

Attorneys: Alcoholics and Addicts? Yes.

David Mann
Northern California Consultant
The Other Bar

The Problem

Substance abuse has always been identified with the legal profession. The stereotype of the “old drunken trial lawyer” has existed since the 18th century. Unfortunately, recent revelations have confirmed the validity of this stereotype.

Those who study and claim to know about such things tell us that there is an unusually high incidence of alcoholism and drug addiction in the legal profession. It is estimated that approximately 8-10% of the general population suffers from the disease of chemical dependency. According to the American Bar Association, the corresponding estimate for lawyers is nearly double, between 15-18%. (In approximately 50-70% of cases in which lawyers face disciplinary charges, alcoholism and/or addiction is involved.)

This should come as no surprise. We attorneys tend to be highly competitive, driven overachievers by nature. That’s what gets us into and out of law school in the first place. Once in practice, we come under close scrutiny, in both our professional and private lives. We handle matters that are of ultimate consequence to our clients. They count on us to be competent, hard working, ethical, and effective. Our rather handsome rate of compensation increases the pressure to perform. The adversarial system pushes us to win at any cost, with a legal defeat carrying the onus of failure. Cutthroat competition for partnership positions at good firms rewards workaholicism. Or, the pressure to keep a small firm or solo practice afloat demands the simultaneous juggling of so many tasks as to induce panic attacks. The combined effect of these and other factors is to produce physical and mental health-challenged human beings.

Enter the medication. Alcohol and drugs provide quick relief from stress, assistance in sleeping, a needed energy boost, false confidence, or temporary escape from it all, as the case may be. Although not ideal from a health perspective (all substances have deleterious side effects) self-medication might be an acceptable survival strategy were it not for some unfortunate realities of brain chemistry: tolerance,

dependence, habituation and addiction. Tolerance occurs when the brain and body adjust to the substance, requiring more and more to achieve the same desired result. Likewise, dependence develops because soon the substance is required in some quantity just for the user to function and feel normal. These phenomena combine to create habituation, or regular, repeated use. Habituation over time becomes full-blown addiction: the state where the user craves the substance, can no longer control his or her intake, and continues to use in spite of adverse consequences.

So, predictably, a certain percentage of attorneys end up in trouble. At that point, we face the same dilemma all alcoholics and addicts face: we must become willing to admit we have a problem and ask for help. The obstacle is that, as attorneys, we are peculiarly constructed so as to find this surrender nearly impossible. The legal profession and addiction psychology are, perversely, the only two areas of human endeavor where the word “denial” is a term of art. We file denials to complaints, go to court to formally deny a myriad of allegations, and respond to requests for admission with denials. Why would any self-respecting attorney *admit* anything, unless under extreme duress, especially that he or she is an alcoholic or addict who needs help? And so it frequently doesn’t happen, until it is way later and things are far worse than they needed to be. Some examples:

“Still in Charge”

A classic “high bottom” alcoholic, Jim was the managing partner in a successful medium-size San Francisco law firm specializing in complex business litigation. Until he was in his fifties, drinking was a non-issue: wine at dinner, a cocktail at a party, or a beer at a ballgame. He began drinking vodka as a sedative at night in response to stress-induced insomnia. Eventually his consumption increased and began to include daytime drinking. Jim now recalls himself as a “stealth drinker”, who never suffered any of the classic visible alcoholic experiences: no public displays of bad behavior, passing out, fights, or DUI arrests. He did however, begin to have trouble remembering things, causing himself embarrassment. (For example, writing and sending a series of threatening letters to the IRS angrily demanding his refund, although he had already received, cashed and deposited the check, a fact proven to him when he was sent a copy of said check bearing his signature

and bank deposit information.) There were other “disturbing” occurrences, such as falling down in public and splitting his pants, and being unable to find his car in a parking garage. His work was largely unaffected. Although people at his firm were concerned for his well-being, his status as managing partner prevented anyone from confronting him, for fear of reprisal. Ultimately, several partners contacted The Other Bar, which helped to organize an intervention resulting in Jim going to rehab. After a period of failed experimentation with moderation, Jim realized that total abstinence was the only solution, and he succeeded in getting and staying sober.

“Nobody Knows”

Mike had always been popular, academically successful, athletic, and a self-described “party guy”. Rock concerts, drinking and drugs were part of his lifestyle, balanced by long distance running, and a “normal” family life (i.e., a wife, two sons, and a mortgage). He had a career as an accomplished litigator, first as an associate at a prestigious firm, and then as one of two partners at a thriving boutique practice. He considered himself invincible, someone who could do and have it all. By his late thirties, weekend cocaine use had escalated to a habit of staying alone at the office “working late”, while ingesting ever larger amounts of cocaine and top shelf tequila. Mike believed that he was fooling his wife, his kids, and everyone else. He was less and less able to fool himself, though, privately suffering and worrying more and more about his physical and mental health. He describes his substance abuse strategy as follows: After calling home to serve notice that he, once again, had to “work late”, he would snort cocaine and drink all night, waiting until the sun was almost up before driving home against the rush hour traffic, in order to avoid being on the road during the prime hours when the CHP was cruising, looking to arrest people like him. Once home, he would quietly slip into bed next to his wife, a heavy sleeper, wait a short while, then get up, shower, and return to work, pretending he had spent most of the night at home asleep. He was convincing himself that this strategy was effective, until one morning he looked up to see the innocent face of his four-year-old son staring at him with a pained expression. His son said simply: “Real daddies come home at night”, turned, and left the room. Later that

day, Mike took steps to begin the process of becoming clean and sober.

“Not Dead Yet”

David, also a “party guy”, started taking amphetamines in the form of diet pills as a study aid in college during the seventies. He used amphetamines in various forms to achieve great academic success, graduate from a top-tier law school, and pass the bar exam. He went on to a solid career as a public defender and solo criminal defense practitioner. Ultimately, after 15 years of “successful” drug use, David’s habit escalated into intravenous methamphetamine addiction. Within three years he was disbarred, a convicted felon, and homeless on the streets of San Francisco. Only after 18 months of abject misery and deprivation did he reach his bottom. He woke up one morning in a playground, being prodded by children and mothers attempting to determine if he was alive. Forty years old, six feet tall and 130 pounds, penniless, nearly suicidal, and totally disconnected from family, friends, and society, David finally went into treatment, lured at first simply by the promise of a bed, some food, and a hot shower. He has remained clean and sober ever since.

The Solution

As these stories indicate, substance abuse comes in many guises, and we make assumptions, generalizations, or excuses at our peril. One thing remains true in every case however: no addict or alcoholic can get better unless and until he or she admits there is a problem, asks for help, and becomes willing to do what is necessary - frequently outpatient or residential treatment, but at minimum, ongoing participation in a structured program of recovery. Roadblocks to recovery in the legal community include the outdated but deeply ingrained notion that addiction is a sign of weakness or moral failing. Lawyers and judges are held in high regard and usually maintain outside appearances. They are held to a high standard of conduct. They are accustomed to being in control, and giving advice rather than receiving it. They are often more likely to intellectualize the problem and are fearful of disclosure, loss of respect of colleagues, loss of clients, loss of job, loss of license.

Typically, the admission and the cry for help occur when the alcoholic or addict has finally overcome his

or her resistance to attending a twelve-step meeting. It is extremely difficult for most people to do this, but attorneys, with their inflated egos, overactive intellects, concern for their professional reputation, and consummate skill at denial, seem to be particularly stubborn about refusing to go to that crucial first meeting. This is where the Other Bar comes in.

The Other Bar is a voluntary recovery organization for those in the legal profession. It has been in existence for over twenty-five years and has hundreds of members statewide. They are from all walks of the profession, and include judges, prosecutors, defense attorneys, large firm partners and solo practitioners. The Other Bar's purpose is to provide strength and support to attorneys who are recovering from problems with alcoholism, drug abuse, or other addictions. To this end the organization conducts regular AA-type meetings in dozens of cities and towns across California. The Other Bar also provides education and outreach in the form of Continuing Legal Education Seminars.

The unique effectiveness of the Other Bar lies in its ability to lure the reluctant or fearful attorney alcoholic or addict into his first twelve-step meeting, thus providing him with access to recovery. Over the years I have been affiliated with The Other Bar I have heard countless stories where the pivotal surrender and beginning of recovery came as a result of attending an Other Bar meeting, which had been described to the unsuspecting initiate in some suitably palatable terms, such as "support group for lawyers," or: "a professional group where we discuss our problems." This starts the process, and often careers and lives are saved.

More information is available at TheOtherBar.org, or by calling the toll-free hotline at 1.800.222.0767.