

Thanks for the Help the Commission has Received

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Highlights

*of the American Bar Association
Commission on Lawyer Assistance Programs*

In Loving Memory of *Highlights* Editor C. Stephen Barrett, III (Born March 9, 1937 – Departed September 6, 2005)

The ABA Commission on Lawyer Assistance Programs' members and staff were deeply saddened by the recent passing of a great man, Steve Barrett. Steve was proud to say that he was one of three people who had attended every National Conference for Lawyer Assistance Programs. He served as a member of the Commission from 2001 to 2003; and on the Advisory Commission from 2003 to 2005. He was the first and only volunteer Editor of the Commission's newsletter, *Highlights*, which he took from an informal newsy collection of tid bits about lawyer assistance programs to a more formal newsletter with substantive articles and photos. He became the unofficial Acting Secretary for CoLAP and recorded the Minutes of the business meetings in an effort to ease the burden on staff. He will be greatly missed by many. A collection of memories will be published in an upcoming issue of the newsletter, but included here is a remembrance from Judge Robert L. Childers of Memphis, Tennessee.

Steve was really one of a kind. He was one of the first people I met when I started coming to the CoLAP workshops in 1993. That was primarily because Steve made it a point to introduce himself to newcomers. He was always warm and welcoming—in Steve's own inimitable way! He was indeed a curmudgeon, as many people have described, but he was a very beloved curmudgeon because Steve couldn't help but show his soft and kind heart. He was always willing to help out on any project, no matter how small. And he was always willing to lend an ear to

those who were struggling and to share his strength, hope and experience with others. We will all miss Steve! —*Butch Childers*

C. Stephen Barrett, III, 68 of Springfield, formerly of Short Hills and Maplewood died on Tuesday, September 6, 2005 at St. Michael's Medical Center in Newark. He was born in Orange, New Jersey and practiced law from his office in Newark. He graduated from the Delbarton School in 1954, the University of Notre Dame in 1958 with a degree in Metallurgical Engineering and then the New York University Law School in 1964. He became a member of the New Jersey State and New York State Bars in 1964.



Lieutenant Colonel Barrett served in the United States Marine Corps from 1958 to 1961 and in the reserves from 1961 to 1984. He was a member of the Essex County Country Club, the American Bar Association and the International Law Association. He was a member of the Maplewood LIONS Club. Mr. Barrett was past president of the board of trustees of the Honesty House in Sterling and for many years served as Chair of the Board of Trustees for the New Jersey Lawyers Assistance Program.

He is survived by his wife, Susan (nee Meyers); mother, Helen Barrett; 6 children Charlie, Mimi, Margaret, Kevin, Timothy and Howard; 1 sister, Marie Terry; 1 brother, Rick Barrett; and 4 grandchildren. He was preceded in death by his father, Charles Stephen, Jr.

In lieu of flowers, the family has asked that contributions be made to the American Red Cross Katrina Relief Fund, 1 Madison Avenue, Madison, NJ 07940.

Steve Barrett's Last Draft Editorial

Since there are so many successful peer assistance programs among professionals including physicians, pharmacists, airline pilots, realtors etc., it is my personal opinion that if it's working, why change it. I have been working with the NJ lawyer assistance for 20+ years and have watched new programs being developed in even the smaller states. I also have to say that in the states where a program does not exist, it is difficult to know who to contact when a lawyer is being released from treatment and needs a mentor, or when a lawyer in recovery is relocating to a new state and needs local support. Cutting corners on services to members of bar associations, is not necessarily the way to save money. Repeatedly, we have heard that disciplining a lawyer is far more costly than early prevention. Again, it is my opinion, that more money should be put into the lawyer assistance programs in order to expand outreach efforts to the underserved minority populations, rather than taking away the

personalized service that can be provided by staff that understand the profession and the work they are doing. LAPs should be viewed as a member benefit and promoted since it is really the only bar program focused on personal health and well-being of members activities.

I've combined excerpts from several of the responses below that appeared on the LAP DIRECTORS listserv.

"Many bar leaders and staff do not truly understand EAPs. They have their place and some variation of that may be useful to states with limited resources. Most EAPs rely on the person in trouble contacting them—they do not do outreach. One of the advantages of a LAP is that judges, partners in firms, lawyers who encounter someone with a problem in court, depositions, etc. and family members can call the LAP and get guidance and consultation on how to handle that. Our volunteer network can discreetly inquire within the community to try to verify the scope of the problem and do a variation of intervention. It is rare if not non-existent to find an EAP willing to or equipped to respond in such a manner. EAPs do not

provide peer support and that is an incredible service unique to LAPs. EAPs usually have a limited number of sessions that can be provided to the individual and then they refer out. EAPs are not equipped to do ongoing monitoring and that is a major service that LAPs provide to their states. We not only get referrals from our disciplinary system, we get referrals from firms and judges and the board of bar examiners. I have not encountered an EAP that could respond to those referrals the way that a LAP can, or that understands the legal culture the way that a LAP does.

One LAP was able to demonstrate to their Bar the "value" of the time that the volunteer resources provide to the LAP. They were able to approximate an average amount of time that a core number of volunteers spent providing peer support, acting as monitors, helping with educational programs, etc. and then used an average hourly rate that lawyers charge to show the value of the "free" service the profession was getting.

It is helpful to let the Bar know that another valuable function of the LAP is the "coordination and training and tracking of volunteers."

Around the LAPs

Maryland - On March 11-12, 40 attorneys gathered for MSBA's Lawyer Assistance Program's (LAP) first Retreat. Entitled "24 Hours with the Experts" the Retreat offered lawyer assistance training and guidance to volunteer LAP lawyers who help attorneys in trouble. It focused on lawyer impairment and its impact on the legal profession, covering everything from substance abuse, mental health issues, suicide and depression to support training.

MSBA Executive Director Paul V. Carlin offered the history of MSBA's LAP program, which is the oldest in the country. In 1981, through an ABA grant, MSBA created LAP's predecessor, the Lawyer Counseling Committee (LCC), and hired Richard Vincent as the Director.

Carlin commended Vincent and Carol Waldhauser, LAP's Assistant Director, for all of their efforts. "They visit the law schools and meet with judges to discuss lawyer impairment problems and promote LAP's services," he noted. "They operate peer core-group meetings and work with the Committee to help lawyers in need."

Bar Counsel Melvin Hirshman, another panelist, talked about the new conditional



LAP Director Richard Vincent (right) shares a laugh with attorney John O'Laughlin

diversion program which is part of the attorney discipline rules, revised in July 2001. This program addresses minor attorney problems, and once the lawyer successfully completes the diversion program, the complaint is usually dismissed. "We currently have 71 attorneys in conditional diversion, with issues ranging from alcohol and anger management to psychiatric and mental health," Hirshman reported.

"I pass a number of attorney's names on to Richard Vincent so that LAP will help them. LAP saves individual attorneys," Hirshman added. "We support LAP as an important program where attorneys can get help. And remember, lawyers can be reinstated if they get better. Today, thanks to LAP, there is more confidential help from lawyers than ever before."

LAP Committee Vice-Chair William G.

Simmons, who goes out and offers hands-on support to distressed attorneys, explained that most referrals come from judges and other attorneys. He discussed strategies for assistance, with the judge's involvement being the most effective, and noted that solos and small firm practitioners are the ones who need the greatest support. Simmons sees more problems with senility and clinical depression today and rates stress and economics as other major culprits.

New Administrative Assistant for CoLAP, Stephanie Watson, began her employment with the Division. Stephanie is originally from Victorville, California and moved to Illinois in the mid 80's. Most recently she worked at Continental Executive Jet, Ltd. coordinating jet charter travel. She also has administrative experience in real estate (501(c)(3) financed multi-family portfolios) and trust accounts. She is a trained aerobics instructor and maintains her membership at the American Counsel Exercise Association. She is engaged to an attorney and looks forward to working with the Commission on Lawyer Assistance Programs. Her phone extension is 5717 and e-mail WatsonS@staff.abanet.org. Please join me in welcoming Stephanie to the Division.

Editor's Comments: This is an excellent article by Lynn Phillips, the Executive Director of the DC Lawyer Counseling Program. We are publishing it in two parts, and part I was published in the Spring 2005 issue of Highlights. Part II includes the story of how a 39-year old woman lawyer benefited from the DC program, followed by a story from a lawyer whose alcoholism was a problem in law school and escalated after graduation.—Steve Barrett, Editor

“A Whole New Way of Life”: The D.C. Bar Lawyer Counseling Program

Part II - continued from the Spring 2005 Issue

By Lynn Phillips,
DC Lawyer Counseling Program

How did I first use the services of the Lawyer Counseling Program? I remembered the director from her presentation at the D.C. Bar mandatory course, where she had mentioned the law profession as having one of the highest rates of depression and substance abuse.

I was working as a contract attorney in a temporary position and I wasn't very happy. As a 39-year-old woman just 18 months out of law school, I was experiencing a lot of job-related frustration, and I couldn't seem to get much done in my personal life. I was calling in sick regularly—at least a day or two a month. My apartment was a mess, and my social life was practically nonexistent. Things weren't the way I thought they'd be when I graduated from law school.

I'd done some research and knew I was experiencing some of the symptoms most often identified as depression related. I had also been dealing with chronic pain for almost 10 years, which was interfering with my sleep. Sometimes I would wake up in predawn hours and be unable to go back to sleep. I couldn't turn off my brain. My thoughts kept churning, and it wasn't uncommon to finally fall asleep just before the alarm went off. Instead of jumping out of bed, I'd keep hitting the sleep switch and avoid getting up until I knew I had to, or I'd be late to work. Doing the most basic chores, such as laundry or grocery shopping, felt overwhelming. I had trouble concentrating and couldn't get my act together. It wasn't unusual for me to come home from work on a Friday and not get dressed or leave my apartment all weekend. I'd spend the days on the couch—sort of sleeping and watching television, with a few breaks to eat. I was overweight and craved junk food—cookies, and especially ice cream. I cried easily and felt sorry for myself. Sleep was a welcome

escape, especially since I was always tired from my awake times during the night.

My life-changing process started with a phone call. The director at the D.C. Bar Lawyer Counseling Program answered when I made that first call, and she scheduled a time for me to come in and meet with her. Her office is in the same building as the D.C. Bar, but on a different floor, so I didn't worry about running into someone I knew. She was very easy to talk to and didn't raise an eyebrow or seem surprised by anything I confided. The initial meeting lasted an hour and also included the counselor asking questions about my medical history and what I was experiencing.

Within a short time, the director said I had a mild depression and referred me to a psychiatrist. He confirmed the diagnosis and prescribed an antidepressant. The first medication worked to some extent, but it had some undesirable side effects. The second medication worked much better, and the only side effect I've had is a dry throat. It took time for the antidepressant to work, but it did work.

The LCP director also recognized things I described as being classic for a seasonal component to my depression (seasonal affective disorder, or SAD) and suggested that I ask my psychiatrist about light therapy. He agreed and I began light therapy. My primary symptoms were extreme irritability, an unusual awareness of the changing times of sunrise and sunset, and a feeling of loss, of “entering into darkness,” in the fall. In the spring I'd feel agitated—what can best be described as an “irritable euphoria.” I began using a light box for 15 to 30 minutes per day while eating breakfast, and I'd adjust the length of time depending on the season and how I felt. As with the antidepressant, evaluating the impact of light therapy is very subjective, but I notice subtle changes when I'm running late and only do 5 or 10 minutes, instead of the full time. The counselor also stressed the importance of

getting out during the day and walking, because exercise and exposure to natural daylight are helpful in alleviating depression.

As a result of talking with the LCP director and taking positive actions to deal with my depression, my life gradually began to get better. My perception of things went from gray and blah to colorful and positive. The best way I can describe the improvement is to say that I was gradually able to see things from the perspective of the glass as half full, instead of always half empty. I was much less irritable, tired, and judgmental. Other positive things include improved self-esteem and improved attendance at work. I began to enjoy little things again—something silly like wandering around Target and looking at the merchandise on the shelves, just for the fun of it. Instead of experiencing anxious, racing thoughts all the time, I'm able to enjoy the moment, without thinking about the past or worrying about the future.

I began dating again, scheduled some social activities, and made new friends. I began applying for permanent jobs and cleaned up my apartment. Daily life activities are so much easier to do. I joined Weight Watchers and lost 47 pounds. I no longer want to escape to the couch and sleep all the time.

As a result of treating my depression, I felt good enough about myself that I was no longer willing to endure chronic pain. I felt empowered to find a doctor who was able to diagnose the cause of my chronic pain and correct it with an outpatient surgical procedure. What a difference that made! For the first time in years, I'm now able to sleep without waking up in pain several times during the night.

I also realized that depression is something that I need to cope with on an ongoing basis. I'll also continue to be sensitive to changes in seasons and the resulting changes in light that cause me to feel down at various times during the year. I now know that part of my depression is cyclical and that I have the coping skills to get through those down times.

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Highlights is a quarterly newsletter published by the American Bar Association Commission on Lawyer Assistance Programs for the news and information exchange needs of the lawyer assistance programs community. Comments and proposed articles should be directed to spilisd@staff.abanet.org. Chair of the newly created Publications Board and **Highlights** Newsletter Editor, Hugh Grady. All reprint rights are reserved. American Bar Association ISSN Pending. © 2005 American Bar Association.

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New Way of Life

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As I look back, I think that my decision to call the Lawyer Counseling Program was one of the most important decisions I ever made. Meeting with the director put into motion a series of changes that have made a dramatic and positive difference in my life. If anyone has any doubts about using the Lawyer Counseling Program, I'd encourage him or her to make that first phone call. You have nothing to lose (except your problems!) and a great deal to gain. I'm very glad that I did.

Achieving the status that comes with being a successful Washington lawyer can do a lot to erase a painful past, but alcohol can put you right back where you started.

I grew up in a working-class shack where the roof leaked onto my bed when it rained. My father was long gone, so my mother had to single-handedly raise three children, one of whom was blind.

I thought getting a law degree meant shedding forever the poverty and harsh circumstances of my youth. I shopped at Bloomingdale's and dined at nice restaurants favorably reviewed in the Washington Post. I drank cabernet sauvignon and single-malt scotch. I was a family man with a lovely wife and two young children. I thought I had achieved the American dream.

I'll never forget how surprised I was to find out that I could not stop hiding scotch bottles in the top right-hand drawer of my desk. Then, after the breakup of my small law partnership, it became even easier to shut my office door and enjoy a couple of sips right out of the bottle. With the first nips, I would feel nice and relaxed talking with clients and other lawyers, but by the end of the day I would be wishing that people would just leave me alone. On the way home, I would stop by the liquor store to reward myself for enduring another hard day at work.

Things got really bad for me during the recession of the early 1990s. I was working alone and felt myself losing contact with the mainstream of my profession. During one of the coldest Decembers I can remember, the office where I rented space held its annual holiday party. I went to the party at 5 expecting to leave by 6 so that I could attend a recital at my son's school. As the hours passed, I convinced myself that it was better for my son and my family that I stay at the party and continue to drink. I thought to myself, "Hey, maybe I'll get some business here." By 11 I was passed out on my desk in an alcoholic blackout. I woke up well after midnight and started a long seven-mile trek home on the

icy, snow-covered streets of the District.

I came to on the floor of my living room. My face was bloody and my body sore from repeatedly falling down during my journey home. My wife said nothing as she left for work. Shamefully, I hid from my children as they went off to school. My life had come full circle. Instead of being a good, loving father, I had disappeared, and was actually hiding from my kids.

That morning I called Alcoholics Anonymous. I went to my first meeting and was fortunate to realize that there was another way of living. Shortly thereafter, I called the D.C. Bar Lawyer Counseling Program and made good use of this resource. Trying to rebuild a law practice while recovering from alcoholism is not easy, but with time my practice began to grow again. Today, with almost a decade of sobriety, I find myself a leader, able to give back to my family and community in ways that I had never imagined.

I had to learn that all the advanced degrees and professional accolades don't mean a thing if you lack the courage to honestly face yourself.

I should have had a clue about my alcoholism when I got drunk while preparing for my first moot court appearance during law school. I got so drunk that I don't remember confessing to my sister how scared and intimidated I felt as I headed toward the courtroom. Nor do I remember what I said at oral argument or even how I drove myself home afterward. What I do remember is that I insulted the judicial panel and embarrassed my co counsel, and that absolutely nobody confronted me about my drunkenness.

I was older than most of my fellow law students when this embarrassment occurred, with a successful husband and two young children. I had grown up in a loving home reared by parents who didn't drink and had no experience with any form of excess, particularly alcoholism. Years later, when I finally realized I had a "drinking problem," I didn't feel there was anyone I could ask for help. As my alcoholism intensified, I grew increasingly ashamed, unaware that I had a disease, not a moral problem.

After graduation I got a prestigious first job in private practice. Several other equally desirable positions followed. I made a point of never drinking at work, but there were countless exceptions to my rule. Besides attending Friday afternoon "happy hours" and receptions for clients and distinguished office guests, I did a lot of traveling. The minibars in my hotels were always well stocked, and I justified nights of binge drinking as well-earned relaxation after long work hours. I once had a government job in a building with a ground-floor liquor store, so I

never had to worry about my supply at home.

I never lost a job because of my alcoholism, but over the years it took a personal and professional toll. I could no longer get a good night's sleep, and when I woke up drunk—which occurred with increasing frequency—I had to remember where the wastebaskets were located in the subway stations on my commute, just in case I had to stop and vomit. My marriage ended, my children left home, and I eventually found myself doing most of my drinking alone. I couldn't afford to humiliate myself in public.

My honesty during an annual physical in my early fifties prompted a doctor to suggest that I attend Alcoholics Anonymous, but I didn't go. A year later, when I took my first real vacation in several years, I had a wonderful time and drank surprisingly little. On the way home, however, the plane experienced engine failure twice. Safely on the ground, I spent the night in an elegant hotel with a free minibar, and I drank myself senseless.

I arrived home chastened, badly hung over, and grateful for a second chance at life. For several days I drank nothing alcoholic, but I panicked because I knew I couldn't "stay stopped" by myself. In desperation I called the only recovering alcoholic I knew. This lawyer and former colleague quietly but firmly convinced me that I had nothing to lose by trying AA. This time I followed the suggestion, and I've kept coming back ever since. It's been over five years since I had what I hope will be my last drinks. (I never had just one.)

One of AA's big surprises is that not only has it taught me about my disease and how not to drink; it has helped me learn how to live. With a support group and the guidance of a 12-step recovery program, I can confront daily anxieties without fear or shame. Today, for me, "surrender" doesn't mean capitulation, but rather knowing that, as an alcoholic, I can't ever drink again, under any circumstances. By acknowledging my powerlessness over alcohol, I can finally put my life in order.

I wish I had known about the D.C. Bar's Lawyer Counseling Program because it might have shortened my long drinking career. As a volunteer, I've come to appreciate the value of peer group recovery. Lawyers routinely confront stress, anxiety, loneliness, and challenges to their self-esteem. The temptations to relieve such conditions through substance abuse are great, and it's often possible to do so without risking economic ruin or professional disgrace. Sometimes, even when we realize we need help, it's difficult to know where to turn. The Lawyer Counseling Program is there to help solve that dilemma.

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Educating Law Firms to Attorney Impairment— How can LAPs get a Foot in the Door?

By Louise K. Thomas

Those of us familiar with attorney impairment know that a partner's substance abuse or mental illness can tear apart the fabric of a firm, as the other lawyers and staff struggle over how to both protect the clients while at the same time maintain a relationship with a long time and valued colleague. Notwithstanding the real benefits (economic and emotional) LAPs could provide to law firms with impaired partners, law firms underutilize LAPs services. Getting the partners to even spend an hour (otherwise billable) being educated to the symptoms of substance abuse and mental illness in lawyers and why they should reach out to their LAP to help solve a colleague's problems is most difficult.

In Maine, we have discovered one key to unlocking law firms' doors to lawyer assistance programs: We provide attorneys with one of their mandatory CLE credit hours for *free* at a time and place convenient to the firm members. Not only have many firms welcomed the Maine Assistance Program to speak, but the attendance has been outstanding, regularly more than half of firm members attend and participate. So, how do we get them in the door? We have packaged a PowerPoint presentation about attorney impairment in a way that it qualifies for the ever elusive mandatory "ethics" hour. The presentation is based on the ABA Model Rules of Professional Responsibility's requirements for an attorney faced with another attorney's impairment and has been approved by Maine for one hour of the mandatory CLE ethics credit.

Forty states have mandatory CLE and, in all those states, at least one hour of ethics is required. Based on the ABA Model Rules

adopted in most states, our presentation is easily transferable to other jurisdictions and has been delivered by a variety of our commission members. Any presenter with a good comprehension of attorney impairment issues, even those who lack formal ethics training, can quickly master the presentation with review of a few documents.

Properly educated and assisted by LAPs, law firms can be instrumental in getting impaired lawyers the help they need, protecting the clients and supporting recovery over the long term. More than half the lawyers in America practice in law firms, small and large, <http://www.abanet.org/marketresearch/lawyerdem2004.pdf> and law firm partners have a significant interest in helping their colleagues recognize and get treatment for substance abuse or mental illness, before a catastrophe strikes. But partners rarely have any training or experience in how to deal with substance abuse or mental health problems in their peers. As one managing partner who worked with MAP told us:

I didn't have a clue what I was dealing with. Even though I took a year of tax law 25 years ago, I wouldn't dream of tackling a tax problem on my own. What ever made me think I had the skills to deal with mental health and substance abuse issues in my partner? I really didn't understand the disease. We needed help and I regret how long it took me to reach out to MAP.

We believe that our presentation provides a useful tool to educate the bar to the symptoms of attorney impairment and we offer to share it with other LAPs. Putting on presentations of this sort lets law firms know that their local

LAPs are ready and willing to help their firm, confidentially and professionally. And, there are added benefits: 1) we have received referrals from participating law firms and 2) some of the firms have made generous contributions to MAP, a 501(c)(3) qualified corporation.

For more information, members of the Maine Commission will be speaking at the Annual COLAP meeting in South Carolina on November 10, 2005 @ 4-5:15 pm and a copy of our presentation will be reprinted with the seminar materials. If you are interested in looking at the presentation before November, please contact David Kee, maineasstprog@verizon.net, (207) 469-3507.

Louise K. Thomas is a partner at Pierce Atwood in Portland, Maine. In her 27 years in practice, she has established a diverse litigation practice that focuses on complex contracts litigation, principally in the energy and insurance industries. A Maine native, Ms. Thomas received her BA degree from Cornell University (1974) and her JD, cum laude, from the University of Maine School of Law (1977). From 1989 through 1996 Ms. Thomas served on the Main Supreme Judicial Court's Advisory Committee on Professional Responsibility, serving as the Chair from 1994 to 1996. She currently serves on the Maine Supreme Judicial Court Advisory Committee on Rules of Civil Procedure, as well as the Continuing Legal Education Committee of the Maine State Bar Association. For the last four years, Ms. Thomas has been a grateful member of Alanon and has been gaining new insights into both the pain of the alcoholic and the people who love the alcoholic. . . one day at a time.

New Way of Life

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I didn't drink in high school, and not much in college. I tried drugs once and didn't like them. I fell into a great job doing policy research for the White House on a civil service salary. I got promotions about as fast as possible, started on a master's and got straight As, bought an old house and began to restore it. I was active in my church and had an active social life, going dancing (and drinking) every weekend.

I found that when I came home from work with a budget to be reviewed, or a briefing paper to edit, or a term paper to write, a drink would help me unwind, and a second or third would keep me going without stopping for dinner. On the weekends I would have a beer for lunch and keep working, and drinking.

Slowly, it all began to slip away—except the drinking. I quit getting promotions and good grades, quit going to church and dating, quit working on the house. Administrations changed, and the program I was working on was abolished. I wasn't the guy people wanted to work for them any longer, and I

tried consulting. My hands shook too badly to type until I had a morning drink, and then another, and then I couldn't write a cogent proposal. I ended up sitting alone in that house, unemployable, listening to the rain drip onto the dining table.

Some friends made me admit what I already knew, that I was an alcoholic. First I went to the D.C. government's detox, which didn't take. Then I went to the family doctor, who recommended a rehab. The second detox saved my liver. The rehab saved my sanity

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Patricia Spataro Named Head Of Lawyer Assistance Program For New York State Bar Association

ALBANY – Patricia Spataro of Clifton Park, has been named director of the Lawyer Assistance Program (LAP) for the New York State Bar Association, according to Association Executive Director Patricia K. Bucklin.

“With more than 18 years experience working in stress and critical incident management and addiction disorders, Patricia has proven to be a highly effective leader and service provider in clinical, educational and advocacy settings. We anticipate that the skills and professionalism that she will bring to our Lawyer Assistance Program will help us to continue the work of what has become a national model program for addiction treatment assistance within the legal community.” said Bucklin.

Spataro received her undergraduate degree from the State University of New York College at Buffalo and earned a graduate degree in community psychology from Sage Graduate School. She is a certified employee assistance professional. Spataro will provide educational outreach and confidential assistance to lawyers, judges, law students and their family members who are affected by the problems of substance abuse, stress, or depression. She will be responsible for maintaining relationships within the legal community and with treatment providers to develop educational programs, recruiting and training volunteer lawyers to assist with program services, and working with local and specialty bar associations’ Lawyer Helping Lawyer programs in New York. She will also work closely with the NYSBA Committee on Lawyer Alcoholism and Drug Abuse and the American Bar Association’s Commission on Lawyer Assistance Programs.

Prior to joining the state bar staff, Spataro was employed with Family and Children’s Service of the Capital District from 1994-2004, as a counselor and trainer, workplace intervention specialist, and director of Capital Employee Assistance Program, which provides confidential behavioral and mental health services including crisis intervention support and training to 90 client companies in the Albany area. Founded in 1990, the LAP has become a significant statewide resource for attorneys, judges and law school students who are affected by alcoholism, drug abuse, other addictions, stress and depression - through the use of early identification, educational programs, crisis intervention and referral to outside agencies.

The 71,000-member New York State Bar Association is the official statewide organization of lawyers in New York and the largest voluntary state bar association in the nation.

W. Terry Sherrill and Barbara F. Smith Join the CoLAP Commission Roster - 2005-2006

W. Terry Sherrill

W. Terry Sherrill was born in Huntersville, North Carolina. He graduated as Valedictorian of Virginia Episcopal School, Lynchburg, Virginia in 1973. Attended University of North Carolina (1973-1977) Morehead Scholar AB-History, UNC School of Law (1977-1980). He was Assistant Public Defender Mecklenburg County, North Carolina (1980-1983), District Court Judge Mecklenburg County, North Carolina (1983-1986) and Superior Court Judge Mecklenburg County, North Carolina (1987-March 1990). He was convicted of possession of cocaine, possession of marijuana and possession of drug paraphernalia August 1990 and disbarred for the period of August 1990-July 9, 1993, and then reinstated. Mr. Sherrill was employed at James, McElroy & Diehl, P.A., Charlotte, North Carolina (November 1990-September 1997) and partner at Creft, Sherrill & Associates (September 1997-June 2000). Partner at Sherrill, Emehel & Wall, P.A. (now, Sherrill & Emehel, P.A.) July 2000 to the present. He married the former Gloria McClurkin and has two sons, Cinque-22; Chad-15.

Barbara F. Smith

Barbara Smith serves as the Director of the New York State Lawyer Assistance Trust, an agency of the unified court system created to bring statewide resources and awareness to the prevention and treatment of alcohol and substance abuse and mental health problems among members of the legal profession. In this capacity, she oversees the grant program to assist bar associations and law schools to enhance or develop lawyer assistance service programs; coordinates outreach events and works to achieve policy change, e.g. the adoption of court rules to permit diversion of attorneys with alcohol or drug abuse problems to a court-approved monitoring program.

In 2005, Ms. Smith became a member of the ABA Commission on Lawyer Assistance Programs, after having served on the Advisory Commission to CoLAP for the past three years and having been active on the law school outreach subcommittee.

Smith is a member of the New York State Bar Association’s Committees on Law Practice Continuity, Attorney Professionalism, and Attorneys in Public Service (former Chair). Prior to her appointment as Director of the Trust, Smith served as Counsel to the New York State Ethics Commission for thirteen years. She was a frequent author and lecturer on ethics topics.

New Way of Life

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and sent me to Alcoholics Anonymous, which saved my soul.

I was asked to come back to the rehab as an aftercare counselor. I’ve been elected to three terms as a D.C. advisory neighborhood commissioner, and helped found a homeless program that now includes a rehab program and wrap-around services. I’m active in AA, and had one committed relationship, now amicably ended. I finished that house (now worth 20 times what I paid for it because I also worked on the neighborhood). I finished the master’s (with honors), and have

consulted for some of the leading high-tech firms and agencies in the country. I serve on the Bar’s Lawyer Counseling Committee, and was recently selected as an officer on a new recovery service providers’ association.

Working on my recovery has provided a framework for physical, emotional, spiritual, and financial health. It has given me a clear understanding of who I am and what I should do and a deep reservoir of confidence and serenity that was so lacking in that water-logged dining room.

If you think you might have a problem, you probably do. Pick up the phone and give the Lawyer Counseling Program a call. Speaking from experience, I know doing so just might save your life, your sanity, your soul.

North Carolina Lawyer Selected to Succeed Retiring Executive Director of Lawyers Concerned for Lawyers

Boston, MA.... Mike Fredrickson, president of Lawyers Concerned for Lawyers, announced that after an extensive search, Ellen Jernigan, a lawyer from North Carolina, has been selected to succeed LCL's current Executive Director, Bonnie Waters, when she retires on December 1, 2005. Ellen will join LCL on October 17, 2005, and work along side her predecessor until December.

Ellen is a graduate of Wake Forest University and received her J.D. from Wake Forest University Law School where she was Editor-in-Chief of the Wake Forest Law Review and a recipient of numerous awards including the E. McGruder Faris Award for leadership, character and scholarship.

After completing a clerkship with the Honorable Frank J. Magill, Senior Circuit Judge for the United States Court of Appeals

for the Eighth Circuit in Fargo, North Dakota, Ellen joined the law firm of Smith, Anderson, Blount, Mitchell & Jernigan in Raleigh, NC. While at Smith Anderson, Ellen practiced in the areas of general corporate, securities, and commercial law. Ellen is a member of the American, North Carolina, and Wake County Bar Associations and has been an active member of the Women in Profession Committee of the North Carolina Bar Association.

In addition to volunteering in the North Carolina State Bar's Lawyer Assistance Program, Ellen has been involved in various civic and volunteer organizations, including the Foundation for Hope, a non-profit entity supporting the research and treatment of mental illness, and the Wake County Meals-on-Wheels, and has provided pro bono services with a strong emphasis on mental health.

Mike Fredrickson stated that "Ellen's passionate interest in improving the lives of lawyers and others whose psychological, addictive or other personal problems—and the stigma sometimes associated with them—become obstacles to personal and professional health make her an ideal choice to lead LCL into its next phase of service to the Massachusetts legal profession." Ellen will be relocating to Boston with her husband Frank.

Lawyers Concerned for Lawyers, supported by a portion of every lawyer's bar registration fees, is the sole lawyer assistance program in the state. LCL offers confidential assistance at no charge to lawyers, judges, law students and their families who are experiencing difficulties with issues that might affect their quality of life or ability to practice or study law.

CoLAP's 18th National Conference - Charleston, SC November 7-11, 2005

Hard to believe that a little more than a month remains before our 18th National Conference for Lawyer Assistance Programs will be underway in beautiful Charleston, SC. The host hotel, The Doubletree Guest Suites, is already full for Thursday night. A limited number of rooms have been blocked for Monday (November 7) through Thursday, November 10th, and the Doubletree can give you that information. Highlights of the conference will be presentations by Judge Carl Horn author of 'LawyerLife', Dr. Isaiah Zimmerman speaking about 'Issues in Assistance to Judges', Dr. Shelley Uram discussing 'Personal Expectations and Spirituality ... Oil & Water', Dr. Fran Williams speaking on 'Addiction and its Relationship with Attachment Issues', and the Annual Reception & Dinner will be a South Carolina Low Country Boil, which will feature musical entertainment by Tim Bays a songwriter and humorist. The weather in Charleston for early November calls for average daytime highs in the low 70's and nighttime lows in the mid 50's. If you have not yet made your plans to attend please do so as soon as possible as this year's conference promises to be the best ever. Come on down and enjoy some true Southern Hospitality.



Calendar of Events

November 7-11, 2005 – 18th National Conference on Lawyer Assistance Programs. Doubletree Guest Suites in Charleston, South Carolina. For registration brochure, please contact Stephanie Watson at 312988-5717 or watsons@staff.abanet.org.

November 7, 2005 – LAP Directors' Day

November 8, 2005 – Business meeting - Tuesday, 8:30 to 10:30 a.m.

November 9, 2005 - Business meeting - Wednesday, 2 to 4:00 or 4:30 p.m. (tentative)

November 11-13, 2005 – ILAA Conference also at the Doubletree Guest Suites, Charleston, SC. For registration informa-

tion contact Robert Turnbull at 803/799-6653 or robert.turnbull@sbar.org.

February 10 and 11, 2006 – Chicago (in lieu of Annual Meeting in Hawaii) - (noon to 4:30 p.m. each day) tentative.

May 3-5, 2006 – Greensboro, NC - (facility to be determined - still tentative) - This is being set up to allow those attending to stay over for the Weekend Retreat at The Summit Episcopal Conference Center in Brown Summit, NC, which is just North of Greensboro. The Retreat is held annually by the NC, SC and VA LAPs. Attendees seemed to enjoy combining our Spring Meeting last year with The Other Bar, so CoLAP Chair, Richard Soden, wanted to do it again.

**American Bar Association
Commission on Lawyer Assistance Programs
COMMISSION ROSTER - 2005-2006**

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*New Advisory Commission Member

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