

Inside...

Investing in the Future
of the Law
page 1

What is MCR 9.114?
page 2

Judge Cahalan
Remembered
page 2

LJAP Voluntary
Monitoring Program
Testimonial
page 3

Call for Volunteers
page 4

Investing in the Future of the Law

Martha D. Burkett, MPA, MA, LLPC, NCC, CAAC

I love my job. As an Assistant Program Administrator of the Lawyers and Judges Assistance Program (LJAP), my days are rich and varied. Along with my colleagues, I field phone calls, answer questions, meet with attorneys, law students, and the occasional staff member of the state bar, work on projects that support and develop LJAP, and perform various outreach activities. I do this in a beautiful building, surrounded by smart, industrious people, and flanked by divisions of the State Bar that not only possess remarkable and diverse expertise, but that are collectively dedicated to creating an outstanding professional culture in support of bar membership, state wide. I get this opportunity because the State Bar of Michigan values its membership enough to provide wellness information, education, and support not only for current members, but for future members of the bar as well.

I am not a lawyer. I am a clinician. Many clinicians who I meet wonder aloud why I love to work with lawyers, and I tell them that I enjoy working with bright, articulate people who are passionate about what they do, and who wish to make a difference in the world... and it is true. I enjoy the challenge and stimulation, which is characteristic of the work that I do not only with lawyers, but with law students, as well.

On my way to becoming a master's level clinician, I took a detour and earned a Master's Degree in Public Administration. I found the most interesting parts of that program of study to be those parts that pertained to organizational theory and design, and especially about *professional culture*.

When I came to the State Bar after many years of working as a front line clinician, the professional culture intrigued me! I was fascinated to learn about the rules, norms, and expectations that define the legal profession. Soon, I was able to identify law schools as microcosms of the greater culture. This paradigm continues to be useful to me in the work that I do because it not only enables me to empathize with the members of those respective cultures, but because it helps me to understand what motivates individuals, and to assist them toward greater wellness with acknowledgement given to the contextual framework in which their lives exist.

For students with whom LJAP interfaces, learning that they are fully immersed in a subculture which is designed to indoctrinate them into the greater legal professional culture can be useful in terms of developing coping strategies to help them succeed in their current environment and eventually to thrive in the legal profession.

Most attorneys, when queried, will exclaim in animated tones about the tribulations endured within their own law school experiences. I have not met even one who did not express that they experienced a sense of great relief upon completion. Several attorneys with whom I have spoken even describe the law school experience as traumatic.

There have been numerous studies done indicating that law school causes an increase in depressive and other mental health related symptoms in participants. In one such study, Sheldon and Krieger (2004) concluded from their study entitled; "Understanding the negative Effects of Legal Education on Law Students: A longitudinal test of Self Determination Theory," that law school experiences "... undermine students' sense of identity and confidence, and create cynicism" and that "...law students experience precipitous declines in their mental health during their first year...."

Anecdotally, I can say that many of the students who present to our program are feeling overwhelmed and isolated in their respective school experiences. They also report that they are honored to be involved in the educational process and excited about their futures as attorneys. LJAP is pleased to do what it can to support their strengths and to facilitate their successes.

The ways that LJAP is able to support these students are manifold: for some, information is sufficient. For others, short-term support and/or counseling is effective. Some benefit best from referrals to outside resources. In those situations where it is clear that previous or current difficulties may interfere with a student's ability to weather potential scrutiny by the Standing Committee on Character and Fitness, becoming involved with the accountability and support that is best afforded by a formal monitoring contract may be suggested.

I am pleased to say that LJAP has presented to students in all of the Michigan Law Schools, and that LJAP is now on the orientation schedules at Cooley Law School, MSU, U of M, and Ave Maria, and we are actively working to secure orientation time at remaining law schools. We are proud to be a part of a State Bar that is willing to invest in the future of the law by supporting students

What is MCR 9.114?

Where a lawyer who is investigated for professional misconduct is struggling with a substance abuse, what can be done through the attorney discipline system to address that issue, which may very well be what's driving the behavior under scrutiny?

Since 1995, the concept of "contractual probation" has been one tool available to the Attorney Grievance Commission when a lawyer is believed to have engaged in minor misconduct that is significantly related to a substance abuse problem and probation is in the best interests of the public, the courts, the legal profession, and the lawyer.

MCR 9.114(B) permits a lawyer to consent to a period of probation for a prescribed period of time not to exceed two years. Contractual probation is confidential and does not constitute discipline.

In the twelve years since enactment of this provision, the State Bar of Michigan Lawyers and Judges Assistance Program has been instrumental in assisting Michigan lawyers navigate contractual probation under MCR 9.114(B). Every attorney referred by the Attorney Grievance Commission to LJAP has an opportunity to address what may be the underlying cause of misconduct. For many, what they learn during the course of the contractual probation is life-changing.

For more information about how contractual probation works, you can contact the State Bar of Michigan Lawyers and Judges Assistance Program at 1-800-996-5522. All inquiries are handled confidentially.

Judge Cahalan Remembered

Judge William Leo Cahalan, who served the citizens of Wayne County's 33rd Circuit Court for 32 years and who was a beloved member of the State Bar's Lawyers and Judges Assistance Committee for many years, died on January 31, 2007, leaving his wife, Valina, four children and six grandchildren.

Judge Cahalan is shown here receiving the 2006 Michael Franck Award at the State Bar of Michigan's Annual Meeting held in Ypsilanti on September 14, 2006. Presenting the award was Representative Assembly Chairperson Lori Buiteweg.

Judge Cahalan will be greatly missed by all who knew him. He was a man of boundless compassion for others.



The following is an anonymous testimonial submitted by a former law student who participated in LJAP's voluntary monitoring program, who is now successfully practicing law.

I had no idea that I had a problem with alcohol. The thought simply never occurred to me. As an undergraduate I was arrested several times for underage drinking, but I rationalized it because I got good grades and I even got up in the morning to go to class while my friends were sleeping through theirs. If someone were to have asked me whether or not I had a problem with alcohol, I probably would have replied: "Yeah, my problem is that I get caught all the time."

Then I found myself in law school. I wasn't drinking during the week, but during the weekend I made sure to make up for it. Then I got arrested for a drunk driving offense. I woke up in jail feeling emotionally bankrupt. I had put everything in jeopardy. My first reaction was anger: "How could I have been so stupid?" Then came the shame; it was clear that I would be living with the consequences of my actions for years to come. I was sure there was no hope of being admitted to the Bar. I thought of all those tuition dollars wasted. Then I made a decision – the most important decision I would ever make. I decided that if I wanted to realize my hopes and dreams of becoming a lawyer, I would have to do it without alcohol.

At first, the thought of never drinking again was scary. Fortunately, when I came back to finish my third year of law school, I found some new friends who helped me learn to take it "one day at a time." I began going to meetings of Alcoholics Anonymous. Not everyone's story was just like mine, but all of us had one thing in common: alcohol had driven each one of us to a point that we just didn't want to return to.

I soon found that the trick to staying sober is making sure you're not alone. During one of my law school ethics classes, I watched a presentation about the State Bar of Michigan Lawyers and Judges Assistance Program (LJAP). I went to sign up and spoke with Martha Burkett and told her my story. I remember how relieved I felt because she was genuinely interested in helping me. She came up with a treatment plan – a voluntary Monitoring Agreement with the State Bar – that would supplement what I was doing in A.A. Among other things, the Monitoring Agreement involved individual and group substance abuse counseling, being tested regularly for drugs and alcohol and meeting with an attorney monitor. Most importantly, it allowed me to prove to myself and to the State Bar that I was serious about sobriety. A year later, my life had changed completely. I was part of a larger community of people who cared about me and supported me. I made lasting friendships. Unbeknownst to me, my thinking had changed completely. I developed closer relationships with my friends and my family. And yes ... I eventually got admitted to practice law. I've now been sober for over four and a half years. I know that without my sobriety, everything that took me so long to achieve will disappear in an instant. I don't regret my past because without it, I wouldn't be who I am today. LJAP helped me to learn from my past and this is something that I continue to do every day.

NEVER ENOUGH: A Workshop on Compulsive Gambling

**Presented by
MICHAEL BURKE**

On April 10, 1977, Michael entered Brighton Hospital to address his disease of alcoholism...and he's been sober ever since. In his 25 years as a practicing attorney, Michael worked primarily with alcoholics and served on Brighton Hospital's Board of Directors. However, in 2001 he was sentenced to three to ten years in Jackson prison as a result of embezzling money from his clients' accounts to feed his gambling addiction. Michael now lectures at Brighton Hospital and has spoken across the state on compulsive gambling.

**May 10, 2007
7–9 p.m.
Brighton Hospital
12851 East Grand River, Brighton, MI**

**Donations will be accepted on behalf of the Brighton Hospital Extended Care Fund.
Two CAC credits will be given.**

Please RSVP by calling 810-877-0905

The State Bar of Michigan Lawyers and Judges Assistance Program Needs YOU, and YOU, and YOU!

One of the most valuable features offered by LJAP is our ability to afford members of the Bar who are struggling with mental health and/or substance use disorders access to the peer support that is available through our Volunteer Recovery Network....

At this time, the numbers of people who access our LJAP program are growing by leaps and bounds, and in response to this growth, we are in need of even more lawyers, judges, and law students who are interested in offering peer support for their fellows. We are especially in need of female volunteers. If you are a "friend of Bill W" that is great! If you meet our criteria, we can definitely use your help, but even if you're not a "friend of Bill W", that's ok too. We try to match program participants by geography, personality, and other specifications, and we will never ask you to perform volunteer duties outside of your personal comfort zone.

Volunteers act in a number of capacities. Sometimes it is as simple as having a phone conversation or email correspondence with an individual who has specific questions or needs some support-not all support relationships are ongoing.

Sometimes sharing a cup of coffee or attending a support meeting is just the ticket to help someone get started in the right direction.

In other instances, our volunteers enter into a more formalized role as a peer monitor, which is an integral part of our formalized monitoring program. YOU can decide what works best for you.....

One of the great strengths of the legal culture is its collegial nature. If you are person who has ever experienced personal and/or professional setbacks stemming from a substance use disorder or other emotional or mental distress, you know how isolating it can be. If you are actively recovering from such a setback, you know just how vital it is to have the support of someone who really 'gets' you, and knows how to help you get and stay on track...

For more information about acting as an LJAP volunteer, please contact Janie Cripe at (517) 346-6348 jcripe@mail.michbar.org

Standing Committee on Lawyers & Judges Assistance 2006-2007

Jurisdiction: Shall concern itself with the formulation and administration of programs to render assistance to lawyers and judges faced with personal and professional problems.

Chair

Leroy C. Gough
Lee C. Gough & Associates, PC
8163 Grand River Road, Suite 100
Brighton, MI 48114-9482
Phone: (810) 227-1220

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James J. Zimmer, Flint

JANIE CRIFE
administrative assistant
(517) 346-6348
jcripe@mail.michbar.org

HESTA WALLER-RANDOLPH
assistant program administrator
(517) 346-6336
hrandolph@mail.michbar.org

MARTHA BURKETT
assistant program administrator
(517) 346-6337
mburkett@mail.michbar.org

WILLIAM E. LIVINGSTON
assistant program administrator
(517) 346-6306
blivingston@mail.michbar.org

306 TOWNSEND ST., LANSING, MI 48933-2083

STATE BAR OF MICHIGAN
Lawyers & Judges ASSISTANCE PROGRAM

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