

LCL

Lawyers Concerned for Lawyers, Inc. is a private, non-profit corporation. As the State's sole lawyer assistance program, LCL assists lawyers, judges and law students who are experiencing any level of impairment in their ability to function as a result of addiction, mental health, personal or medical problems.

briefings

LAWYERS CONCERNED FOR LAWYERS, INC.

WINTER 2002

from the director...

THE WAYS LCL CAN HELP

Lawyers Concerned for Lawyers helps lawyers, judges and law students with any problem that might impede their ability to practice or study law. Confidential assistance is also offered to their families, friends and colleagues regardless of whether their concerns are for themselves or for a member of the legal community.

In this issue of briefings, we focus on ways LCL can help - when the caller is not the one with the problem. As you read these articles, I would like to call your attention to some important points: the significance of early detection; the necessity for taking action; the negative consequences of procrastination; and the fallacy in thinking that the problem, if ignored, will go away. Lawyers, like most people, rarely find it comfortable and often feel out of their element when faced with another's problem behavior, regardless of its source (addiction, depression, family, financial, etc.) Taking action to address what is often considered a "personal problem" raises doubts and fears: doubts of how to proceed and fears of interfering, making a bad situation worse, offending or

even losing an associate, partner or friend. However, in my nearly fifteen years at LCL, I have never seen a situation get better without some form of intercession. Without question, you are more likely to lose those you care about if you do not act than if you do.

We have been devoting each issue of briefings to a single theme in order to cover the concerns of the legal community in greater depth. Our intention is to educate, to promote awareness and use of LCL services, and to help remove obstacles in the path of those who need help, particularly when those who need help either don't yet recognize it or need support and guidance in finding it. As always, we encourage your feedback and questions.

I also want to thank those LCL members who attended our holiday luncheons in Springfield and Boston. For those who were able to partake of the warmth and security of the fellowship inherent in these events, I hope you left, as I did, feeling grateful and fortunate to be a part of this organization. All of us at LCL wish you and yours a Healthy, Happy and Sober New Year.

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An interview with a prominent Boston lawyer...

THANKS FOR NOT MINDING YOUR OWN BUSINESS

We are very grateful to this attorney, a former client and current valued member of LCL's recovery network, who accepted our request for an interview on the understandable condition of preserving his anonymity.

LCL: *You are a partner in a prestigious Boston law firm and 8 years ago you were the object of someone's concern who consulted LCL on how s/he might help. How did you find out that this person had called LCL, and that they wanted you to come to LCL for assistance?*

A: In May of 1994, while I was preparing to take on a new and enlarged responsibility at a major bar association, I was approached by a colleague in the bar who commented on my performance at a meeting which I had led the night before. He basically told me that it was a pretty lousy meeting. (The actual term he used was more colorful.) He went on to say that he thought I might have a problem and could use some help. He suggested I talk with a law partner of his who was in recovery and active in LCL who might be able to help. I didn't know it at the time, but he had visited this partner that morning, described the situation and asked what he should do. So I met with his partner the following day, with LCL's Executive Director the day after that, and within a week I was off to "summer camp," as I have come to call it.

LCL: *How did you feel about it at the time? How did you experience the action they took?*

A: First, I was relieved. At that point I was at my rope's end. I didn't know how I was going to survive this new high profile position, having become virtually chemically dependent on alcohol, needing it to quiet the noise each day and night. Some people talk about "denial" as an aspect of the disease of alcoholism. I did not really deny that I had a problem as much as I denied that there was a solution - because I felt that I had been sentenced to drink. It was the way I coped with the isolation and stress attendant to my life, but somehow I had lost the formula and could no longer drink enough to cope yet stay in control of my daily life.

LCL: *How did you experience LCL upon initial contact?*

A: The fact that it was a professional peer who first told me that my performance was showing signs of my drinking, that another professional peer was there to guide me to help, and that there was a place to go that was outside of my firm, were all part of the process of finding recovery.

LCL: *What was useful about the process and what would you change?*

A: Useful aspects of the process? First, I don't think that I had reached a bottom that would have allowed me to seek the assistance of my firm. I also would not have turned to my wife for help. Frankly I believe she was as fatalistic about the situation as I was. She had never challenged me about my drinking and in fact many years earlier when I had been confronted by my 16-year-old son and agreed to stop drinking, she declared that I would not stop. (In fact I did stop drinking at that time for approximately 2 years). With LCL's support, she was able to assist in the process of

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getting me into treatment. I called my firm's management from the treatment facility thus allowing me to present the problem and the solution at the same time. The perception was that "I" was doing something about it. Despite the fact that I was dealing with a problem they seemed to have never identified, I was still told "not to do it again." You can make of that what you will. It may simply have been good recovery reinforcement.

LCL: *Was there a transition over time in how you felt about the action taken by the person(s) who intervened with you?*

A: For whatever it's worth I have been grateful for what my colleague did for me from the very start. I may have maintained a little distance when I first returned to society, but I think I felt I had to stay sober for a bit before rushing off to thank everyone. My intervener and I have remained close even after our immediate bar association connection diminished. We still have periodic lunches, which devolve into discussions of matters of the heart.

LCL: *What was the effect, short and long term, on your career? On your family life?*

A: On my career? First, I had an extraordinary year in my new leadership position to the benefit of both the institution and myself. Among other things, I began to learn again. For some time, I had simply been playing out my hand. Since then, I have gone on to assume leadership positions in a number of other institutions, both bar-related and other.

On my family life. Here we are basically talking about the program of recovery and I can't say enough. My relationships with my two sons, while not always idyllic, have become strong and ongoing, and although it took many years, my relationship with my wife is operating on an entirely different basis.

LCL: *What kinds of services did LCL offer to you?*

A: LCL was there to help me get the help I needed. I have continued to participate in their weekly support group meetings as a supplement to my AA. In addition to helping me, I see it as an opportunity to do 12th Step work, not on a one to one basis so much, but by being an example, a proof that the program works and to lead others to regular AA. While I sponsor several men, none of them are lawyers.

LCL: *What do you think would have happened if no one had taken that risk to confront you?*

A: I believe that something public and very damaging would have had to occur to bring me to recovery. Frankly, as I look back on the years before I came into recovery, I can now recognize my continual "adjustment" (i.e., lowering) of the standards that I applied to myself, and I think I would have continued in the same direction until things were taken out of my "alleged" control.

LCL: *Have you subsequently been in a position to take a similar action with someone else, perhaps another lawyer?*

A: While not actually intervening on anyone, I have been an active member of the "legal" recovery community and hope I have been useful to others.

We wish to thank the attorney who participated in this interview. One attorney helping another is one of the many ways LCL responds to members of the legal community who seek assistance through the Massachusetts' lawyer assistance program.

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The Helpline provides immediate access to an LCL staff member who is familiar with the world of the lawyer, experienced with clinical matters, and knowledgeable about a wide range of resources.

WHEN THE PROBLEM ISN'T YOURS

One of your partners seems too depressed to do her job. A colleague is distracted by marital problems, neglecting cases, and you foresee complaints to the BBO. A family member has been showing some unusual and troubling behavior. A law school classmate is calling you, sounding suicidal. A key rainmaker in your firm is often drunk and alienating staff and clients. These problems fall outside the domain of your legal expertise, yet you want (or need) to respond. To whom do you turn when you are not sure of how to proceed?

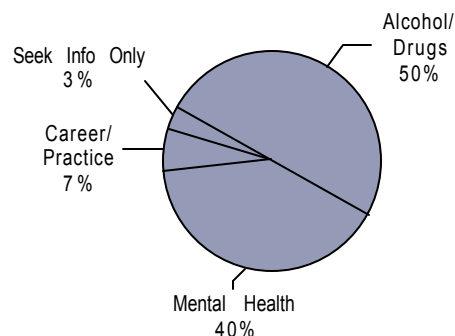
One of LCL's most accessible services is its free Helpline. The Helpline provides immediate access to an LCL staff member who is familiar with the world of the lawyer, experienced with clinical matters, and knowledgeable about a wide range of resources. LCL staff responds not only to calls from lawyers seeking assistance with their own problems, but frequently from people other than the lawyer with the problem. In fact, about a third of all calls received by LCL are from those concerned for someone else.

The clinician answering your call will try to get a clear picture of the situation, and will consider possible options, potential resources and/or treatment plans. Some callers prefer to remain anonymous – we need not know all the specifics in order to help. Others decide that it would be useful to come in for a more thorough assessment and strategizing session with the clinician. In either case, we place great emphasis on confidentiality, a concern of many callers.

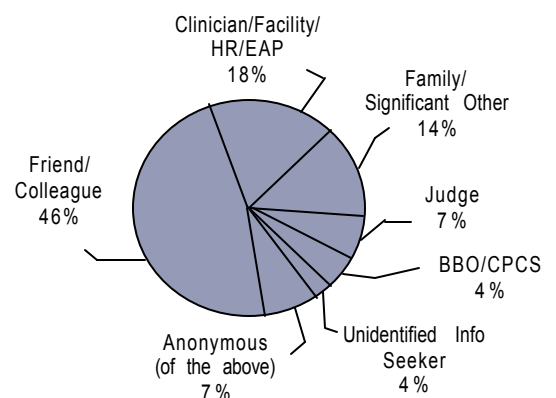
Our web site, an adjunct service to LCL's Helpline, offers 24-hour accessibility. Along with links to relevant sources of information, it offers an on-line, anonymous question-and-answer column. Answers are usually posted within 24 to 48 hours.

In preparation for this article, we reviewed a year's worth of inquiries from callers concerned about others and have summarized the results below. Not surprisingly, the largest number of calls came from friends/colleagues, followed by clinicians or facilities dealing with lawyers, and then by family members and significant others. While the greatest proportion of concerns revolved around alcohol or drugs, calls about other kinds of mental health concerns were a close second.

Caller's Concerns



Source of Calls



Because of the nature of these calls, we quickly dropped the idea of re-contacting callers to ask about the eventual outcomes. If you have been among those calling us about others, we'd love to hear from you about how things turned out. Write, email, or call.

TO CALL OR NOT TO CALL

It's a confidential call. It can also be an anonymous call. At the other end will be a professional clinician who will listen carefully and offer confidential assistance in the form of information, a suggestion, a perspective, some possible resources, or practice "how-to" advice. Sounds safe and simple enough.

So what accounts for the all-too-common hesitancy in calling?

One obstacle might be a particularly lawyerly form of resistance, a kind of occupational hazard created by the dominance of rationality, objectivity, and rules of law, in which the lawyer's role is that of advisor, problem-solver, power-broker, and instrument of justice. The subtle and gradual tendency to over-identify with the image and power implicit in this role makes it difficult to accept problems of a more personal or interpersonal nature that defy those valuable left-brain skills of legal practice.

Even when such problems have no connection to the law, the lawyer may feel quite threatened by feelings of uncertainty, which will be accompanied by frustration and anger. A subliminal irrational voice that is the instrument of procrastination seductively suggests, "*If I ignore it, it will go away.*" The consequent temptation to avoid, deny, ignore, or otherwise postpone taking corrective action will have predictable negative results.

So, what are the obstacles to calling when concerned about the behavior, mood, or performance of a **colleague, friend, family member, or member of your firm?**

Concern: Impact on the *reputation* of the individual or firm.

Reality: Disclosure to our clinical professionals is confidential and legally protected. Ironically, it is *without* intervention that the firm's reputation is likely to suffer, sooner or later, as the problem progresses. Staff mood and morale, as well as loyalty and productivity, may suffer as well if no action is taken, although coworkers usually find ways to compensate for, and work around, a problem colleague. Often, seeking professional help is the only alternative to either living with a worsening problem or saying goodbye to the troubled attorney. LCL and other resources can coach concerned parties who wish to intervene with a colleague whose career is on a downhill slide. (*Those firms that have written policies on work performance affected by personal problems will find the intervention process much easier.*)

Concern: Perception that LCL is allied with the Board of Bar Overseers.

Reality: LCL's relationship with the BBO is cooperative yet limited. We accept referrals from the BBO and will communicate with bar counsel on the *client's behalf*, but *ONLY* with the client's written permission. We *never* report clients to the BBO. As licensed mental health clinicians, our staff cannot legally disclose client information to *anyone* without a signed release (except where statutory "duty to warn" and child or elder "at risk" laws apply). Confidentiality is the cornerstone of our mission.

Concern: Fear of betraying a friend or colleague.

Reality: Fear of betraying another, or of being perceived as doing so, may stem from an unhelpful over-protectiveness, or may simply be a reluctance to "get involved." Sometimes, *not* taking action, or leaving it to someone else, is the real betrayal – and abandonment. Consider a time in your own life when some courageous soul risked the potential consequences to tell you something you may not have wanted to hear, but that ultimately proved very useful. (See "*Thanks for Not Minding Your Own Business, page 2.*") In sticky situations, a professional third party

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This quarterly newsletter is published by Lawyers Concerned for Lawyers, Inc. for its members and the bar at large. We welcome your comments and questions.

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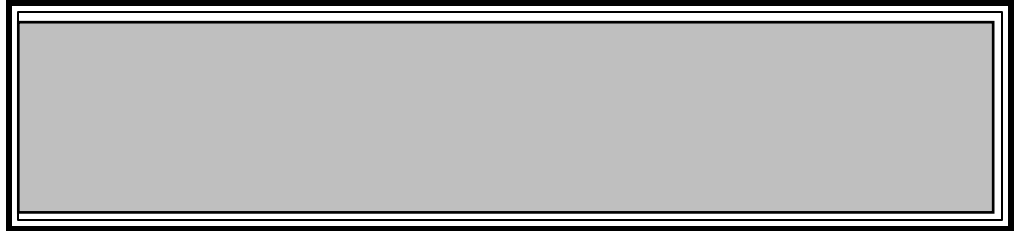
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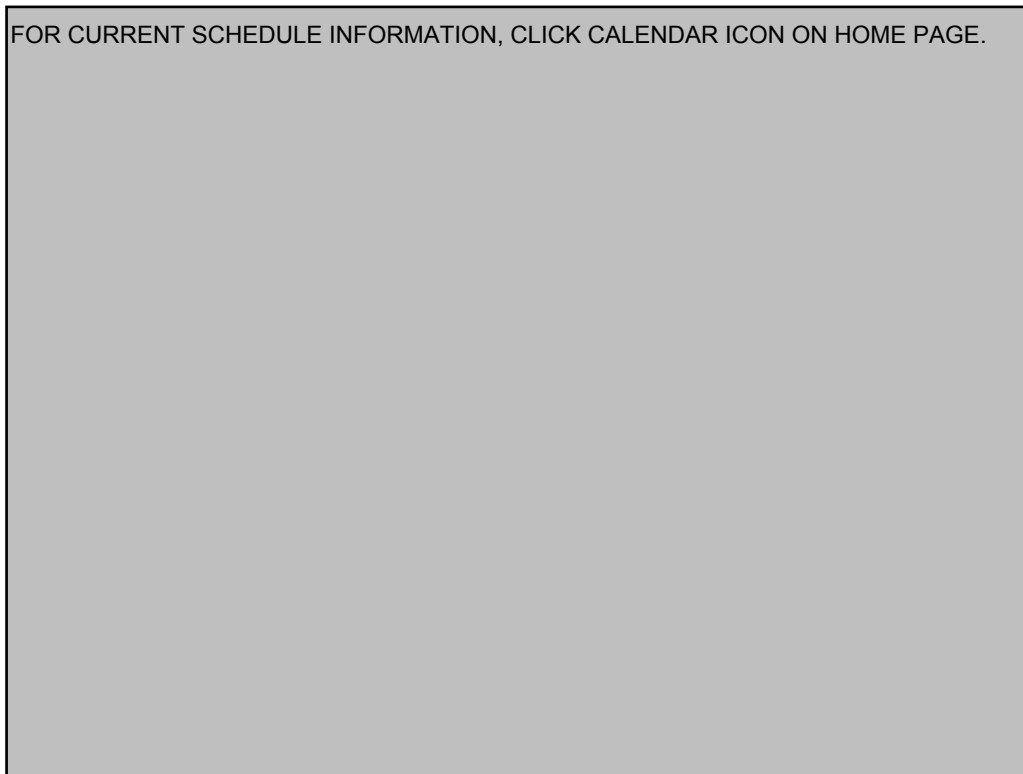
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LCL SUPPORT GROUP MEETING CALENDAR

FOR CURRENT SCHEDULE INFORMATION, CLICK CALENDAR ICON ON HOME PAGE.



TO CALL OR NOT TO CALL (continued)

to support, advise, or coach can be extremely helpful. LCL offers this kind of help over the phone, (anonymously if desired), or in a visit to our office.

How do you know when it's time to make that call? The time to call is when the problem *first* appears and you find yourself thinking about another's problem more than your own. The real owner of the problem may, of course, hope that others will miss, forget, excuse, or deny what is happening. But perhaps the deeper hope is that someone will care enough to say, "Hey, what's going on with you?" before it's too late to turn things around.