

# What Ails Thee?

**The Lawyers and Judges Assistance Program provides a helping hand to impaired attorneys**

BY NASEEM STECKER

**A**ttorney Paul Gilleran has been very forthright about his past problems with depression—he writes articles and a column for papers in the Detroit area, offering advice, words of wisdom, and encouragement gained from a long-time battle with the disease. He refers to those as the lost years of his life.

“I was very disappointed at what I thought was just my job, but I think it was my life. I just knew that something wasn’t right, but I couldn’t put my finger on it. The problem with depression is that you’re able to do the work for other people, but you can’t do a darn thing for yourself. You just can’t see, and you’re blinded by your own weakness . . . You’re unable to deal with your own personal life even though on the surface you seem to be functioning quite nicely in your profession. In other words, you show up everyday, you go to work. The nicest thing someone could have said to me was ‘you seem to be in a fog.’ I think if somebody had said that to me, I would have woken up.”

He did wake up—about 17 years ago when he sought the help of a therapist who diagnosed his problem and put him on an exercise regimen that helped his misery evaporate slowly but certainly. Gilleran was on medication for only six months. Since his recovery, he has been trying to educate other lawyers about depression because those in the legal profession are prone to it. As he puts it, “lawyers are by nature trained to question everything including themselves, and we become our own worst enemies. We create a negative feeling because we always want to reach for perfection and it’s not possible. You just can’t make it—it’s not physically, mentally, or emotionally possible to be a perfect human and so we beat ourselves up as lawyers by saying ‘oh we lost this case or it’s our fault, we did this wrong.’”

An often-quoted Johns Hopkins University study measured the prevalence of Major Depressive Disorder within a number of occupations and found that of 28 occupations compared statistically, lawyers were most likely to suffer from depression and 3.6 times more likely than average to do so. Studies also show that one of the leading causes of premature death in the legal profession is suicide. Lawyers also suffer unusually high rates of substance abuse and a variety of mental and physical problems (see sidebar).

Paul Gilleran chooses to reach people through the written word and occasionally meets dysfunctional attorneys face-to-face to talk things over. Other attorneys recovering from chemical dependency help by joining a volunteer recovery network. This network has more than one hundred members who make themselves consistently available at a moment’s notice to assist others. The network is run by the State Bar’s Lawyers and Judges Assistance Program (LJAP)—a service that helps individuals and their families deal with addictive disorders, as well as a host of other psychological problems, in a highly confidential environment. This service, provided free of charge to law students, attorneys, and judges throughout Michigan has been in existence since 1979 and has the distinction of being one of the oldest such programs in the country.

William Livingston, a psychologist and certified addiction specialist is the program administrator for the LJAP, which is based in

Lansing. He travels all over Michigan, chalking up thousands of miles to provide confidential consultation, assessment, and referral to the appropriate help resource. Livingston stresses that client confidentiality is protected under the Michigan Rules of Professional Conduct, Rule 8.3 (c). The main purpose of this rule is to encourage lawyers who need help to seek that help.

“The majority of what we see is alcohol addiction but that landscape is changing. What we’ve been trying to do for the past three years has been to broaden that horizon and to say to people, yes we do that, we do it very well—we have for the past 20 years but what we also do is to address other issues that can bring about attorney impairment like depression, adult attention deficit disorder, as well as sexual, Internet, and gambling addictions,” Livingston said.

Preliminary 2000–2001 statistics from the Lawyers and Judges Assistance Program show that calls for help increased 21 percent over the previous year. From this data, Livingston discerned a number of trends: more women attorneys are seeking help, mental health issues are on the rise, and new types of impairment like addictions relating to the Internet and gambling are also increasing.

Many underlying causes have been attributed to attorney impairment. These include dramatic changes in the profession, fierce competition in a marketplace with too many lawyers, long hours, and unrealistic often, unobtainable demands that are placed on

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## A Look at the Numbers

- ◆ “Reports estimate that while 10 percent of the general population have problems with alcohol abuse, anywhere from 15–18 percent of the lawyer population battles the same problem.”  
— ABA Commission on Lawyers Assistance Programs
- ◆ “A Johns Hopkins University study measured the prevalence of Major Depressive Disorder within a number of occupations and found that of 28 occupations compared statistically, lawyers were most likely to suffer from depression and 3.6 times more likely than average to do so.” We know there to be a direct relationship between alcoholism and depression.  
— “Occupations and the prevalence of major depressive disorders,” *Journal of Occupational Medicine* 32 (1990).
- ◆ “It is estimated that 40–75 percent of the disciplinary actions taken against lawyers involve practitioners who are chemically dependent or mentally ill.”  
— ABA Commission on Impaired Attorneys (1991)
- ◆ In Michigan, preliminary 2000–2001 statistics from the Lawyers and Judges Assistance Program show that calls for help increased 21 percent over the previous year. Seventy percent of those seeking help were men, 30 percent women. About 43 percent of the clients sought help for alcohol addiction; 27 percent for mental/emotional problems (bi-polar, adult attention deficit disorder, depression, and relationship problems); 3.5 percent for gambling addiction; 3 percent for sexual addiction; and 2.3 percent for work-related conflict and performance issues.

The Lawyers and Judges Assistance Program

24-hour toll-free help line: (800) 996-5522. Check out the LJAP website at [www.michbar.org/committees/ljap/home.html](http://www.michbar.org/committees/ljap/home.html).

practitioners. Livingston adds that some lawyers, especially those involved in criminal and family law, are exposed to a phenomenon termed “psychic battering,” which in effect is an overload of stressful, nasty images, and situations that no one should have a steady diet of. “Attorneys are trained from the beginning to be detached. They’re certainly detached emotionally... but shutting off your emotions to do the job you’re supposed to do can have the consequence of just shutting [you] down emotionally. Sometimes, people remain in that detached state and they get stuck there.”

When someone dials (800) 996-5522 for help, Livingston responds first by doing an initial phone assessment. More often than not, he arranges a face-to-face meeting at a neutral location to discuss the problem. Sometimes, an “intervention”—a clinical process to help the client abandon their denial system (“I can handle it myself”) is necessary. On other occasions, he helps put the client in touch with a treatment provider in their area with the expertise to deal specifically with lawyers.

The LJAP also assists attorneys with chemical dependency problems who are already facing the disciplinary process. Currently, the State Bar is working closely with the Attorney Grievance Commission and the Attorney Discipline Board to establish a grievance diversion program as a way to assist lawyers in avoiding and preventing grievances.

State Bar of Michigan executive director, John Berry, explained that under this new program, “when the grievance commission receives a grievance against a lawyer, it will review the complaint and may make a referral to the program. Grievances that are ripe for referral include billing disputes, lack of communication by lawyer to client, law office management issues, and potential substance abuse, just to name a few. The lawyer would then need to voluntarily agree to be ‘diverted’ into the program. What this means is that if the lawyer satisfactorily completes the program, the grievance would be dismissed by the commission.” One aspect of the diversion program is a day-long “ethics school” that covers a range of topics taught by volunteers. Other components of the diversion program, such as mediation, arbitration, and CLE courses are being studied.

According to Gilleran, one of the issues the Bar needs to address is showing real care and concern about the people in the profession—what they do and how they suffer—and to be there for them. Not just through the LJAP, but to establish seminars, not on the law, but on the quality of life. “They need to make lawyers feel like the Bar loves them and cares about them. I think a lot of problems would disappear, maybe a lot of the grievances, a lot of the disciplinary actions. I’m convinced that many of the lawyers who fumble the ball and get charged with grievances are really depressed and they just can’t address the problem—they don’t know what to do, they don’t mean to make legal mistakes, but their mental life is a mess and they just can’t seem to get on with what needs to be done.”

David (fictitious name), a lawyer in his mid-50s who had problems with alcohol about 30 years ago practices in the East Lansing area. He’s a member of the Lawyers and Judges Assistance Program Committee who feels that his own experiences can help others. “I have an obligation to tell other people about the simplicity of going through with it [treatment]. Their fears and beliefs are far be-

yond what the reality is, and they need someone to show them that it’s not that difficult.”

The Lawyers and Judges Assistance Program exists precisely to serve that need—to help lawyers regain their health and in the process salvage family life, safeguard clients, and keep licenses intact. “I think it is very important for attorneys who are struggling with personal problems, as well as their colleagues and loved ones, to be made aware that they are not alone,” said Charles Harrison III, LJAP committee chairperson. “Many members of the Bar have successfully dealt with the exact same difficulties with the *absolutely confidential* help of the LJAP. Additionally, those whose lives and practices are being dragged down by the effects of alcohol, drugs, or gambling have the human resources of the network of recovering attorneys available in addition to the various professional services the program offers. These volunteers, who spend countless hours in service to their fellow lawyers, are what make our program so strong and effective.” ◆

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