





# Connecticut's Lawyer Assistance Program: ITS ROOTS AND ITS FORMATIVE YEARS

I have been asked by *Connecticut Lawyer* to recollect and to describe the early years—the formative years—of efforts in Connecticut wherein lawyers who had overcome the disease of addiction or other mental health problems reached out to other lawyers who were still sick and suffering from impairments to offer assistance and encouragement. These efforts not only saved lives and stabilized families, but also protected the public from dereliction of duties by lawyers afflicted with these devastating health issues.

This writer related his own road to recovery from alcoholism in *Connecticut Lawyer* in the March 2002 issue, which credited others, particularly a fellow lawyer, for coming to his aid and spurring his recovery.

## A Brief History of Recovery Programs

Throughout history, lawyers have earned a well-deserved reputation for helping others overcome problems of various kinds and continuing on with productive lives, so it is not surprising that lawyers who overcame the disease of addiction and other mental health issues have long been active in helping their sisters and brothers of the bar overcome these same impairments.

It is appropriate to start by traveling back to the mid-1930s when the progenitor of successful recovery programs that lifted participants out of a foggy, alcoholic existence into the bright sunlight of lasting sobriety came into being. Alcoholics Anonymous (AA) began in 1935 when two longtime suffering alcoholics came together quite by accident to inspire and aid each other to acquire a lasting sobriety. The two men were Bill Wilson (Bill W.) and Dr. Robert Smith (Dr. Bob). Bill W. and Dr. Bob were able to help each other obtain and maintain an uninterrupted sobriety and went on with the help and guidance of many others to formulate the 12-Step Movement that has rescued millions of alcoholics throughout the world from a life governed by addiction and hopelessness.

Both these men had ties to the legal profession. Bill W. was a graduate of Brooklyn Law School and Dr.

Bob was the son of a prominent judge from the State of Vermont. Additionally, the third person to join AA was a member of the Ohio Bar.

Jumping ahead a few decades, the first known lawyer assistance program had its humble beginnings in California when a lawyer there who once had enjoyed a splendid career lost everything: family, job,

and his own self-respect as well as his license to practice law as a result of alcoholism. As he hit bottom, he contacted another lawyer who had escaped his alcoholic demons and was living a sober and productive life. Together they sought out and enlisted more lawyers who were still suffering from alcoholism and the Lawyer Assistance Program (LAP) was up and running. News of its success spread and like-groups followed suit in other jurisdictions. The movement was aided

and pushed forward by another movement begun by lawyers who had overcome alcoholism and came together under the banner of "International Lawyers in AA." (ILAA) This group originated in Canada and soon enrolled members from throughout North America and beyond. Their goal was to help their fellow lawyers suffering from the emotional and physical pain of alcoholism or other significant problems. International Lawyers in AA is still going strong and continues to meet annually in various locations throughout North America. It is quite common to encounter a lawyer at these conclaves who is still addicted to alcohol or other drugs and has been invited by a sympathetic recovering lawyer friend to attend in order to see that he or she is not alone and that help is available. It warms one's heart to meet that lawyer, sober and well, the following year at the ILAA Convention.

## Connecticut's Turn

Turning now to Connecticut, in the early 1980s the Connecticut Bar Association established a standing committee of the CBA known as "Lawyers Concerned for Lawyers." Its long-time chair was Attorney Robert Klomp. This committee was populated by both lawyers in recovery and other lawyers sim-

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ply interested in contributing to the effort to help other lawyers. The committee came into existence at the urging of a group of lawyers who were in successful recovery from alcoholism.

The existence and purpose of the committee was promulgated by numerous mentions of it in various publications, particularly *Connecticut Lawyer* magazine. The Connecticut Bar Association also funded a confidential hotline for lawyers looking for help. This hotline was located in the law office of an LCL Committee member. The caller's anonymity was fully protected. The committee met on a regular and frequent basis and reached out to other members of the bar in need of assistance. Many lawyers contacted committee members and sought advice and support, which resulted in numerous successes.

A few of the committee members also hosted Alcoholics Anonymous 12-Step meetings for recovering lawyers in their law offices. I recall attending a number of meetings in a law office in Hartford many years ago hosted by an internationally recognized pioneer in the lawyers' recovery movement. In the years preceding the formation of the formal Lawyers Concerned for Lawyers program, there were meetings hosted by a Rocky Hill lawyer in his law office that were well-attended and successful in attracting lawyers who were still struggling. That particular lawyer-host was a stalwart and influential advocate and an important contributor to the success of the current programs as was his predecessor who had hosted meetings at his home. (Their names are omitted due to the wish to preserve their anonymity.) As time went on, meeting sites increased and attendees proliferated but clearly only a small fraction of sick and suffering lawyers were being reached and helped.

In February 1998, the LCL Committee arranged to have some participants meet with Bonnie Waters, then-executive director of the Massachusetts Lawyers Assistance Program, which was a well-established, broad-based, fully-funded lawyer assistance program. Ms. Waters became a key advisor and strong advocate of LCL's efforts in Connecticut. She made numerous trips to our state to assist in the efforts to secure a program in Connecticut. She described in detail the broad-based program that the Massachusetts Bar offered the lawyers of the Com-

monwealth, addressing not only addiction issues, but other mental health issues as well. For the attendees from Connecticut, it was an eye opening experience and they quickly realized that Connecticut needed to launch an all-out effort to catch up to Massachusetts and the multitude of other programs in many jurisdictions throughout North America. The objective of all these existing programs was not only to help lawyers who struggled with addiction and

other mental health issues, but to protect the public from defalcations and other misdeeds and malpractice of afflicted lawyers.

It was recommended that Connecticut send a representative to the American Bar Association's Commission on Lawyer Assistance program's (CoLAP) annual conference to be held in Montreal, Canada in October of that year. I attended the conference and met LAP directors from throughout North America who offered encouragement and assistance for Connecticut's efforts to move ahead with a program.

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Back in Connecticut, the LCL Committee voted to solicit the support of the Connecticut Bar Association (CBA) and the Judicial Branch to assist in bringing about the creation of a Lawyer Assistance Program for Connecticut.

I then contacted the late Connecticut Supreme Court justice, David M. Borden, who was an old friend of many years standing. Justice Borden recognized the need for a lawyer assistance program in Connecticut, and together with Justice Richard N. Palmer, a meeting with the then-Chief Justice Francis M. McDonald and the Connecticut Bar Association's LCL Committee was arranged. Chief Justice McDonald pledged his support. At his direction, Justice Palmer and I attended the annual meeting of Connecticut's judges in New Haven and described the purpose and workings of a Lawyer Assistance Program to the assembly. The judges offered overwhelming support for the proposed LAP.

The Judicial Branch then assigned a key staff member, Attorney Melissa Farley, to work with the supporters of the proposed Connecticut LAP.

The CBA, under the leadership of President Donat C. Marchand, also gave its support to move ahead. Its then-executive director, Tim Hazen, and external affairs director, Matthew Hallisey, joined the members

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## Assistance Program

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and supporters of the LCL Committee and provided much valuable assistance to the committee's ultimately successful effort.

Backed by the Judicial Branch and the CBA, advocates could begin a crucial stage of the process—seeking the support and approval of Connecticut's General Assembly, as legislation was needed to provide a method of funding the proposed LAP. Obviously, it would not be fair or prudent to use public funds, and without mandatory bar association membership, which could levy fees, it was proposed by LAP advocates to increase slightly the Client Security Fund fee paid by each lawyer licensed to practice in Connecticut and to use the additional fee to fund the Lawyer Assistance Program. As simple as this solution seemed to be, it encountered some resistance by a few legislators and the process was delayed for two legislative sessions before the General Assembly approved the plan and the Connecticut LAP was able to begin its final organizational efforts.

### To Those Who Helped Pave the Way

I am slightly ahead of myself in relating this story. To get to the finish line, it took monumental efforts by a host of people to achieve success. I believe it is important to recognize and honor all those who made this possible. I will begin by noting the crucial role played by the CBA's LCL Committee. Without the initiative and hard work of that committee, this would not have happened.

Chief Justices Francis M. McDonald and William J. Sullivan played crucial roles in the process. Chief Justice Sullivan was particularly committed and effective in aiding the process. Justices Borden and Palmer were key supporters and provided constant support and much time and talent to the effort as did numerous judges of the appellate and superior courts, especially Hon. William Lavery, Hon. Jonathan J. Kaplan, Hon. James K. Robertson, Jr., Hon.

Robert L. Holzberg, and Hon. Joseph H. Pellegrino.

Melissa Farley from the Judicial Branch was a key organization leader and advocate throughout the process and a vital key to achieve a successful result.

CBA Presidents Barbara Collins and Louis Pepe lent their unwavering support and played active roles throughout the process as did President Fred Ury.

Tim Hazen and Matt Hallisey of the CBA were tireless and valued supporters from beginning to end.

Special thanks to the American Bar Association Commission on Lawyer Assistance Programs (CoLAP) and especially to Atty. Bill Leary, former director of the Louisiana Lawyers Assistance Program; Attorney Ann Foster, former director of the Texas Lawyers' Assistance Program; and Attorney Michael Cohen, now deceased director of the Florida Lawyers Assistance program.

To those contributors, whose names have been inadvertently omitted, I offer my profuse apologies and assure you that all concerned are very grateful for your invaluable assistance.

It was an arduous and sometimes frustrating process to achieve success, but it was surely worth the time and the effort as will be noted in another article in this issue, written by my friend and colleague, Attorney Anthony LaBella, the current president of LCL-CT's Board of Directors. ■



#### WILLIAM C. LEARY

*William C. Leary was one of the principal organizers of Connecticut's lawyer assistance program and its first acting executive director during the start-up phase. He served as chairman of the Lawyers Concerned for Lawyers-CT (LCL-CT) Board of Directors until 2014. He is a former member of the Connecticut General Assembly and a retired probate judge for the district of Windsor Locks. He is presently of counsel to the law firm of O'Malley Deneen Leary Messina and Oswecki.*

## Highlights

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protect the legislature's exclusive jurisdiction over such matters.

A private company hired by a housing authority to conduct a safety inspection of Section 8 public housing owes a direct duty in tort to the authority's tenants. The opinion reasons that the federal Section 8 Housing Regulations make tenants beneficiaries of a housing authority's duty to conduct annual safety inspections, and the Restatement Second of Torts §324 imposes on the inspector, as an independent contractor hired to perform a duty owed by its principal (the housing authority), a direct duty in tort that is owed to the tenants. Furthermore, because the federal regulations also make tenant *guests* beneficiaries of the housing authority's duty to inspect, the defendant also owes a direct duty in tort to tenant guests. This opinion holds that a guest may recover from the inspector for injuries from a fall on a stairway allegedly caused by the inspector's negligent failure to discover a defect in the stairway railing. *Buchanon v. J&A Equities, LLC*, 67 CLR 678 (Noble, Cesar A., J.).

Standards adopted by a national athletic association for conducting team practices do not support a claim that a high school coach was engaged in a ministerial duty (and therefore protected by governmental immunity) for injuries during a team practice. *Teodoro v. Bristol*, 68 CLR 16 (Morgan, Lisa K., J.). The opinion rejects the plaintiff's argument that practice standards established by the American Association of Cheerleading Coaches and Administrators, and an independent set of standards developed by the National Federation of State High School Associations, provide sufficient safety guidelines to establish that a coach performs a ministerial rather than discretionary function during team practices. ■