



2008 - 2009 Annual Staff Report

FLORIDA LAWYERS ASSISTANCE, INC. 2008 - 2009 ANNUAL STAFF REPORT

OPERATIONS & CLIENTS

In its 23rd year of operation, Florida Lawyers Assistance, Inc. responded to over 600 telephone calls and personal interviews with impaired attorneys, judges, and law students or their family members and colleagues. Of these calls, 196 resulted in new files, bringing the total number of formal cases opened by FLA since its inception to 3449. The majority of hotline calls are not opened as formal files, but callers are referred to local 12 Step and FLA support meetings, or to FLA certified mental health care providers. FLA closed the year ending June 30, 2009 with 569 open files.

Over 2/3 of the formal cases opened during the past year (68%) were voluntary contacts. Of those voluntary cases, 85% were opened as the result of contact made by the attorneys and law students themselves, while 15% were opened after formal or informal interventions performed at the request of concerned family members, colleagues, or judges. Of the voluntary files, 46% represented psychological or dual disorder cases, while 54% were chemical dependency cases. FLA continues to devote considerable time to countering the lingering impression that FLA services are limited to substance abuse issues, and to get out the message that FLA has long focused on mental health, quality of life, career transition, and professionalism matters, in addition to its efforts to inform Florida legal professionals about the disease of chemical dependency.

The Current Economic Situation Has Presented a New Challenge to FLA Resources

The number of new files opened as pre-admission or conditional admission cases increased slightly to 38% of new cases (37% pre-admission, 1% conditional admission), and the number of monitored conditional admission cases also increased to 63. In May 2009, FLA implemented its new case management system which will allow greater accuracy tracking FLA clients through all stages of their participation in the program. FLA continues to work with the Florida Board of Bar Examiners and all Florida law schools to inform law students and applicants about FLA's existence and the benefits, both in the rehabilitation and admission areas, of developing a relationship with FLA as early as possible.

FLA continues to provide evaluation and monitoring services to The Florida Bar for those attorneys whose misconduct may be related to an impairment. This year, the percentage of cases opened as disciplinary matters represented 13% of new files, while 19% of new files were evaluations performed by FLA or FLA certified health professionals at the request of The Florida Bar. For a number of years, the actual percentage of disciplinary monitoring cases has remained fairly constant at about 30% of FLA's open caseload. In addition, FLA participates in many aspects of the Bar's Professionalism Enhancement programs (diversion), including Anger Management and Ethics Schools.

In May 2009, FLA premiered its redesigned web site (www.fla-lap.org), which this year registered 25, 212 hits on the home page and remains FLA's largest referral source. The new web site contains a news feed, a blog, easier access to all components, and a "members only" section for future use as a dialogue area for FLA clients and as a portal to the "Lawyers in the Rooms" section of www.InTheRooms.com. All resources from the prior web site are still available, as well as new features, including:

- a listing of attorney support meetings around the state
- a calendar of recovery related events around the country
- links to other substance abuse, lawyer assistance program, mental health awareness, and law practice sites
- a comprehensive bibliography and list of resources
- confidential self-tests for substance abuse and depression
- information, registration, and payment options for the annual FLA workshop
- information for law students
- printable monitor report forms, FLA annual reports, FLA drug testing policy, and other documents
- online monitor reports which can be completed and transmitted instantly
- ability to upload video training and webinars

**FLA's New Web Site
Dramatically Expands its
Services**
www.fla-lap.org

FLA's second largest referral sources remain *The Florida Bar Journal* and *The Florida Bar News*, which this year again published several comprehensive and supportive articles on FLA. FLA's primary live outreach tools remain CLE seminars and law school orientations, including the *Practicing with Professionalism* series presented to every newly admitted lawyer in Florida, as well as local county bar association meetings.

It bears repeating that the small FLA staff in Ft. Lauderdale could not serve a state the size of Florida with over 87,000 lawyers without the dedicated network of almost 400 volunteers who devote their time, energy, and resources to helping their fellow professionals. FLA continues to demonstrate a high rate of effectiveness, consistently having one of the lowest per member costs among lawyer assistance programs, while covering one of the largest bars and geographical areas in the country. Currently, there are 29 weekly chemical dependency attorney support groups (including new groups in Daytona, Palm Coast, and Spring Hill) and 9 facilitated mental health groups (including three run by Dr. Weinstein at the FLA office in Ft. Lauderdale) that are available for any attorney, judge, or law student seeking help or information.

Dr. Weinstein's presence as FLA's full-time Clinical Director became more crucial than at any time in the past three years due to the impact of the negative economic situation on legal practitioners. Other than after 9/11, FLA has not seen the level of psychological distress being experienced by all segments of the profession as the result of job cuts, lower revenue, inability to find work, and sharply increased competition. It is not an exaggeration to say that Dr. Weinstein is dealing with one or two lawyers weekly who are experiencing negative mental health conditions ranging from suicidal ideation to depression and stress. In discussing the situation with other lawyer assistance programs around the country, it is clear that Florida is in no way unique, and the level of psychological pain in the legal community is unprecedented. In response, FLA, the Florida Bar Center for Professionalism, and the American Bar Association are all working to develop programs to address the practical and psychological effects of the economic downturn.

FINANCIAL

Approximately 30% of FLA's income was self-generated over the past year. The sources of these funds were monitoring and registration fees paid to FLA by clients (7%) and by the Lawyer Regulation Department of The Florida Bar (19%), income derived from the FLA annual workshop (3%), and interest income (.7%). In accordance with FLA's accounting procedures, this income represents cash actually received, and does not take into account evaluation and monitoring fees which have been deferred until such time as the clients are financially able to make payment. The balance of the FLA operating funds are received as an allocation from The Florida Bar.

Income and expenses for fiscal year 2009 did not deviate from projections, and FLA finished its year on budget. Despite the difficult economic situation faced by The Florida Bar, FLA's request for funding was granted in full, which truly says a great deal about the Bar's commitment to "putting its money where its mouth is" and helping its members deal with mental health and substance abuse problems.

The tax exempt Hagan-Kilby Foundation continued its mission of assisting indigent attorneys to obtain treatment and evaluation services. The Foundation will be reconstituting its Board of Directors and fund-raising efforts during the upcoming year in an attempt to build the fund to a level when any legal professional needing help or treatment can get it.

EDUCATION, PREVENTION & PUBLIC RELATIONS

Florida Lawyers Assistance believes that the most effective interventions begin with educating all segments of the bench, bar, and law schools about addiction, mental health issues, compulsive disorders, and recovery from those conditions. FLA efforts in this area have continued this year through presentations at law school orientations, professional responsibility classes, CLE seminars, and county bar association presentations.

FLA's Executive Director, Michael Cohen, completed his fifth year serving on the Bar's Standing Committee on Professionalism, one benefit of which has been the establishment of a strong bond with the Bar's Center for Professionalism. Mr. Cohen, was appointed as Vice Chair for the Committee's Accountability Subcommittee, which is reviewing professionalism and honors standards at the state's law schools. As part of his functions, Mr. Cohen attended various committee meetings and retreats in Orlando and Tallahassee which focused on the transition from law school to the "real world" of new lawyers, facilitated by the Center for Professionalism's John Berry and Carl Zahner and Supreme Court Chief Justice Peggy Quince.

FLA's 22nd Annual Workshop, organized by Assistant Director Judy Rushlow, was held at the Naples Beach Resort Hotel in July 2008, representing the conference's eleventh year at that location. Evaluations received from the attendees were positive for both content and setting. The 2008 workshop included a presentation on expansion of FLA services, a panel discussion featuring several Circuit Court judges discussing judicial systems which deal with substance abuse and mental health questions, a polygraph instructor's discussion of the issues of truth and candor in the legal profession, and seminars discussing attorney stress and perfectionism. In a break from the traditional format, the Friday night dinner was an "ethics workshop", modeled after the highly successful University of Miami School of Law dinner series. The program was hosted by the Hon. Stanford Blake of the Dade Circuit Court, and received uniform praise from attendees.

In October 2008, FLA staff attended the 21st annual workshop of the ABA Commission on Lawyer Assistance Programs (CoLAP) and the annual convention of International Lawyers in A.A. (ILAA) in Little Rock, Arkansas. Staff will be attending CoLAP's annual workshop (of which Mr. Cohen is the Planning Committee Chair) and the ILAA conference in Phoenix, Arizona in October 2009. Mr. Cohen completed his tenure as Chair of the CoLAP Evaluations Committee and member of the CoLAP Advisory Committee, and was appointed as a member of the ABA Standing Committee on Substance Abuse Advisory Committee.

FLA staff and FLA representatives continued to travel throughout the state to present CLE and law school seminars regarding impairment in the legal community and the role of FLA in addressing those issues. These presentations included:

- The Florida Bar *Practicing with Professionalism* seminars (various locations)
- The Florida Bar Ethics School (various locations)
- The Florida Bar Anger Management School (various locations)
- All Florida law school orientations
- Various law school professional responsibility and SBA seminars
- The Florida Bar Business Law Section Seminar, Naples
- 11th Judicial Circuit Public Defender's Office, Miami

- Brevard County Bar Association, Melbourne
- Miami Beach Bar Association, Miami Beach
- CoLAP Spring Meeting, Bozeman, Montana

The dialogue between FLA and the Florida Bar's Legal Division remains a model for other lawyer assistance programs around the country. Staff members from the Bar's Legal Division regularly attend the FLA Workshop to learn more about the program and meet the clients both agencies deal with on a daily basis. FLA personnel and clients were, however, troubled by a report and recommendations issued by a specially appointed commission charged by the Florida Supreme Court to review the character and fitness criteria currently utilized in Florida. Two recommendations made by the commission were that conviction of a felony should be an absolute bar to admission in Florida, and that disbarment in Florida should be permanent, rather than the variable lengths available to the Supreme Court currently. In addition, the commission report criticized FLA's monitoring activities, despite the fact FLA had not been asked to present any information regarding the same. The FLA staff and Board of Directors responded with a lengthy article in *The Florida Bar News* indicating their reasons for opposing such changes and stressing how seriously its monitoring responsibilities are taken, and all letters published by the *Bar News* also took exception to the recommendations. At the time of this report, the Florida Board of Bar Examiners is reviewing the commission's recommendations, and will determine which, if any, to recommend for adoption by the Supreme Court, while the dialogue between FLA and the Board of Bar Examiners continues.

Despite this, FLA, the Bar, and the Bar Examiners continue to work at balancing what are sometimes conflicting missions, while at the same time serving their respective constituents. FLA has worked since its inception to develop a mutual respect between the organizations that will help FLA achieve its primary goal of reaching Florida lawyers, judges, and law students before the effects of a substance abuse or mental health problem costs them their families, careers, or lives.

PERSONNEL

It is gratifying to report that there have been no personnel changes to the FLA staff over the past four years. Myer J. (Michael) Cohen and Judy Rushlow completed their fourteenth years as FLA's Executive and Assistant Directors, respectively, while Dr. Scott Weinstein finished his third year as FLA's full-time Clinical Director. Eleni Uher is FLA's Office Manager, Val Lackey continues as Drug Testing Coordinator, and Dawn Withrow serves as FLA's Financial Affairs Administrator.

Two incumbent FLA Directors (Matthew Gissen, Esq., and Barbara Williams, Esq.) and three new members (William Banks, Esq., William Sansone, Esq., and Allen Von Spiegelfeld, Esq.) were appointed to three year terms by the Bar's Board of Governors, joining Scott Teitelbaum, M.D. who was appointed by the FLA board to serve out the unexpired term of Gail Sasnett, Esq., who resigned from the board to join the Florida Board of Bar Examiners. The FLA family was (to put it mildly) chagrined at the announcement by the Hon. Joseph Murphy that he would not be seeking reappointment after serving for almost twenty years on the FLA board. Judge Murphy has served as FLA's institutional memory for many years, and will be irreplaceable. The FLA Board currently includes eleven lawyers, a medical doctor, an education coordinator for the Broward County DUI School, a registered nurse, and a psychologist. The Board's dedication to FLA's mission has been and continues to be unwavering and inspiring.

SUMMARY

The FLA staff, with the assistance of its Board of Directors and volunteers, continues to provide support, assistance, and educational services to legal professionals throughout Florida, while looking for new ways to serve the profession. This simply could not be done without the support received from The Florida Supreme Court, The Florida Bar, the Board of Bar Examiners, the FLA Board of

Directors, the law schools, local county bar associations, monitors, volunteers, and the participants themselves. Addressing the mental health concerns of Florida lawyers continues to occupy an increasingly important part of FLA's efforts as the issues of economic pressure, dissatisfaction, distress, and lack of professionalism become more apparent. As we do every year, it bears repeating that without the emotional and financial support and time provided by all segments of the legal community, FLA could not achieve its goals of carrying the message of recovery to lawyers, judges, and law students throughout the state and providing assistance to every legal professional who seeks it, with the corresponding benefits to and protections for the clients and public they serve. It remains our belief that being allowed to participate in and watch attorneys, law students, and judges achieve recovery from substance abuse and psychological disorders is a gift beyond measure.

July 17, 2009

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