

NEW YORK STATE BAR ASSOCIATION



NYSBA

Lawyer Assistance Program
2012 Annual Report





2012 Report

New York State Bar Association **Lawyer Assistance Program**



The New York State Bar Association Lawyer Assistance Program, in conjunction with the Lawyer Assistance and Judicial Wellness Committees, provides confidential assistance to attorneys, judges, law school students and family members affected by alcoholism, drug abuse, stress, depression, or other mental health issues and educates the legal profession about the effects of substance abuse.

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FOREWORD

This Annual Report presents an overview of the work carried out in 2012 by the New York State Bar Association's Lawyer Assistance Program (LAP), Lawyer Assistance Committee (LAC) and statewide volunteers. The LAP continues its mission to provide confidential, professional and peer assistance to attorneys, judges and law students, suffering from drug or alcohol abuse, addiction, depression, and other mental health issues. By providing early assistance to impaired attorneys we are able to protect the public and maintain the integrity of the profession.

During the past year, the NYSBA LAP received a total of 168 referrals on these and other issues. Since its inception in 1990, NYSBA LAP has helped more than 5,000 judges, attorneys and law students.

2012 saw significant accomplishments by the LAP, but much remains to be done as the mission of the Lawyer Assistance Committee is an ongoing one. Although the LAP has continued to provide statewide leadership in the area of lawyer assistance, much of the state has been adversely affected by the de-funding of the Lawyer Assistance Trust (LAT). The LAT provided the only governmental funds for Lawyer Assistance Programs throughout the State of New York.

Patricia Spataro, LAP Director and the LAC have organized new and continued established regional meetings to provide guidance and support to local LAP's and strengthen the NYSBA LAP program statewide. During 2012, regional meetings were held in Erie and Monroe counties, the Hudson Valley region, Binghamton/Ithaca, and on Long Island. As a result of these meetings, several new initiatives were developed and several local committees have begun to strengthen and expand their programs.

2012 saw the continued and increasing use of the eLAP program. In an effort to reach younger attorneys who had been trained in the era of increasing digital communication, Patricia developed the eLAP Program in 2011. eLAP is an exciting online resource for all attorneys in the State of New York seeking to explore health issues related to alcoholism, drug addiction, depression, and other mental health issues. In addition, the eLAP Program (which is HIPAA compliant) allows attorneys to confidentially seek assistance, guidance, and referrals (via protected e-mail) from the LAP staff.

Each year in May, a spring retreat is held at Silver Bay in Lake George, NY, which provides a meaningful opportunity for all members of the LAC and its many volunteers to meet, network, and rejuvenate their efforts for the coming year. Linda McMahon continues to be the organizing force behind all of LAP/LAC efforts, and makes each year's spring retreat an outstanding success. At the spring retreat the LAC presents its annual Franklin P. Gavin Memorial Award to a person who has made significant contributions to the advancement of LAP endeavors. In May 2012, the award was presented to Robert P. Guido, Esq. for his support of lawyer assistance efforts. In 2012, the LAC established the Raymond P. O'Keefe Memorial award, which is given in recognition of the service of deceased members of the Committee. The 2012 award was given to Ray O'Keefe (posthumously) and accepted by Stephanie O'Keefe in honor of her late husband. Ray had an enormous impact on the creation and growth of the NYSBA Lawyer Assistance Committee.

The annual Volunteer Appreciation Dinner, sponsored by the LAP, takes place the evening before the November LAC meeting in Albany. In 2012, the Capital District's Lawyers Helping Lawyers Committee co-sponsored the event and conducted a successful silent auction to raise funds for the Ray Lopez Scholarship

Fund. That fund provides financial assistance and support for newly recovering attorneys to attend the LAP/LAC spring retreat. Over \$1,300. was raised this year.

At the Volunteer Appreciation Dinner in November 2012, the Capital District Lawyers Helping Lawyers Committee presented its annual Ray of Hope Award to Hon. Karen K. Peters in recognition of her long standing devotion to the goals of the LAP. The event was attended by many members of the LAC, members of the judiciary, and by Judge Peters' colleagues and staff.

The LAC continues to make a great effort to attract new members and volunteers. We welcome new members and invite those interested in serving on the LAC to attend one or more of our regular meetings to acquire a sense of the valuable work done by the committee around the State.

LAC members keep in frequent contact with each other through monthly conference calls and regular e-mails from Patricia Spataro and myself. The LAP and LAC continue to coordinate all our efforts with the New York City Bar LAP (directed by Eileen Travis), and the Nassau County Bar LAP (directed by Peter Schweitzer).

Patricia Spataro and the LAC have continued to work with and support the Judicial Wellness Committee, which was formed in 2011. The Judicial Wellness Committee has received strong support from NYSBA leadership and leadership from Administrative Judge, Hon. Michael Coccoma, Judge John Rowley and Judge Sarah Krauss.

In 2012, LAC members, along with Patricia Spataro, presented numerous educational CLEs and Volunteer trainings throughout the State.

At our November committee meeting the LAC began a Committee inventory, which provided an opportunity for our members to explore new and different ways to improve the LAC's performance of its primary purpose.

Patricia Spataro remains the heart and soul of the LAP with unflagging enthusiasm, dedication and generosity of spirit.

Finally, it is important to point out that the LAP/LAC could not continue to carry its message of hope without the support and unsung participation of its many committee members and volunteer attorneys. These attorneys continue to meet with impaired colleagues, confidentially assist them in obtaining treatment and support them in their recovery. It is with great optimism that we meet our duty and face the challenges 2013 will bring.



*Henry Kruman, Chair
Lawyer Assistance Committee*

LAP TEAM



Henry Kruman, Chair
NYSBA Lawyer Assistance Committee



Patricia Spataro, Director
NYSBA Lawyer Assistance Program



Richard Wallace, Secretary
NYSBA Lawyer Assistance Committee



Eileen Travis, Director
New York City Lawyer Assistance Program



Hon. John Rowley, Co-Chair
Judicial Wellness Committee



Peter Schweitzer, Director
Nassau County Lawyer Assistance Program

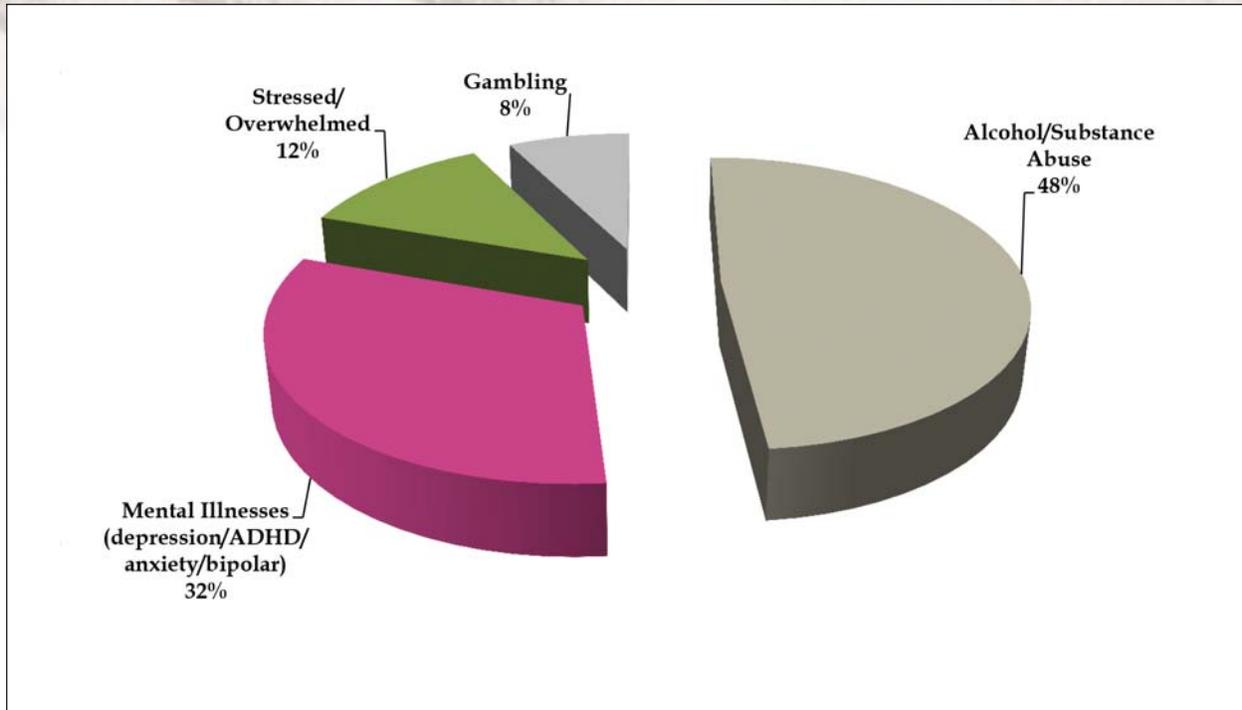


Hon. Sarah Krauss, Co-Chair
Judicial Wellness Committee

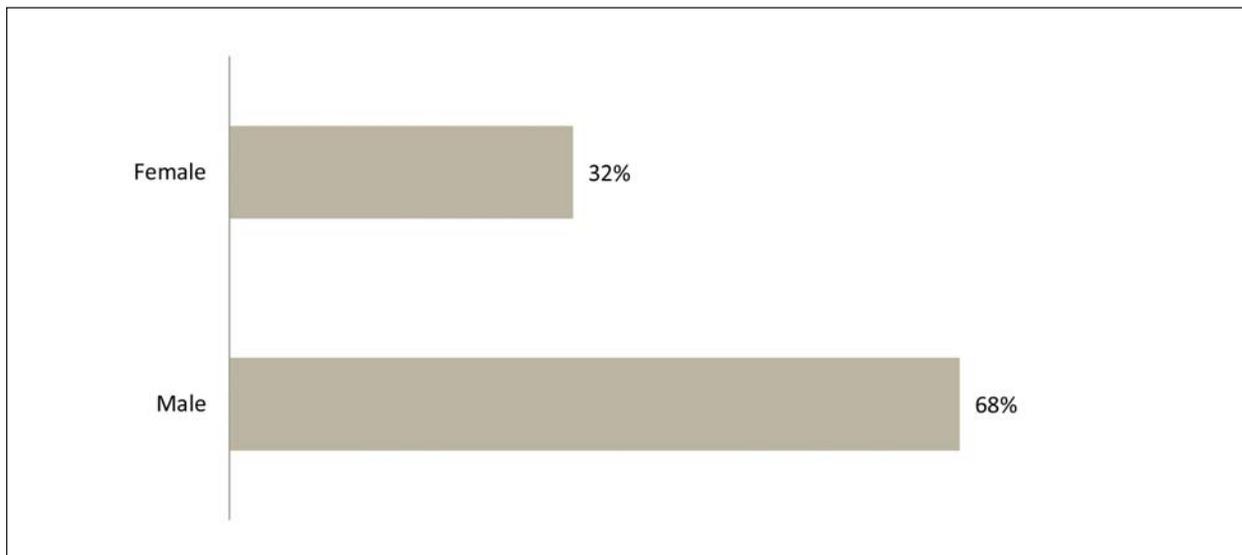
INTAKES AND MONITORING

Intakes	168
• Direct Contact	41
• eLAP (Registered online users)	60
• eLAP (Direct email contacts)	25
• Law Students/Bar Applicants	15
• Concerned Others	15
• Monitoring Cases	12
• 7 court ordered and 5 voluntary cases	
• 4 completed cases in 2012 and 1 terminated for non-compliance	

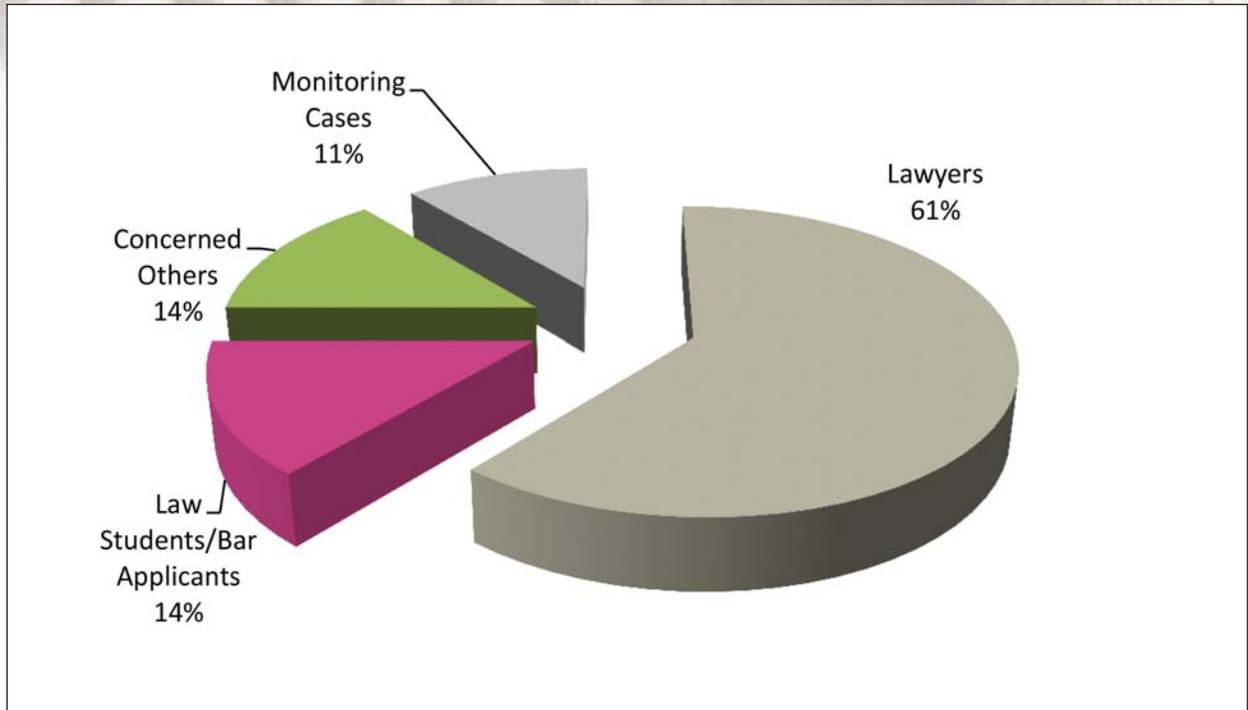
2012 LAP INTAKES (DIRECT CONTACT)



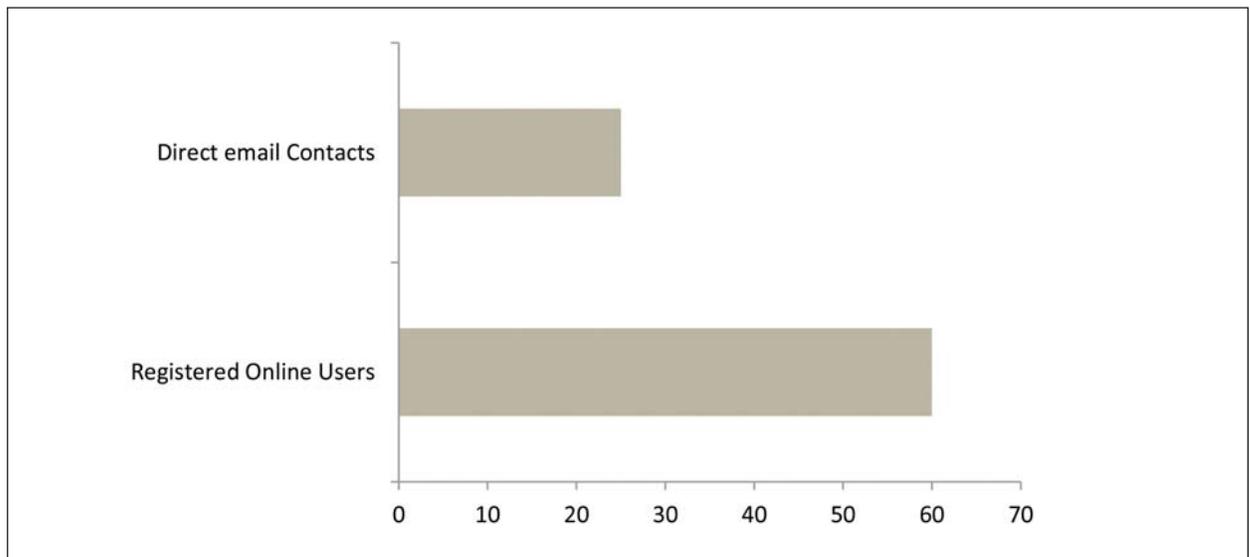
INTAKES BY GENDER



INTAKE SOURCES



ELAP



CLE PROGRAMS AND VOLUNTEER TRAININGS

- “Doing Nothing is Not an Option” Auburn
- “Tough Times Help Us Realize the Importance of Planning Ahead. It’s Never Too Late: A Seminar for Small Firms and Solo Practitioners” New York City
- “Grey Matters: The Effect of the Aging, Impaired Attorney on Malpractice Claims and Grievances” NYC
- “Lawyers Helping Lawyers Volunteer Training” Westchester
- “The Many Faces of Impairment: What Every Attorney Needs to Know” Cooperstown
- “Doing Nothing is Not an Option” Sullivan County
- “To There and Back Again – Addiction, Depression and Recovery” Broome County
- “Staying Sure Footed When Dealing with Those Who Have Fallen” Utica
- “Doing Nothing is Not an Option” Saratoga
- “Doing Nothing is Not an Option” Albany
- “Lawyers Helping Lawyers Volunteer Training” Dutchess County
- “Lawyers Helping Lawyers Volunteer Training” Suffolk County
- Legislative Legal Education Program/NYS Assembly Albany
- Hiscock and Barclay Law Firm, Albany

PRESENTATIONS AND MEETINGS

- NYSBA Executive Committee
- Bar Leaders Conference
- New York State Family Court Judges
- Meeting with Robert Tembeckjian, New York State Commission on Judicial Conduct
- Meeting with Peter Torncello, Committee on Professional Standards, Third Department
- Meetings with Albany Law School students
- LAP Regional Meetings
 - Erie County
 - Binghamton/Ithaca
 - Monroe County
 - Long Island
 - Hudson Valley Region

PROGRAM OUTREACH

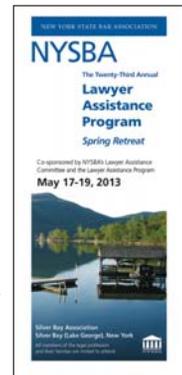
- Revised LAP brochure
- Revised LAP Webpage
- Distribution of LAP brochures to potential NYSBA members in cooperation with the NYSBA Membership department

PROGRAM OUTREACH (CONTINUED)

- Distribution of LAP posters
- Distribution of LAP flyer at all NYSBA MCLE programs
- Model Policy Outreach
- American Bar Association Commission on Lawyer Assistance Programs (CoLAP)
- New York City Bar Association Lawyer Assistance Program
- Nassau County Bar Association Lawyer Assistance Program
- Local and county bar associations' Lawyers Helping Lawyers committees
- Statewide and nationwide Lawyer Assistance Programs
- New York State judiciary and law schools
- Treatment programs – inpatient, outpatient and mental health
- Communication through blast email messages
- LAP volunteers

LAP ANNUAL SPRING RETREAT

The NYSBA Lawyer Assistance Program and Lawyer Assistance Committee held its Annual Spring Retreat May 14-16 at the Silver Bay Association in Silver Bay (Lake George), NY. During the 2012 Retreat, Robert P. Guido, Esq. received the Franklin P. Gavin Memorial Award for his support of lawyer assistance efforts. The newly established Raymond P. O'Keefe Memorial Award was presented posthumously to Ray O'Keefe and was presented to Ray's wife, Stephanie O'Keefe.



NYSBA LAWYER ASSISTANCE COMMITTEE (LAC) AND VOLUNTEERS

Committee members are actively involved with intakes, monitoring and trainings and often serve as speakers for CLE programs throughout the state. In 2012 the LAC presented three awards – The Franklin P. Gavin Memorial Award, the Raymond P. O'Keefe Memorial Award and a special recognition award to NYSBA past president, Vincent Doyle. In November the LAC conducted a committee inventory to identify new ways to expand the performance of its primary purpose.

NYSBA JUDICIAL WELLNESS COMMITTEE (JWC)

The Judicial Wellness Committee was created at the end of 2011. In 2012, the Committee held three meetings and participated in a number of judicial roundtable/wellness presentations throughout the state. The Committee also co-sponsored a Judicial Wellness presentation at the Family Court Judges Annual Fall conference in Saratoga. One of the committee's primary objectives in 2012 was to work with the New York State Bar Association to extend confidentiality privileges to include the judiciary as outlined in Section 499 of Judiciary Law.

SIXTH ANNUAL LAP VOLUNTEER RECOGNITION DINNER



On November 1, 2012 a dinner was held to honor Lawyer Assistance Program volunteers. The dinner is an annual event established to recognize the extraordinary commitment of our dedicated volunteers. During the evening the Capital District Lawyers Helping Lawyers Committee bestowed the Ray of Hope Award upon Hon. Karen K. Peters, Presiding Justice of the Third Department Appellate Division. This recognition is given every year to a person who has been influential in assisting the committee with its mission to help lawyers, judges, and law students who struggle with addiction and mental health concerns.

NYSBA EMPLOYEE ASSISTANCE SERVICES

The LAP provides confidential services to State Bar Association members and staff both in person and through eLAP. The LAP Director serves as NYSBA's EAP Coordinator and Wellness trainer and distributes wellness information to the staff at the NYSBA Wellness Fair and via e-mail.



MEDIA/PUBLIC RELATIONS

- Regular submission of articles to NYSBA State Bar News
- Submission of articles to NYSBA Staff Matters
- NYSBA ENews updates
- ABA CoLAP Highlights newsletter articles
- Development of CLE materials

COMMUNICATION

- LAC monthly conference calls
- LAC and Judicial Wellness listserves
- NYLAT Trustees
- Interaction with local lawyer assistance committees

SUMMARY

2012 was a time for strengthening the grass-roots efforts of lawyer assistance. In June Henry Kruman began his three-year term as chair of the Lawyer Assistance Committee.

Chairman, Lawrence Zimmerman did an outstanding job of leading us into some very exciting and productive times. Larry's main goal was to reduce the shame and stigma that lawyers often associate with asking for help. His main strategy in accomplishing this was to humbly share, at every chance he got, his own story of hitting bottom. Even though he felt that he left a piece of himself at the podium every time he shared his darkest moments he did it anyways knowing that if he made a difference in just one person it would be worth it. He led the committee in leaving our mark of compassion by spearheading the writing of a Model Policy on Lawyer Impairment. It was adopted by the New York State Bar Association in April of 2010.

Larry did a herculean job helping to keep the Lawyer Assistance Program and the Lawyer Assistance Committee afloat when it seemed we were rudderless in the firestorm of budget cuts in 2011 that left us without the Lawyer Assistance Trust. He was tireless in looking for other funding avenues to fill the void left by the Trust. He didn't meet with success there but was able to rally State and local Committees in reestablishing the importance of thinking globally and acting locally.

On June 1, 2012 Henry Kruman became the chair of the Lawyer Assistance Committee. Larry, I am sure, was a bit sad to see his three-year term come to an end but I also think he was happy to pass the baton. Henry is the first solo practitioner to serve in the capacity of chair. Since the majority of attorneys who seek our assistance are solo practitioners, I believe Henry can bring important insight to the committee's work.

In the six months since Henry's taken over the reins he has attended two regional meetings in Western NY, the ILAA meeting in Montreal, and the CoLAP meeting in Grand Rapids. He has launched a committee survey to provide members an opportunity to discuss their thoughts on what the committee is doing well and what we might want to do differently. This initiative prompted a lively discussion at the November LAC meeting in Albany where four main goals emerged. These will be part of an ongoing discussion about LAC and LAP:

1. Clarify LAC's basic purpose and its relationship to LAP
2. Establish committee service structure that will increase involvement
3. Recruit new members
4. Improve Communication among LAC members and to the Profession

Moss doesn't have a chance to grow on the dedication and commitment of this State's grass roots efforts. It is what made us strong and it is what will keep us strong.



*Patricia Spataro, Director
Lawyer Assistance Program*

A handwritten signature in black ink that reads "Patricia Spataro". The signature is written in a cursive, flowing style.



**NEW YORK STATE BAR ASSOCIATION
LAWYER ASSISTANCE PROGRAM**

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