



NEWS FOR SOLO & SMALL FIRM PRACTITIONERS

We're Back Again *By David R. Pfalzgraf, Lawyer Assistance Trust Chair*

As a solo or small firm practitioner, you may have received a copy of this year-end newsletter and calendar card before; we send it to thousands of lawyers across New York State to keep you informed about resources for dealing with the personal side of professional life.



Lawyer Assistance Programs sponsored by the New York State, New York City and Nassau County Bar Associations offer professional staff who provide free, strictly confidential assessment services for lawyers, judges and law students who are affected by alcoholism, drug abuse, depression or other mental health issues, or debilitating stress. Referrals are made to appropriate resources. There are numerous "lawyer helping lawyer committees" throughout the state whose volunteers provide a valuable network of peer assistance. Confidentiality is specifically guaranteed by Judiciary Law §499.

Where does the Lawyer Assistance Trust fit in this picture? We are a court system initiative created five years ago to bring statewide awareness and resources to the problem of alcohol and substance abuse, and mental health issues, among the legal profession.

To access LAP services, call: **(800) 255-0569 (NYSBA LAP); (212) 302-5787 (NYC LAP); (888) 408-6222 (Nassau).**

Check out these websites: www.nysba.org/lap; www.nycbar.org/lawyersassistance/index.htm; www.nylat.org and the American Bar Association's website at www.abanet.org/legalservices/colap.

We know that asking for help is difficult, but it is the smartest thing to do. If you or a colleague has a problem, give a LAP a call. Confidential compassionate help for lawyers is just a phone call away. We're here to help. ■

ABA's "GP SOLO": *Check it out*

The current issue of the American Bar Association's General Practice, Solo & Small Firm Division's journal, "GP SOLO", offers informative articles on personal issues many lawyers face but don't often disclose.

Attention deficit disorder, post-traumatic stress disorder and mental illness are not the usual topics of conversation, and if they are spoken about, it's usually outside of the earshot of partners and colleagues.

"Bumps in the Road" is the third issue GP SOLO has published in the past five years focusing on prevention, intervention, treatment and recovery for lawyers struggling with addiction or mental illness. Incidence of alcoholism, substance abuse and depression among lawyers is higher than in the general population [based on a Johns Hopkins study]. Discussing these problems openly helps to chip away at denial and stigma.

In the article "Women and Addiction", the author discusses the obstacles women who abuse alcohol and drugs face as a result of society's historical belief that women's traditional role within the immediate and extended family is one of stability and nurturing, and "whereas drinking a couple of beers with his buddies makes a guy manly, an alcohol or substance abuse problem makes a woman shameful and suspect, influencing women to be even more reluctant to seek help."

The two articles on avoiding disciplinary complaints or responding to a complaint notice, describes the road some lawyers have to travel before facing the realities of their addiction.

"What to Expect From Treatment" gives a step-by-step description of a typical day in an inpatient treatment program for substance abuse, including family education and participation.

The "Mindful Lawyer" highlights the use of meditation as a stress management tool by offering practical ways to integrate this technique at work and at home.



"Why on Earth Would I Call a LAP?" offers vital resources for lawyers and their families. Lawyer Assistance Programs provide the help and support necessary to achieve and maintain recovery.

Kudos to the editors of GP SOLO for reminding us that problems happen and recovery is possible. You can read more on line at: <http://www.abanet.org/genpractice/magazine/2006/oct-nov/index.html>. ■



Maintaining Your Sanity in a Time of Stress

By Eileen Travis, Director, New York City Lawyer Assistance Program

On November 1, 2006, Dr. Sylvan Schaffer, a licensed psychologist and attorney in New York City, gave an excellent presentation at the Annual Symposium for Solo and Small Law

Firms at the New York City Bar Association.

The title of the presentation, "Maintaining Your Sanity in a Time of Stress" evoked interest from the audience who expected to learn about ways to achieve work-life balance, relaxation techniques, the practice of meditation and yoga and other stress management tools.

Instead, Dr. Shaffer focused on the realities solo and small law firm practitioners face in today's highly competitive market that can result in high levels of stress

He discussed two contributing factors that raise the stakes for solo lawyers today. First, "many law schools have doubled in size, graduating record numbers of new attorneys, each one representing another potential business competitor. Secondly, your prospective clients are also experiencing time constraints and if they can't reach you immediately, the likelihood is they will call someone else."

Internal stressors, such as trying to keep up an unrealistic pace by taking on too many cases or setting unrealistic goals; lack of assertiveness; disorganization; lack of self-confidence and trying to hard to be tough are manifested by the attorney. Coupled with external stressors-competition, deadlines, finances and family issues can be a recipe for burnout, depression, and alcoholism or drug abuse.

Dr. Shaffer suggests, "If you make the commitment to practice, do it well. Use stress to motivate and direct you to succeed. If necessary, take an assertiveness training class, learn to derive self-esteem internally-not from others and set attainable goals. Be active in your local Bar Association and develop a network for support and feedback. If what you are doing is not working, call you local Lawyer Assistance Program for guidance."

Dr. Shaffer ended the presentation by telling the audience to "make every minute count. Use the time it takes to commute on the train to do paperwork. Palm pilots and cell phones can help you be more readily available. Most importantly, if you make plans to go to the movies with your family on Thursday evening it should be inviolate. Time with family and friends will be memorable. No one regrets not having been at the office for two more hours."

Despite this realistic view of today's professional and practice demands on lawyers, the audience was not disappointed. ■



Get Out of the Back Seat and Into The Driver Seat: *Strategies For Driving Change*

By Patricia Spataro, Director
New York State Bar Association's
Lawyer Assistance Program

Change is a word that elicits many reactions, most of which are negative. Change is often viewed as something that is forced on us, or that we have to do after we face consequences for not changing.

Many of life's changes are indeed not of our doing and the best way to deal with this type of change is to accept it and adapt to it. There are other types of change that we do have control over but sometimes neglect to exercise this control.

Getting in the driver seat and driving the change instead of it driving you can prove to be very liberating. Thinking about making changes in how you relate to others, take care of yourself, save money, deal with stress, or manage your emotions makes you normal ... until we die we are a work in progress. Perhaps thinking about it as getting a jump start on your New Year's resolutions might help. "Too soon" you say? How many of you are wondering what happened to summer... I rest my case.

Carl Jung said "Who looks outside, dreams. Who looks inside, awakens" — a relevant thought because often we want those around us to change to improve our lives as this would be...well...easier. Relying on this to happen is truly dreaming. But to awaken to the idea of being more proactive in managing our own behavior is truly empowering.

Steps for making lasting change are basic and begin with a first vital step of becoming aware that a change needs to occur. James Prochaska, Ph.D. and Carlo DiClemente, Ph.D. identified stages that people progress through as they make a behavioral change in their book *Changing for Good*. The stages are as follows:

- **Pre-contemplation:** The person has no intention to change and this may be simply a function of the person being unaware of the need to change. A person who smokes cigarettes, for example, may not experience any physical problems related to smoking and therefore does not see the need to change.
- **Contemplation:** The person is ambivalent about change and sees both pros and cons to the behavior. The person who smokes may feel shortness of breath and begins to understand the physical dangers associated with smoking. Yet at the same time the person may minimize this risk because the thought of quitting causes anxiety.
- **Decision-making:** This is typically a brief stage as the person resolves ambivalence and decides to make a change. Here the smoker clearly sees the damage smoking is causing and understands that it will only get worse if the behavior continues.
- **Action:** The person takes some action toward resolution of the problem behavior. The success of this stage is determined by the person's level of motivation and perseverance as well as by the formulation of a sound plan. The more motivation a person has the less sound the plan has to be and the less motivation the person has the more sound and structured the plan has to be. Some people quit smoking "cold turkey" these are the people who are highly motivated; others need prescription patches, and lots of support because their motivation and resolve may wax and wane.
- **Maintenance:** For a year after the change has been successfully made, a person is at risk for relapse. Surface changes are easier than significant change. Perhaps it is reasonable to stop smoking, drinking, displaying angry outbursts for a short period of time. The real change occurs when the change is sustained and becomes a part of your

lifestyle. This is the very reason weight loss is best if it happens slowly over time indicating new habits are established.

Habits are at the heart of hindering change. Habits are created for good reason; the reason usually has to do with survival or fun. The problem with habits is they often continue even when the reason for them no longer exists. Or because the habit is linked to something that is addictive like drinking, smoking, gambling and even eating and shopping. Habits become an unconscious ... this is what makes them so powerful... they happen without us thinking about them. New healthier habits must replace the unhealthy or ineffective habits. We create new habits just like we created the old ones; by doing the behavior over and over until it becomes something that happens without thinking about it.

A person who can make desired change happen has "HAS". HAS stands for Habits, Attitude and Skills. To make change, look at the Habit and devise a new behavior to replace the old, have a positive Attitude, and learn Skills to help sustain the new behavior. The following story validates that change isn't easy but is worth it.

There's a Hole in My Sidewalk

By Portia Nelson

CHAPTER ONE: I walk down a street and there's a big hole. I don't see it and fall into it. It's dark and hopeless and it takes me a long time to find my way out. It's not my fault!

CHAPTER TWO: I walk down the same street. There's a big hole and I can see it, but I still fall in. It's dark and hopeless and it takes me a long time to get out. It's still not my fault.

CHAPTER THREE: I walk down a street. There's a big hole. I can see it, but I still fall in. It's become a habit. But I keep my eyes open and get out immediately. It is my fault.

CHAPTER FOUR: I walk down a street. There's a big hole. And I walk around it.

CHAPTER FIVE: I walk down a different street. ■

Lawyer Assistance News 2006

More than 90 lawyers who participated in "Peer Assistance" Training sponsored by the NYSBA Lawyer Assistance Program and the Trust received an overview of such topics as addiction, depression, suicide prevention, problem gambling and their impact for professional responsibility/ethics issues.

Two new part-time outreach coordinators joined the NYSBA LAP team: Sharon Adler in the Second Department and Paul Curtin in the Fourth Department. This project is made possible by a grant from the Lawyer Assistance Trust. The NYSBA Committee previously known as the Committee on Lawyer Alcoholism and Drug Abuse has undergone a name change, now known as the Lawyer Assistance Committee.

The New York City Lawyer Assistance Program has expanded its outreach efforts to include the district attorneys offices and law firms in the metropolitan NYC area. The NYC LAP anticipates hiring a new Clinical and Outreach Coordinator in the near future, made possible by a grant from the Trust.

The Trust and the LAPs, along with the volunteer lawyer helping lawyer committees in the State, worked to develop uniform guidelines for monitoring attorneys referred through the disciplinary process as an alternative to discipline.

The Suffolk County Bar Association's Lawyer Assistance Program presents its annual Sweisgood Dinner Award to Hon. Sarah Krauss, Brooklyn Supreme Court Justice and current Chair of the NYSBA LAC and Vice-Chair of the Trust, in recognition of her years of service on lawyer assistance matters.

The Trust has prepared a new brochure regarding the "character and fitness" portion of the admissions process to clarify how the process addresses the issues of alcohol abuse, drug addiction and depression. A new booklet of "Recovery Stories" is also available, based on articles prepared by LAP volunteers throughout the State. Check the www.nylat.org website for more information. ■

www.nylat.org



RESOURCE GUIDE

FOR SOLO & SMALL FIRM PRACTITIONERS

WHERE DO YOU TURN? Friends, family members and colleagues can play a role in identification and treatment of an addict by becoming familiar with the symptoms of the disease. The organized bar has several alternatives for obtaining assistance.

PATRICIA SPATARO is the Director of the New York State Bar Association Lawyer Assistance Program. She may be reached by calling 800-255-0569. **EILEEN TRAVIS** is the Director of the New York City Bar's Lawyer Assistance Program. **AVROM ROBIN** is the Chair of the NYC Bar LAP Committee. Both may be reached at (212) 302-5787.

YOU NEED NOT BE A BAR ASSOCIATION MEMBER TO RECEIVE THEIR FREE, CONFIDENTIAL ADVICE. All LAP services are confidential under Judiciary Law §499.

TWELVE LOCAL BAR ASSOCIATIONS HAVE VOLUNTEER COMMITTEES who can provide advice and support to lawyers suffering from alcohol and substance dependency:

BROOKLYN BAR ASSOCIATION

Lawyers Helping Lawyers Committee John Urban(212) 788-0485

BAR ASSOCIATION OF ERIE COUNTY

Lawyers Helping Lawyers Committee Katherine S. Bifaro(716) 852-8687

MONROE COUNTY BAR ASSOCIATION

Lawyers Concerned for Lawyers Committee John Crowe(585) 234-1950

NASSAU COUNTY BAR ASSOCIATION

Lawyer Assistance Program Committee Peter Schweitzer(516) 747-4070
 Carol Hoffman(516) 393-8270
 [24 hour crisis hotline](888) 408-6222

ONEIDA COUNTY BAR ASSOCIATION

Lawyer Assistance Committee Tim Foley(315) 733-7549

ONONDAGA COUNTY BAR ASSOCIATION

Lawyer to Lawyer Committee Noreen Shea(315) 476-3101
 Family Service Associates (315) 451-2161 Bill Morgan(315) 476-2945

QUEENS COUNTY BAR ASSOCIATION

Lawyers Assistance Committee Jacqueline Torchin(718) 307-7828

ROCKLAND COUNTY BAR ASSOCIATION

Lawyer Helping Lawyer Committee Benjamin Selig(845) 942-2222
 Barry Sturtz(845) 369-3000

SCHENECTADY COUNTY BAR ASSOCIATION

Lawyer Assistance Program Committee Vincent Reilly(518) 285-8422

SUFFOLK COUNTY BAR ASSOCIATION

Committee on Alcohol and Substance Abuse Jane LaCova(631) 234-5511 Ext. 231
 24 hour crisis hotline(631) 697-2499

TOMPKINS COUNTY BAR ASSOCIATION

Lawyer Helping Lawyer Committee Patricia Spataro(800) 255-0569

WESTCHESTER COUNTY BAR ASSOCIATION

Committee on Alcohol and Substance Abuse John Keegan, Jr.(914) 949-722

www.nylat.org