

JLAP: saving lives and careers

Judges, lawyers and law students with impairments that threaten to derail their careers, their lives and the lives of others have somewhere to turn for confidential and effective help. Unfortunately, many ignore the early warning signs, sending them down a dangerous and avoidable path.

Steve, a lawyer in northern Indiana, knows this all too well.¹ He ignored the warning signs of substance abuse and depression and found himself in a fetal position, unable to get out of bed. Ultimately, with the help of the Judges & Lawyers Assistance Program, he got his life and his practice back.

After working as in-house counsel, Steve took a job in private practice with a large law firm, doing corporate work and mergers & acquisitions. "I worked a million hours both in-house and in private practice. I burned the candle at both ends," he said. After returning to private practice, Steve found that he did not have many clients, which added to the pressure. "I was just exhausted and beginning to notice some signs of something that I didn't know what it was at the time, but ultimately it was diagnosed as depression."

According to Steve, things began to unravel when his wife threatened to divorce him and take their kids if they didn't buy a bigger house. A bigger house soon followed and so did disaster. Steve collapsed the week after buying the new house. He couldn't get out of bed and stayed in the fetal position. When he finally did manage to get out of bed for work he couldn't actually drive into the law firm's parking garage.

"I went around the block probably for 90 minutes because I couldn't turn into the parking garage," Steve said. He used his cell phone to keep in contact with his law firm and his clients, but he didn't tell his wife what he was going through. After three days of this charade, an attorney from the firm called Steve's wife to ask where he was. Steve's wife confronted him, and Steve tried to pull himself together. He talked with the firm but got no solace. Instead, it made matters worse. The firm told Steve there was no guarantee his position at the firm was safe.

Steve avoided getting the help he needed and also began avoiding people. "An impaired lawyer can do a lot of damage to our legal system," said Terry Harrell, JLAP's executive director since 2002. "The best way to avoid this is to get help up front." Harrell, a lawyer and licensed clinical social worker, oversees JLAP's operations.²

JLAP has a downtown Indianapolis office, which employs two clinical case managers, who are both trained social workers, a northern Indiana case manager and a deputy director, who is also a social worker and a lawyer. An office manager rounds out JLAP's office staff. In addition, JLAP utilizes about 400 volunteers statewide, who serve as both monitors and mentors. Monitors are responsible for monitoring compliance with an agreement with the Indiana Disciplinary Commission. Mentors are used in a variety of capacities, often even before someone gets into trouble with the Disciplinary Commission. This can range from having a cup of coffee with someone who is feeling particularly stressed to speaking at bar association meetings.

Despite the availability of these resources, like many others Steve failed to seek professional help until

it was nearly too late. Steve found himself curled up in bed again unable to go to work. Steve said his wife tried to drag him out of bed, which then made him feel as though he was having a heart attack. He was diagnosed at a local hospital as having a major depressive disorder with suicidal ideation.

But Steve's odyssey was far from over. He separated from his wife, and then his law firm fired him. In the three months that followed, Steve got two DUIs. "I was absolutely suicidal at that point," Steve recounted. "I was so depressed I couldn't find the strength to act on my suicidal ideas. It was a very serious situation."

What happened next may have saved Steve's life. He received a letter from the Disciplinary Commission. He was told that if he wanted to get his law license back he should work with JLAP. Steve vividly remembers something else the Disciplinary Commission told him: "If you don't, that's fine too, but you should at least get some help from JLAP."

JLAP provided Steve with some peace of mind and reassurance. JLAP also helped Steve find a new psychiatrist who listened to his concerns about the side effects of his medications. But more challenges awaited. As Steve's divorce proceedings ramped up, he became suicidal, and he began drinking again. A third DUI soon followed. Steve got back in touch with JLAP, and with JLAP's help and assistance from others, Steve has been sober since April 2007. "I am very grateful to JLAP for helping me get through that," Steve said. "I am quite confident I would have not gotten through that without JLAP."

Despite all of this, Steve was still not out of the woods. A little more than two years after contacting JLAP and getting sober, Steve was diagnosed with Stage 3 rectal

WHERE TO TURN



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cancer. At that time Steve had almost caught up on his continuing legal education requirements and had nearly gotten his law license back. Steve underwent chemotherapy, radiation and surgery. For a time he could feel himself spiraling downward, but with help from his JLAP counselor he was able to keep a positive attitude. He also received some financial help for his medications from the JLAP treatment fund. Steve's cancer is now in remission, and he is working as a sole practitioner. "It's not like it used to be, and that's okay," he said.

Steve encouraged others who may be experiencing similar issues to seek help early.

"If they can call JLAP that would be great," Steve said. "I know from personal experience I wasn't willing to do that early enough."

Steve also encouraged colleagues, friends and family members to reach out to others if they see any early warning signs.

According to Harrell, JLAP received 253 "Calls for Help" in 2014.³ A Call for Help is a call by someone seeking JLAP's assistance or intervention, either on behalf of him or herself or a third party. About half of those calls are on behalf of the caller, and the other half represent third-party calls seeking help for a family member, friend or colleague. These calls comprise about 85-90 percent of the people who use JLAP services, Harrell said. The remaining 10-15 percent are formal referrals from the Disciplinary Commission or the State Board of Law Examiners. Mental health and addiction issues are by far the most common reasons JLAP is contacted.

All self referrals and third-party referrals to JLAP are completely confidential. The only time JLAP becomes involved with the Disciplinary Commission is when JLAP is asked to provide assistance in recovery. Such a request may be made either by the attorney facing discipline or by the Disciplinary Commission, but in either case JLAP requires the attorney to sign a release before JLAP shares any information with the Disciplinary Commission. The confidentiality of the process is expressly embodied in Indiana Admission & Discipline Rule 31, which governs JLAP.⁴

Don Lundberg, executive secretary of the Disciplinary Commission from 1990 to 2008, said he and former JLAP executive director Susan Eisenhauer quickly

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“got on the same wavelength” about the vital importance of confidentiality of JLAP’s services for lawyers who self-referred or otherwise came to JLAP by some route other than through the Disciplinary Commission. Now a partner at Barnes & Thornburg LLP, Lundberg said he and Eisenhauer had many conversations about how to quash any inaccurate suspicions that there were back-channel communications between the Disciplinary Commission and JLAP. Rather, JLAP gave the Disciplinary Commission a meaningful and trusted resource to create probation conditions that were fair, but demanded accountability.

“It is outside the Disciplinary Commission’s skill set to micro-manage probation for addiction and mental health issues,” Lundberg said. “JLAP filled that void.”

Despite JLAP’s strict confidentiality, people remain hesitant to contact JLAP when early warning signs arise, only to later wish they had reached out to JLAP sooner. Ricky is one such lawyer. “It would have saved me a lot of pain,” said Ricky, who works in central Indiana. Ricky’s warning signs first appeared in law school, when he got his first DUI. “I didn’t think I had a drinking problem,” said Ricky. “I thought I made a bad decision.” Another DUI followed after law school.

That’s when the Disciplinary Commission became involved, and his law license was suspended for six months. A couple of months of sobriety followed. “If you would have hooked me up to the lie detector at that point I would have passed,” Ricky said. “I was not going to drink anymore. And within a couple of weeks I was finished.”

He began drinking again, and a third DUI followed. Another 6-month law license suspension followed, but this time without automatic reinstatement. Ricky went to treatment, which included a recovery residence. He agreed to have JLAP monitor his compliance. His JLAP counselor, Tim Sudrovech, a licensed clinical social worker, became his savior. “He’s such a good friend of mine now,” said Ricky, who hopes to get his law license back.

The DUIs forced Ricky to get help. Before doing so, Ricky felt hopeless. But he stressed that life doesn’t have to be a “hot mess” before seeking help. “Even if your practice is just a little off balance, JLAP can help,” he said, adding that with alcoholics a lot of times their careers are over before they seek help. “JLAP is a resource. It can save lives and careers,” Ricky said. February 2015 marked Ricky’s sixth year of sobriety. He still laments the lost hugs from his daughter as among the most painful costs of his addiction. Thankfully, today Ricky describes his life as fantastic. “I’ve been able to be a dad, a husband and a brother. I sit on a handful of boards. All of these things I’m able to do – it’s because I am sober.”

Harrell stressed that the program is not just for people suffering with substance abuse issues. Harrell said JLAP can help in all types of situations, such as aging, depression and the stress of practicing law. For example, law practices can suffer if a lawyer is going through a nasty divorce or experiences a serious medical illness or a family member requires hospice care. “They are human beings,” Harrell said. “When we’re going through stressors we drop the ball sometimes.”

Indiana State Bar President Jeff Hawkins is an unabashed testament to the varied reasons for seeking

professional help – and the relief that comes from doing so. At last October’s Assembly Luncheon during the State Bar’s fall meeting, Hawkins shared a very personal story. Three years before that luncheon, Hawkins said, he realized for the first time that he had been living with Attention Deficit Disorder for more than 45 years. Hawkins explained how he had always struggled to read and retain information or to block out a distraction. It wasn’t until Hawkins saw a PBS program called “ADD and Loving It” that he realized he needed professional help.

“As the staff of the Judges & Lawyers Assistance Program and the Indiana Disciplinary Commission can tell you, too many seek elusive relief through self-medication with drugs and alcohol. Fear of stigmatization and marginalization often discourages people from seeking and receiving help. Think about it for a moment: Can you imagine how difficult it is for one of our members to admit that they suffer from mental impairment? I can tell you that crossed my mind, but my own liberating experience inspired me to plow the way for others to discover life after impairment.”⁵

Soon after getting the medical help he needed, Hawkins’ productivity increased dramatically, and his past struggles with the symptoms of ADD ended. Hawkins encouraged others at the luncheon to “reach out and show love and compassion for our fellow lawyers.”

That is exactly what Lundberg had in mind when he worked with Eisenhower after she became the full-time director in November 1999. Lundberg recounted an alcohol-related case that arose not long thereafter in which a lawyer on probation and under JLAP supervision missed a call-in for a random

alcohol screening. Lundberg had to determine whether to take a zero-tolerance approach or a more holistic approach. Circumstances of the case made Lundberg understand that the missed screen was not an effort to cover up a return to drinking. “We did a little tweaking, but mostly just let the lawyer return to carrying out the terms of probation,” Lundberg said. “This lawyer succeeded, went off probation, and went on to become a JLAP monitor and mentor to many lawyers struggling with alcohol dependency. I see that lawyer today – he is a friend, and it gives me great pleasure to know that we took the right approach by being supportive without enabling.”

Harrell laments that not every JLAP case has a happy ending. Fortunately, JLAP success stories abound. While confidentiality rules prevent the public from knowing the extent of how many lives and careers JLAP has helped save, Steve and Ricky can attest to the fact that JLAP is literally a lifesaver. “I felt hopeless,” Ricky said. “I didn’t think there was a way out.” JLAP provided the way. 🍷

1. “Steve” is a pseudonym for the actual name of this attorney. Likewise, “Ricky” is a pseudonym for the lawyer referenced later in this article. The author interviewed both lawyers after they agreed to have their stories included in this article.
2. Research shows that lawyers suffer from depression, substance abuse and stress at higher rates than the general population due in large part to social influences in the work environment, heavy workloads, and stress attributed to working with clients. *Attorneys and Substance Abuse*, Hazelden’s Butler Center for Research (2012). Some estimates report lawyers are four times more likely than the general population to suffer from depression, and the Centers for Disease Control & Prevention ranks lawyers fourth in proportion of suicides by profession. See Rosa Flores and Rose Maries Arce, “Why are lawyers killing themselves?” CNN.com, Jan. 20, 2014, www.cnn.com/2014/01/19/us/lawyer-suicides/index.html; Laura Rothstein, “Law Students and Lawyers with Mental Health and Substance Abuse Problems: Protecting the Public and the Individual,” 69 *U. Pitt. L. Rev.* 531 (2008). The rate of alcohol abuse for lawyers is 18 percent compared to 10 percent for the general population. Hazelden’s

Butler Center for Research, *supra*. Prescription drug abuse and chemical dependency are also higher among legal professionals. See generally Commission on Lawyer Assistance Programs, American Bar Association (2013); Rothstein, *supra*.

3. JLAP can be reached by calling 317/833-0370 or toll free at 866/428-5527, or on the Web at www.in.gov/judiciary/jlap.
4. In addition to containing strict confidentiality provisions, Rule 31 explains the purpose of JLAP is “assisting impaired members in recovery; educating the bench and the bar; and reducing the potential harm caused by impairment to the individual, the public, the profession, and the legal system.” Rule 31 further explains that the JLAP committee “will provide assistance to judges, lawyers and law students who suffer from physical or mental disabilities that result from disease, chemical dependency, mental health problems or age that impair their ability to practice; and will support other programs designed to increase awareness about the problems of impairment among lawyers and judges.”
5. Excerpt of “Adapt & Overcome,” *ISBA Prez Blog*, <https://isbaprezblog.wordpress.com> (Nov. 12, 2014). Hawkins revisited mental health issues in another *Prez Blog* post, “Let’s talk about lawyer mental health,” *ISBA Prez Blog*, <https://isbaprez.wordpress.com> (Dec. 12, 2014), which also encourages bar members to be JLAP volunteers. Hawkins’ predecessor as ISBA president, Jim Dimos, also has trumpeted the compassion and support JLAP provides. See “You’ve Got a Friend,” *ISBA Prez Blog*, <http://isbaprez.wordpress.com> (Feb. 4, 2014).

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