



Calendar

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From the chairs

On June 11 – 12, 2007, I attended a conference in Boston entitled: “Advancing Women in the Profession: Action Plans for Women’s Bar Associations.” The conference was co-sponsored by: MIT Workplace Center; Project for Attorney Retention, University of California Hastings College of Law; and National Association of Women Lawyers. The conference was well attended by representatives of women’s law groups from around the country.

The purpose of the conference was to generate ideas for advancing women within the legal profession to positions of power. Although there has been much discussion in recent years about the fact that women lawyers are not achieving the same levels of success or recognition as their male counterparts, there have been few ideas about how to overcome the barriers to achievement. The conference featured a number of prominent speakers who led thought-provoking discussions about the obstacles that women face within the legal profession and, more importantly, how to conquer them. The co-sponsors of the conference challenged the women’s law groups to develop action plans within their legal communities for overcoming these barriers to success and to share their thoughts and ideas with other women’s law groups around the country.

There is clearly much that we can and should be doing within the WLS to meet this challenge that faces women in the profession. Over the course of the next few months, we intend to put together a task force to develop an action plan for the WLS so that we can generate ideas for advancing and retaining women at law firms and in the profession. If you are interested in participating in the task force, please contact one of the co-chairs.

Heather and Mindy

Did you know

that 18% of lawyers who have
practiced 2-20 years suffer from alcohol abuse?
That that number rises to 25% after 20 years of practice?

Earn CLE ethics credit and learn more about how female professionals in particular do and can handle alcoholism and depression at the WLS fall program on Nov. 1.

Our speakers are Dr. Susan Blank, a nationally known psychiatrist specializing in addictive disorders, and our very own Louise Thomas.

Impaired Professionals – Women Have Issues, Too

The statistical evidence is clear that attorneys are more at risk for suffering from substance abuse or psychological issues that may impair their ability to practice law than in the general population. For example, alcohol abuse is twice as likely among lawyers. Consider this:

- 10% of adults in the United States suffer from alcohol abuse
- 18% of lawyers who have practiced 2-20 years suffer from alcohol abuse
- 25% of lawyers practicing more than 20 years suffer from alcohol abuse¹

While the substance abuse statistics are quite alarming, the rates of depression among lawyers are also the highest of any profession:

- In a study of more than 100 occupations, lawyers had the highest rate of depression²
- 33% of attorneys will deal with short-term or chronic depression or stress during their careers³

Further, there is ample

evidence that an attorney experiencing substance abuse or psychological issues is much more likely to be involved in disciplinary actions or legal malpractice actions than his/her peers. Various studies show that substance abuse or mental illness is involved in:

- 40-70% of discipline cases
- 80% of Client Protection Fund cases (Georgia)
- 60-85% of malpractice actions⁴

Women professionals are not exempt from substance abuse or psychological issues that impair her ability to practice law, but women present a far different picture of impairment than that of the “typical” male attorney.

The most important difference is that among the general population, women experience depression at roughly twice the rate as men. This two-to-one ratio exists regardless of racial or ethnic background or economic status, and the United States ratio is the same as in other countries. It is not certain why women’s depression rates

are so much higher than that of their male counterparts, although researchers suspect a variety of reasons ranging from biological to psychosocial.⁵ And, women professionals suffer from depression at an even higher rate than the general female population. In studies of female physicians, the relative risk of depression among female physicians was 2.5 to 5.7 times the rate of females in the general population.⁶

Because women’s bodies process alcohol differently than men, the symptoms and consequences of the diseases in women differs from men. For example, drinking over the long term is more likely to damage a woman’s health than a man’s, even if the woman has been drinking less alcohol or for a shorter length of time than the man. And heavy drinking increases a woman’s risk of becoming a victim of violence and sexual assault.⁷

There is no question that women substance abusers are more frowned upon by society and underrepresented in treatment facilities. Dr. Sheila

¹Allan, *Alcoholism, Drug Abuse and Lawyers: Are We Ready to Address the Denial*, 31 Creighton L. Rev 265 (1997)

²Mounteer, *Depression among Lawyers*, 33 Jan. Colorado Law 35 (2004)

³Daicoff, “Asking Leopards to Change their Spots: Should Lawyers Change?” 11 Geo J. Legal Ethics 547 (1998) and Benjamin, *Comprehensive Lawyer Assistance Programs: Justification and Model*, 16 L. & Psychology Rev 113 (1992). Both articles contain extensive citations to research in the area of attorney substance abuse and depression.

⁴Allan, *supra*

⁵*Depression, What Every Woman Should Know*, published by the National Institute of Mental Health

⁶Levine and Bryan, *The Depressed Physician: A Different Kind of Impairment*, Hospital Physician February 2000

⁷ALCOHOL: *A Women’s Health Issue* published by the National Institutes of Health (NIH), Office of Research on Women’s Health and the National Institute on Alcohol Abuse and Alcoholism.

Blume, the physician who was one of the pioneers of gender differences in substance abuse, explains this phenomenon very well:

Society has never approved of women who drink or use drugs. ...

Early Israelite teaching is reflected in the Talmud:

- One cup of wine is good for a woman.
- Two are degrading.
- Three induce her to act like an immoral woman.
- And four cause her to lose all self-respect and sense of shame.

...The expectation that alcohol (and other drug use as well) makes women promiscuous leads to the acceptance of aggression toward a drinking or drug-using woman.⁸

The practical result of this social stigma applied to women is to keep them in hiding and women enter substance abuse treatment at a much later stage, and less frequently, than men.⁹

Further, studies show that "physicians do not think of alcoholism or drug dependence when they evaluate a well-dressed, poised, employed, accomplished

middle-class female patient."¹⁰ As a result, female attorneys' symptoms of depression and substance abuse are less likely to be recognized and treated.

And why is this of importance to the Women's Law Section? First, all lawyers have a professional responsibility to be aware and, if necessary, report the behavior of lawyers suffering from impairments:

*If a lawyer's mental impairment is known to partners in a law firm or a lawyer having direct supervisory authority over the impaired lawyer, steps must be taken that are designed to give reasonable assurance that such impairment will not result in breaches of the [rules of professional responsibility].*¹¹

Recognizing a colleague's problem extends to impaired attorneys outside the firm:

*A lawyer who believes that another lawyer's mental condition materially impairs his/her ability to represent clients, and who knows that that lawyer continues to do so, must report that lawyer's consequent violation.*¹²

More importantly, however, substance abuse and depression wreak havoc on the impaired attorney, her family, and the law firm. However, if treated, the impaired attorney has a very good chance of recovery with the appropriate intervention and support. The successful recovery rate for professionals is much higher than that of the general population. Quite literally, your awareness of the symptoms of attorney impairment and appropriate referral could save a life.¹³

Further, lawyers regularly deal with clients suffering from a substance abuse problem of their own or in their homes. As one family lawyer put it:

*"I was often frustrated by my inability, using legal solutions alone, to bring about the changes necessary for my clients who were dealing with alcoholic loved ones... It was puzzling to watch otherwise intelligent clients repeatedly deny the depth and breadth of the alcoholism- and addiction-related issues in their lives, which were so obviously devastating their families and relationships."*¹⁴

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⁸ Blume, *Chemical Dependency in Women: Important Issues*, 16 Am J. Drug Alcohol Abuse 297 (1990)

⁹ Dacri, *The Pathways to Addiction and Recovery are Different for Women*, www.crossroadsforwomen.org/news

¹⁰ Blume, *supra* at 299

¹¹ ABA Formal Ethics Opinion 03-429 *Obligations With Respect to Mentally Impaired Lawyer in the Firm*, June 11, 2003

¹² ABA Formal Ethics Opinion 03-431 *Lawyer's Duty to Report Rule Violations by Another Lawyer Who May Suffer from Disability or Impairment*, August 8, 2003

¹³ Some states have Impaired Lawyer support groups for just women. See A Unique Bond: Women Attorneys Supporting Each Other in Recovery regarding the New Jersey Peer Counseling group.

¹⁴ Walker, *Clients Fiercely Protected Secrets Surrounding Alcoholism*, Al-Anon Faces Alcoholism 2007 at 27

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Impaired Professionals – Women Have Issues, Too

If you are interested in learning more about how alcoholism and depression affect female professionals, please come to the WLS program on November 1, 2007, at Bowdoin College. The speakers will be Dr. Susan Blank, a nationally known psychiatrist specializing in addictive disorders, and Louise Thomas, a Maine lawyer who has lectured extensively on the ethical obligations of attorneys when faced with addiction and depression. The program will qualify for one hour of ethics CLE.

by Louise K. Thomas, Esq.



Save the Date.....

for the

Women's Law Section Fall Program, to be held at Bowdoin College

on

November 1, 2007



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