

Lawyers' and Judges' Assistance in Michigan—LJAP

We're Here to Help

In all walks of life, it seems there are times when life simply overwhelms us. This condition can find form in a myriad of different situations and circumstances, which may then serve as a backdrop for the manifestation of an equally diverse set of feelings, emotions, and behaviors. The key to all of this lies in a question that we must all ask ourselves at these times: "How well equipped am I to deal with this right now and what coping mechanisms can I employ?" The answer to this question will likely be different for everyone. Many of us have been able to balance our lives. Balance equates to our conscious ability to incorporate appropriate coping mechanisms, healthy outlets, perspective exercises, and the like. The problem arises when our lives become so hectic that we abandon the relatively minor efforts that balance requires to accommodate the demands on us. For many, it is at this juncture that some level of deterioration ensues. This deterioration ultimately finds form in one's quality of life.

Typically, when I am talking to attorneys who are dealing with stress, anxiety, or depression (or all of the above), I will ask about the types of activities they engage in as an outlet for stress. Almost without fail, their response articulates some past interest, perhaps writing, music, carpentry, painting, or sports, that has been abandoned due to the demands of life and vocation. The most notable moments during these conversations are when the individuals begin discussing their past activities. There is invariably a detectable change in the tone of voice and a shift from a distinctly depressed delivery of information to participation in a spirited exchange. There is a distinct and appropriate emotional component contained in this spirited exchange because the individual is recalling right-brain activities. Although the *study* of law is largely a right-brain activity, much of

the *practice* of law requires lawyers to spend an inordinate amount of time engaging in left-brained activity. Given the amount of time devoted to vocation, the response to life in general dictated by cognitive propensity, and an objective inclination fostered by way of law school training, lawyers spend an inordinate amount of time in left-brain process. If we think of the brain as a muscle, it needs to be exercised. When referencing balance, here, too, benefit is to be derived through appropriate balance, e.g., left- vs. right-brain activities or, if you will, work vs. play.

What is Lawyers' Assistance?

The Lawyers and Judges Assistance Program (LJAP) offered through the State Bar of Michigan is staffed by uniquely qualified and trained clinicians who specialize in specific issues having to do with attorney impairment. Attorney impairment references the diminished capacity of an attorney, judge, or law student brought about by the distinct emotional challenges one encounters within the legal culture itself. All contacts with this program are held in the strictest of confidence. Federal guidelines of confidentiality are referenced in all client interactions. The LJAP staff possesses the requisite clinical insight and experience to identify, assess, and assist the legal professional in mapping out a clinical course of action that is appropriate to the circumstance and mindful of the complexities associated with this specific cultural group. It is our contention, our belief, and our collective experience that, unless the clin-

ician has a thorough understanding of the culture he or she is administering services to, the effectiveness of those services is greatly limited. It is the LJAP staff's individual and collective experience working with members of the legal community that distinguishes us from many clinical settings. Contacting the program is as easy as picking up your phone and dialing our toll-free, dedicated line at (800) 996-5522. Each call is addressed by one of our staff, who will appropriately assess the caller's most immediate need. When necessary, the caller is redirected to appropriate resources. Many calls are followed by the scheduling of an appointment so that our staff can engage in a more in-depth consultation, which will dictate the appropriate next course of action.

Is There a Need for This Specialized Approach?

For many years, lawyers have been a favorite subject of study among those researching quality-of-life issues such as substance dependence, stress, anxiety, and depression. What the research tells us is that, when referencing the emotional fallout and the form it finds, the legal culture gets more than its share. Rates of chemical dependence, specifically alcoholism, among lawyers is said to be as much as 15–18 percent, which is nearly twice the average rates in the general population. When we look at researched rates of depression in the legal profession, lawyers don't fare much better. A 1996 sample of Washington attorneys reported a rate of depression of

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23.4 percent. Several studies preceding this, most notably Arizona (1986) and North Carolina (1991), found comparable rates of depression of 20 percent or more. An adjunct to the 1991 North Carolina study indicated that as many as 11 percent of these attorneys contemplated suicide at least once a month.¹

Attorneys in Trouble

A recent article in the *ABA Journal* indicates:

Substance abuse is often at the heart of malpractice claims and disciplinary proceedings against lawyers. If not successfully treated, it can lead to professional and personal disasters including disbarment, criminal charges, family breakups, and potentially lethal medical or psychiatric illnesses.²

In the last seven years, LJAP has interacted with the Attorney Grievance Commission (AGC) and the Attorney Discipline Board (ADB). Many of the attorneys whose "impairment" is alcoholism, drug addiction, depression, or gambling have been identified by these organizations as possessing treatable conditions. In such instances, the individuals are presented the option of addressing these underlying conditions by a referral from the AGC or ADB to LJAP for a defined period of time. Lawyers who cooperate and participate in this process have the opportunity to address and arrest the underlying destructive behaviors and hopefully avert future grievances.

To a large degree, this has been quite successful. A counterpart program in Oregon, the Oregon Attorney Assistance Program, studied the effectiveness of using these types of approaches with attorneys in trouble, specifically those attorneys caught up in the mire of active alcoholism.

The Oregon study involved 55 Oregon attorneys all in recovery from active alcoholism. The 55 subjects were in private practice for five years before their sobriety date and five years after that date. The first portion of the study examined the incidence of malpractice claims for that 10-year period, while the second portion looked at discipline complaints.

During the five years before sobriety, these lawyers had 83 malpractice claims filed

against them, contrasted to 21 claims in the five years after sobriety ensued. This represents a 30 percent annual malpractice claim rate before sobriety and an 8 percent rate after sobriety.

The same lawyers had 76 discipline complaints during the five years before sobriety and 20 discipline complaints during the five years after sobriety ensued. This represents a 28 percent annual discipline complaint rate before sobriety and a 7 percent discipline complaint rate afterwards. These statistics show that malpractice and discipline complaint rates for lawyers before recovery are nearly four times greater than those in recovery.

Lawyers in recovery also have lower malpractice and discipline rates than the general population of lawyers. In Oregon, the current

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annual malpractice claim rate for lawyers in private practice is 13.5 percent, compared to 8 percent for lawyers in recovery. The current annual discipline complaint rate for Oregon lawyers is 9 percent compared to 7 percent for lawyers in recovery. Unique to the Oregon program is its funding source. The Oregon Attorney Assistance Program is funded by the Professional Liability Fund (PLF) for all Oregon lawyers. Here, the message would appear quite plain. The PLF recognizes that the lawyers' assistance approach provides a long-term benefit that justifies its cost.

Law Students

LJAP currently makes presentations about its programs and services to matriculating law students at five of the six law schools in Michigan. As a direct result of these presentations, there has been a dramatic increase in the numbers of law students using the program's services since 1999. Many times, law students are seeking healthy means for coping with the newfound stres-

sors that go along with their immersion into the legal culture. Beyond presentations, work has been directed toward the preparation of messages deliverable by website, brochures, and print media to enhance law students' awareness about how to appropriately deal with stress.

Numerous research studies on law students ranging from the 1950s to the present have highlighted the impact of the stress of law school on the lawyers of tomorrow. A 2004 study found that the overall well-being of law students at the University of Florida underwent significant negative changes in the first year of law school. These measures were then applied in the subsequent second and third years of the law school experience. At no time during this study did the levels of well-being return to the relatively well-adjusted levels seen upon admission into the legal culture.³ This shift in perspective developed during the law school experience likely follows many of these individuals into the practice of law. In a 1994 report, the American Association of Law Schools came to the conclusion that law students tend to begin depending on alcohol more frequently as the law school experience unfolds. A 1997 survey found that a third of the law students surveyed found drinking cohorts among their professors.⁴ To the extent that this occurs, the students receive an inappropriate message as it relates to an appropriate means of blowing off steam.

Additional Services

Some of the additional services provided by LJAP are proactive measures that can be helpful in addressing issues other than addiction and depression. The staff is available for presentations on issues ranging from simple stress management to life adjustment issues. Presentations for local bar associations, the Young Lawyers Section of the State Bar, and the State Bar of Michigan's annual meetings represent just a few of the venues in which the staff regularly interacts with Michigan attorneys in presenting timely information. Twice yearly LJAP publishes for dissemination to bar membership its newsletter, *Turning Point*, which provides a compilation of information that has some application to all attorneys.

Lawyers and Judges Alcoholics Anonymous and Narcotics Anonymous MEETING DIRECTORY

The following list of meetings reflects the latest information about lawyers and judges AA and NA meetings. Those meetings marked with "*" are meetings that have been designated for lawyers, judges, and law students only. All other meetings are attended primarily by lawyers, judges, and law students, but also are attended by others seeking recovery. In addition, we have listed "Suggested Meetings," which others in recovery have recommended as being good meetings for those in the legal profession.

Alcoholics Anonymous Meetings

*Monday 12:00 PM

St. Joseph Hospital East
Bailey Room A, Parkview and North Streets
Mt. Clemens

*Monday 12:30 PM

Detroit Metropolitan Bar Association
645 Griswold
3550 Penobscot Bldg., 13th Floor
Smart Detroit Global Board Room 2
Detroit

*Monday 7:00 PM

St. Paul of the Cross
23333 Schoolcraft Rd. (I-96 south service drive, just east of Telegraph Rd.)
Detroit
(Lawyers/Judges AA meeting and NA meeting also held concurrently)

Tuesday 7:00 AM

Antioch Lutheran Church
33360 W. 13 Mile
(Corner of 13 Mile and Farmington Rd., use back/north entrance, basement)
Farmington Hills

*Wednesday 12:00 PM

First Presbyterian Church
2nd Level, Room 209, 321 W. South St.
Kalamazoo

Wednesday 12:00 PM

Tourville-West Apartment Complex
300 Meeske St.
Marquette

*Wednesday 6:00 PM

Kirk In The Hills Presbyterian Church
1340 W. Long Lake Rd. (½ mile west of Telegraph)
Bloomfield Hills

Wednesday 6:00 PM

Unitarian Church
2474 S. Ballenger Rd., 1st Level
Flint

*Wednesday 7:00 PM

WEMAC
3001 Fuller Ave. NE
Grand Rapids

*Thursday 4:00 PM

Al-Anon of Berrien County
4162 Red Arrow Highway
Stevensville

*Thursday 7:00 PM

Central Methodist Church, 2nd Floor
(Corner of Capitol and Ottawa Streets)
Lansing

*Friday 12:00 PM

Detroit Metropolitan Bar Association
645 Griswold
1300 Penobscot Bldg., 13th Floor
Smart Detroit Global Board Room 5
Detroit

Narcotics Anonymous Meetings

*Monday 7:00 PM

Prince of Peace Lutheran Church
19100 Ford Rd.
(Just west of Southfield Freeway)
Dearborn

(Women Lawyers/Judges AA meeting and AA meeting also held concurrently)

Friday 6:00 PM

Pilgrim Congregational Church
3061 N. Adams Rd.
Bloomfield Hills

Suggested Meetings

Monday 7:00 PM

Women Lawyers/Judges AA Meeting
Prince of Peace Lutheran Church
19100 Ford Rd.
(Just west of Southfield Freeway)
Dearborn
(NA and AA meetings also held concurrently)

Tuesday 6:00 PM

St. Aloysius Community Ctr.
1209 Washington Blvd.
Detroit

Wednesday 12:00 PM

Cooley Law School
Cambell Room (Basement)
217 S. Capitol
Lansing

Wednesday 6:00 PM

Detroit City County Bldg.
2 Woodward Ave.
3rd Floor, Rm. 301
Detroit

Thursday 5:30 PM

Professional Women's Group
Brighton Hospital Rm. 35
12851 E. Grand River
Brighton

Thursday 8:00 PM (also Sunday 8:00 PM)

Manresa Stag
1390 Quarton Rd.
Bloomfield Hills

Friday 8:00 PM

Rochester Presbyterian Church
1385 S. Adams (South of Avon Rd.)
Rochester

For other AA or NA meetings, see listings in your local phone book or call:

Lawyers and Judges Assistance Program
1-800-996-5522

Conclusion

Research suggests there are three major issues facing the legal profession today: de-professionalism, low public opinion, and lawyer distress. Paradoxically, lawyer distress is simultaneously the most researched and the least understood or accepted among the legal community generally.

A common response to being confronted with the statistics on lawyers and impairment issues is asserting that "these types of problems are true of many professions, not just the legal profession." One reply to that reaction might be, "Does it really matter, when facing the problem, what the comparative statistics are?" More to the point, research suggests that in fact the legal profession does have a more pronounced incidence of impairment than most of the other professions.

If you feel you are in need of assistance or know someone who is in need, please contact the Lawyers and Judges Assistance Program confidentially at (800) 996-5522. ♦



Bill Livingston has been with the State Bar of Michigan coordinating the Lawyers and Judges Assistance Program (LJAP) since 1999. Before joining the State Bar, Livingston worked with members of other select professions,

most notably police officers and health care professionals. He can be reached in Lansing at (517) 346-6306. For more information about LJAP, visit <http://www.michbar.org/generalinfo/ljap/> or call our confidential help line at (800) 996-5522.

FOOTNOTES:

1. Daicoff, Susan S., *Lawyer Know Thyself: A Psychological Analysis of Personality Strengths and Weaknesses* (Washington, DC: American Psychological Association, 2004).
2. Smith, William C., *Pass the bar, flunk rehab*, 89 ABA J 18 (2003).
3. Sheldon & Krieger, *Does Legal Education Have Undermining Effects on Law Students? Evaluating Changes in Motivation, Values, and Well-Being*, 22 Behav Sci Law 261-286 (2004).
4. Daicoff, supra.