact that the Florida Bar has taken the position, supported by FLA, that any attorney arrested for a DUI or controlled substance charge should be evaluated by FLA. Bar mandated evaluations comprised 60% of the non-voluntary files; of these, approximately 20% were recommended for further monitoring or intervention. Likewise, FLA is receiving more referrals directly from the Florida Board of Bar Examiners prior to admission, in order to document rehabilitation during the admission process; these cases represent another 14% of “non-voluntary” cases, and most of these proceed to conditional or unconditional admissions. When these two categories are removed from the “non-voluntary” designation, the ratio of cases is 55% non-voluntary to 45% voluntary. This continues the trend that began several years ago, and departs from the historical distribution of cases in which approximately two-thirds of files opened were voluntary cases. Of the files opened this year, 20% represented psychological or dual disorder cases, while 80% were substance abuse cases. Again, these figures need to be taken in context, as most mental health cases dealing with stress or anxiety are not opened as formal files, but are referred to the local FLA facilitated group or a mental health provider. With reference to hotline calls and emails



actually received, the number of voluntary mental health contacts received is actually higher than the voluntary substance abuse contacts.

Most surveys tracking attorney quality of life and satisfaction continue to indicate a substantial percentage of the profession is suffering negative health effects due to stress associated with the practice of law. As have been seen by other lawyer assistance programs and state bars around the country, FLA recorded three suicides of clients during the year, and which prompted FLA’s Clinical Director to undertake certification as a QPR (Question, Persuade, Refer) suicide counselor. FLA continues to direct clients to the February 2015 law review article on [What Makes Lawyers Happy?](#) by Profs. Lawrence Krieger of FSU School of Law and Kennon Sheldon of the University of Missouri (George Washington L.Rev., Vol. 83, No. 2), which offers some intriguing answers to how lawyers and law students can address the stress and dissatisfaction many are dealing with in the legal profession.

The number of new files opened as pre-admission or conditional admission cases increased to 32%, which may reflect an increasingly cooperative relationship with the Florida Board of Bar Examiners. FLA currently monitors 100 conditional admission files. Together with Board of Bar Examiners, FLA continues its efforts to inform law students and applicants about FLA's existence and the benefits of developing a relationship with FLA as early as possible if their history indicates a prior substance abuse or psychological issue.



FLA continues its relationship with the Florida Bar, providing evaluation and monitoring services in cases where an underlying substance abuse or psychological impairment may have contributed to the misconduct. This year, the percentage of cases opened as disciplinary matters represented 52% of new files, although as noted above, many of these were DUI evaluations performed by the FLA staff or FLA certified health professionals at the request of The Florida Bar, approximately 20% of which were recommended for further monitoring or intervention. In most cases, such recommendations were accepted by the Florida Bar and Supreme Court. In addition to its monitoring services, FLA also participates in many aspects of the Bar's Diversion and Professionalism Enhancement programs, including Stress Management School and Ethics School.

The FLA web site ([www.fla-lap.org](http://www.fla-lap.org)), registered 45,797 hits on the home page. The web site remains FLA's best means of providing information to the public and the bar, as well as delivering information and registration services for the annual workshop, posting news regarding FLA and recovery-related issues, providing information about the FLA staff, and listing the attorney support meetings throughout the state. Other resources on the web site include a calendar of recovery related events in Florida and other states, a comprehensive bibliography and list of resources, self-tests for substance abuse, depression, and cognitive decline, information for law students, printable and online monitor report forms, FLA annual reports, the FLA drug testing policy and other documents, and links to other sites dealing with substance abuse, lawyer assistance programs, and mental health awareness.

FLA continues its partnership with [Affinity Online Solutions](#) as the provider of drug testing services and FLA's client management software (CMS). The CMS allows FLA clients, monitors, and facilitators to electronically file meeting logs and monitor reports, permits messaging between FLA clients, staff, and monitors, and allows real-time oversight and management of the drug testing process. FLA clients' compliance with the daily log-in procedure has been over 90%, and FLA has been able to intervene in a number of cases prior to any client harm resulting from an attorney's relapse or deteriorating mental health condition.

*The Florida Bar Journal* and *The Florida Bar News* remain critical outreach resources for FLA, and once again, a shout-out to *Bar News* Managing Editor Mark Killian and Senior Editor Jan Pudlow is called for. Their publication of articles and ads regarding FLA's services is invaluable, and is largely responsible for the success of FLA's monthly career counseling session, now in its third year. FLA's primary live outreach tools remain the Florida Bar's *Practicing with Professionalism* seminars, which are attended by every newly admitted lawyer in Florida, the FLA annual workshop, and law school presentations, as well as local county bar association meetings. The Florida Supreme Court this year authorized changes to the *Practicing with Professionalism* format, allowing some of the presentations to be done online, which may expand FLA's outreach in this area. Likewise, FLA has utilized Florida Bar video resources ([Mentoring with the Masters](#); [Aging in the Profession](#)), as well as outlets such as Vimeo and YouTube to expand its message.

As noted, FLA's online career counseling program, facilitated by David Behrend, M.Ed., is now in its third year. The meeting is hosted on GoToMeeting.com on the second Wednesday of each month, and is open to the first 25 people to log in. The meeting continues to expand, with a number of Florida lawyers attending from out-of-state, and many participants following up with Mr. Behrend individually. The online meeting continues to provide a valuable, free service for attorneys who are looking for a job, dissatisfied with their current situation, or thinking of leaving the law altogether. Instructions for logging on and joining the meeting are publicized on the FLA web site and through the *Florida Bar News*.

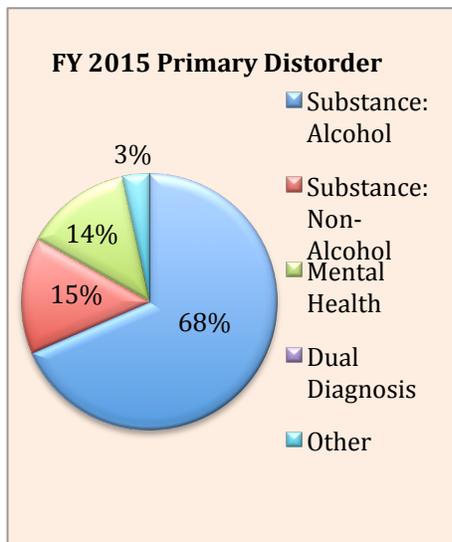
FLA began its initial online attorney support meeting in February 2014, also hosted on the GoToMeeting.com platform. The meeting is open to any Florida lawyer, law student, or judge who does not have a live FLA support meeting in their area, cannot attend the local meeting, or wants an additional meeting. Due to the popularity of the meeting, a second meeting was started this year, facilitated by two FLA volunteers (the original meeting is still facilitated by Michael Cohen). Each meeting generally has 8-10 regular attendees, and have been highly successful. A number of the attendees have communicated with FLA, indicating the meeting represents a valuable component of their recovery program. Instructions for logging in can be obtained by speaking with Michael or Judy at the FLA office.

FLA has maintained its presence on the social networking community with its Facebook page ([Florida Lawyers Assistance](#)) and Twitter account (@flalap), both of which are used to disseminate current information and allow FLA members to communicate with the staff and other FLA members. The FLA staff continues to use Skype and FaceTime to provide monitoring services to clients in areas where monitors either do not exist or are overburdened.

While the use of video resources for meetings and monitoring functions have helped FLA keep pace with increasing responsibilities, the FLA staff in Pompano Beach continues to rely on the selfless efforts of FLA volunteers, who give their time, experience, and knowledge in order to help their colleagues, without whom FLA could not accomplish its mission, and for whom FLA is sincerely grateful. Currently, there are 27 weekly chemical dependency attorney support groups and 9 facilitated mental health groups that are available to any attorney, judge, or law student seeking help or information.

## EDUCATION, PREVENTION & PUBLIC RELATIONS

The cornerstone of FLA's mission has always been a focus on prevention through education of the bench, bar, and law students regarding the various impairments that can affect an attorney's practice and quality of life.



FLA's Executive Director, Michael Cohen, continued serving as a representative to the Bar's Standing Committee on Professionalism, being reappointed to his twelfth year on the committee by Bar President Ramon Abadin. President Abadin also appointed Mr. Cohen to serve as a Vice Chair of the Senior Lawyers Committee, which has undertaken some innovative and successful programs and outreach measures, including a [Senior Lawyers Blog](#) containing a wealth of information. FLA's Clinical Director, Dr. Scott Weinstein, continues to serve on the board of directors of the Florida Council on Compulsive Gambling.

FLA's 28<sup>th</sup> Annual Workshop was again held at the Naples Waldorf-Astoria, in July 2014. The workshop included a panel on the history of FLA and monitoring, and presentations on mindfulness, mood disorders, and spirituality. The banquet speaker was FLA's longest serving director, the recently retired

Hon. Joseph Murphy, who riveted the attendees with his honesty and personally inspiring story. The 2015 workshop will again be at the same venue (now renamed the Naples Grande Resort) on July 31<sup>st</sup> and August 1<sup>st</sup>. This year's theme is "Taking Care of Number One", and will feature presentations on gambling, law practice management as a means of dealing with stress, and the Florida Bar Young Lawyers Division's initiative on health, wellness, and attorney wellbeing. FLA is especially pleased to also have Jennifer Angier, a nationally recognized speaker on spirituality, presenting "The Movement of Grace" as the entire Saturday morning seminar. As has been the practice over the past several years, staff and board members from the Florida Bar and Board of Bar Examiners will be attending the workshop, and Bar President Abadin has expressed his strong desire to address the attendees in person (if his schedule allows) or by video. FLA strongly believes that facilitating contact between Bar staff, Board of Bar Examiner members, and FLA clients is one of the most effective means of allowing all parties to understand the functions of the others, and permits the disciplinary and admissions agencies to actually see some of the "success stories" they have helped create.

In October 2014, FLA staff attended the 27<sup>th</sup> annual workshop of the ABA Commission on Lawyer Assistance Programs (CoLAP) and the annual convention of International Lawyers in A.A. (ILAA) in Nashville, Tennessee, and will be attending the 2015 conferences in Albuquerque, New Mexico. Mr. Cohen continues to serve as the Co-Chair of the CoLAP Evaluations Committee, as well as a director of the South Florida Behavioral Health Network, the managing entity for DCF adult substance abuse and mental health programs in Dade and Monroe counties. Ms. Rushlow continues to serve on the CoLAP Senior Lawyers Committee and Life Balance Committee.

At the Florida Bar Annual Conference in June 2015, Mr. Cohen was privileged to attend a unique "summit" meeting convened by Florida Supreme Court Chief Justice Jorge Labara, Florida Bar Immediate Past President Greg Coleman, and President Ramon Abadin. The summit was attended by all Florida Supreme Court Justices, the deans of seven of Florida's law schools, the Executive Director and members of the Board of Governors of the Florida Bar, the Executive Director, General Counsel, and members of the Board of Bar Examiners, and several experts in the area of current law practice and the future of the profession. The summit was called at the urging of President Abadin, whose year-long mission is to raise awareness within the profession to the profound changes that are taking place around the country in technology, marketing, bar admission procedures, and bar discipline that will have a critical effect on the legal profession over the next five to ten years. Discussions included review of portions of the Bar's "Vision 2016" project, the possibility of Florida adopting the Uniform Bar Exam or, if not, modifying the current bar exam, implementation of a mandatory CLE requirement in technology, and conveying to law students the necessity of addressing past or current psychological or substance abuse issues in law school and the admission process. The discussions were spirited and productive, and as Past President Coleman stated, the diversity, scope, and experience of the parties gathered around the table were "truly unprecedented".

FLA staff and representatives presented at CLE, bar association, and law school seminars regarding impairment in the legal community and the role of FLA in addressing those issues. This year, these presentations included:

- The Florida Bar *Practicing with Professionalism* seminars (various locations)
- The Florida Bar Ethics School (various locations)
- The Florida Bar Stress Management School (various locations)
- Florida law school orientations and classes
- American Immigration Lawyers Association podcast
- University of Miami School of Law Professionalism Dinner
- Federal Public Defenders Seminar, Orlando
- Connecting to Disconnect (Aging), Florida Bar Midyear Conference, Orlando
- Lakeland County Bar Association seminar

The relationship between FLA and the Florida Bar remains stronger than ever, and the Bar remains a valued partner in FLA's efforts to reach impaired attorneys. Florida Bar Immediate Past President, Greg Coleman, and current President, Ramon Abadin, have both shown through word and deed their support of FLA's mission to an extent not seen over the past 20 years. Likewise, the relationship between FLA and the Florida Board of Bar Examiners has improved dramatically after a number of years when that relationship was somewhat strained. As noted, members from the Board and Bar (and this year, possibly President Abadin) will attend the FLA Workshop to learn more about the program and meet the clients with whom both agencies deal. The relationship between FLA, the Bar, and the Board, as well as the Florida Supreme Court, has been cited as a national model of how a lawyer assistance program can work with other stakeholders in achieving the goal of reaching lawyers, judges, and law students before the effects of a substance abuse, mental health, or cognitive decline problem harms their clients, or costs them their families, careers, licenses, or lives. FLA also continues its participation with the Florida Professionals Recovery Network (PRN) and Impaired Program for Nurses (IPN) at a joint annual conference at Amelia Island each Fall.

## **FINANCIAL**

As has remained consistent for a number of years, approximately one-third 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 and by the Lawyer Regulation Department of The Florida Bar, income derived from the FLA annual workshop, and interest income. 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 FLA operating funds is received as an allocation from The Florida Bar. By using its volunteer network and online networking tools, FLA is able to maximize its effectiveness, providing its services at one of the lowest per member costs among states with large lawyer populations.

As was the case last year, overall expenses for fiscal year 2015 slightly exceeded income. The increased expenditures were primarily associated with higher healthcare costs. In addition, travel expenses due to unanticipated airfare increases, and a small loss from the annual workshop due to FLA underwriting a number of scholarships contributed to the deficit. As it has done historically, the Florida Bar indicated its support of FLA, both publicly and financially, by approving FLA's fiscal year 2016 budget request, which takes into account increasing health care costs as, unfortunately, the FLA staff ages along with the rest of the profession! The Bar's support to its members dealing with mental health and substance abuse problems remains steadfast, and the FLA staff makes every effort to express its appreciation for that support whenever possible.

## **PERSONNEL**

Executive Director Myer J. (Michael) Cohen celebrated his twenty-first anniversary as an FLA staff member, Judy Rushlow completed her twentieth year as FLA's Assistant Director, and Dr. Scott Weinstein finished his eleventh year as FLA's Clinical Director. Eleni Uher remains FLA's Office Manager, Dawn Withrow manages drug testing services, and serves as FLA's Financial Affairs Administrator ("drugs and money"), and Lynn Andreozzi is that voice you hear on the other end of the phone.

Three of the five incumbent FLA directors whose terms expired on June 30, 2015 (Allen Von Spiegelfeld, Esq., Barbara Williams, Esq., and William Sansone, Esq.) were reappointed and two new directors, Nanette Olson, Esq. from Pompano Beach, and Matthew Linde, Esq. from Ft. Myers were appointed to three year terms by the Bar's Board of Governors. Due to the retirement of Kathi Lee Kilpatrick, Esq. from the board, Matthew Gissen, Esq. was appointed by the board to complete her term. The FLA Board currently includes eleven lawyers, the former Director of the Professionals Recovery Network (PRN), the Executive Director of the Florida Council on Compulsive Gambling, a clinical social

worker, and a psychologist. The Board's dedication to FLA's mission has been and continues to be unwavering and inspiring.

FLA remains at its offices in Pompano Beach, and continues to provide a "dog friendly" atmosphere for our canine staff members, Pika and Maya (pictures on request).

## SUMMARY

The FLA staff, the Board of Directors, and FLA's dedicated volunteers, continue to provide support, assistance, and educational services to legal professionals throughout Florida, while looking for new ways to serve the profession. With the support received from the Florida Supreme Court, the Florida Bar, the Board of Bar Examiners, the law schools, local county bar associations, monitors, volunteers, and the participants themselves, we continue our belief that FLA can serve both our voluntary clients and those for whom we provide monitoring services diligently and well. As we do every year, it cannot be repeated often 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 providing assistance to every legal professional who seeks it, hopefully fulfilling one of our mandates of "Protecting the Public by Insuring the Health and Integrity of the Legal Profession". As always, 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 15, 2015

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