

Concerning Lawyers

By Anthony J. LaBella

Lawyers Concerned for Lawyers-CT, Inc., (LCL) has proudly served the Connecticut legal community for 13 years. It is an independent, nonprofit, third-party contractor with the Connecticut Judicial Branch that helps the legal community in the State of Connecticut with crisis referral and interventional services across a broad spectrum of problems. All contact with LCL is completely confidential and discreet.

As president of LCL, I would take this opportunity to describe the current state of our affairs and where we are headed in the future. Over the past 13 years, LCL has prospered under the guidance of our first and only executive director, Beth Griffin, and the wise counsel of the late Richard Johnson, my predecessor, among others. Our mission has been, and continues to be, assisting members of the Connecticut legal community to fix the unfixable, recover from the unrecoverable, and to allow hope a foothold where none seemed possible before a call was made to LCL for help.

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*“I would his troubles likewise were expired,
That so he might recover what was lost.”*

–William Shakespeare, Henry VI, Part 1

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Over the past 13 years, LCL has assisted more than 2,100 new clients, averaging about 166 new clients per year. LCL's services range from providing general information "for a friend;" advice to a spouse, family member, or partner; or a face-to-face meeting with the client seeking help. Initially, our organization focused on recovery from alcohol and substance abuse issues.

Notably, our founding statute (Conn. Gen. Stat. § 51-81d) funds the contract with the Judicial Branch (from a small portion of dues paid to the Client Security Fund) and exempts us from being compelled to provide any information about any of our clients. Our mission has expanded from how it began in 2005, to offering help to elder lawyers who may have difficulty leaving their practice or maintaining it as they age and by reaching out to law students who have their own challenges to overcome. Other areas of concern have been added over the years. Currently, we provide up to six psychological counseling sessions free of charge to any lawyer who asks, in a calendar year. We focus on the needs of our legal community, from a mindful perspective that, we hope, makes the practice of law a bit less harsh and difficult. Sometimes, that means an empathetic ear and a willingness to listen or provide counsel. Other times more direct intervention is required and enacted. From our offices in Rocky Hill, we manage and utilize a network of dozens of volunteers across the state (many, but not all, are former clients) who offer a hand, and help, whenever they are asked, without reward or recognition. Many forms of recovery

are based upon the theory that you must give away that which you want to keep. Nowhere is this more evident than in LCL's corps of grateful volunteers, including our esteemed board of directors.

Currently, we facilitate six statewide meetings (five 12-step meetings in five locations across the state and one non 12-step meeting), and we also educate and assist lawyers who suffer from depression, gambling addiction, isolation, mental illness, or stress (to name a few). In short, we are a broad-spectrum assistance program that is both flexible and driven to provide help to any and all who ask.

Lawyers as a general rule are very bad at both asking for help and taking advice. We are, after all, expected to have all the answers. Unfortunately, this attitude is the antithesis of what is needed for recovery. One who suffers must, unfortunately, be as willing to listen as only the truly desperate can be. This is where LCL comes in.

For too long, our profession has done a poor job of addressing the well-being of its membership. Too many lawyers and law students, even now, experience chronic stress and high rates of depression and substance use. These findings are incompatible with a sustainable legal profession, and they raise troubling implications for many lawyers' basic competence. This research suggests that the current state of lawyers' health cannot support a profession dedicated to client service and dependent on the public trust. You may have noticed an emphasis in your CLE mailings on mindfulness and well-being. This is not an accident. In large part, this emphasis traces back to the ABA National Task Force on Lawyer Well-Being that was formed in 2016.

Conceived by the Commission on Lawyer Assistance Programs, this task force was comprised of several entities within the ABA, including ABA CoLAP, ABA Standing Committee on Professionalism, ABA Center for Professional Responsibility, ABA Young Lawyers Division, ABA Law Practice Division Attorney Well-Being Committee, The National Organization of Bar Counsel, Association of Professional Responsibility Lawyers, National Conference of Chief Justices, and National Conference of Bar Examiners. Based upon the surveys and opinions underlying the 2017 Task Force Report¹ (Report), it is estimated that 40 to 70 percent of disciplinary proceedings and malpractice claims against lawyers involve substance use or depression, and often, both.²

The Report identifies stakeholders in the changes necessary for our profession to address the wellness of our members, these include judges, employers, law schools, and bar associations. Among the goals are ending the stigma surrounding help-seeking behaviors. The Report contains numerous recommendations to combat the stigma that seeking help will lead to negative professional consequences. Ending the stigma of telling someone you notice what they are doing (or not doing) and offering help when appropriate. The Report focuses on well-being as an indispensable aspect of our duty to our clients, the public, and ourselves. Untreated mental health and substance use disorders ruin families, lives, and careers. Though our profession prioritizes individualism and self-sufficiency, we all contribute to, and are affected by, the col-

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ABOVE RIGHT: (L to R) Paul Geraghty, Hon. Robyn Stewart-Johnson, Sheryl Shaughnessey, Raymond LeFoll, Anthony LaBella, Christopher McCormick, Mary Alice Moore-Leonhardt, William Sweeney, Mark Dubois, Kathleen Flaherty, and Hon. Suzanne Caron; (Standing) Nancy Stek, workshop facilitator and associate director of the New Jersey Lawyers Assistance Program.

BELOW RIGHT: (Background L to R) Hon. Douglas Lavine, Sheryl Shaughnessey, Raymond LeFoll, and Anthony LaBella; (Foreground L to R) Hon. Suzanne Caron, Kathleen Flaherty, Mark Dubois, William Sweeney, and Christopher McCormick.

The following LCL board members were unable to attend this workshop: George W. Adams III, Dr. Walter Borden, Jeffrey J. Drewniany, Hon. James P. Ginocchio, Amy F. Goodusky, Matthew Hallisey, Ms. Suzanne Lucas-Deneen, Justice Richard N. Palmer, Hon. Eliot D. Prescott, and Prof. Brad Saxton.



lective legal culture. Impaired lawyers make everyone's job more difficult, frustrate clients and judges (and other lawyers), and generally cost everyone more time and money.

In the past, our bar admissions process did little to promote the seeking of help. Rather, there was an inherent penalty toward those who had (successfully) sought help, and a fast track to those who might need assistance yet had not exhibited outward signs of that need. It would amaze most people to learn that even indicating that one had sought some form of medical treatment for substance abuse or mental health could slow an application down for a year or more. This delay would leave candidates in limbo, forcing them to explain the delay to potential employers or friends, adding insult to the injury. By most accounts, this delay has been shortened by the current committee. More importantly, since January 2019, the application to the Connecticut Bar no longer asks about mental health diagnosis, but about behavior. This change lines up with the 2015 American Bar Association House of Delegates Resolution 102, calling on bar examiners to focus on conduct rather than someone who has successfully sought treatment.

We at LCL find ourselves in a time of change and self-awareness that was hardly predictable in 2005. It was even less predictable from the law offices and living rooms where the informal lawyer assistance program began as one lawyer helped another find recovery for years before that. In 2006, we conducted a strategic planning session with our board members and some other interested parties, with a goal of mapping our course for the foreseeable future. We now find ourselves on the verge of another such session in May of 2019. It will have occurred by the time this article is published, and I am excited about the surprises, challenges, and ideas that will no doubt emerge from having so many lawyers in one place, focused on one thing: the future of LCL.

Going forward, denying the fact that we in the legal profession suffer from the same maladies that affect the public at large carries



no weight. In fact, most have realized that our profession probably suffers more than the average population due to the nature of what we do and the personality type of our membership. The notion that if we ignore the problem it will just go away has been cast to the trash heap where it belongs. The cost in terms of sick time, rework, or mistakes is the tip of the iceberg. The cost in terms of public perception, legal malpractice, defalcations, suicide, and incarceration is simply too high to bear. And with the correct attitude, we can do our best to avoid these consequences if assistance is available and can be sought without stigma or reservation.

That has been LCL's goal from the start, and it will continue to be long after this writing. Tell a friend. ■



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Anthony J. LaBella is a founding member/director of Lawyers Concerned for Lawyers and currently serves as president of the LCL Board of Directors. He is a senior associate with the law firm of Ury & Moskow LLC in Fairfield.

Notes

1. <http://lawyerwellbeing.net>
2. D. B. Marlowe, *Alcoholism, Symptoms, Causes & Treatments*, in *STRESS MANAGEMENT FOR LAWYERS* 104-130 (Amiram Elwork ed., 2d ed., 1997) (cited in M. A. Silver, *Substance Abuse, Stress, Mental Health and The Legal Profession*, NEW YORK STATE LAW ASSISTANT TRUST (2004).