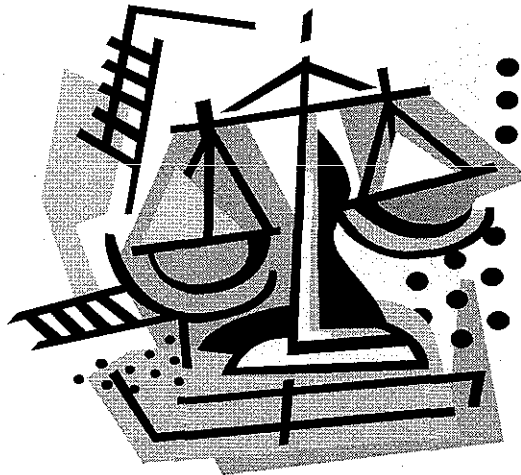
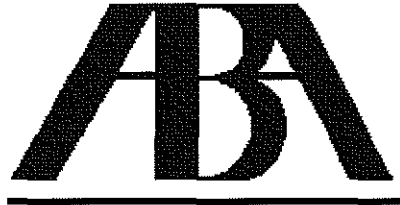




Substance Abuse in Law Schools: A Tool Kit for Law School Administrators



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Substance Abuse in Law Schools: A Tool Kit for Law School Administrators

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I. PURPOSE / SPONSORS AND SUPPORTERS

The purpose of the Tool Kit is to provide law school administrators (student service professionals) with a user friendly resource guide to deal with substance abuse issues with in their schools.

The Tool Kit is the result of an initiative of the American Bar Association's Commission on Lawyer Assistance Programs which found that ten years after the *Report of the Association of American Law Schools Report on Problems of Substance Abuse in the Law Schools* that little had been done to implement the recommendations of that report and that, if anything, during the interim, the problem of substance abuse and dependency in law schools had grown. The Tool Kit does not try to re-invent an analysis of the problems or solutions, but is a collection of available and proven resources to assist law school administrators. While the focus of the Tool Kit, like the AALS report, is on substance abuse and dependency, the resources provided for herein, like state Lawyer Assistance Programs, are also helpful resources for a variety of issues, including other mental health problems.

This Tool Kit is for informational purposes only and is not designed to be a substitute for independent research, professional assessment or medical treatment.

"There is a principle which is a bar against all information, which is proof against all arguments and which cannot fail to keep a man in everlasting ignorance - that principle is contempt prior to investigation."

**- Herbert Spencer
(Alcoholics Anonymous "Big Book")**

Sponsors

■ AMERICAN BAR ASSOCIATION COMMISSION ON LAWYER ASSISTANCE PROGRAMS - Richard Soden, Chair

Alcoholism, drug addiction, and mental health problems are afflictions that affect a great number of professionals including lawyers and judges. Reports now estimate that while ten percent of the general population has problems with alcohol abuse, anywhere from fifteen to eighteen percent of the lawyer population battles the same problem. Because many lawyers and judges are overachievers who carry an enormous workload, the tendency to "escape" from daily problems through the use of drugs and alcohol is prevalent in the legal community. Also, the daily pressures placed on these men and women can lead to inordinate amounts of stress and mental illness. Recent reports have also shown that a majority of disciplinary problems involve chemical dependency or emotional stress.

To provide a model for assisting these lawyers, whose practices had been impaired by addictions, the American Bar Association created the Commission on Impaired Attorneys in 1988. In August 1996, its name was changed to the Commission on Lawyer Assistance Programs (CoLAP) in order to better describe the Commission's expanded services to include stress, depression, and other mental health problems and to avoid any stigma that its former name may have implied. Its primary goal is to advance the legal community's knowledge of impairments facing lawyers and its response to those issues. The Commission consists of ten members, more than half of whom are recovering from chemical dependency. Thus far, the Commission has been quite successful in aiding the introduction and support of programs in both state and local bars. Whereas only twenty-six state bar programs existed in 1980, today all fifty states have developed lawyer assistance programs or committees focused on quality of life issues. These programs employ the use of intervention, peer counseling, and referral to 12-Step Programs to assist in the lawyer's recovery process.

■ LAW SCHOOL OUTREACH SUB-COMMITTEE

At the August 2002 Commission meeting, then Chairman John Clark, appointed Judge Robert L. Childers of Tennessee Circuit Court IX and Don Carroll of the North Carolina Bar, Co-Chairs of a new Law School Outreach Committee. The impetus for the Committee was a report published by a Special Committee of the Association of American Law Schools (AALS) on Substance Abuse in the Law Schools. The Special Committee Report contained recommendations for law schools to address these issues as they affected law students and faculty. The Commission believes that more should be done to reach lawyers at an earlier and more effective stage-law school.

In 2003, an outstanding group of law school deans, professors, Commissioners, and other interested individuals were assembled to address the issues and to come up with an action plan to reach law students. The Tool Kit is one of several projects designed to assist law schools in their ongoing efforts to enhance legal education and the legal profession.

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II. Substance Abuse in Law Schools

Sources

■ *Executive Summary of The Report of the AALS Special Committee on Problems of Substance Abuse in the Law Schools**

Submitted to the Executive Committee of the Association of American Law Schools
May 1993

Committee Members: Professor Susana I. Aleman
Professor Michael Distelhorst
Professor Edward J. Imwinkelried
Professor John A. Sebert
Dean Robert A. Stein, Chair
Dr. Hershel P. Wall

*Association of American Law Schools Comm. Report, *Report of the AALS Special Committee on the Problem of Substance Abuse in Law Schools*, 44 J. Legal Educ. 35 - 80 (1994).

EXECUTIVE SUMMARY

INTRODUCTION

The problem of substance abuse in American law schools is an important issue deserving the attention of legal educators. The quality of professional legal services is affected by attorneys who are impaired as a result of the abuse of alcohol or other drugs. The seeds of substance abuse by lawyers may be sown during their law school years. In recognition of this problem, the Special Committee on Problems of Substance Abuse in the Law Schools was established by the AALS Executive Committee in the spring of 1990.

The Committee has examined the problems of substance abuse in the law schools and developed recommendations to assist law schools in dealing with these problems. The Committee's findings and recommendations are detailed in the following Report. The Committee undertook two surveys, one of law school administrators, and one of law students, in order to obtain current and accurate information about the extent of substance abuse in law schools. The Committee's recommendations are intended to provide information and advice that will be useful to every law school in developing its own approach to the problems of substance abuse. The Committee does not believe it is necessary or appropriate to recommend any changes in AALS Requirements of Membership or mandate that AALS member schools adopt any particular policies or programs. Rather, the Committee hopes that this Report will encourage each law school to examine its own specific situation and develop an approach to the problems of substance abuse that is tailored to the unique needs, of the individual institution, its students and faculty.

THE PROBLEM

Chemical dependency not only affects the general citizenry, it is a significant problem in many professions. Reports from lawyer assistance programs (LAPs) indicate that 50 to 75 percent of major attorney disciplinary cases nationwide involve chemical dependency.(1) A study sponsored by the Washington State Bar Association reported that as many as 18% of the lawyers in that state may be alcohol dependent.(2) The medical profession has been equally affected. A 1987 study of American medical school students indicates a higher level of substance abuse by fourth year medical students than by college graduates of the same age.

1. See 13. Reddy & R. Woodruff, "Helping the Alcoholic Colleague," 3 The Professional Lawyer No. 2 (Feb. 1992), for a recent republication of these statistics.
2. Benjamin, G.A.H., E.J. Darling, & B. Sales, "The Prevalence of Depression, Alcohol Abuse, and Cocaine Abuse Among United States Lawyers."13 Int'l. J. Law & Psychiatry 233-46 (1990).

The prevalence of substance use in medical schools and the bar raises the question, "What is the situation in law schools?" The Committee's survey of American law school students indicates that, within the past 30 days, 81.7% of students have used alcohol, 8.2% have used marijuana, and 8.8% have used some other illicit drug. Scientific research has demonstrated that the "30 day test" is a valid predictor of regular usage. Compared to high school and college graduates of the same age, the law students surveyed show higher regular use of alcohol and certain psychedelic drugs not including LSD. Overall, the results of the law student survey were very similar to those reached in the 1987 medical student study.

Most importantly, the survey indicated that 3.3% of the law students feel they need help to control their abuse of drugs and/or alcohol. This figure lends support to the law students' estimate that approximately 4 % of their classmates are impaired.

The survey also points to trends in substance use among law students which put them at high risk for chemical dependency. For example, for most respondents, while use of these substances began before entering law school, it escalated during the period the student is enrolled. (However, the study also indicated that a significant number of students stop using a substance, with the exception of alcohol, once they begin law school.) The survey found that 11.7% of law students have abused alcohol since enrolling, 8.2% have used marijuana within the past 30 days, and 4% are using alcohol daily.

While these percentages may seem small, when extrapolated to the national law student population there may be as many as 4,900 law students in the country who are using alcohol on a daily basis, over 15,000 who have abused alcohol at some time since entering law school, and over 10,600 who have used marijuana within the past 30 days. These numbers should certainly be a cause for concern in the legal education community.

The reasons given by law students for using substances suggest that some law students are developing behavior patterns that will become problematic later in their professional careers. Almost two thirds of the respondents gave their reason for using alcohol as 'to relax or relieve tension' and a significant 12 % indicated their reason was to "get away from problems."

In analyzing the problem, it is important to note that alcoholism and other chemical dependencies are progressive diseases, tending to get worse over time if not treated. Law school behavior patterns may foreshadow even more problems for students when they face the increased pressures and tensions of law practice. Virtually all law schools have impaired students and students who are at risk of becoming chemically dependent. Thus, the problem of substance abuse is one to which every law school should devote attention.

EFFORTS OUTSIDE THE LAW SCHOOLS TO DEAL WITH PROBLEMS OF SUBSTANCE ABUSE

As a response to the high incidence of alcoholism and chemical dependency in the legal profession, and because of the serious implications these problems have for the profession and the public, many organizations have engaged in efforts to affirmatively address substance abuse.

In 1988, the American Bar Association Commission on Impaired Attorneys created a model personnel impairment policy for use in law firms and corporate legal departments. In addition, it developed a set of "Guiding Principles for Lawyer Assistance Programs." The ABA House of Delegates has approved two significant changes relevant to chemical dependency in the ABA Standards for Imposing Lawyer Sanctions, balancing the acknowledged need to protect this public with the need to treat chemical dependency in an enlightened manner as a curable disease.

Efforts at the state and local level are the primary source of help for impaired attorneys. Local lawyer assistance programs (LAPs) can provide help for law students and law faculty and serve as a useful model for law school programs. LAPs exist in many formats, but all emphasize the same functions of education, diagnosis, intervention, treatment and assistance in recovery.

The experience of these programs demonstrates that the key to dealing effectively with substance abuse and chemical dependency is the ability to respond in individual cases with help in the form of diagnosis, intervention, treatment, and after-care needed to facilitate recovery. Work needs to continue on assuring confidentiality in the programs, granting qualified immunity for those participating in interventions with an impaired person, defining the role of LAPs in bringing mitigating information to the disciplinary process, and evaluating the role of LAPs in after-care monitoring of sobriety. However, the existing LAP model could usefully be adapted to a law school setting.

Like the bar, medical colleges have undertaken intensive initiatives against substance abuse. Many medical schools have adopted the Aid for Impaired Medical

Students (AIMS) program. An aggressive program, AIMS' goals are early detection, confidentiality, assuring that recovering students can continue their medical education without stigma or penalty, and protection of patients from harm. The ultimate objective is to return the student to a successful professional career.

THE CENTRAL ISSUE OF CONFIDENTIALITY

One of the lessons to be learned from the experience of the medical schools and the bar is the absolute necessity for confidentiality in a substance abuse program. The need to protect the public from impaired lawyers and the need to encourage attorneys to seek treatment present conflicting policy considerations.

Confidentiality is just as essential in programs serving law students as it is in programs designed for practitioners. Students are concerned about the effect of substance abuse treatment on future admission to the bar. Due to differing standards among bar admission authorities, it is often difficult for a law school administrator to give a student a conclusive answer to these concerns. In addition, a conflict of interest may exist when the law school administration serves as both counselor and as an agency reporting to the bar.

One method of assuring confidentiality would be to designate as counselors persons covered by existing evidentiary privileges. However, as explained more fully in the Report, these privileges often offer only limited protection. Hence, it becomes critical to determine whether bar admission authorities will give sufficient assurances of confidentiality to eliminate disincentives for law students to participate in substance abuse programs. Currently, the Code of Recommended Standards for Bar Examiners lists "evidence of drug or alcohol dependency" as a form of conduct which "should be treated as cause for further inquiry." Following the Code, many jurisdictions seek information about a bar candidate's possible chemical dependency.

It is unlikely that many bar admission authorities will agree to cease inquiring whether an applicant had a substance abuse problem or had undergone treatment for such a problem. It may be sufficient for the student contemplating referring himself or a fellow student to be assured that seeking treatment would not unduly delay or prevent the student's admission to the bar and that the information revealed will not be publicly circulated. Thus, the best practical solution may be for law schools to obtain from bar admission authorities assurances that will be sufficient to avoid creating a disincentive for students to seek counseling and treatment. Appendix E to this Report points out that in many states, the bar admission authorities have already made such commitments. These commitments are similar to the assurances which medical licensing boards have given medical college graduates.

FEDERAL LEGISLATION AFFECTING LAW SCHOOLS' SUBSTANCE ABUSE PROGRAMS AND POLICIES

The most significant federal legislation concerning the use or abuse of alcohol or drugs by law school students or employees is the Drug-Free Schools and Communities

Act Amendments of 1989. Basically, these amendments require that, as a condition of receiving federal funds or participating in federal student loan programs, each institution of higher education must certify that it has implemented a program to prevent the use of illicit drugs and the abuse of alcohol by students and employees.

Federal legislative protection for disabled persons may also affect the actions that law schools take in response to substance abuse. The term "disability" under the Americans with Disabilities Act includes drug addiction or alcoholism but does not include "an individual who is currently engaging in the illegal use of drugs." Thus, although the ADA provides some protection against discrimination based upon alcoholism or past use of illegal drugs, the ADA clearly authorizes law schools to prohibit the illegal use of drugs and the use of alcohol in the workplace. Finally, the ADA may possibly require modification or elimination of some of the questions that bar admission authorities currently ask applicants.

EXISTING LAW SCHOOL POLICIES AND PRACTICES CONCERNING SUBSTANCE ABUSE

Almost all law schools have some type of substance abuse policy. However, only 25 of the 107 university-affiliated law schools responding to the Committee's survey had promulgated substance abuse policies specifically tailored to the law school and only one addressed the impact of substance abuse on the legal profession.

Programs to combat substance abuse at the surveyed law schools include education, counseling, and treatment. Twenty-five percent of reporting law schools include substance abuse education in their first-year orientation programs or sponsor substance abuse presentations. A small number include a discussion of substance abuse problems in their Professional Responsibility courses. Obviously, law schools can do much more in the area of preventive education.

Most university substance abuse policies refer students to counseling and treatment available on parts of the campus other than the law school. While the 1989 report of the N.Y.U. Senate Commission on the Use and Abuse of Alcohol and Other Drugs Among Students stresses the need for decentralization of university counseling and treatment services, some students would probably prefer to obtain counseling off campus (or at least outside the law school) to reduce the likelihood of detection by their peers. The structure of a school's counseling and treatment program should be adapted to the context and resources of each institution.

The most disappointing aspect of the policies surveyed is that a large number say absolutely nothing about confidentiality of counseling or treatment. The Committee urges law schools to attempt to accurately describe the extent of the confidentiality of substance abuse counseling and treatment in light of the situation in that Jurisdiction. The law school's substance abuse policy should inform law students on the position taken by the state bar admission authorities on the use of information about substance abuse treatment.

When asked if their law school or university has a substance abuse program, over two-thirds of law student respondents did not know if a program existed. Clearly, schools having substance abuse programs must do a better job of informing law students that help is available.

Law schools have responded erratically to the problem of substance abuse. In general, law schools have not mounted as aggressive an attack on substance abuse as the bar, the health care profession, and the medical schools.

EXISTING LAW SCHOOL POLICIES AND PRACTICES CONCERNING SUBSTANCE ABUSE BY FACULTY

Though the Committee's primary focus has been on law students, the Committee also addressed substance abuse by faculty. Both the Survey of Law School Administrators and the Law Student Survey confirm that law school faculty is not immune from the problems of substance abuse. Although 88 % of responding schools or their sponsoring universities have implemented a faculty substance abuse policy, a substantial number do not follow through on reports of impaired faculty, allowing the situation to "resolve itself." This inaction is in direct conflict with the current weight of medical opinion as to the appropriate action. Admitting and identifying the problem, followed by some form of intervention and insistence on treatment for the impaired person, is the only approach that is both humane and effective.

Law schools responding to the Law School Administrators Survey indicate a willingness to take a more proactive stance. Law schools should consider adapting an integrated model for dealing with faculty substance abuse, including a clearly communicated policy, provisions for appropriate leave for treatment, and a health care/insurance plan providing extended treatment when necessary. Close cooperation between the law schools and local LAPs can provide further help.

Recommendations

The Committee has set forth specific recommendations concerning substance abuse programs for both law students and law faculty. In brief, they are as follows

Law School Programs for Law Students

- Even if its affiliated university has a substance abuse policy, a law school should promulgate its own supplementary written policy.
- The law school should designate at least one person as substance abuse coordinator and highly publicize that designation.
- The law school should institute an education program about the consequences and treatment of substance abuse. If resources permit, the school should seriously consider implementing a general wellness program.
- The law school should be prepared to intervene early to assist students with substance abuse problems.

- Following intervention, a medical evaluation should be completed and the student should be advised regarding appropriate counseling and treatment.
- The law school should consider adopting an alcohol policy.
- Whatever disciplinary sanctions the law school adopts for substance abuse should be consistent with a disease model emphasizing counseling and treatment.
- The law school should highly publicize its substance abuse programs to students, faculty, and staff.
- The law school should review the Americans with Disabilities Act (ADA) to ensure that the school's policies and practices comply with the requirements of the Act.
- The law school should consider coordinating its internal substance abuse program with relevant lawyer assistance programs.
- The law school should endeavor to persuade the relevant state bar admission authority to agree that:
 - 1) The authorities will maintain the general confidentiality of substance abuse information divulged to them;
 - 2) Any inquiries that bar admission authorities make concerning applicant's history of substance abuse or treatment for substance abuse will be limited to reasonably recent events; and
 - 3) Otherwise qualified applicants who are recovering from substance abuse will be admitted to practice.
- At the national level, the Association of American Law Schools should cooperate with the American Bar Association Section of Legal Education and Admissions to the Bar and with the National Conference of Bar Examiners to urge bar admission authorities to provide assurances that otherwise qualified applicants who are recovering from substance abuse will not be denied admission to practice.
- A law school should inform its students of the substance abuse policies of the jurisdictions where its graduates most frequently apply
- The law school or affiliated University should have a written policy regarding faculty substance abuse.
- The written faculty policy should be communicated on a regular basis to faculty members.
- The law school should have a plan for dealing with an impaired faculty member.
- A person should be identified as responsible for implementing the faculty substance abuse policy.
- The plan in the law school should provide for early, informal intervention.
- The health insurance program for law school faculty should be reviewed to ensure that it covers extended treatment of substance abuse problems.
- Disciplinary action should be employed only as a last resort, as a sanction to ensure that a faculty member participates in a treatment program.
- The law school should develop a close relationship with lawyer assistance programs that are available in the area.

CONCLUSION

The committee reiterates its strong hope that every law school will adopt a comprehensive substance abuse policy, and that every school's policy will be thoughtfully tailored to the particular needs of that school and the context in which the school operates. By doing so, the law schools will better serve their students, that faculty, and the clients whom their students will eventually represent.

Survey of Law Students Concerning Substance Use

The prevalence of substance use in medical schools and the medical profession raises the question what is the situation in law schools? The AALS Special Committee attempted to answer that through its Law Student Survey and its Law School Administrators Survey.

1. Law Student Survey Methodology

In November 1991, a questionnaire on substance use was distributed to all the students of 19 law schools whose combined J.D. student population (13,603) represented 10.6 percent of the total J.D. student population of the 176 ABA-approved law schools. The 19 schools were selected so that their total student enrollment was similar to the national J.D. student population in race, gender, law school size, geographic region of school, size of metropolitan area, and public/private nature of the school. Completed questionnaires were returned by 3,388 students, almost 25 percent of the sample surveyed. The committee believes that the results of the Law Student Survey are reasonably representative of the overall situation concerning substance use in the total national population of about 129,000 law students.

2. Results of the Law Student Survey

Prevalence and Frequency of Substance Use. The following table summarizes the data from the Law Student Survey concerning students' usage of various substances over their lifetime, and during the previous year and month. It also indicates what percentage of the students reported daily use of a substance.

	Lifetime	Previous Year	Previous Month	Daily
Alcohol	97.9%	92.5%	81.7%	3.8%
Marijuana	64.1	20.8	8.2	0.7
Cocaine	28.8	4.6	1.3	0.1
Tranquilizers	15.6	4.9	1.2	0.1
Psychedelics	22.0	3.3	1.1	0.1
Amphetamines	17.3	1.8	0.9	0.1
LSD	14.8	2.2	0.8	0.1
Barbiturates	9.1	1.5	0.6	0.1
Other Opiates	10.7	3.4	0.5	<0.1
Heroin	1.9	0.6	0.4	0.1
Any Illicit Drug	64.9	21.9	8.8	0.8

Those who study substance use and abuse believe that usage during the past 30 days is a reliable indicator of regular use of a substance. Almost 82 percent (81.7) of the law students indicated they had consumed alcohol during the previous month, 8.2 percent admitted to marijuana use, and 8.8 percent reported that they had used some illicit drug. Previous-month usage levels for other drugs were much lower, with the highest being cocaine at 1.3 percent. But even that relatively low percentage suggests that almost 1,700 law students throughout the country may have used cocaine during the past month. Previous-year and lifetime usage data are also instructive, particularly because there may be a propensity to return to using substances that one tried earlier in life. Again, the lifetime and previous-year usage levels were relatively high for alcohol, marijuana, and any illicit drug. Although the previous-month usage figures for other individual drugs are low, the relatively high percentage of students who admit to having used some illicit drug during their lifetime may indicate a risk of increased usage in the future.

Recent Articles

- ***Student Lawyer*, December 2003:** Article "Under the Influence," Cynthia L. Cooper. <http://www.abanet.org/lspd/stulawyer/dec03/alcohol.html>
- **8 J. Leg. Writing Inst. 229 2002:** Article "Depression and Anxiety in Law Students: Are We Part of the Problem and Can We Be Part of the Solution?" <http://www.abanet.org/legalservices/downloads/colap/depressionandanxietyinlawstudents.pdf>
- **GPSolo magazine, July/August 2001:** Article "Bumps in the Road" The members' magazine of the ABA General Practice, Solo, and Small Firm Section published articles on alcoholism, substance abuse, gambling, Internet addiction, adult attention deficit disorder, and other problem areas in the lives of lawyers. www.abanet.org/genpractice/magazine/julyaug2001/julyaug01.html
- **Additional Articles may be found at** <http://www.abanet.org/legalservices/colap/lapactivity.html>
- **"The Hidden Sources of Law School Stress: Avoiding the Mistakes that Create Unhappy and Unprofessional Lawyers."** Larry Krieger, Clinical Professor, Florida State University College of Law http://www.law.fsu.edu/academic_programs/humanizing_lawschool/booklet.php

III. ACADEMIC ISSUES

The effect of substance issues on academic performance.

Unfortunately, there has been little research done on the effect of substance abuse on a law students' academic performance. However, as administrators we don't need research to corroborate when we witness first hand the negative consequences of substance abuse and dependency on a law student's academic performance, professional licensing requirements, personal matters, etc. Nonetheless, there has been an abundance of research conducted on the college student population. Here is a snapshot of those findings:

- 31% of college students met the criteria for a diagnosis of alcohol abuse and 6% for a diagnosis of alcohol dependence in the past 12 months (Knight et al, 2002)
- In 30% of all cases of a student's academic failure- alcohol was a contributing factor (Gadaleta & Anderson Survey of College Administrators, 2001)
- The lower the student's gpa the more likely that they are a heavy drinker (Ingalls et al, 1983)
- Students with gpa's from 0 – 1.99 scored higher on their degree of alcoholism than students with higher gpa's (Seay & Beck, 1984)
- 37.7% of students with gpa's less than 2.0 were heavy drinkers (Engs and Hanson, 1985)
- Heavy drinkers accounted for 43% of men at bottom 1/3 of their class (Wechsler and McFadden, 1979)
- Drinking and academic impairment are associated (Perkins, 1992; Engs et al, 1996; Presley, 1996a; Wechsler, 1994, 1998, 2000b) Consistent association between lower self reported grade averages and higher levels of alcohol consumption.(Engs et al, 1996; Presley, 1996a, 1996b)
- 25% of college students report academic consequences of their drinking (Engs et al, 1996; Presley et al, 1996; Wechsler et al, 2002)
- Many of the above studies do not take into account other variables.
- One study accounted for limitations and found that alcohol played a modest role in negative educational outcomes. (Wood MD et al.,2000) Most pronounced in high academic performers during high school. Problems predated college admission (Wood, PK, 1997)

The effect of the law school environment on substance abuse and dependency.

It has been well documented that the nature of legal education and the types of individual attracted to the profession create an excessively stressful environment for some students. And some of those students are at risk of abusing alcohol or becoming dependent on alcohol as a means of relieving that stress.

- Moderate levels of stress have a positive impact on performance while excessive levels of stress have a negative impact on performance. (Glesner, 1991)
- 17% - 40% of law students and alumni suffered from depression (Benjamin, et al, 1986)

- Law students experienced increases in depression within 6 months of beginning law school. (Krieger, 2002)
- One coping strategy is an increase dependence on alcohol. (Daicoff, 1997; Glesner, 1991)
- 31% of law students fell in the “definite alcoholism” category (Hill, John Hopkins Study, 1992)
- Law students with a genetic or physiological background will have an opportunity to consume or abuse alcohol in law school. These students may be at risk of developing an addiction to alcohol. (Hill, 1992)
- Changing the law school environment in order to reduce stress is a daunting task. Educating law students regarding the types of jobs and stresses involved in the legal profession may reduce stressors and increase coping skills (Alfini & Van Vooren, 1995)

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**LAW STUDENT LIFE LEADING TO LAWYER IMPAIRMENTS
POINTS OF ATTACK ON CONTINUUM**

**W. Donald Carroll, Jr.
North Carolina Lawyer Assistance Program**

PROBLEM- Nature of current legal education and creation of destructive stress.

DOCUMENTATION OF PROBLEM:

- James J. Alfini & Joseph N. Van Vooren, *Is There a Solution to the Problem of Lawyer Stress? The Law School Perspective*, 10 J.L. & Health 61, 61-67 (1995-96).
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- L. Krieger, *What We're Not Telling Law Students - and Lawyers - That They Really Need to Know: some Thoughts - In - Action Toward Revitalizing the Profession From its Roots*, 13 J.L. & Health 1, 1-48 (1998-99).
- K. Sheldon & L. Krieger, *Does Legal Education Have Negative Effects On Law Students? Evaluating Changes In Motivation, Values, and Well - Being*, 52 J. Legal Educ. 112 (2002).
- Stephen B. Shanfield & Andrew Benjamin; *Psychiatric Distress in Law Students*, 35 J. Legal Educ. 65, 65-75 (1985).

SOLUTIONS:

1. Provide more courses on values – public service may not be the dominant idea in law school, but create a law school culture where it is valued.
 - A. Courses in Religion and Law
 - B. Courses in Psychology and Law
 - C. Courses in Therapeutic Jurisprudence
2. Require more course work to be done cooperatively – team projects.
 - A. Grade students on their ability to collaborate.
3. Find ways to validate and reward affiliation talents among students.
4. Provide/require courses (in first year) that help students identify personal goals, that teach psychological awareness and that teaches that personal growth is an interactive process.
 - A. Use as part of such course a book like “A General Theory of Love” which helps one understand you cannot cross – examine someone effectively without a certain level of awareness of your own psychological makeup and defenses.
 - B. Teach course on emotional intelligence and the law.

Offer courses on law and addiction. All personal issues and legal problems interface. Many clients will suffer from addiction or other mental health problems. The best lawyers are going to be able to understand these issues in order to represent their clients most effectively and understand their adversaries.

6. See also: James J. Alfini & Joseph N. Van Vooren, *Is There a Solution to the Problem of Lawyer Stress? The Law School Perspective*, 10 J.L. & Health 61, 61-67 (1995-96).

Glenn, P. *Some Thoughts About Developing Constructive Approaches to Lawyer and Law Student Distress*, 10 J.L. & Health 69-77, (1995-96).
Glesner, B. *Fear and Loathing in Law Schools*, 23 Conn. L. Rev. 627, 627-668 (1991)

PROBLEM: Law School culture that encourages negative coping strategies.

DOCUMENTATION OF THE PROBLEM:

- Association of American Law Schools Commission Report, *Report of the AALS Special Committee on the Problem of Substance Abuse in Law Schools*, 44 J. Legal Educ. 35-80 (1994).
- L. Krieger, *Institutional Denial about the Dark Side of Law School, and Fresh Empirical Guidance for Constructively Breaking the Silence*, 52 J. Legal Educ. 112-129 (2002).
- L. Krieger, *What We're Not Telling Law Students - and Lawyers - That They Really Need to Know: some Thoughts - In - Action Toward Revitalizing the Profession From its Roots*, 13 J.L. & Health 1, 1-48 (1998-99).
- K. Sheldon & L. Krieger, *Does Legal Education Have Negative Effects On Law Students? Evaluating Changes In Motivation, Values, and Well - Being*, 52 J. Legal Educ. 112 (2002).
- Stephen B. Shanfield & Andrew Benjamin; *Psychiatric Distress in Law Students*, 35 J. Legal Educ. 65, 65-75 (1985).

SOLUTIONS:

Law School culture that encourages negative coping strategies – solutions

1. Provide courses that illustrate positive coping skills that will help students become better lawyers.
2. Institute AALS 1994 Recommendations.
3. Eliminate or reduce keg parties and put a positive alternative in place (e.g.)
 - A. Friday afternoon athletics.
 - B. Free Friday afternoon Yoga
 - C. Free Meditation classes.

PROBLEM: Lack of information for law students and faculty about stress related problems.

SOLUTIONS:

- A. Faculty and Administration
 1. Core Institute's materials – Core Institute is a “not for profit” whose mission is prevention in higher education. www.siu.edu/~coreinst/
 2. Reducing Alcohol Problems on Campus: A Guide to Planning an Evaluation www.collegedrinkingprevention.gov
- B. Law Students
 1. My Student Body Curriculum
 2. Institute Natasha Woodland's (Former Law Student Division Liaison to the CoLAP) recommendations
- C.1. Make a presentation during each years 1L orientation on the following three topics.

- a. The incidence of substance abuse/depression in law school and the legal profession.
 - b. The questions that the local bar asks on its application.
 - c. What support services are available through the school and the local LAP?
- C. 2. Coordinate with the school to have a student LAP liaison, who,
- a. Is chosen, at the end of the school year, from the applications of 11's and 21's.
- C.3. Who passes along to professors article/brochures about substance abuse/depression in the legal community and/or law school.
- C.4. Keeps brochures regarding depression/substance abuse stocked in a public place where students usually go for information.
- C.5. Sends out information (e-mails, etc.) to students about speakers at the law school or nearby forums who address mental health issues.
- C.6. Coordinates with local LAP's and/or university counseling programs or services to make presentations to 11's during orientation.
- D. Have presentations by state LAP in orientation and in Professional Responsibility Classes.
- E. Internet access to self evaluation instruments (See Chemical Dependency and self help sites).
- F. CoLAP Confidential Number 866-LAW-LAPS (where caller will be referred to a confidential number for the lawyer assistance program in his/her area.)
- G. Sample copy for ads or posters showing confidential, toll-free helpline number 866-LAW-LAPS (where caller will be referred to a confidential number for the lawyer assistance program in his/her area.)

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PROBLEM: Impaired students need help.

NATURE OF THE PROBLEM:

- a. Stigma
- b. Bar Examiner questions
- c. Emotional macho law school culture.
- d. Availability of trusted resources to help.

SOLUTIONS:

- 1. Provide as many options as possible to get assistance. Often assistance available outside of the law school or university will appear most attractive to the impaired student.
- 2. Be sure helping resources are confidential.
- 3. Conduct ongoing campaigns to publicize these resources.

4. Conduct yearly meetings with Dean's office, Board of Law Examiners, and state LAP to develop solutions to Bar application question barriers, (e.g.) change form of questions; conditional admissions, etc.

PROBLEM: Support for recovering students.

ISSUE: You will have students in recovery at law school – how to be most supportive of them.

SOLUTIONS:

1. Post 12-step (Alcoholics Anonymous, Narcotics Anonymous, etc.) schedules on bulletin boards, e-mails, and newsletters.
2. Post schedule of local LAP support meetings on bulletin boards, e-mails, and newsletters.
3. Always provide non-alcoholic beverages that are upscale and attractive at functions where alcohol is served.

Counseling Skills

- Nodding while person is speaking to demonstrate that you are listening
- Keeping eye contact to demonstrate that you are listening
- Reflecting student's feelings (student sounds frustrated while giving facts of a story, so lay counselor responds with, "you sound very frustrated, this must be very hard for you".... because student has not learned how to articulate his/her own FEELINGS)
- Paraphrasing what student is saying (student gives details about a situation and lay counselor responds with, "so you became angry with the situation and went out drinking." Even though the student may have given a 10-minute scenario of this encounter. It is important to remember both content and feeling when students are speaking. Details are important so they know we are listening and have the story straight, but hearing their feelings and then reflecting them back to the student will build rapport. It helps the student feel like they are being understood.
- Asking Open Ended Questions vs. Closed Ended Questions: "Tell me how you feel about your law school experience" vs. "Do you like law school?"
- Allowing for silence: This allows the student to gather thoughts and think about them more deeply before speaking. It also allows the student to reveal more about her because most people are uncomfortable with silence, so she will fill it with information to avoid it that uncomfortable silence. Also, it allows the lay counselor to not rush into trying to find a solution, as the student will develop more insight and mastery if encouraged to find solutions on their own.
- Unconditional Positive Regard for the Student: This means that the lay counselor never blames or shames the student. We never use words like "you should have" or "why didn't you" as they are value laden.
- Rewarding Positive Behavior: If a student is doing well, in both word and deed, the lay counselor can acknowledge that but not with phrases such as, "I am very proud of you" but rather, "you can be very proud of yourself for not drinking, but rather by dealing with the situation in a more healthy manner and continuing to tell your teacher how you felt." This reinforces how the student may want to continue in their relationship development.

Student Facilitated Support Programs

Many States Lawyer Assistance programs provide peer assisted counseling. Students however, may be reluctant to access those services provided by the Bar. Having a student run organization that liaises with the bar may be an attractive alternative for some institutions. The following is an example of one program.

LAW STUDENTS ANONYMOUS

BYLAWS

Article I: Statement of Purpose

LAW STUDENTS ANONYMOUS (LSA) is being established in the fall of 2003 at SOUTH TEXAS COLLEGE OF LAW in association with the Assistant Dean of Academic Assistance and Student Counseling with the following objectives: (1) To provide a weekly support group for those students who may need to receive the help of a group in dealing with problems such as substance abuse or other stressors. (2) Provide through the use of cooperative agreements with licensed organizations a system of assessment and referral for those students whose problems lie deeper than what a support group can provide. (3) To provide informational programs to the Faculty, Students and Staff on topics appropriate to the goals of the program such as identifying substance abuse or coping with stress. (4) To provide a help line or phone number similar to an EAP. (5) To act as a liaison to the Texas Lawyers Assistance Program.

Article II: Membership

Section 1. Any currently enrolled student at South Texas College of Law may be a member of LSA entitled to all the privileges and duties of membership herein provided.

Section 2. In order to work the help desk for LSA and act as a group leader, or serve on the Board, a student must have completed their first semester and the peer assistance training provided by LSA.

Section 3. There will be no membership dues to LSA.

Section 4. Any Student who misrepresents the policies or objectives of LSA will be subject to disciplinary action or removal from the membership.

Article III: Board of Directors

Section 1. The Board of Directors will be elected to a term of one year and their duties shall consist of:

a. Director- The Director shall oversee the Board and shall act as LSA's representative to the South Texas College of Law, Student Bar Association, and the Texas Lawyers Assistance Program. In addition, the Director will preside over meetings, receive all mail addressed to LSA and have signature authority over all bank accounts maintained by LSA.

b. Treasurer- The Treasurer shall maintain all accounting records of LSA and is responsible for maintaining the accounts). The Treasurer will have signature authority on all banking accounts maintained by LSA.

c. Secretary- The Secretary shall take minutes of all meetings, post notices of meetings and presentations and make any necessary room arrangements for meetings or presentations. The Secretary shall also be responsible for preparing any correspondence relating to any LSA matters.

d. Volunteer Coordinator- The Volunteer Coordinator shall be responsible for making all necessary arrangements for the time, room and leader of the weekly meetings and for the staffing of the phone line. The Volunteer Coordinator shall also be responsible for establishing a training schedule for student volunteers.

Section 2. Members of the Board will be elected as follows:

1. Elections will be held during the Spring Semester for the following academic year at a time to be decided by the current Board, not to be later than the third full week in April or prior to Spring Break.
2. The majority of eligible voting members who are present at the election meeting will elect Board Members.
3. Nominations will be open and taken from the floor.
4. A minimum of one (1) semester of membership is required to be nominated for a position on the board and to be eligible to vote.
5. Nominations shall be made at a special meeting to be held no less than one week prior to elections.
6. Newly elected officers shall take office on the first meeting of the fall semester.
7. Voting shall be by secret ballot and counted by the current Director and Secretary.
8. Current officers can be nominated to run, and can be re-elected to the same position for consecutive terms.

Section 3. Any officer who is deemed inactive in the performance of their duties or who misrepresents LSA or who is found guilty of any act that hinders the goals of LSA may be removed by a 2/3 majority of the voting members, provided he/she is afforded an opportunity to provide a defense.

Section 4. The Board of Directors may establish committees and delegate their authority on an as needed basis.

Article IV: Amendment Process

Section 1. These bylaws may be amended as provided herein.

Section 2. Before any proposed amendment is acted upon by the membership:

- a. It must be typewritten, double-spaced.
- b. It must be signed by at least two voting members.
- c. It must be read to the members during the meeting previous to the meeting that it is to be voted on.

- d. A copy must be posted on the LSA bulletin board and notice made to all members at least seven (7) days prior to the meeting at which action is to be taken.

Article V: Ratification

Section 1. These amendments shall become ratified and shall then become effective upon the approval of a 2/3 vote of the eligible voting members present at the meeting during which voting on the proposed amendment takes place.

Article VI: Additional Bylaws

Section 1. In the interest of time and academics, meetings shall be limited to one hour, unless the board deems it necessary to extend the time.

Section 2. In order to stay within the one-hour limit, no more than five topics will be on each agenda.

Section 3. The Board of Directors without membership approval can expend no more than \$25.00, unless already budgeted.

Section 4. Business records shall be open for membership inspection upon request; however, no record shall contain the name or other identifiers of any student receiving assistance from LSA.

Section 5. LSA will adhere to Robert's Rules of Order, with some added flexibility when conducting meetings.

Section 6. LSA officers will have executive meetings prior to every membership meeting. They will have the responsibility of consulting and agreeing upon the time and place of the meeting, how the notices shall be delivered to the membership; who will be presiding; discussion of the objectives of the meeting; and what will be on the agenda for that meeting.

Article VII: Office Hours

Law Students Anonymous is located in room 336a, South Texas College of Law.
Office hours are

Note: Law Students Anonymous is a program that can be used by any school without permission. It was founded by a student at South Texas College of Law and for any programmatic assistance or questions contact:

Cal Baker at
calbaker@sbcglobal.net or 281-773-1014

IV. DEVELOPING SUBSTANCE ABUSE POLICIES

Most student service administrators work for a law school that is a part of an undergraduate institution that has a comprehensive alcohol policy. However, the university wide policy may not directly apply to the particular needs of a law school including the adult population. Student service administrators may be in a position to develop or revise the substance abuse policy for their law school. Developing an alcohol policy may seem like a daunting task if you are not familiar with your institution's goals, liability issues, and constituent concerns relating to alcohol consumption. The process can be straightforward and enlightening if you begin with a few considerations as your guide.

In their book, *Alcohol on Campus*, Donald Gehring and Christy Geraci conclude that an alcohol policy is the sum total of an institution's efforts. It is what's written and what's done to prevent alcohol abuse and dependence. In light of the potential loss of student and institutional resources, developing an effective alcohol policy is a worthwhile endeavor.

Why is such a policy important? The use of alcohol and other substances before addiction occurs is as much a matter of culture as anything else. Cultures that by default encourage patterns of abuse use will end up with more students addicted. Science based prevention research shows that an institution has great power to influence the drinking culture of its students. Many law schools totally default by doing nothing to create a positive attitude toward the moderate use of alcohol. Such schools aid the fall into addiction of a significant number of students who are genetically vulnerable to the disease, especially at a time of stress and neurological immaturity.

An alcohol policy is the first step toward creating a positive culture around the use of alcohol. The next step is the leadership required to make that policy alive.

Involving Stakeholders

Who are the target groups?

Include representatives from the target groups.

Include representatives from the external community (as a resource).

Institutional Mission

What is the educational mission of the institution?

Why is the alcohol policy being developed or revised?

What type of alcohol policy contributes to the furtherance of the institution's mission?

Parameters

Assess strengths and weaknesses of current policy (see Risk Assessment, Anderson & Janosik, 1987).

What is the purpose of the new alcohol policy? (Control and or education)

What are the goals of the policy?

How broad is the policy?

What strategies and approaches will the institution utilize to accomplish the goals of the policy?

Enforcement

Is the policy practical enough to enforce?

Include training for the individuals responsible for implementation.

Monitor the implementation phase to ensure that the policy is effective and to make adjustments in a timely manner.

Dissemination

Dissemination should be broad and continuous.

Include presentation training for representatives disseminating the information.

Tailor presentations to each audience.

Example:

In questionnaires sent out by the sub-committee in winter of 2004 asking about substance abuse policies in law schools, a surprising number did not have policies at all. It is the committee's recommendation that all schools look at providing policies regarding the use of alcohol and other substances. While no one policy can work at all schools, there are some examples from various schools that may be helpful.

- Requiring a permit to serve alcohol.
- Requiring non-alcoholic beverages to be served.
- Limiting students to a two drink maximum.
- Providing access to designated drivers or cabs.
- Requiring food to be served at events where alcohol is served.
- Requiring that no school funds be used for alcoholic beverages.
- Providing education to servers.
- Providing the resources with which students with substance abuse problems can access some assistance.

References

Gehring, Donald D. & Geraci, Christy P. (1989). Alcohol on Campus: A Compendium of the Law and a Guide to Campus Policy. College Administration Publications, Inc.

Anderson, David S. & Milgram, Gail Gleason, (1998). Task Force Planner Guide. George Mason University

Inter-Association Task Force on Alcohol and Other Substance Abuse Issues (1998).

What Can You Do? Collegiate Alcohol Abuse: Recommendations and Guidelines. The National Symposium on Campus Alcohol Practices

V. DEVELOPING SUBSTANCE ABUSE PROCEDURES

Application of the policy

Policy should apply to all constituents (faculty, staff, and students, anyone on campus).

When and where do you allow possession or consumption?

When and where do you educate and train constituents?

When and where do you advertise the use of alcohol

Violations

Sanctions should be clearly stated within the policy.

Violations of the alcohol policy should be treated in the same manner as other
institutional policies.

All constituents should be disciplined in the same manner.

Sanctions should enhance the overriding mission of the institution.

Coordinate with campus groups to ensure that repeat-offenders are not only sanctioned
but also referred for counseling and assessment.

References

Gehring, Donald D. & Geraci, Christy P. (1989). Alcohol on Campus: A Compendium of the Law and a Guide to Campus Policy. College Administration Publications, Inc.

Anderson, David S. & Milgram, Gail Gleason, (1998). Task Force Planner Guide. George Mason University

Inter-Association Task Force on Alcohol and Other Substance Abuse Issues (1998). What Can You Do? Collegiate Alcohol Abuse: Recommendations and Guidelines. The National Symposium on Campus Alcohol Practices

VI. PREVENTION

■ PREVENTION PRINCIPLES AND ESSENTIAL LESSONS FROM KEY FEDERAL PREVENTION RESOURCES

Evidence Based Principles for Substance Abuse Prevention

A. ADDRESS APPROPRIATE RISK AND PROTECTIVE FACTORS FOR SUBSTANCE ABUSE IN A DEFINED POPULATION.

1. Define a population: a population can be defined by age, sex, race, geography, and institution.
2. Assess levels of risk, protection, and substance abuse for that population. Risk factors increase the risk of substance abuse, and protective factors inhibit substance abuse in the presence of risk. Risk and protective factors can be grouped in domains (genetic, biological, social, psychological, contextual, economic, and cultural) and characterized as to their relevance to individuals, the family, peer, school, workplace, and community. Substance abuse can involve marijuana, cocaine, heroin, inhalants, methamphetamine, alcohol, and tobacco, as well as sequences, substitutions, and combinations of those and other psychoactive substances.
3. Focus on all levels of risk, with special attention to those exposed to high risk and low protection. Prevention programs and policies should focus on all levels of risk, but special attention must be given to the most important risk factors, protective factors, psychoactive substances, individuals, and groups exposed to high risk and low protection in a defined population. Population assessment can help sharpen the focus of prevention.

B. USE APPROACHES THAT HAVE SHOWN TO BE EFFECTIVE.

4. Reduce availability of illicit drugs, and alcohol. Community wide laws, policies, and programs can reduce the availability and marketing of illicit drugs.
5. Strengthen anti-drug-use attitudes and norms. Strengthen environmental support for anti-drug-use attitudes by sharing accurate information about substance abuse, encouraging drug-free activities, and enforcing laws, and policies related to illicit substances.
6. Strengthen life skills and drug refusal techniques. Teach life skills and drug refusal skills, using interactive techniques that focus on critical thinking, communication, and social competency.

7. Reduce risk and enhance protection in families. Strengthen family skills by setting rules, clarifying expectations, monitoring behavior, communicating regularly, providing social support, and modeling positive behaviors.
8. Strengthen social bonding. Strengthen social bonding and caring relationships with people holding strong standards against substance abuse in families, schools, peer groups, mentoring programs, religious and spiritual contexts, and structured recreational activities.
9. Ensure that interventions are appropriate for the populations being addressed. Make sure that prevention interventions, including programs and policies, are acceptable to and appropriate for the needs and motivations of the populations and cultures being addressed.

C. INTERVENE EARLY AT IMPORTANT STAGES AND TRANSITIONS.

10. Intervene early and at developmental stages and life transitions that predict later substance abuse. Such developmental stages and life transitions can involve biological, psychological, or social circumstances that can increase the risk of substance abuse. Whether the stages or transitions are expected or unexpected, they should be addressed by preventive interventions as soon as possible – even before each stage or transition, whenever feasible.
11. Reinforce interventions over time. Repeated exposure to scientifically accurate and age-appropriate anti-drug-use messages and other interventions – especially in later developmental stages and life transitions that may increase the risk of substance abuse – can ensure that skills, norms, expectations, and behaviors learned earlier are reinforced over time.

D. INTERVENE IN APPROPRIATE SETTINGS AND DOMAINS

12. Intervene in appropriate settings and domains. Intervene in settings and domains that most affect risk and protection for substance abuse, including homes, social services, schools, peer groups, workplaces, recreational settings, religious and spiritual settings, and communities.

E. MANAGE PROGRAMS EFFECTIVELY.

13. Ensure consistency and coverage of programs and policies. Implementation of prevention programs, policies, and messages for different parts of the community should be consistent, compatible, and appropriate.
14. Train staff and volunteers. To ensure that prevention programs are continually delivered as intended, training should be provided regularly to staff and volunteers.

15. Monitor and evaluate programs. To verify that goals and objectives are being achieved, program monitoring and evaluation should be a regular part of program implementation. When goals are not reached, adjustments should be made to increase effectiveness.

SOURCE: Office of National Drug Control Policy www.whitehousedrugpolicy.gov

■ **RESOURCES**

Substance Abuse and Mental Health SAMHSA

www.samhsa.gov/index.aspx

National Clearinghouse for Alcohol and Drug Information
800-729-6686

NCADI www.health.org

National Library of Medicine www.text.nlm.nih.gov

U.S. Dept. of Education www.ed.gov/admins/lead/saftey/list.jhtml

Center for Substance Abuse Prevention www.prevention.samhsa.gov

National Institute on Drug Abuse www.nida.nih.gov/

Center for Disease Control and Prevention

www.cdc.gov/ncipc/dvp/bestpractices.htm

Drug Strategies www.drugstrategies.org/

VII. EDUCATION

MODEL SYLLABUS

**Prepared for the American Bar Association
Commission on Lawyer Assistance Programs and for
The Canadian Bar Association**

Law School Substance Abuse Course

1st Year – STRESS AND LIFESTYLE MANAGEMENT

- Lecture: Lawyer from Lawyer Assistance Program on topic: Managing Stress as a Practicing Lawyer
- Credit Time: 1.0 Hour
- Video on Stress Management/ Lifestyle Issues
- Credit Time: 1.0 Hour
- Seminar Discussion on 3 case examples
(Class broken down into groups of 20)
- Credit Time: 3 x 1.0 Hour = 3.0 hours
- Essay assignment (1000 words): Strategy for handling personal problems arising from specific (new) case examples.
- Credit Time: 5.0 hours

2nd Year – WHEN PERSONAL PROBLEMS BECOME PROFESSIONAL ISSUES

- Lecture: Lecture: Lawyer from Lawyer Assistance Program on topic: When a Lawyer faces disciplinary proceedings as a result of personal problems
- Credit Time: 1.0 Hour
- Video on the Intervention Process
- Credit Time: 1.0 Hour
- Seminar Discussion on 3 case examples
(Class broken down into groups of 20)
- Credit Time: 3 x 1.0 Hour = 3.0 hours
- Essay assignment (1000 words): Strategy for handling personal problems arising from specific (new) case examples.
- Credit Time: 5.0 hours

3rd Year – ALCOHOLISM AND DRUG ADDICTION

- Lecture: Lawyer from Lawyer Assistance Program on topic: Alcoholism, Drug Dependency and other addictions
- Credit Time: 1.0 Hour
- Video on the Lawyer Assistance Programs
- Credit Time: 1.0 Hour
- One hour Lecture: set up and presentation of written material in preparation for an all day retreat.

- All day retreat on Friday, Saturday or Sunday (Class broken down into groups of 20) to discuss practice and personal problems arising from addiction, illness, or other distress;
- Discussion Topics: alcohol addiction; drug addiction; alcohol/drug abuse; family pressures; balancing responsibilities to clients and spouse/children; emotional difficulties including depression, physical or emotional illness.
- Credit Time: 7.0 hours
- **NOTE:** The Syllabus has been organized for three different formats on the basis of one hour per year, two hours per year, and ten hours per year.
- The one hour per year model would provide face to face lecture (#1 in each year).
- The two hour model would include both the lecture and the videos (#1 and #2 in each year).
- The ten hour model would incorporate all four items for each year.
- Further, the law school could choose to devote more than one or two hours in any given year. For example, the law school could choose the ten hour format for the first year and the two hour format for each of the second and third year.

For more information contact

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“Sample Course”

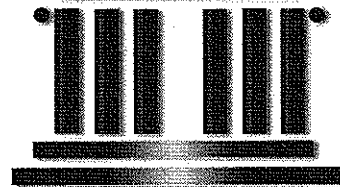
Attached you will find a copy of “Substance Abuse, Stress, Mental Health and the Legal Profession,” a module designed to facilitate the teaching of alcohol and substance abuse issues in Professional Responsibility/Legal Ethics courses. Prepared for the New York State Lawyer Assistance Trust by Touro Law Center Professor Marjorie Silver, the Course contains selected readings and a teacher’s guide that will support two hours of instruction on a lawyer’s responsibility for alcohol and substance abuse among himself/herself, clients, and colleagues.

While portions of the contents of the Course are New York-specific, the concept and format are readily adaptable for use in other states.

If issues of alcohol and substance abuse can be made part of the Professional Responsibility/Legal Ethics curriculum, a required subject in virtually all law schools, we will have gone a long way toward getting this essential information in the hands of lawyers at the very beginning of their careers. The Course is designed to facilitate this, by giving teachers the materials they need to make instruction on the unfortunate reality of alcohol and substance abuse in the profession a regular part of their courses.

For further information, please contact NY LAT at (518) 285-4545.

Substance Abuse, Stress, Mental Health and the Legal Profession



PREPARED FOR THE
NEW YORK STATE LAWYER ASSISTANCE TRUST

PROFESSOR MARJORIE A. SILVER

TOURO LAW CENTER

TEACHER'S GUIDE TO
SUBSTANCE ABUSE, STRESS, MENTAL HEALTH AND THE LEGAL PROFESSION

Professor Marjorie A. Silver

I. Introduction

The extent of alcoholism, drug abuse and depression among the practicing bar is alarming. Numerous studies discussed in these materials have documented the extent to which lawyers are disproportionately vulnerable to developing these problems. These problems threaten the attorney's health and personal relationships with family and friends. Alcoholism and other dysfunction among lawyers adversely affect clients. While estimates vary, it is clear that a high percentage of disciplinary cases in New York are related to alcoholism, depression and drug abuse. As several studies discussed in these materials—most recently that of Sheldon and Krieger—have demonstrated, something happens during law school that *causes* and *exacerbates* these problems. Thus, those of us in legal education have a special responsibility to address them. One suggested approach is to teach about alcoholism, substance abuse and depression within the profession as part of the law school's basic Professional Responsibility curriculum. These materials are designed for just that purpose.

The enclosed materials, prepared under the auspices of the New York State Lawyer Assistance Trust, will introduce students to issues surrounding alcohol and drug abuse, depression, and other emotional and psychological impediments that afflict a significant percentage of law students and lawyers. The teaching objectives are several:

- Apprise students of the extent of alcoholism, substance abuse and mental health problems within the profession.
- Apprise students of the relationship between alcoholism, substance abuse and admission to the bar.
- Apprise students of the relationship among alcoholism, substance abuse, mental health problems, treatment and attorney discipline.
- Apprise students of reporting requirements concerning other attorneys with alcoholism, substance abuse or mental health problems.
- Challenge students to think critically about the bar's treatment of applicants and attorneys with alcoholism, substance abuse or mental health problems.
- Assist students in self-identifying problems they may currently or potentially face.
- Introduce strategies that students may use with family and friends experiencing alcoholism, substance abuse or mental health problems.
- Inform students of the resources and support available, *inter alia*, through the Lawyer Assistance Programs in New York State to address problems involving alcoholism, drug abuse and mental health problems.¹

¹ Teachers are further encouraged to insure that students are aware of available campus resources.

II. What's in the "Box"?

The Materials in this "Box" include:

- A. This Teacher's Guide
- B. Student Materials

The "core" of these materials is Chapter 11, Problem 28 from Richard A. Zitrin & Carol M. Langford, *Legal Ethics in the Practice of Law* (Lexis-Nexis 2nd ed. 2002) ("Z&L"). I teach a two-credit Professional Responsibility course at Touro Law Center to upper level students and use the Z&L book as my course text. The authors and publisher have graciously given us permission to use this problem and readings for this project.

Added to the Z&L materials are the following:

1. Information specific to New York State with respect to:
 - a. Mitigation
 - b. Reporting Requirements
 - c. Diversion Programs
 - d. Licensing Issues
 - e. Resources & Contact Information
2. Three additional sections:
 - a. Alcoholism: A Disease or a Moral Failing?
 - b. Law Students, Substance Abuse and Licensing.
 - c. Distress Among Law Students and Lawyers—It Starts in Law School!
3. Additional Supplemental Readings
4. On-line Resources

C. Videos

1. A video sampling of presentations from the June 2003 New York State Lawyer Assistance Trust Conference on *Meeting Our Responsibilities: Substance Abuse and Law Schools* (16 min.).²
2. A video produced for the British Columbia Lawyers Assistance Program that includes a short simulation concerning an impaired lawyer, some peer intervention, as well as information on the causes and symptoms of substance abuse, and why lawyers are particularly susceptible (17 min.; 1991).³
3. Two videos produced by the New York State Lawyer Assistance Trust, both introduced by Chief Judge Judith S. Kaye; the first, describing personal struggles and recovery stories of addicted attorneys; the second, colleagues helping attorneys find lawyer assistance services (11 min.; 2004).⁴

D. CD-Rom & DVD

This CD-Rom contains this guide and the student materials; the videos are on the DVD.

² Reproduced with permission of the producer, New York State Lawyer Assistance Trust.

³ Reproduced with permission of the producer, British Columbia Lawyers Assistance Program.

⁴ Reproduced with permission of the producer, New York State Lawyer Assistance Trust.

III. Using these Materials

These materials are designed to be covered in two or more 50-minute hours of class time. Although they were written with Professional Responsibility courses in mind, there is no reason why they could not be offered (or even required) as a free-standing curriculum module.⁵ Not all the material, nor even all of the questions contained in the material, necessarily need substantial in-class discussion. Although this amount of reading material is a reasonable assignment for two hours of class time, you are invited to assign all or part of it, and the electronic format allows you to cut any material you do not wish to assign.

Some of us are more comfortable than others in discussing with our students potentially sensitive topics such as alcoholism, substance abuse and mental impairment. It is critical that you, the professor, be familiar with the resources available to *you*, to support you in using these materials. We are quite fortunate here in New York State to have available to us the resources of state and local Lawyer Assistance Programs (LAPs). Each semester, I invite Eileen Travis, director of the NYC LAP to do a one (50 minute) hour presentation for my Professional Responsibility students. Eileen generally brings along at least one recovering local attorney, often someone involved in the local bar association's substance abuse program, as well as a lawyer from the grievance committee with jurisdiction over attorneys practicing in Nassau and Suffolk County. Students find these presentations to be extremely valuable. We hope you will utilize these and other available resources. You might find it useful to follow this suggestion from Eileen Travis:

When we speak at Cardozo to a professional responsibility class, the professors provide us with three questions each one of the students would like to have answered regarding attorneys, stress, alcoholism and substance abuse. This helps us know what is on the students' minds and we prepare our talk to answer most if not all of these questions.⁶

Other available resources include the people at your law school or university to whom you and your students can turn for assistance and information. You may already know who they are. If not, I urge you to find out and share that information with your students.

Although I believe a "live" LAP panel is more effective in engaging the students' interest and attention, the videos are provided as an alternative. Even if you do utilize LAP, you will probably find the videos informative, and may want to make them available to your students, even if you do not use class time to screen them.

Finally, I have included the excerpt of Z&L's teacher's manual that corresponds to Problem 28. It contains suggested questions, role plays, and ideas for discussion that you may wish to use. I also urge you to consider the questions that are laced throughout the materials that have been added to Problem 28, as described above.

⁵ William Mitchell School of Law, for example, requires students to accumulate a certain number of "Perspectives in the Legal Profession" (PLP) credits. One required PLP area is "healthy lifestyles." Students can earn PLP credits for attending programs on stress and chemical dependency. Posting of Ann Iijima, AIijima@wmitchell.edu, to legaled@mail.law.fsu.edu (Nov. 4, 2003) (copy on file with author).

⁶ Email from Eileen Travis to Marjorie Silver, Jan. 12, 2004.

I hope you find these materials useful, and I welcome feedback from you on their strengths and weaknesses, as well as any suggestions you may have for improving them. We share, I am confident, a common goal: to insure that our students thrive as lawyers, that they are happy and fulfilled by what they do with their lives, that they meet the highest standards of our profession, and that they serve their clients and the cause of justice well. If we can empower them to avoid dysfunctional behavior, or to find appropriate treatment when they succumb, we will be doing them, their clients, and our system of justice a great service.

Please contact me with suggestions or questions:

Professor Marjorie A. Silver
Touro Law Center
(631) 421-2244 ext. 366
msilver345@hotmail.com

Richard A. Zitrin & Carol M. Langford, *Legal Ethics in the Practice of Law*, 2d ed. (Lexis Nexis 2000), Teachers Manual

Problem 28: *A Lawyer In Trouble And His Friends On The Spot*⁷

THE POINT BEHIND THE PROBLEM:

The point of this problem is to address as candidly as possible within the classroom setting the reality of substance abuse and its effect on our colleagues, ourselves, our practice and our clients. The problem is designed to raise several issues. First is the extent to which we owe it to our colleagues and to our law firm's clients to insist that our colleagues with substance abuse problems seek assistance. The second is the effect of substance abuse problems on a lawyer's competence, and the potential breach of fiduciary duty to clients being represented by that attorney.

The third issue relates to the significance of substance abuse as a destructive force in itself, in the lives of our friends and colleagues, and perhaps ourselves. But this issue is also coupled with a recognition of reality, that the practice of law, combined with the relative powerlessness of law firm associates, can foster a certain amount of alcohol and drug use, much of which may be termed "abuse," but some of which may not be. Next, **Section 4** of the **Readings** highlights the availability of help for alcohol and drug abusers through special state bar programs in almost every jurisdiction.

In raising these issues with law students, it is important for the teacher to avoid a "holier than thou" attitude. It is important also to appreciate the practical realities of the stressful life of law students and lawyers. This is the final point we wish to raise: Recognizing the peer pressure to engage in certain potentially destructive behaviors, and the fact that it can be very difficult for partner and associate alike to take the steps advised in the readings to insist that a colleague get help. At the same time, we recognize the overriding importance of attempting to solve these problems.

APPLICABLE RULES:

Model Rules: MRs 1.1; 1.3; 5.1; 5.2; 8.3.
Model Code: DRs 1-103(A); 7-101; 9-101; EC 9-2.
CA Rules: 3-110.

SUGGESTED QUESTIONS TO ASK:

- Is "Rabbit" Worthington's behavior in **Part I** sufficiently clear to warrant his colleagues taking action?
- Is "Rabbit" an alcoholic? Is alcohol affecting his performance?
- When should the law firm intervene in Rabbit's situation? When he loses clients? Or stops bringing in business?
- Should the firm not intervene in Rabbit's case until he is no longer competently representing clients?
- Should the point where the law firm intervenes on Rabbit's behalf depend more on his personal situation than on his representation of clients?
- How many students would talk to Worthington? How many think Chenier will discuss the problem with Worthington?
- If Chenier talks to Worthington, should it be as a managing partner, or a friend?
- To what extent does potential incompetence raise the ante for intervening in the case of a possible substance abuser?

⁷ Reprinted by permission. Copyright © 2002 Matthew Bender & Company, Inc., a member of the LexisNexis Group. Please note that while the section numbers of the Readings have been changed to correspond to the sections in the adapted materials, the rest of the text is reprinted verbatim from the Z&L Teacher's Manual. References to other problems are to those in RICHARD A. ZITRIN & CAROL M. LANGFORD, *LEGAL ETHICS IN THE PRACTICE OF LAW*, 2nd ed. (2002).

- How strongly must Jane Diaz consider her status in the firm before deciding what to do about Rabbit's problems?
- What alternatives does Diaz have to simply "blowing the whistle" on Rabbit?

SUGGESTED ROLE-PLAYS:

- Role-play a group of partners discussing the issue of an "intervention" for Rabbit, with the teacher as one partner, and the students leading the discussion as other partners.
- Role-play Jane Diaz examining the alternatives she has and some practical avenues she might take. For example, Jane might talk to a partner in the firm whom she trusts.

DISCUSSION:

(a) Part I, What Should Chenier Do?:

Students should begin by evaluating how clear a problem "Rabbit's" behavior is in Scenario I. To us, even at this earlier stage, this scenario seems quite clear on the extent of Rabbit's alcohol use. What is somewhat less clear is the extent to which his problem affects his representation of clients. Still, it appears to us there is enough to conclude that Rabbit's condition means he has a significant alcohol problem and is no longer an asset to the firm.

The Readings in Section [2] state the clear case for intervention at the earliest possible time. The Temple Law Review article (Section [3]) argues strongly for the idea that when it comes to substance abuse, "if you are not part of the solution, you are part of the problem." Nevertheless, the teacher should be wary of students who reach such a conclusion too easily. The practical realities of the law firm setting, the daily pressures from colleagues and the realities of natural human interaction make Chenier's decision to intervene at this stage a difficult one at least on a personal basis. What we try to encourage is a full and fair evaluation of the options which face Chuck Chenier.

(b) Why Should a Lawyer Intervene?:

The teacher might wish to inquire of students what the principal issue is in terms of the law firm's intervention. Should intervention occur when Rabbit begins to lose clients? Or when he stops bringing in business? Should the firm wait until he is actually not competently representing his clients? Or should it depend more on his personal situation?

We like to role-play a group of partners discussing this issue, with the teacher as one partner, and the students leading the discussion as other partners. In this way we can engage in a roundtable about what we should do, and why it is that we are (or are not) doing it. We also are mindful of the ultimately personal nature of this issue, which is brought home by Part III.

The Readings in Section [6] make a strong case for intervention in appropriate situations. But students also need to be made aware that the lawyer's family may not fully support the intervention. That is because even if impaired, the lawyer is earning money, and will have no income while spending what could be as long as three to six months in rehab. We found this surprising, but a lawyer of our acquaintance told us that after one intervention, the family was more angry at the loss of income and status than concerned about the welfare of the lawyer.

(c) Part II: What Is Diaz's Responsibility?:

Again, the students should review how clear Rabbit's behavior is, and how clear the apparent substance abuse, in Part II. Again, the same reasons for intervention should be reviewed. Here, however, it appears that his competence is directly affected. To what extent does this raise the ante for intervening? Indeed, she — and her firm — could incur liability for doing nothing while watching Worthington's possible malpractice.

The competing consideration is Diaz's status as an inexperienced associate. As a second-year associate, she has almost no power within the firm. It would be normal for Diaz to consider her status in deciding how to deal with Rabbit's situation. Her problem is a real one. If she goes directly to Rabbit and he denies there is a problem, it may be more difficult to go to Chenier. If she goes to Chenier, however, she is going over Rabbit's head. Worthington may take that out on her in her annual evaluation. She's in a no-win situation. Only Chenier can get Jane off the hook, because he's in a better position as managing partner to do so.

The teacher can assist by role-playing **Diaz** and/or examining the alternatives she has and suggesting some practical avenues she might take. For example, as we suggested in **Problem 25**, Jane can talk to a partner in the firm whom she trusts and present the problem to that partner.

It is important, however, to recognize that in most states, under **MR 8.3** or a similar rule (California is an exception here), a lawyer has an obligation to report to the bar regulatory authority the incompetent conduct of a colleague. This, of course, is what got attorney Kelly in trouble, as we saw in the readings to **Problem 25**. This rule may be honored more in its breach than in its implementation. But it remains a lawyer's obligation. Further, there remains a duty to supervise subordinates. This may not apply to Worthington, but could to a subordinate with a substance abuse problem.

(d) Part II — Chenier's Duty Revisited:

Students may argue that for **Diaz**, since she is a subordinate lawyer, her obligation to report **Rabbit** is mitigated by her supervising lawyer taking her off the hook. (See the contrast between **MRs 5.1** and **5.2**.) No such defense will be available to **Chenier**, on whose shoulders clearly fall a responsibility not only to report incompetence, but also a fiduciary duty to clients of the firm not to allow them to be represented incompetently.

(e) Drugs, Alcohol, and Your Friend (or You):

Part of the purpose of this problem is to bring home the reality of substance abuse to each law student, not only about their colleagues, but about their friends and potentially themselves. This is something we intend to do gently, and in a way that tries to avoid being too "preachy." For this reason, for example, the **Allan** article in **Section [6]** of the **Readings** and **Section [10]** talk about instances of alcohol use which are appropriate, and instances of drug use which may not interfere with a lawyer's performance.

We suggest that the teacher remain mindful of the realities of practicing with colleagues who go out for a beer after work, and that all of us must deal with the stress of modern law practice. At the same time, we believe the teacher has here the opportunity of returning to the recurring theme of a law firm's culture. Some firms foster substance use and even drug abuse through peer pressure that makes the teen-age variant look mild by comparison.

When we refer to stress (see some examples of ways in which lawyers appropriately and inappropriately deal with stress in **Section [8]**), we neither want to minimize it nor overstate it. Rather, we want to acknowledge it, and point out the downside risks of giving in to it in inappropriate ways. According to studies we have read, this is of particular concern to women. One study showed that 20% of women lawyers in California had six or more drinks a day. This may well stem from the additional pressure felt by women who want to succeed as equals in the legal marketplace, as we saw in **Problem 27**.

Before closing a discussion of this issue, students should be afforded an opportunity of telling their "war stories" about the use and abuse of alcohol and drugs in legal circles. Many law schools may be guilty of fostering at least an environment of alcohol use, if not one that actually fosters abuse. This is a serious concern, worth some serious consideration.

RESOURCES

- **LAWYERS ASSISTANCE PROGRAMS**
<http://www.abanet.org/legal/services/colap/home.html>
- Addiction Recovery Resources for Professionals www.lapage.com/arr/
- Alcoholics Anonymous www.alcoholics-anonymous.org/ (AA) 212-870-3400
- American Medical Association www.ama-assn.org
- Center for Substance Abuse Treatment www.samhsa.gov/index.aspx (SAMHSA)
- Cocaine Anonymous www.ca.org (CA) 800-347-8998
- Crystal Meth Anonymous www.crystallmeth.org (CMA) 213-488-4455
- Dual Diagnosis Website users.erols.com/ksciacca
- Dual Recovery Anonymous www.draonline.org
- Habit Smart www.habitsmart.com
- Hazelden Recovery Center www.hazelden.org
- International Lawyers in A.A. www.ilaa.org (ILAA)
- Marijuana Anonymous www.marijuana-anonymous.org (MA)
- Narcotics Anonymous www.wsoinc.com (NA)
- National Clearinghouse for Alcohol and Drug Information www.health.org (SAMHSA)
- Nicotine Anonymous www.nicotine-anonymous.org (NA) 415-750-0328
- Recovery Related Resources
www.dui.com/alcoholissues/Alcohol/recoveryresources.html
- Treatment Improvement Exchange www.treatment.org (CSAT)
- Web of Addictions www.well.com/user/woa/

VIII. INTERVENTION

- Interventions are a tool for helping a person get help whose condition (like alcoholism) is such that his/her perception is effected by the disease so that the addicted person cannot readily see that help is needed. Interventions without fail work better with professional assistance. State Lawyer Assistance Programs have people trained in interventions that may be contacted and are glad to help law school administrators either directly or by putting them in touch with local trained interventionist. (See contact list in Tool Kit) Interventions work best in contexts where the impaired person has something significant at stake and the law school context is an ideal time for a student with addictive disease to get help that will allow him or her to address this issue.

TYPES

SIMPLE- One on One. Loved one or M.D./Counselor asks the person to stop using and gives education and/or support in the request.

CRISIS- Individual ends up in a hospital or jail and stops on their own.

CLASSICAL- Vernon Johnson Model, used by Hazeldon, a leader in the field of formal intervention. Johnson wrote the book "I'll Quit Tomorrow". This model focuses on the user and uses family/peer support. User will not know about the meeting to intervene until all concerned individuals are gathered.

SYSTEMS- Based on works by Virginia Satir, which focuses on family. Does not keep the intervention secret from the user. Uses individuals outside of the family, such as friends, clergy and employer. This approach does not confront in the same way as the Johnson Model.

Resources

- **National Institute on Alcohol Abuse and Alcoholism (NIAAA)**
5635 Fishers Lane, MSC 9304
Bethesda, Maryland 20892-9304
<http://www.niaaa.nih.gov/>
- **Association of Intervention Specialists**
15200 Shady Grove Rd. Suite 200
Rockville, Maryland 20850
<http://www.Intervention.com>

IX. TREATMENT

There are numerous high quality treatment facilities in every region of the country. What is best for any one individual requires a thorough knowledge of the disease of addiction, a thorough evaluation of the individual and a comprehensive knowledge of available treatment resources. Like much of medicine, the availability and quality of treatment services can change rapidly. The state Lawyer Assistance Programs have a primary focus on being abreast of where the best treatment resources are in their community and are glad to consult with law administrators confidentially to share such information. (See contact list in Tool Kit)

Models of Treatment

All good medical treatment for addiction is based on the Disease Model

DISEASE MODEL- Recognized by the AMA and APA as a chronic, progressive and fatal disease that can develop in certain individuals. Recent evidence points to the disease as an organic brain disease. The disease model is seen as affecting the biological, psychological and social aspects of a person

In addition to the Medical Treatment for Addiction there are Self Help Approaches also based on a Disease Model.

12 STEP MODEL- Started in the 1930's by Bill Wilson And Dr. Bob, two alcoholics who, based on their own attempts to quit drinking, developed twelve steps that help individuals change the way they think, feel and act in all aspects of their lives, including remaining abstinent from all mood altering chemicals.

In addition to programs designed to help individuals who suffer from addictive disease there are approaches designed to help individuals who are abusers but who have not had the onset of disease. Care should be used in suggesting these approaches to law students since at their age serious problems with alcohol may much more likely be about addiction than abuse and it is normal for an individual who is addicted and who has had no treatment to believe he or she is an abuser not addicted

HARM REDUCTION MODEL- A movement designed to work with addicts in a manner that encourages individuals to cease most serious using behaviors, but does not require total abstinence, though that may be the goal. Based on what the individual is ready and willing to do.

X. DIRECTORY OF LAWYER ASSISTANCE PROGRAMS

State and Local Lawyer Assistance Programs

■ **ALABAMA**

Lawyer Assistance Program

334-834-7576

E-mail: jeannemarie.leslie@alabar.org ; jmleslie@alabar.org

■ **ALASKA**

Lawyers Assistance Committee

907-264-0401

E-mail: oregand@alaskabar.org

■ **ARIZONA**

Member Assistance Program

602-340-7313

Crisis Line 800-681-3057 24 hours

E-mail: hal.nevitt@staff.azbar.org

■ **ARKANSAS**

Arkansas Lawyers Assistance Program (ArLAP)

501-907-2529

E-mail: harbergails@alltel.net

■ **CALIFORNIA**

State Bar of California

Lawyers Assistance Program

800-222-0767

Toll-free 877-LAP 4 HELP

E-Mail: Janis.Thibault@calbar.ca.gov

or Richard.Carlton@calbar.ca.gov

■ The Other Bar

415-482-9500

E-Mail: resener2100@comcast.net

■ **COLORADO**

Colorado Lawyer's Health Program

800-432-0977 or

303-832-2233

E-Mail: confidential@clhp.org

■ **CONNECTICUT**

Lawyers Concerned for Lawyers

860-563-4900

E-Mail: bethLCLCT@hotmail.com; william.c.leary@snet.net

■ **DELAWARE**

Lawyers Assistance Committee

302-995-7001 24 hours

E-Mail: nachama@aol.com

■ **DISTRICT OF COLUMBIA**

Lawyer Counseling Program

202-347-3131 9:00 - 5:00 and answering machine

E-mail: lphillips@dcbar.org

■ **FLORIDA**

Florida Lawyers Assistance, Inc.

800-282-8981 (National) 24 hours

E-Mail: fla-lap@abanet.org

■ **GEORGIA**

Drug & Alcohol Resource Center

404-239-0201

E-Mail: sbrown@theresourcecenter.org

■ **HAWAII**

Attorney & Judges Assistance Program

808-531-2880 24 hours

E-Mail: sdixon@interpac.net

■ **IDAHO**

Lawyers Assistance Program

208-334-4500

E-Mail: LAP@southworthassociates.net

■ **ILLINOIS**

Lawyers' Assistance Program, Inc.

Chicago Office: 312-726-6607 or 800-LAP-1233

Downstate Office: 618-462-4397 or 800-LAP-1233

Chicago Office E-mail: jpvoss@illinoislap.org

Downstate Office E Mail: jbartylak@illinoislap.org

■ **INDIANA**

Judges and Lawyers Assistance Program

866-428-5527 (JLAP) or 312-833-0370

E-Mail: tharrell@courts.state.in.us

■ **IOWA**

Lawyers Helping Lawyers

800-243-1533

E-mail: hggady@iabar.org

■ **KANSAS**

Impaired Lawyers Assistance Committee

888-342-9300

E-mail: help@kalap.com

■ **KENTUCKY**

Kentucky Lawyers Assistance Program (KYLAP)

502-875-1303 Hotline (Confidential)

502-545-1801 Cell (Confidential)

502-607-0424 Home

502-564-3225 Fax
502-564-3795, ext. 258 KBA
E-mail: hebert@kybar.org

■ **LOUISIANA**

Alcohol & Drug Abuse Committee
800-354-9334 24 hours
E-mail: louisianalap@worldnet.att.net

■ **MAINE**

Maine Assistance Program for Lawyers
1-800-530-4627
E-Mail: maineassprog@verizon.net

■ **MARYLAND**

Lawyer Counseling Program
410-685-7878 Ext. 3040
24 hours 800-492-1964
E-Mail rvincent@msba.org
E-mail: cwaldhauser@msba.org

■ **MASSACHUSETTS**

Lawyers Concerned for Lawyers, Inc.
617-482-9600 or 800-525-0210
E-Mail: e;;emj@lclma.org

■ **MICHIGAN**

Lawyers & Judges Assistance Program
517-346-6306
800-996-5522
E-mail: blivingston@michbar.org

■ **MINNESOTA**

Lawyers Concerned for Lawyers
651-646-5590
E-mail: help@mnclcl.org

■ **MISSISSIPPI**

Lawyers and Judges Assistance Program
800-593-9777
24 hour confidential hotline
E-mail: bdaugherty@msbar.org

■ **MISSOURI**

Lawyers' Assistance Program
800-688-7859 24 hours & answering service
573-638-2262
E-mail: jbrady@mobar.org

■ **MONTANA**

Lawyers Helping Lawyers
888-385-9119
E-Mail: joanbnewman@hotmail.com

■ **NEBRASKA**

Alcohol & Drug Abuse Committee

402-475-6527

E-mail: rallan@nebar.com

■ **NEVADA**

Lawyers Concerned for Lawyers

702-455-4827

E-mail: GRAHAMR@co.clark.nv.us

■ **NEW HAMPSHIRE**

Lawyers Assistance Committee

603-224-6942

E-Mail: jtobin@nhla.org

■ **NEW JERSEY**

Lawyers Assistance Program

800-246-5527 24 hours

E-Mail: njlap@aol.com

■ **NEW MEXICO**

Lawyers Concerned for Lawyers

505-242-6845

505-228-1948 local helpline (24-hr)

800-860-4914 24 hours (In state only)

E-Mail: jyeag@unm.edu

■ **NEW YORK**

Lawyers Helping Lawyers

800-255-0569 24 hours (Nationwide)

E-mail: lap@nysba.org

■ **LAP Related Resource in New York**

New York Lawyer Assistance Trust

518-285-4545

■ **NEW YORK CITY**

New York City Lawyer Assistance Program

212-302-5787 24 Hours

E-mail: etravis@abcny.org

■ **NORTH CAROLINA**

North Carolina Lawyer Assistance Program

800-720-7257

E-mail: nclap@bellsouth.net

BarCARES of North Carolina

1-877-394-2271

E-mail: hrcch@aol.com

E-mail: cclcooper@cs.com

■ **NORTH DAKOTA**

State Bar of North Dakota

701- 258-7899

Email: loliver@vogellaw.com

■ **OHIO**

Lawyers' Assistance Program, Inc.

800-348-4343 24 hours
E-mail: smote@hmbc.com

■ **OKLAHOMA**

Lawyers Helping Lawyers
800-364-7886
E-mail: mirandolaw@dellnet.com

■ **OREGON**

Oregon Attorney Assistance Program
503-226-1057
E-Mail: michaels@oaap.org

■ **PENNSYLVANIA**

Lawyers Concerned for Lawyers Helpline
888-999-1941
Office Number 800-335-2572
E-Mail: ken@lclpa.org

■ **RHODE ISLAND**

Confidential Assistance Program
401-421-5740
E-Mail: hmcdonald@ribar.com

■ **SOUTH CAROLINA**

Lawyers Caring About Lawyers
866-545-9590
E-Mail: robert.turnbull@scbar.org

■ **SOUTH DAKOTA**

Lawyers Concerned for Lawyers
605-624-4449
E-Mail: mccahren@iw.net

■ **TENNESSEE**

Tennessee Lawyers Assistance Program
877-424-8527
E-Mail: tnlap@aol.com

■ **TEXAS**

Texas Lawyers Assistance Program
800-343-8527
Voice Mail 512-463-1453
E-Mail: afoster@texasbar.com

■ **UTAH**

Lawyers Helping Lawyers
801-579-0404
E-Mail: richuday@aros.net

■ **VERMONT**

Lawyer Assistance Program
802-775-2361
E-mail: barclayone@aol.com

- **VIRGINIA**
Lawyers Helping Lawyers
 877-545-4682
 Confidential Voice Mail 804-644-3212
 E-Mail: info@valhl.org
- **WASHINGTON**
Lawyers Assistance Program
 206-727-8265
 E-Mail: barbarah@wsba.org
- **WEST VIRGINIA**
 Lawyer Committee on Assistance and Intervention
 304-233-1974
 E-Mail: tindert@wvbar.org
- **WISCONSIN**
Lawyers Assistance Program
 800-543-2625 (24/7 helpline)
 E-Mail: sgoar@wisbar.org
- **WYOMING**
 Lawyers Assistance Committee
 307-778-7663
- **PUERTO RICO**
 Committee for Lawyer Affairs
 809-751-2705
- **VIRGIN ISLANDS**
 Lawyer Assistance Committee
 340-773-4150
 E-mail: lmingus@viaccess.net
- **CANADA**
- Legal Profession Assistance Conference of the Canadian Bar Association (LPAC)
 800-667-5722
 E-Mail: joyces@cba.org
- **British Columbia Lawyers Assistance Program**
 604-685-2171 or 888-685-2171
 E-mail: derek@lapbc.com
- **QUEBEC BAR ASSOCIATION**
 PAMBA Lawyers Association
 514-286-0831
 E-Mail: guyquesnel@videotran.ca
- Saskatchewan Lawyers Concerned for Lawyers
- **ENGLAND/WALES/SCOTLAND**
LawCare
 011-44-1273- 461861
 E-Mail: hilary@lawcare.org.uk

XI. ABA COLAP LAW SCHOOL OUTREACH SUBCOMMITTEE LITERATURE REVIEW COMMITTEE REPORT

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XII. ASSESSMENT TOOLS

- For school wide assessment programs contact
www.mentalhealthscreening.org
- The following tools are for general information and use. They are not designed to replace clinical diagnosis and professional or medical assessments.

A 20 question test from the most prestigious health care facility in the world--Johns Hopkins Hospital

"The Twenty Questions"

- | | |
|-------------------|--|
| 1. Yes No | Do you lose time from work due to drinking? |
| 2. Yes No | Is drinking making your home life unhappy? |
| 3. Yes No | Do you drink because you are shy with other people? |
| 4. Yes No | Is drinking affecting your reputation? |
| 5. Yes No | Have you ever felt remorse after drinking? |
| 6. Yes No | Have you had financial difficulties as a result of drinking? |
| 7. Yes No | Do you turn to inferior companions and environments when drinking? |
| 8. Yes No | Does your drinking make you careless of your family's welfare? |
| 9. Yes No | Has your ambition decreased since drinking? |
| 10. Yes No | Do you crave a drink at a definite time daily? |
| 11. Yes No | Do you want a drink the next morning? |
| 12. Yes No | Does drinking cause you to have difficulty in sleeping? |
| 13. Yes No | Has your efficiency decreased since drinking? |
| 14. Yes No | Is drinking jeopardizing your job or business? |
| 15. Yes No | Do you drink to escape from worries or trouble? |
| 16. Yes No | Do you drink alone? |
| 17. Yes No | Have you ever had a loss of memory as a result of drinking? |
| 18. Yes No | Has your physician ever treated you for drinking? |
| 19. Yes No | Do you drink to build up your self-confidence? |
| 20. Yes No | Have you ever been to a hospital or institution on account of drinking? |

*** see next page for scoring information**

Hopkins Scoring Scale

- If you have answered YES to any one of these questions, there is a **DEFINITE WARNING** that you may be an alcoholic
- If you have answered YES to any two, the **CHANCES ARE** that you are an alcoholic.
If you have answered YES to three or more, you are **DEFINITELY AN ALCOHOLIC**.

C.A.G.E.

Have you ever felt you should Cut down on your drinking?

Have people Annoyed you by criticizing your drinking?

Have you ever felt bad or Guilty about your drinking?

Have you ever had a drink first thing in the morning to steady your nerves or to get rid of a hangover (Eye opener)?

*** See next page for scoring**

CAGE Scoring Scale

Copyright: © American Psychiatric Association

Scoring:

Item responses on the CAGE are scored 0 or 1, with a higher score an indication of alcohol problems. A total score of 2 or greater is considered clinically significant.