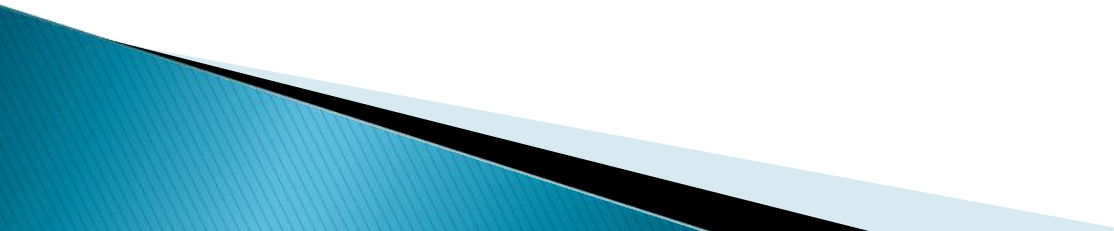


Lawyers In Need of Assistance: The Impact on the Person, Ethics and the Profession

Hugh Grady
ILAP Executive Director

Today's Outline

- Some facts about the profession
 - What exactly is an impaired lawyer?
 - Correlations between lawyer impairment and disciplinary chaos
 - Golden Rules
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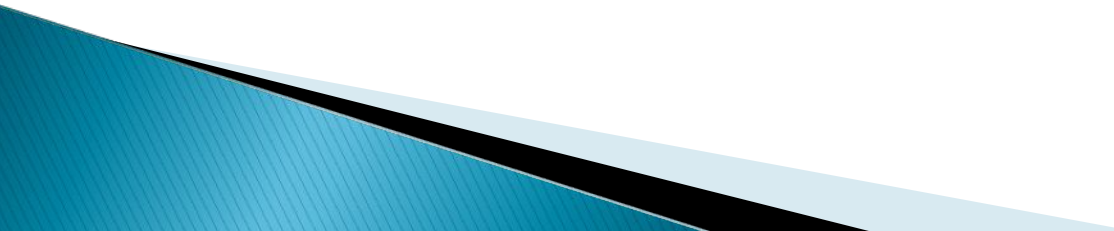
Scope of The Impairment Problem

Impact on the Person



Some Data

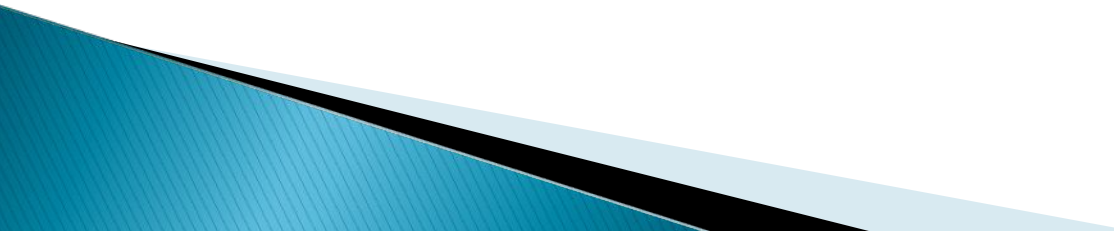
2015 ABA/Hazelden Betty Ford Foundation Study

- Published in February 2016 Journal of Addiction Medicine
 - 12,825 licensed employed attorneys & judges
 - Males 53.4%
 - Females 46.5%
- 

Alcohol Use– AUDIT 10

- ▶ **20.6 % scored at a level consistent with problematic drinking–Using Audit 10 = problem behaviors and levels of use**
 - Problematic drinking = hazardous drinking and possible dependence
 - More males (25.1%) than females (15.5%) among lawyers
- ▶ **Using the Audit 3 = levels of use**
 - Physicians 15% problematic drinking
 - Lawyers 36.4%
 - More females than males among lawyers
- ▶ **Position in the field**
 - Higher scores for those working in private firms

Self Reporting–Concerns

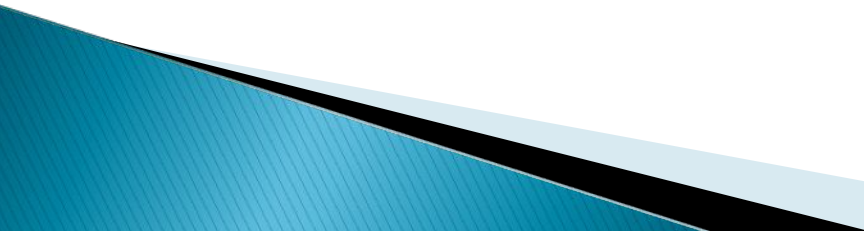
- ▶ 22.6% felt their use of alcohol or substances was a problem sometime during their lives
 - ▶ 27.6% reported problematic use prior to law school
 - ▶ 14.2% reported problematic use started during law school
 - ▶ 47.7 % reported problematic use started within the first 15 years following law school
 - ▶ 14.5% reported problematic use started more than 15 years after law school.
- 

DRUG USE–DAST

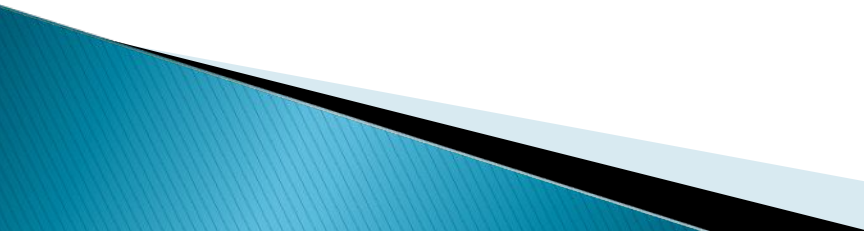
Smaller sample 26.7% completed the
DAST n= 3419

- ▶ Low rates of abuse = 76%
- ▶ Intermediate = 20.9%
- ▶ Substantial = 3.0%
- ▶ Severe = .01%

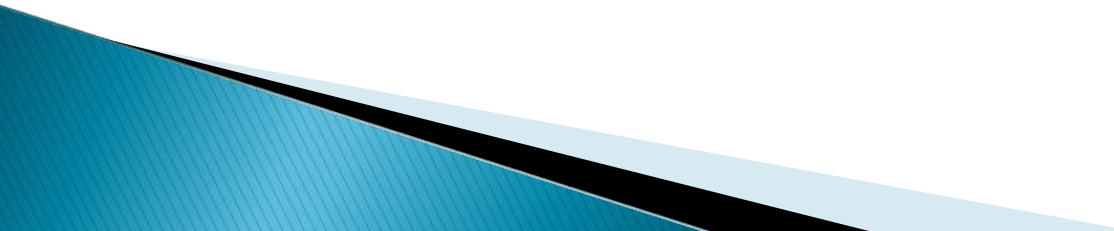
Depression, Anxiety and Stress Scale = DASS-21

- ▶ Depression 28%
 - ▶ ***Males higher levels of depression than females***
 - ***Same inverse relationship***
 - Rates decreases as age increased
 - Junior positions = higher rates
- 

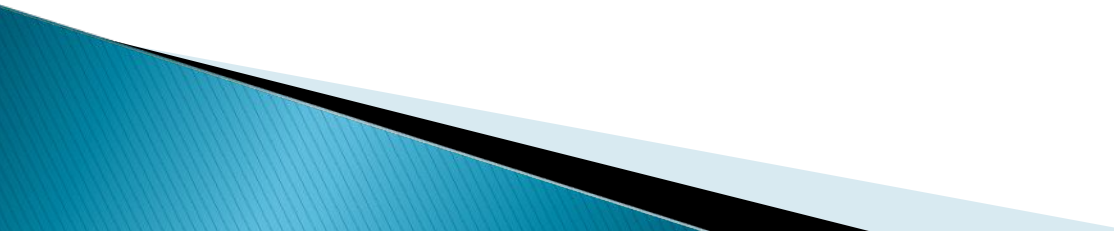
ANXIETY/STRESS

- ▶ Anxiety 19%
 - *Females higher than males*
 - ▶ Stress 23%
 - ▶ Higher scores on Audit correlated with higher scores on the DASS
 - ▶ DASS scores decreased as age and years in the field increased—similar to Audit
- 

Self Reporting of Mental Health Concerns

- ▶ Anxiety 61%
 - ▶ Depression 45.7%
 - ▶ Social Anxiety 16.1%
 - ▶ ADHD 16.1%
 - ▶ Panic Disorder 8.0%
 - ▶ Bipolar Disorder 2.4%
- 

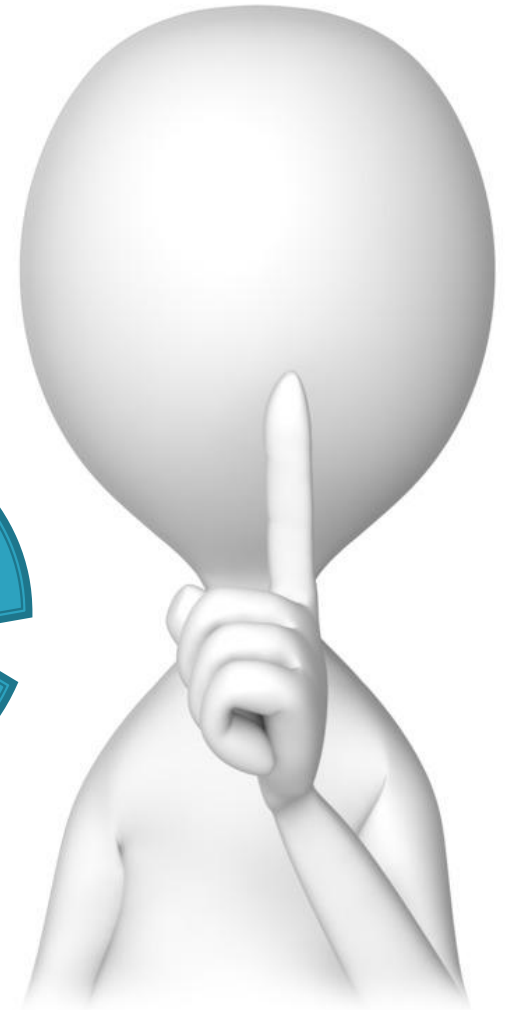
Suicidal Thoughts and Self Harm

- ▶ 11.5% reported suicidal thoughts during their career
 - ▶ 2.9% reported self injurious behaviors
 - ▶ 0.7% reported at least one suicide attempt
- 

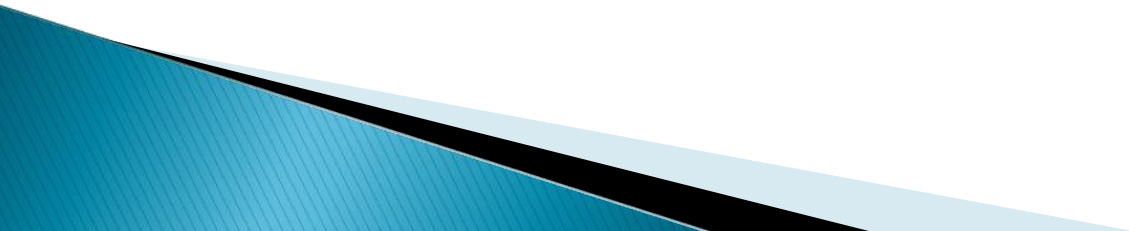
Help Seeking Behaviors– Two Common Barriers

- ▶ Not wanting others to find out they needed help–Stigma
- ▶ Concerns regarding privacy or confidentiality

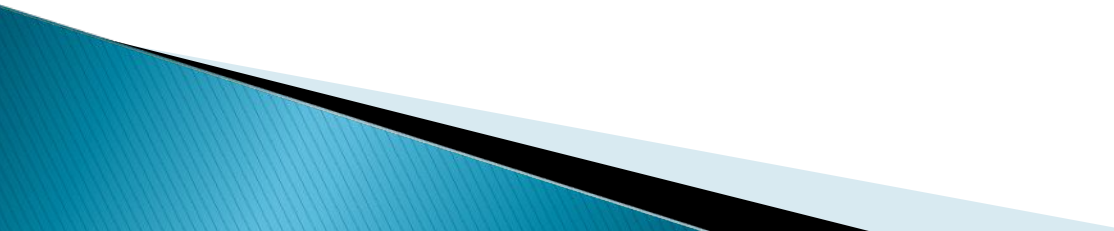
*No one can
know*




SIGNS AND SYMPTOMS OF IMPAIRMENT



Attendance

- Routinely arrives late or leaves early
 - Regularly returns late from or fails to return from lunch
 - Fails to keep scheduled appointments
 - Fails to appear at depositions or court hearings
 - Decreased productivity
 - Has frequent sick days and unexplained absences
- 

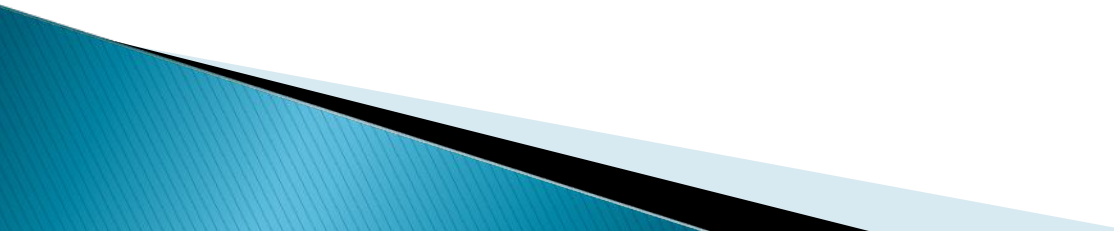
Job Performance

- **Procrastinates, pattern of missed deadlines**
 - **Neglects prompt processing of mail or timely return of calls**
 - **Decline of productivity**
 - **Quality of work declines**
 - **Overreacts to criticism, shifts blame to others, withdraws**
 - **Smells of ETOH in office or during court appearances**
 - **Client complaints**
 - **Co-mingles or “borrows” client funds**
- 

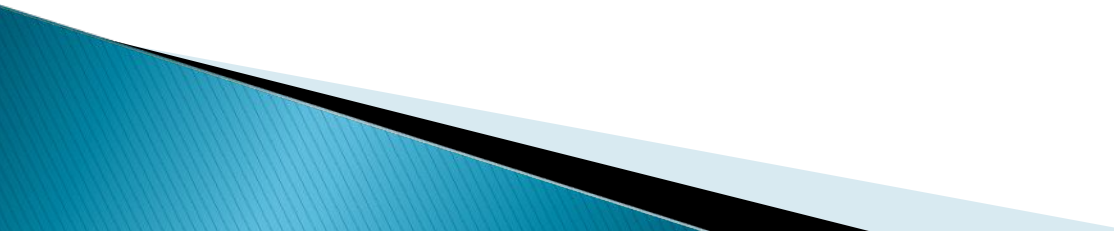
Look/Feel Familiar?



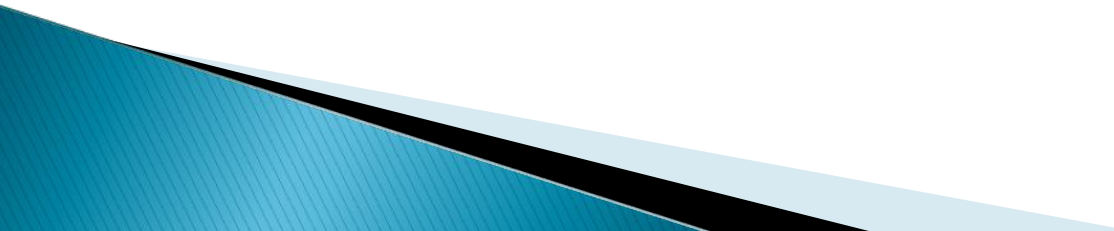
Personal Behavior

- **Gradual deterioration of personal appearance/hygiene/health**
 - **Loses control at social gatherings or where professional decorum is expected**
 - **Distorts the truth, is dishonest**
 - **OMVI, public intoxication arrest or possession of illegal drug**
 - **Poor time management, failure to timely file tax payments**
 - **Pattern of family crisis**
 - **Pattern of mood swings**
- 


IMPAIRMENT AND DISCIPLINE



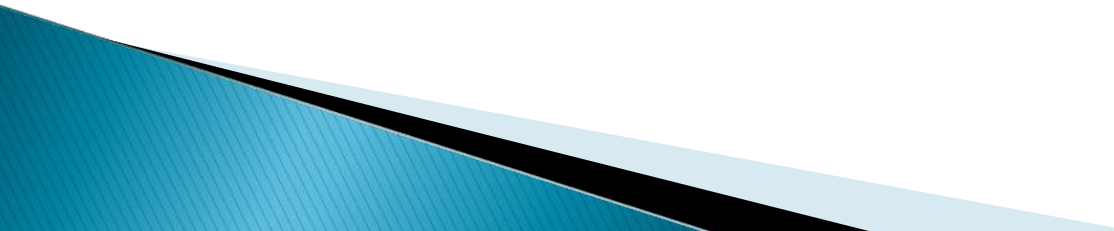
Rule 32:1.3 Diligence

- A lawyers work must be controlled so that each matter can be handled competently.
 - Perhaps no professional shortcoming is more widely resented than procrastination.
- 

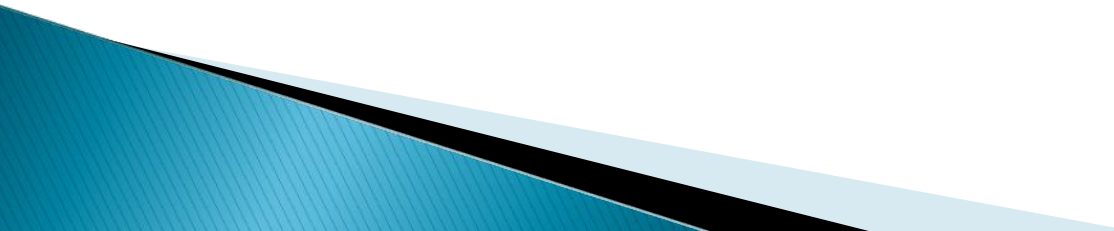
Rule 32:3.2 Expediting Litigation

- Reasonable efforts to expedite litigation
 - Consistent with interests of client
 - Dilatory practices bring the administration of justice into disrepute
 - Realizing financial or other benefit from otherwise improper delay in litigation is not a legitimate interest of the client
- 

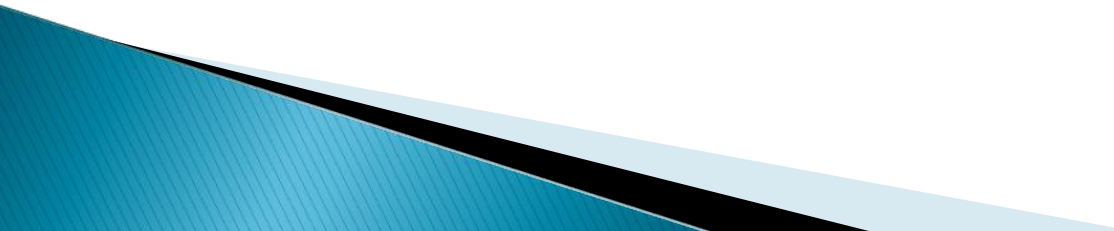
Rule 32:3.3: Candor Toward The Tribunal

- A lawyer shall not knowingly make a false statement of fact or law to a tribunal.
 - Or fail to correct a false statement of material fact or law previously made.
- 

Rule 32:5.1 Responsibilities of Partners, Managers, and Supervisory Lawyers

- Reasonable efforts to ensure compliance with Rules of Professional Conduct
 - Knowledge and ratification of specific conduct
 - Failure to take remedial action
- 

Rule 32:8.3 Reporting Professional Misconduct

- Knowledge requires reporting when one lawyer has knowledge of another
 - Judges
 - Iowa Lawyers Assistance Program exception
 - Confidentiality
- 

What Hurts More than Helps?

- Alcohol or Drug abuse or dependence
- Gambling or other addictions
- Depression or other mental illness
- General sense of imbalance which decreases intrinsic motivation—may lead to the above
- Lack of purpose or connectedness



“They didn’t teach us in law school that people are crazy!”

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Impact of Stress=Imbalance

- Georgetown Journal of Legal Ethics 2001 cited depression as a significant factor in lawyer discipline
- Louisiana study found 80% of their Client Protection Fund cases involved addictions including gambling.

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The 20 Golden Rules

Richard S. Massington, Miami FL.

1. Behave yourself
2. Answer the phone
3. Return your phone calls
4. Pay your bills
5. Hands off clients money
6. Tell the truth
7. Admit ignorance
8. Be honorable
9. Defend the honor of your fellow attorneys
10. Be gracious and thoughtful
11. Value the time of your fellow attorneys
12. Give straight answers
13. Avoid the need to go to court
14. Think first
15. Define your goals
16. There is no such thing as billing 3000 hours a year
17. Tell your clients how to behave
18. Solve problems – don't become one
19. Have ideals you believe in
20. Call your mother