

# The Legal Profession's Hidden Secret: Substance Abuse

*Conversations With Recovering Lawyers—A Video Presentation*

People go to law school believing that they are there for the sole purpose of learning the skills necessary to become lawyers. In addition to this obvious agenda, law students are also exposed to a hidden agenda; to start the process of becoming acculturated to the norms and standards of the legal profession.

This legal culture, which law students hope to join, will make rigorous demands upon them. They will be required to use analytical skills in disregard to their emotional reactions, advocate positions that may clash with personal beliefs, and place client's interests above societal interests. Some lawyers will pay a personal price in emotional terms for engaging in this difficult and complex role of being a lawyer. Law students need to be exposed to and better understand not only the professional pressures they will face after graduation, but also how these pressures can impact their personal lives. One such potential pressure that places law students at great future risk is alcohol or drug abuse.

If the only concern in understanding drug and alcohol abuse among lawyers was the destructive impact on their personal welfare, the issue would be one of great importance. However, the concern becomes even more significant when it is acknowledged that for every lawyer who struggles with addiction issues, the interests of many clients who have reposed trust in their lawyer are endangered.

Research clearly establishes that lawyers are at greater risk for alcohol and drug problems than the general population.<sup>1</sup> "Few professions and academic pursuits are as demanding and stressful as the practice of law or studying to become a lawyer."<sup>2</sup>

Research further demonstrates that law students tend to increase their use of alcohol

and drugs during their law school careers.<sup>3</sup> Law schools cannot ignore the realities of this research. Law students and lawyers need to receive further education and information about the problem and consequences of alcohol and drug abuse. The lack of interest by legal educators and among members of the Bar may be a factor as to why it has been estimated that a high percentage of disciplined lawyers suffer from addiction issues.<sup>4</sup>

From time to time, a brave lawyer will come forward and write about how drug and alcohol abuse negatively impacted her or his personal and professional life.<sup>5</sup> Since lawyers are generally concerned about their reputation, some lawyers will only disclose this type of personal account anonymously.<sup>6</sup> The value of storytelling is that the reader can learn through the personal struggles of another lawyer that a better life can exist if the addicted lawyer seeks help.

The Lawyers and Judges Assistance Program of the State Bar of Michigan offers assistance and encouragement to lawyers who suffer from chemical dependency problems. Recent statistics indicate that the number of lawyers seeking such help has dramatically increased.<sup>7</sup>

With support from the Oakland County Bar Foundation, I have produced a 33-minute video documentary to help raise the level of awareness regarding chemical addiction among law students and lawyers. It is my intention to provide every accredited law school in the United States with a copy of

this program so that it can be aired and discussed in a Professional Responsibility course. Legal educators owe law students the obligation of providing useful information about drug and alcohol abuse.<sup>8</sup>

This video program opens and closes with people who have expertise in the area of chemical dependency within the legal profession. John Berry, Executive Director of the State Bar of Michigan, who also chairs the Professionalism Committee of the American Bar Association, conveys the damage that an addicted lawyer can cause to the lawyer's own life as well as the lives of clients. Robert Edick, Deputy Grievance Administrator, Michigan Attorney Grievance Commission, speaks to how the disciplinary system can assist some addicted lawyers in seeking treatment rather than suffering the normal consequences of discipline. Psychologist Bill Livingston, Director of the Lawyers and Judges Assistance Program, discusses the unique problems faced by lawyers that causes the high incidence of alcohol and drug abuse among lawyers.

The most compelling portion of the video consists of conversations with four Michigan lawyers who are successfully recovering from drug and alcohol addictions. Each lawyer has a unique and personal story to tell.

Steve, in his early fifties, was suspended for three years from the practice of law for misusing client trust funds. His real problem was severe drug and alcohol addiction. Approaching death and having lost everything that meant anything to him in his life, including his family, law license, and assets, Steve sought help and has been drug free over the past decade. During that time, he has been reinstated as a lawyer and has gained the respect of lawyers and judges throughout Michigan for his zealous desire to help other lawyers who suffer from substance abuse.

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All columns are the opinion of the writer and do not represent the position of the Legal Education and Professional Standards Committee or the State Bar of Michigan.

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Roger, in his early sixties, has been in practice for over 30 years and has never been disciplined. However, he almost died as a result of alcohol addiction that did not occur until he was almost 40 years old. He has not consumed any alcohol since he came out of a coma induced by his alcohol consumption 14 years ago.

David, in his mid-thirties, currently practices law with a large corporate law firm. He is a transactional and litigation lawyer. Drunk driving charges brought him within the disciplinary system. Although he has not been disciplined, he articulates the impact that his battle against the use of drugs and alcohol has had on his personal and professional life.

Catherine, a lawyer for the past five years, had her alcohol problem accelerate while a law school student. She has been plagued by a drinking problem throughout her adult life. A grievance was filed against her when she came to court appearing to be under the in-

fluence of alcohol. She received probation and retained her right to practice law upon her willingness to submit to various conditions including constant drug testing. She has been successful in her recovery and her life has dramatically improved.

One can only have great respect and admiration for the recovering lawyers who agreed to tell their stories so that law students and lawyers could become more conscious of the danger signals presented by drug and alcohol use and abuse and the help that is available to those in need. These lawyers have become positive role models for all lawyers who are willing to confront their issues with chemical dependency.

Although the program is not designed to solve the problem of substance abuse among members of the legal profession, hopefully it will provide the start for a discussion about a subject that has been kept under wraps for too long. ◆

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#### FOOTNOTES

1. Professor Gerald Boston, "Chemical Dependency in Legal Education: Problems and Strategies," *Michigan Bar Journal*, p 298 (March, 1997).
2. *Id.* at 1.
3. *Id.* at 1.
4. *Id.*
5. Judge Sarah Krauss, "A Personal Story... My Journey from Alcoholism to Sobriety, Recovery and the Bench," *Michigan Bar Journal*, p 306 (March, 1997).
6. By Anonymous, "Personal Story," *Michigan Bar Journal*, p 304 (March, 1997).
7. Naseem Stecker, "What Ails Thee?" *Michigan Bar Journal*, p 28 (March, 2002).
8. Some prior television programs that I have produced that have been widely used in law schools include "Legal Heroes" and "I Stand By the Accused," both winners of the State Bar of Michigan's Annual Wade McCree Advancement of Justice Award, "A Day in the Life of Law School Teaching" funded by the Institute for Law School Teaching, and "What Went Wrong? Conversations With Disciplined Lawyers."