

PRESIDENT'S COLUMN

We Need Your Help!



We are on the verge of losing what many thought would be a valuable service to members of the Vermont Bar Association. Invest EAP is an Employee Assistance Program that became available to bar association members and their families approximately eighteen months ago, at the conclusion of the presidency of Jim Gallagher. At its inception, this program was intended to supplement a separate service called Lawyers Concerned for Lawyers that has been in existence for quite a number of years under the "guiding hand" of John Webber. Lawyers Concerned for Lawyers operates "under the radar" and is a confidential service that helps lawyers who may be troubled in areas such as substance abuse or stress, whether it be personally or professionally. Invest EAP is intended to provide lawyers with the opportunity to obtain professional assistance when such services are necessary. Access to the Invest EAP program is available through an 800 number, which is printed on your VBA membership card. Trained professionals will answer an initial contact and "hook up" an attorney or family member with the appropriate professional, whether it be a doctor, counselor, hospital, or other facility specializing in the issues for which help is needed.

Over the past eighteen months, the Invest EAP Program has had very little utilization by VBA members. The service was instituted on a two-year trial basis and the Board of Bar Managers will be considering whether to renew or extend the Invest EAP Contract. Does the lack of utilization of Invest EAP indicate that Vermont lawyers are free from stress and without the need for an occasional "ear" of a medical or other trained professional? I doubt it. In speaking with colleagues on a daily basis and at bar association functions, it is clear that the practice of law is increasingly stressful and the problems that face lawyers both personally and professionally do not easily go away.

As leaders of the association, the Board of Managers has attempted to be responsive to the needs of the membership and to provide useful resources in the various aspects of the

practice of law. We want to make sure, however, that membership dues are wisely invested in programs where the money is well spent. The question we are facing is whether the existing Lawyers Concerned for Lawyers Program is adequately addressing all of the needs in the area of lawyer assistance; or whether the infrequent use of the Invest EAP Program is attributable to a lack of awareness of its availability and the resources it can provide.

We cannot pretend that problems such as depression, substance abuse, or other emotional matters do not have a potentially devastating effect on lawyers. A related and timely article entitled "Endorsing Early Treatment," which appears in the March issue of the *ABA Journal* examines these very health issues and their effect on law school students and graduates. The article reports on consideration of "conditional bar admission" for those seeking admission to practice who "have experienced chemical dependency or mental health illness," and whether it is appropriate to admit new lawyers "with conditions for continued treatment and monitoring to ensure that they do not engage in behavior that renders them unfit."¹

The debate over conditional bar admission at the ABA House of Delegates' meeting in February of this year highlighted the need to consider treatment alternatives for those seeking admission to the practice of law, and to balance those needs with the quality of services to be provided to clients served by such individuals. On the one hand, there are the needs of law school graduates; and on the other, there is the public interest in ensuring proper legal representation to clients. Michael Greco, a Past President of the ABA is quoted as stating: "If we don't give law students an avenue to treatment they will enter the profession and be ticking time bombs. Is that in the interest of the public? Is that for the good of the lawyer? The answer, of course, is no."²

Here in Vermont, unfortunately, we have witnessed the occasional explosion of those "ticking time bombs," with the result being sometimes devastating

consequences to those caught in the blast. If we are to continue with efforts in promoting professionalism and respect for those engaged in the practice of law and our system of justice, we must be concerned with, and protect, the mental health and well-being of all lawyers. Our clients rely upon us for competent legal advice where, in many cases, the decisions can be life altering. If the pressures of practice, combined with "normal" life stresses, have compromised a lawyer's ability to offer such competent advice, then the entire lawyer population is exposed to the possibility of being painted by the broad brush of public criticism when serious damage has occurred.

I believe that we have an obligation to each other and our clients to watch out for one another in matters involving mental health and fitness. Every one of us has experienced some level of stress that has had an impact on our personal and professional life in one form or another. If we ignore or turn a blind eye to a colleague in distress, what does that say about us as lawyers, who are supposedly concerned about quality and integrity in the judicial system? What does it say about us as caring individuals?

Being concerned does not mean that we have to violate our duty to our own clients by "covering" or "representing both sides"; rather, being concerned may be simply making a phone call to another who can provide the necessary help. None of us are "getting out of this alive," and the Vermont Bar Association, through services such as Invest EAP and Lawyers Concerned for Lawyers, is attempting to make it easier for those affected, and those concerned for them, to obtain the appropriate help.

At this point, we need membership input as we make the decision on

whether to continue with Invest EAP. I would specifically invite all members to offer their opinions through e-mail or other communications to Robert Paolini, the Executive Director of the Vermont Bar Association. If you have used Invest EAP, your comments as to the value of the services provided would be greatly appreciated. We do not need to know your identity if you so choose; and, please be assured that confidentiality shall be maintained regardless of whether your comments are signed or unsigned. For those who have not utilized Invest EAP, please let us know whether you think this service should be continued as an available resource when the need arises. The "bottom line" is that substance abuse, mental health issues, stress, and family pressures continue to take a heavy toll on those engaged in the practice of law, and we want to make sure that the Vermont Bar Association is doing all it can to protect its members and, just as importantly, the clients served by the lawyer membership.

Our bar association can only be as relevant to us as individual attorneys as we are willing to let it be. If services made available through the VBA are not meeting the needs of members, or if those services are simply not worth having, we need to know. It is our continued goal to make this association meaningful to the day-to-day practice of every lawyer in Vermont. Comments and feedback from the membership is an important part of being able to provide "relevant" and useful services. So, tell us what you think. Do we continue to "invest" in Invest EAP, or do we place those financial resources elsewhere? We need your help!

¹ James Podgers, *Endorsing Early Treatment*, A.B.A. J., March 2008, at 65.

² *Id.*

