

Help for a Colleague—If You Don't Help Who Will?

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“A typical alcoholic lawyer may drink heavily for years before colleagues begin to notice that something is terribly wrong”

C Waldhauser

The Ontario Lawyers' Assistance Program is rooted in the concept of “lawyers helping lawyers.” Our mandate is to promote wellness, prevent problems and assist when problems arise for individuals within the legal profession.

In the early days the activities of “lawyers helping lawyers” were primarily addiction focused. Although the program has expanded to assist with a range of issues, we must continue to be vigilant and pay heed to addiction issues in the legal profession.

Addiction takes many forms:

- Addiction to a substance -- illegal drugs, prescription drugs, alcohol, food
- Addiction to a process - - gambling, internet, pornography, sex, work

This article will focus on alcoholism – the addiction to alcohol.

In his book ***A Lawyer's Guide to Healing: Solutions for Addiction and Depression*** Don Carroll focuses on the specific challenges facing lawyers.

Don Carroll is the director of the North Carolina Lawyer Assistance Program and has helped many colleagues overcome addiction and depression. According to Carroll, the most common form of addiction affecting lawyers is alcohol. He states, “If I had to pick the most common malady affecting lawyers, it would be alcoholism. Many lawyers use alcohol to self medicate against career stress and to cope with their own challenging personality traits which can include perfectionism, the need to control and grandiosity.”

WHAT IS THE ISSUE?

Lawyers often have incredibly high expectations of themselves and what they should accomplish on behalf of their clients. A lawyer is constantly looking for others to make a mistake, while at the same time feeling that others are diligently looking for him or her to slip. These thoughts dramatically increase a lawyer's level of stress.

A question often asked is “Are lawyers really more likely than the general population to become addicted to alcohol or drugs? The answer is “Yes”

In the United States an estimated 9.4% of the general population abuse or are addicted to alcohol 18% of lawyers.

The Canadian Centre for Substance Abuse identifies 13% of the population as high risk drinkers double. If we use the same ratio the percentage of lawyers in Canada would be 26%.

WHAT IS ADDICTION?

The following are two definitions of addiction.

1. Addiction is a continued escalating repeated behaviour despite knowledge of negative consequences and knowledge of harm to self or others. Symptoms are biological, cognitive, and behavioural. (Diagnostic Services Manual IV Mental Disorders)
2. “Alcoholism (addiction) is a brain disease. Addiction has been shown to have both a cause and an effect relationship to changes in brain structure and function. It is this relationship that makes addiction a disease of the brain, not a moral failing.” (Dr. Graeme Cunningham, Director of Homewood Health Services, Guelph, Ontario)

WHY DOES IT MATTER TO LAWYERS?

In general, the abuse of illegal drugs and alcohol casts a shadow on virtually every aspect of life—truancy, crime, mental illness, career, family life and disease. According to the Canadian Centre for Substance Abuse the percentage of those who are problem drinkers 20% report some form of harm to themselves and 33% report harm by someone else’s drinking.

For every person with a substance abuse issue 4 others are affected in a major way. How does this affect lawyers? Why do lawyers need to know anything about it? Clients as well as colleagues are affected by alcohol abuse and alcoholism. Lawyers are held in high esteem by the general public and are role models often with a high profile.

“Lawyers are in a natural position to make a difference in the lives of their clients, their co workers, their families, their communities and themselves” GP Solo magazine (ABA) July /Aug 2001

FIRST STEP

WHAT DO YOU NOTICE?

The first step in helping a colleague is taking notice. Lawyers who help lawyers take notice. Colleagues can play an important role in primary identification of a problem with alcohol use by becoming familiar with signs and symptoms of alcoholism. A change in the following areas can indicate that something is wrong.

- Attendance
- Performance
- Personal Behaviour

If you suspect that the changes have any connection to alcohol use take notice of the following behaviours that may be related.

Alcoholic Behaviour

- Odor of alcohol or high test result on breathalyzer test
- Attends meetings, court or other work functions after drinking
- Drinks during business hours
- Drinks substantial amounts and drinks often
- Is defensive about drinking
- Memory loss and confusion, repetitive
- Increased tolerance—drinks more to get to effect of the alcohol
- Legal problems (ie driving while impaired, domestic violence)
- Past attempts to stop drinking
- Makes comments about drinking that indicate concern or lies about drinking
- Conceals amount of drinking

ARE LAWYERS SPECIAL? WHAT CHARACTERISTICS DO LAWYERS HAVE IN COMMON

Lawyers have some general characteristics that are unique to lawyers. It is a good idea to be aware of these characteristics when suggesting help or identifying a possible problem. In order to offer help or to seek help it is important to consider the factors that are often part of the lawyer personality.

Superior intellectual and verbal skills
(deflects unwanted feedback)

Ability to note differences between Persons and Circumstances
(feel unique)

Perfectionism
(very difficult to acknowledge personal shortcomings and minimizes consequences)

Preference for Logical approach
Inhibits expression of emotion

Professional demeanor
Most successful in setting of similar educational and socioeconomic background (professionals)

SECOND STEP IF YOU ARE CONCERNED WHAT DO YOU DO?

The second step is taking action. This is a difficult thing to do—to approach a colleague and indicate a concern. Personal behaviour is a private matter and crossing the boundary to suggest a problem or offer help is often considered out of bounds. Lawyers often practice alone and are isolated even if they work in a large law firm. There are things to consider before taking action that will help the process.

- Be informed. Take the time to know the common signs of problem drinking and some of the results.
- Be non judgmental. It is important to make observations rather than conclusions about the behaviour you have noticed.
- Be aware and alert. It is easy to hope that this is not a problem and that it will go away. It is easy to look the other way and dismiss some of the signs that you have identified.
- Be concerned and caring. A first approach should always be based on concern for the individual, the family and the law practice. You should not be threatening and accusatory as this will reinforce the denial that is so much part of any addictive behaviour.
- Be honest and direct. Identify your concern and the thoughts behind it. If you have personal experience with problem drinking it is often helpful to include your thoughts and share your experience.
- Approach the colleague with respect. It is important to acknowledge the positives and the value that you hold for the other person based on your work together.
- Know or find out the resources for help. Have options available to offer and encourage. Be able to provide the contact information for the Ontario Lawyers' Assistance Program, an AA group or a treatment centre.
- Facilitate help. Offer to follow up and/or support the person with any decision to get further help or to think about the consequences.
- Promote prevention. Your example and responsible behaviour is important.
- There is no failure. No matter what happens as a result of the contact your colleague will remember that you took the time and made the effort to show concern.

WHEN DO YOU ACT?

The sooner the better
 It can save a career
 It can save a life

The Ontario Lawyers' Assistance Program assists lawyers who are abusing alcohol and assists the family members who are affected. . OLAP understands lawyers. A counselor or peer volunteer will be able to help you help a colleague. Peer volunteers are lawyers who have faced a problem and have found help. They are ready to share their message of hope. It is the tradition of "**lawyers helping lawyers.**" It is a powerful message when given by a concerned colleague who has been there.

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