

STATE COURT PROGRAM HELPS LAWYERS SURMOUNT PROBLEMS

BY MICHELLE BRADFORD

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Ted Vandagriff closed his Sherwood law office in 2004 to undergo treatment for an inoperable tumor on his colon.

After radiation, chemotherapy and being out of work for three years, Vandagriff needed help getting his career back on track. He got it from the Arkansas Lawyers Assistance Program.

Overseen by the Arkansas Supreme Court, the program gives free, confidential help to lawyers and their families on the premise that the legal profession carries certain stress and problems.

High stakes, the threat of malpractice and intense scrutiny and criticism from opposing counsel are a few law-related stresses, according to the program's Web site: www.arlap.org.

About 230 of Arkansas' roughly 6,500 licensed lawyers are in the program, said Executive Director Gail Harber.

Most of the lawyers are struggling with alcohol or drug addiction, while depression is the second most common reason, said Harber, an addiction therapist.

It's estimated between 16 percent and 20 percent of Arkansas lawyers and judges suffer from the negative effects of alcoholism, drug addiction or mental health problems, according to the Web site.

In Vandagriff's case, he got counseling for depression that hit him after he closed his law firm and was recovering from cancer.

Program staff helped him work toward getting his law license reinstated, which lapsed while he was ill.

"The biggest fight with cancer is in your head," Vandagriff said. "That's where [the program] helped me - with the 'head' stuff. They helped me with not giving up, with getting that desire back. They helped me get my confidence back." Every state has some kind of lawyer assistance program, and most are focused on providing mental health and addiction help, as well as peer support, said Donna Spilis, director of the American Bar Association's Commission on Lawyer Assistance Programs.

The programs came about after the American Bar Association surveyed and found a clear link between addiction and mental health problems and lawyer discipline cases, Spilis said.

Some programs have a "diversion" component, where disciplinary action can be diverted, or forgiven, if the lawyer complies with terms. For example, completing a rehabilitation program.

"The goal is to get the lawyer to get healthy again," Spilis said. "That not only protects his or her career, but it better serves clients and the general public." Some lawyers in the Arkansas program have grievances filed against them with the Arkansas Supreme Court Committee on Professional Conduct, which handles lawyer discipline.

However, the Committee on Professional Conduct can consider compliance in the program in deciding disciplinary action, but only if the lawyer allows information about his treatment to be shared with the committee.

The program doesn't take the place of disciplinary action, said James E. Smith, a Little Rock lawyer who is a member of the Arkansas Supreme Court committee that oversees the program.

"It's not a safe harbor for lawyers who have done something wrong," said Smith, who is a member of the American Bar Association's Commission on Lawyer Assistance Programs.

The Arkansas Supreme Court has strict confidentiality rules protecting the identities of those lawyers in the program.

One lawyer who got help for drug abuse said his firm's reputation could be harmed if he was exposed as a recovering addict.

The lawyer said he was hesitant to get help through the program because he associated it with "drunks and addicts." "I didn't want anything to do with that," said the lawyer, 49. "I think I viewed [the program] as vaguely punitive, but now I see it for what it is: to help attorneys." He got treatment at The Bridgeway in North Little Rock in 2004 then Talbot Recovery Center in Atlanta in a program for white-collar professionals battling addiction. Meanwhile, the assistance program created a monitoring plan to fit the lawyer's needs, and he had to sign a contract agreeing to the terms. "They kept the pressure on me to comply and attend [recovery] meetings," the lawyer said. "They helped me adapt to the recovery process of doing what someone tells you to do. "That can be hard for lawyers. We tend to be control freaks." STARTING OVER Harbor of the state Lawyers Assistance Program said the program also helps lawyers struggling with issues such as aging, retirement and burnout. She travels to Northwest Arkansas and other

parts of the state weekly to meet and counsel lawyers in the program. Staff social worker Sarah Cearley works from the program's Little Rock office.

The number of lawyers in Northwest Arkansas has grown tremendously in the past few years, and so has the number of lawyers needing services, Harber said.

Eventually, she would like to have a satellite office for the program in Northwest Arkansas, she said.

The program is funded by \$ 20 taken from the annual fee lawyers pay to the Office of Professional Programs to stay licensed.

Harber said the program also works with spouses and families, who regularly refer lawyers for services. Most referrals come from the lawyers themselves, while others come from colleagues and employers.

Vandagriff was referred to the program by an attorney who'd been referred to the program by the Committee on Professional Conduct.

"I saw him in the courthouse," Vandagriff said. "He gave me his card and wrote the number down and said give it a try." Now, Vandagriff has completed 21 1 / 4 hours of continuing education and is close to getting his law license back, he said.

Signs of the tumor on his colon are gone. A colonoscopy in July was "clean" without blood, he said, and even the veins that fed the tumor are gone.

"After I shut down my law firm, I was at my lowest point," Vandagriff said. "I didn't want anything to do with anyone or with practicing law. The program helped me with what I didn't get from my cancer doctor: a shrink." "I was able to work things out through counseling and I'm glad to be back on track," he said.

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