

Substance Abuse: Issues & Options For Attorneys

Presented by

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Office of the Shasta County District Attorney

Goals:

- (1) Recognize behavior and symptoms indicating impairment.
- (2) California Rules of Professional Conduct that apply.
- (3) Tips for reporting and obtaining assistance.

What is Attorney Impairment?

- (1) An attorney or judge who suffers from: alcoholism, drug addiction, substance abuse, chemical dependency, mental illness, or senility or dementia due to age or illness that:
- (2) Materially impairs the lawyer's ability to represent the client or serve in a judiciary capacity.

Addiction is Three Dimensional

- (1) Physical.
- (2) Mental.
- (3) Emotional/Spiritual.

Other Addictions

- (1) Internet addiction.
- (2) Sex addiction.
- (3) Eating disorders.
- (4) Shoplifting.
- (5) Compulsive shopping.
- (6) Gambling.

Gambling: The Hidden Addiction

- (1) Three million adults suffer from gambling addiction.
- (2) Few outward symptoms of gambling addiction.
- (3) More likely to have other addiction/issues.
- (4) Link between pathological gambling and suicide.

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Attorneys: Drugs of Abuse

- | | |
|--------------------------|------|
| (1) Alcohol: | 88%. |
| (2) Nicotine: | 60%. |
| (3) Cocaine: | 29%. |
| (4) Opiates: | 26%. |
| (5) Benzodiazepines: | 23%. |
| (6) Cannabis: | 14%. |
| (7) Amphetamines: | 8%. |
| (8) Sedatives/hypnotics: | 1%. |

Sobering Statistics

- (1) Lawyers Percentage: 18-20%.
- (2) Attorneys more likely to abuse than any other profession.
- (3) Average lawyer works sixty to eighty hours per week.
- (4) People who work more than fifty hours per week are three times more likely to have substance abuse problem.
- (5) Escape through alcohol and drugs.

How Prosecutors Get In Trouble for Substance Abuse and/or Depression

- (1) Rule 3.110: Failing to Act Competently.
- (2) Rule 3.700: Termination of Employment.

Inaction Is Costly

- (1) Must pay cost of any criminal proceedings.
- (2) Must pay cost of defense attorney before State Bar.
- (3) Must pay cost to complete any disciplinary terms.
- (4) State Bar Court will charge to prosecute you: \$4,343 to \$20,005.

Don't Let This Be You!!

- (1) Video.
- (2) District Attorney in Texas.

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Case Study

- (1) Michael Guillory #214098.
- (2) Prosecutor in San Bernardino and San Francisco Counties.
- (3) Suffered wet reckless conviction.
- (4) Suffered driving under the influence conviction.
- (5) Suffered another driving under the influence conviction.
- (6) Suffered another driving under the influence conviction.

Should I be Concerned?

- (1) CAGE Questionnaire.
- (2) C-Cut back.
- (3) A-Annoyance.
- (4) G-Guilt.
- (5) E-Eye opener.
- (6) Answer yes to two or more questions and you should be concerned.

Symptoms of Alcohol Dependence

- (1) Unable to limit consumption.
- (2) Strong compulsion to drink.
- (3) Tolerance to alcohol leading to increased consumption.
- (4) Drinking alone or in secret.
- (5) Withdrawal symptoms-nausea, sweating and shaking.
- (6) Black out.
- (7) Ritual of having drinks at certain times.
- (8) Losing interest in activities that once brought pleasure.
- (9) Keeping alcohol in unlikely places.
- (10) Gulp drinks/start off ordering doubles.
- (11) Need to drink to feel normal.

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Symptoms of Drug Dependence

- (1) Changes in appetite, sleep patterns or weight.
- (2) Deterioration of physical appearance or grooming habits.
- (3) Unusual smells of breath, body or clothing.
- (4) Tremors, slurred speech or impaired coordination.
- (5) Drop in work attendance and/or performance.
- (6) Financial problems.
- (7) Secretive behaviors.
- (8) Changes in personality or attitude.
- (9) Mood swings, irritability or angry outbursts.
- (10) Periods of hyperactivity, agitation or giddiness.
- (11) Lack of motivation, appears lethargic or "spaced out."
- (12) Fearful, anxious or paranoid.

What Gets In the Way of Treatment?

- (1) Seventy percent believe they can handle the problem.
- (2) Forty percent fear negative impact on reputation.

Denial Is a Key Impediment to Treatment

- (1) Attorney denial.
- (2) Attorneys tend to mask the problem with work.
- (3) Attorneys tend to utilize intelligence to avoid detection.
- (4) Colleagues are hesitant to say anything about the problem.

What You Can Do

- (1) Acquire education about the particular problem.
- (2) Acquire assistance from experts.
- (3) Leverage a bad day.
- (4) Never attempt to discuss problem when person impaired.
- (5) Do not diagnose.
- (6) Have solutions.
- (7) Do not enable.

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The Good News

- (1) With treatment recovery is possible.
- (2) Rates are higher among professionals.
- (3) General population: 40-60%.
- (4) Professional population: As high as 90%.

Employee Assistance Program (EAP)

- (1) Provided by the County.
- (2) Confidential.
- (3) Employees and dependents eligible.
- (4) Six counseling sessions per year.

Lawyer Assistance Program (LAP)

- (1) Sponsored by State Bar.
- (2) Confidential: Business and Professions Code Section 6234.
- (3) Provide orientation and assessment.
- (4) Provide monitored program.
- (5) Provide support program.
- (6) Provide counseling services.
- (7) Provide short term personal counseling.

LAP Program of the CA State Bar

- (1) Video.
- (2) Shows people who participated in program.

Mental Health & Attorneys

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Sobering Statistics

- (1) Thirty-three percent of lawyers have some type of mental disorder.
- (2) Lawyers are 3.6 times more likely to suffer from depression.
- (3) Male lawyers are two times more likely to commit suicide.

Depression and Lawyers

- (1) Perfectionism.
- (2) Pessimism.

Symptoms of Depression

- (1) Persistent sadness, anxiety or “empty” feelings.
- (2) Feelings of hopelessness and/or pessimism.
- (3) Feelings of guilt, remorse, worthlessness or helplessness.
- (4) Irritability, restlessness.
- (5) Loss of interest in activities or hobbies once found pleasurable.
- (6) Fatigue and decreased energy.
- (7) Difficulty concentrating, remembering details and making decisions.
- (8) Insomnia, early morning wakefulness or excessive sleeping.
- (9) Overeating or appetite loss.
- (10) Thoughts of suicide.

What Can You Do

- (1) Encourage making appointment with professional.
- (2) Encourage consistent treatment until symptoms abate.
- (3) Offer support.
- (4) Offer hope.
- (5) Do not ignore statements of suicide (cry for help).
- (6) Engage them with activities.
- (7) Don't push too hard too soon.

Conclusion

- (1) Video.
- (2) Australian Public Service Announcement video.