



## HISTORY OF THE LAWYER ASSISTANCE MOVEMENT

Remarks delivered to the NYSBA Lawyer Assistance Committee  
and the Lawyer Assistance Trust Board at Meetings in New York City

JANUARY 26 & 27, 2011

By David P.

Thank you Larry Zimmerman and Barbara Smith<sup>1</sup> for this opportunity. I am deeply grateful for the privilege of being with you and being able to share some memories, experiences and stories of the short history of the Lawyer Assistance movement and its pioneers. Some of the most joyous experiences of my very joyous life have involved my associations with these pioneers – men and women (many of whom who have awakened from the dark night of alcoholism) who have inspired those of us who followed with their contagious enthusiasm.

As many of you know, I have been active and sober in recovery since May 21, 1979 but I am constrained by the traditions of my program, since this presentation is being videotaped, from mentioning my full name and the full name of the exact program of recovery in these remarks. Many, but not all, of the persons whom I will be mentioning in my remarks were or are sober members of Alcoholics Anonymous or other 12 Step programs. All of the persons whom I will mention are dedicated to helping lawyers who are alcoholic, drug addicted or otherwise impaired, but please do not draw any inference as to whether or not any of these heroes were or are 12 Step participants.

I should also warn you that my remarks today are drawn from stories I have been told or from my own personal experiences, as I recollect them. My dear wife JoAnne, my biggest supporter, tells me that half of the things I recall with great clarity never happened. So if what I relate does not jive with your recollection, please forgive me.

Let me suggest at the outset what I believe has motivated many of the men and women who have been so important to the lawyer assistance movement by telling you a story of a man who helped me a great deal in my early years of recovery. One night, after a meeting, I was feeling very depressed and self piteous – no job, no family contact, financial chaos, guilt, shame – the usual bundle of problems. He came up to me and said: “Can I help you?” I told him no thanks – I was “fine.” He said: “Let me ask you another question – Have you ever helped anyone – like helping an old lady across the street, doing a favor

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<sup>1</sup> In 2011, Larry Zimmerman serves as the Chairperson of the NYSBA Lawyer Assistance Committee; Barbara Smith is the Director of the New York Lawyer Assistance Trust.



for a sibling, helping your mother or father when asked?” I told him that I had. He said: “Do you remember how good that made you feel? Don’t deny me the opportunity to feel good about myself by telling me I can’t help you.”

This wise man was describing for me what I have come to know as the “Spiritual Law of Compensation” or the “Spiritual Law of Supply.” The result of taking positive action, of helping others, brings great satisfaction to any giver. It has to. It is a law. It is the reason that lawyers who are active in Bar Association projects or who do *pro bono* work for the indigent find great joy in those endeavors. But for the recovered alcoholic lawyer, selfish - self-centered in the extreme, the very smallest effort to help another addicted lawyer is a foundation stone of his recovery. Couple this with the fact that somehow one alcoholic has the power to carry the message of recovery to another alcoholic effectively, and the motive for work in lawyer assistance by recovered lawyers becomes clear – it is a necessary step of their recovery and a pay off at the same time.

There was lawyer involvement at the very beginning of the program of Alcoholics Anonymous. Bill Wilson attended Brooklyn Law School; Dr. Bob Smith’s father was a prominent judge in Vermont; AA #3, Bill Dotson, was a member of the Bar of the State of Ohio. Although lawyers found recovery in great numbers, there was no formal lawyer assistance until the 1960s.

In the late 1960s, a California lawyer named Ted C. was a highly successful attorney by the age of 30. Raised in the Jewish ghetto in Los Angeles, his parents were active members of the communist party, which naturally made him conflicted with his early success. When I visited Ted in the 1990s, he showed me the place overlooking Hughes Aircraft Company that he would meet with Howard Hughes and have a sandwich in Hughes’ car before Hughes gave him a small case to work on. There came a day when one of his clients who was concerned with Ted’s drinking said to him: “Have you ever thought of going to AA?” Ted said: “I would, but I don’t have any old clothes.” The guy said: “Keep drinking my friend, you will.”

One day, Ted, a doctor, and an insurance man phoned-up an auto accident case over a few drinks in a bar. The case involved an auto accident and the total sum of \$347.00. Ted was caught, convicted of insurance fraud and grand theft and was sentenced to prison. He lost his license to practice law. While on a work furlough program, a man named Jack S. and another lawyer (whom Ted modestly credits with starting the Lawyer Assistance movement) met with Ted almost every morning at a hide-away coffee shop to have a recovery meeting. This so impressed Ted that when his sentence was completed and he got back his license to practice law, he decided to start a new specialty group for lawyers and judges, to act as a bridge into mainstream AA. This Los Angeles group was the first lawyer recovery group in the United States.

In 1975, the Alcoholics Anonymous International Convention was held in Denver, Colorado. It was there that a number of lawyers from Canada and the United States enjoyed each other’s company and the idea of forming an organization called “International Lawyers in Alcoholics Anonymous” was germinated. Or-



ganizers of the first convention included an Ontario Canada lawyer named John MacD, a lawyer from South Porcupine Ontario named Albert R. and our friend Tom G. from Winnipeg Canada (who is 94 years old today with 50+ years of sobriety).

In the fall of 1975, the first meeting of ILAA was held in Niagara Falls, Canada. There were 22 lawyers present, 16 from Canada and 6 from the United States. Jack K. was present at that meeting and was the only lawyer to have attended all meetings of ILAA from 1975 through 2005. Early trustees of ILAA were Jack K., a Boston lawyer named John H., and Judge Bill H. from Canada. The second ILAA gathering was held in Buffalo (hosted by Buffalo Judge H. Buswell R. – who is still alive and who celebrated 54 years of continuous sobriety this year). Our friend Chuck B. currently serves on the board of trustees and for you lawyers who don't belong to ILAA and qualify, Chuck B. can sign you up. There are no dues or fees – just wonderful fellowship and shared recovery one very special weekend each year. ILAA's 37th annual meeting will be held in Tampa Florida this fall.

In the spring of 1977, the *Christian Science Monitor* ran an article on Ted's Lawyers' group in Southern California. The article was picked up by the *N.Y. Times*. A Syracuse lawyer, Frank A., read the *Times* article and called Ted and asked him if he was going to attend ILAA in Toronto Canada in the fall of 1977. Ted said he would be pleased to attend that meeting and he did. From Toronto, Ted returned to Westchester County with Jack K. where he met with Jack, Ray O'K. and other sober lawyers and, according to Ted, the second local lawyers' group in the country was established. On the way home to California, Ted stopped in Detroit and the third lawyers' support group was established. About that same time, another independent lawyers' group was formed in Los Angeles and another in Philadelphia.

A word about lawyers' recovery support groups. Our experience is that such groups serve as a gateway to mainstream AA. Since alcoholism can be described as a "My case is different" disease, not many lawyers stay sober by associating solely with other sober lawyers. However such groups are very useful in that a lawyer in recovery can discuss practice problems there that may not be appropriate to discuss at mainstream meetings, such as missed deadlines, angry clients, or resentments against a judge or opponent.

In 1978, the then President of the N.Y.S. Bar Association asked Ray O'Keefe if he would serve as Chairman of a new N.Y.S. Bar Association committee named the "Special Committee on Lawyer Alcoholism". The committee became a standing committee of the Bar in 1982 and was renamed the "Committee on Lawyer Alcoholism and Drug Abuse." Ray agreed to chair the Committee and wrote a letter to all of the 62 county Bars in the State urging them to form similar local committees consisting mostly, but not exclusively in some venues, of sober lawyers, and asking for volunteers from their local committees to attend the State Committee meetings. There was soon gathered in committee form the largest group of legal characters the organized bar had ever assembled – a most unlikely Bar committee, indeed.



In addition to Ray O’Keefe and his protégé Jack Keegan, early members included Ray’s champion, John Byrne, who was so conservative that he attended Latin-only masses daily; Joe Schmidt from Cooperstown, a transplant from the original Westchester group; Tom Costello from Manhattan whose Irish eyes could look into the very soul of a man; Gus Ginnocchio, a Suffolk County lawyer who was an air force gunner in WWII and Gene O’Brien from Suffolk who went on to become the President of the Suffolk Bar Association; Judge Paul Kelley from Olean, whose door was always open to persons in recovery from the Southern Tier; and Ken Ackerman from Syracuse, one of our few “big firm” committee members. The infamous Frank Armani from Syracuse joined Bob Wall from Binghamton; Gene Branigan from Nassau, and of course, the incomparable Frank Gavin from Albany complimented the group. Frank Gavin, in whose memory our State bar committee gives an annual award, was a ringer for Charles Loughton. Public record reveals that Frank’s drinking led to tax problems and his disbarment in 1972. He was readmitted in 1979 and would thereafter introduce himself as: “Franklin Gavin – Matter of Gavin – disbarred 331 NYS2d 188, readmitted 415 NYS2nd 1020.” It was said that Frank could recite the Lord’s Prayer, in Latin, backwards, with a drink balanced on his forehead, drunk or sober. Tim Foley from Old Forge representing the far northern district of the state and Jack Gaylord from the Buffalo region were well known for their work with lawyers in their areas. To some extent, this was a group of misfits who had risen from the ashes of failure and despair to carry the message of recovery to scores of lawyers who would follow them.

The first women on the State committee were Dr. Smithers from the Smithers Alcoholism Institute, our medical advisor, and Judge Karen Peters who was serving as counsel to the New York State Division of Alcoholism and Alcohol Abuse [now OASAS] when she first joined the committee.

It was important to Ray O’Keefe that members of the committee be visible to the Big Bar and its House of Delegates and as such, it has been the only Bar committee to meet at the same time as the House of Delegates in Cooperstown. Ray would say that they have to see that we wear ties, eat with knives and forks and laugh a lot. Oh, did we laugh a lot...

And now a few words about Ray O’Keefe and Jack Keegan. I hope it is not inappropriate in this setting to reminisce a bit. Their lives were full of the fruits that are received by following a path of recovery. They were my friends, my mentors, and my heroes. Ray died on January 22, 2006 with 40 plus years of sobriety and Jack (who was heard to say at Ray’s funeral: “I don’t think I can go on without him”) died unexpectedly two weeks later on February 6, 2006 in the 35th year of his sobriety. These men were heroes to many of us who have participated in the LAP experience in New York and nationally – Ray for his traveling and sharing his powerful story at conferences all around the globe and Jack for his dignified leadership in Westchester County, the State Bar and the ABA. They were best friends and connected at the heart – a single soul in two forms. They had deep respect, admiration and love for each other. Ray, with a twinkle in his eye and his “What a fine day to be me!”- smile, would take great pleasure in making Jack laugh, and Jack took great pleasure in accommodating him.

Jack left me two special legacies. When I was about five years’ sober, I was still struggling with a mound of pre-sobriety debt and self doubt as to whether this law practice thing was for me. After explaining my



woes to Jack, he said: “David, you must understand, sober lawyers are very successful lawyers.” Until that day I did not know that. He surely was successful. With that information and new hope, I was debt free in two years. I don’t know how that worked, except that I believed Jack. His second legacy to me came about at a summer lawyers’ weekend in Buffalo. Jack related that he started each day with the affirmation: “This is going to be a great day!” I have adopted that practice in my daily reflections and my days are set on the right track because of my great friend’s power of example.

Ray’s legacy to me was his insistence on absolutely enjoying life. He had a marvelous sense of humor and I could relate dozens of stories but shall tell you only some of what his son Billy related at Ray’s funeral mass: *“He was a pioneer in TV clicking. He had his first clicker in 1965 and had recently taken it to a new level clicking in his sleep with his eyes open. He could nap anywhere, anytime. When he moved to Miami, his life became a series of meals connected by naps. He told my sister’s kids that he was a veteran, a trained killer; that he couldn’t trust his hands not to kill again. He told my girls that he wrote “Rudolph the Red Nosed Reindeer” and that he invented the question mark. He thought work was over rated but he loved teaching. Teaching wasn’t work – it was his art. His time at Fordham and St. Thomas were his best days. He discovered that true ambition was the deep desire to live usefully and walk humbly under the grace of God.”*

The impact of Ray and Jack on literally thousands of alcoholics and hundreds of lawyers will be their lasting legacies. Not only those they helped, but also the pyramid of service they helped create. I miss them and asked their spirits for guidance in preparing these remarks today.

Soon local Lawyers Assistance Committees sprang up in Erie, Monroe, Onondaga, Nassau, Suffolk, and New York Counties. I am told that there are now 21 such groups in New York State.

In 1983, Ray O’Keefe moved to Florida to become a professor and Dean of Faculty at St. Thomas Law School and Jack Keegan succeeded him as Chair of the New York State Committee. Jack served as Chair until 1990. Jack was succeeded by yours truly, followed by Ken Ackerman from Syracuse, the late Bill Duggan from Staten Island, Gene O’Brien from Suffolk, Tim Foley from Old Forge/Utica, Chuck Beinhauer from Buffalo and Sallie Krauss from Brooklyn. Today the Committee rests in the very capable hands of Larry Zimmerman from Albany.

In 1985, the American Bar Association House of Delegates adopted a resolution which provided in part “State Courts and Bar authorities should establish and support peer support programs for attorneys recovering from alcohol or other drug abuse.” They knew what they wanted, but they didn’t know how to accomplish this aspiration on a national scale.

In 1987, I attended my second ILAA conference in Philadelphia where I met a lawyer from Louisville Kentucky, Billy H., who was inspired by the recovery stories of Ray and Jack and Ted from California and John from Canada. Billy had an idea of how to get all the fledgling state programs together in one venue, and the willingness to take the actions necessary to accomplish the same. The then President of the ABA was a Louisville lawyer named Stan Chauvin whom Billy knew. Jack and Ted and Billy went with



Stan to Chicago to present the idea of a national workshop to the ABA Board of Governors and a new Commission called the ABA Commission on Impaired Attorneys (later called the Commission on Lawyer Assistance Programs) was formed by the ABA. With Stan Chauvin's support, \$2700 from the Kentucky Bar Association, the help of Rosanne Theis from the ABA staff, the financial wizardry of Al Welch, Billy's law partner, and long time ABA operative Stell Huie from Atlanta, the first annual ABA "National Workshop for Growth" was held in Nashville Tennessee September 28-30, 1988 immediately preceding the annual ILAA conference. The conference was a huge success and the seed was planted in Jack Keegan's mind that New York should have a full time program director. Jack served as an initial Commission member and succeeded Stell Huie as Commission Chair. Donna Spilis succeeded Rosanne Theis as staff director to the Commission and held that position for 20+ years.

Jack Keegan recognized that the problem of alcoholism and other drug addiction among the then 140,000 lawyers in New York State was far too complex to be handled solely by a volunteer committee. He knew that it was important for the State Bar to hire a full time lawyer assistance program person who could work closely with the volunteer committee. I was with Jack when we made an appearance before the Bar's executive committee in early 1989 to ask for funds sufficient to hire a full time director, provide an office and executive assistant. John Williamson, associate State Bar director and then State Bar president, John Yanas, were very supportive of our request, but made no promises as to the outcome. As fate would have it, the Executive Committee agenda item immediately preceding our appearance was the approval of a "fee sharing" arrangement with Bertholon Rowland Company, sponsor of State Bar Insurance plans, which provided that the Bar would receive in excess of \$1,000,000 in the coming year. It seemed to make our pitch for funds much more palatable and our proposal was approved. So with the persuasion of Jack Keegan, the State Bar Association dedicated sufficient monies to hire a full-time Executive Director of its new Lawyer Assistance Program.

Subsequent to the ratification of our proposal, the process of advertising for, screening and interviewing candidates began. I shall never forget the final interview day. There were six of us involved in the interview process: Bill Carroll, John Williamson and Kathy Baxter from the Bar, and Jack Keegan, Ken Ackerman and me from the Committee. We interviewed 6 or 8 applicants and Ray Lopez was the last. His resume was extensive and impressive, detailing his educational background, work experiences, awards and commendations. But when Jack asked Ray why he thought he was qualified to work with lawyers, Ray started his answer by saying: "I used to live in a box on the bowery". The State Bar folks were shocked. Jack, Ken and I smiled. We knew we had our man.

I should mention that the Committee and the LAP have always had tremendous support from both the staff and the presidents of the State Bar over the years. John Yanas was president when funds were allocated for Ray's position and the next 3 succeeding presidents, Angelo Cometa, Bob Ostertag and John Bracken were all outspoken in their support of our efforts and gave credibility to the new program.

May I now take a few minutes to tell you about our first program director, Ray Lopez. Ray's first brilliant accomplishment was the hiring of Linda McMahon – the first and only executive assistant to the LAP di-





rector and the Committee chair. Linda has been a constant and steadying figure in New York lawyer assistance. She is never too busy for our stupid questions and requests, always cheerful, tolerant of the foibles of committee members, open minded and, above all, trusted to maintain the confidentiality of all persons and communications relating to LAP affairs. Ray used to say that if there was ever one single breach of confidentiality, all our good work would be for naught – and he was right.

Ray's first 3 years as program director was when I was committee chair. His office in the corner of the State Bar building on the third floor immediately became the *de facto* EAP office for all state bar employees. Ray also recognized the critical value of the support of the lawyers on the State Bar committee and he quickly developed lasting relationships with committee members.

A number of significant things happened during Ray's first 3 years of stewardship.

In 1992, Ray received the Peter Sweisgood award from the Suffolk County Bar Association. Peter Sweisgood was a priest who directed the Long Island Council on Alcoholism and he was very helpful in bringing many lawyers into recovery in the 1970s and 1980s. When the Sweisgood dinner was over, a priest approached Ray and said that perhaps he could facilitate an introduction of Ray to his brother-in-law. It seems his brother-in-law was Joseph Bellacosa, an Associate Judge of the Court of Appeals. In large part because of that introduction and subsequent meeting, we were able to arrange a meeting with Court of Appeals Chief Judge Sol Wachtler and explain to him our vision for the LAP and assistance for lawyers and judges alike. The Chief Judge was very attentive and promised his support.

Shortly after coming on board, Ray was introduced to Justice Joseph Traficanti, chief administrative judge for the courts outside New York City who gave us immediate and full-hearted support. Ray and I met with him and the administrative judges from each of the 12 judicial districts - and by the time we had left that luncheon, Ray had 3 referrals. Our program was getting exposure and credibility within the bar and the judiciary alike.

It quickly became clear to us that confidentiality of communications to the LAP as well as to members of the Committee would be the foundation stone of all of our efforts. At that time, Disciplinary Rule 1-103 (the so-called "snitch" rule) provided no exception for communications to lawyer assistance personnel and committee members (especially those who practiced downstate) were concerned that they may be forced to testify as to their conversations with those they tried to help as well as be subjected to lawsuits for their assistance efforts. In the early days, we would accept one dollar from the lawyer we were trying to help to bring communications within the attorney/client privilege. With the help of Buffalo attorneys Alan Brown and Peter Morrow, and with the suggestions and guidance of Kathy Baxter at the State Bar and various relevant State Bar committees, an amendment to DR 1-103 and a new §499 of the Judiciary Law were drafted and presented to the Executive committee and House of Delegates of the State Bar. After Ray Lopez and I left the stage in the Bar Center's great hall the day of our presentations, without any questions from the delegates and after unanimous approval, I noticed that Ray had been wearing two wristwatches and he noticed that my fly was open. We assumed that the House of Delegates just wanted to get rid, as soon as they could, of the Hispanic with the arm full of watches and the Buffalo



drunk who let it all hang out. In any event, approval of the Executive Committee and House of Delegates was only the beginning of work toward required confidentiality.

The new proposed Judiciary Law had to be presented to both houses of the State legislature. Tom Barlatta of the State Bar was very helpful in guiding us through the various committees who were interested in the legislation. I knew Assemblyman Sam Hoyt from Buffalo who sponsored the bill in the Assembly. Sen. Dean Skelos sponsored the bill in the Senate. Ken Ackerman's connection with Assemblyman Vitaliano was also very important. The Governor signed less than 2% of the bills presented in 1993 into law, and Judiciary Law §499 was one of them.

Contemporaneously, Ray and I met with each of the Presiding Judges of the Appellate Divisions to ask for their support in amending DR 1-103 of the Lawyer's Code of Professional Responsibility. By this time, Judge Wachtler had resigned and Judith Kaye was the new Chief Judge. At the next meeting of the administrative board, our proposed amendment to the "snitch" rule was approved and made part of the Code. (Now Rule 8.3 of the New York Rules of Professional Conduct.)

In his first few years, Ray and I were asked to address the lawyer assistance committees in New York City – by Bill Duggan at the County Bar and Kathy Kettles and John Koster at the City Bar. There was a time we were invited to speak at Brooklyn Law School when only Kathy Kettles and Sallie Krauss showed up. Through these experiences, we learned the technique of advertising Lawyer Health or Bar Admission advice in promoting our programs to get lawyers into the rooms where a recovered lawyer could share his or her story.

In 1999, Eileen Travis was hired as Executive Director of the New York City Bar Association Lawyer Assistance Program. Subsequently, Peter Schweitzer came to the aid of lawyers in Nassau and Suffolk Counties and Paul Curtin has complimented NYSBA LAP Director Pat Spataro, successor to Ray Lopez, in the State Bar's efforts to expand the State program to lawyers suffering from depression and other mental impairments. Paul and John Rowley have been doing exciting work in setting up and implementing a judicial wellness program.

In the early years it was important to educate disciplinary counsel on the services offered by the LAP and the Committee, and through the cooperation of Mark Ochs in the Third Department and Chief Counsel in the First Department, a model monitoring agreement was drafted and presented to each of the Appellate Divisions. Ultimately the Second, Third and Fourth Departments adopted some form of formal diversion and monitoring.

Interestingly, some years ago, after a presentation to the board of the Lawyers' Fund for Client Protection, Ken Ackerman and I reviewed the names of the lawyers for whom clients' claims had been paid since inception of the fund in the Fifth and Eighth judicial districts. Of the disbarred lawyers whom we personally knew who had lost their licenses and on whose behalf payments had been made, 64% in each district





were alcoholics, drug abusers or had a gambling problem. We assumed that the same percentage applied to the lawyers we did not know, which would make the total percentage of defalcations due to these maladies somewhat in excess of 80%.

Ray and I attended the ABA Commission week in Boston in 1990. John C. from Toronto was the Saturday night speaker at the ILAA conference that year and he suggested that mini ILAA weekends should be held in local jurisdictions. I suggested to Ray that he make such a get-together a priority for the next year and, with Linda McMahon's hard work, the first Committee Spring Conference was held at the somewhat worse-for-the-wear Granite Hotel in the Catskills. Ted C. from LA was the Saturday night speaker and he delighted the two or three tables of attendees. Other than the wonderful fellowship of the weekend, highlights included a shower ceiling tile falling on an attendee Sunday morning and Alan N. taking a two-hour cab ride back to New York City when his Mercedes wouldn't start.

Ray promoted a "Friends of Bill W." meeting at the Annual State Bar meeting in January 1991 at the Marriott Marquis in New York City. Not knowing how many of the expected 4000 attendees may wish to attend, the State Bar rented a beautiful suite with a large dining room table. Chairs were arranged and the coffee and snacks readied for the 8 pm meeting. No one, other than Ray, attended. He said the topic for the meeting was "isolation."

Ray was an expert at interventions and on one of my many trips to Albany, he said, "Keep your coat on. We are going to do an intervention on a lawyer." We drove an hour or so and ended up in the back room of a rural village justice's office. The judge described the bizarre antics of the lawyer who had been invited to the intervention. He was often clearly impaired by alcohol, very volatile and prone to violence. I got scared. I said to Ray "What happens if he gets crazy?" Ray thought for a moment and said "If he gets violent, you knock him down, and I'll run!"

Ray Lopez retired in 2005 shortly before the ABA completed an evaluation of the lawyer assistance efforts in New York. Other than the fact that the evaluators were shocked that our state actually has a different set of disciplinary procedures for each appellate department, the efforts of the State Committee, the NYSBA LAP, LAP efforts in New York City and the spread of local lawyers groups were applauded in the evaluation. Upon Ray's retirement, an extensive search was made for his successor and once again our program was blessed by the availability of Pat Spataro.

In 1999, Chief Judge Judith Kaye, after having attended the New York State Lawyer Assistance Program spring retreat and an open AA meeting on Saturday night at the Gideon Putnam Hotel in Saratoga Springs, New York, invited Ray Lopez, Eileen Travis, Ken Ackerman, Tim Foley and me to her chambers to discuss what steps she might take to enhance the services being offered to impaired lawyers in New York. After we gave her our estimate of the extent of the problem and described the efforts we were making and our ideas for program expansion, Judge Kaye wished to have a picture taken of all of us assembled that day. Ackerman then did three things I shall never forget. First, he told the Judge she needed to put on lipstick



before the picture was taken. Then he told the Judge to pull down her skirt. And finally, as if actually trying to sabotage whatever good will we had established that day, he gave the Chief Judge a bag that contained a teddy bear dressed as a Syracuse Orangeman. That's it, I thought.

The Chief Judge squealed and said to everyone "I don't believe it! How did you know? Follow me!" and she led us into her chambers where she displayed several shelves of specialty teddy bears. Unbelievably, Ackerman had actually made a great impression on the Judge and on September 16, 1999, she announced the creation of the Commission on Alcohol and Drug Abuse in the Profession.

The Commission consisted of a group of 21 lawyers, judges and addiction professionals brought together to study the extent of the problem of alcohol and drug addiction among New York lawyers and judges. The purpose of the Commission was also to propose an action plan and long-range solutions to the problem. Then Associate Judge of the Court of Appeals (and soon to become Dean of Faculty at St. John's Law School), Joseph Bellacosa, chaired the Commission, which was to become known as the "Bellacosa Commission." In 2001, the final report of the Commission proposed the creation of a statewide program to address substance abuse issues and make resources available to address such issues to be called the Lawyer Assistance Trust.

Judge Kaye appointed immediate past president of NYSBA, Rochester attorney James Moore, as the first Chair of the 21 member Board of Trustees appointed by the New York Court of Appeals and asked if I would serve as Vice-Chair. Jim and I immediately advertised and interviewed for a person to be the initial executive director of the Trust. I can tell you today that there was no real contest. Barbara Smith, long time Counsel to the NYS Ethics Commission, was apparently looking for additional challenges in her life. Barbara was hired and remains as the Trust's only exec upon this the tenth anniversary of the trust's creation. Barbara, in her own quiet way, has become a national leader in the lawyer assistance field and has joined Pat Spataro, Eileen Travis and other national leaders such as Bonnie Waters from Massachusetts, David Kee from Maine, the Bill Learys from Connecticut and Louisiana, Mike Cohen from Florida, Barbara Harper from Washington State and so many other dedicated professionals as persons who have devoted their lives day-in and day-out to improving our great profession by providing necessary services to improve the quality of, and actually save, the lives of the lawyers they serve.

In 2005, Barbara, Pat, Eileen and I met with Judge Kaye to make a special request. It had become apparent that at least one third of the inquiries made to the State and City assistance programs related to depression or other mental health issues and that the charge of the Trust was to support problems only of alcohol or drugs among lawyers. We had given Judge Kaye a proposed agenda for our meeting and when she walked into the room in which we were waiting, she said: "Well, David, I take it we have solved the alcohol and drug problem in our profession?" Pat and Eileen were able to convince Judge Kaye that continued funding from the Trust was necessary to address these other serious problems and shortly thereafter the Court of Appeals amended the Lawyer Assistance Trust charter to allow support of mental health issues.



Barbara counts as significant Trust accomplishments the notice of lawyer assistance available which is sent to every New York lawyer upon bi-annual registration; adding LAP-related topics as eligible for CLE ethics credit, financial support of part-time professionals, working with the LAPs; support of many and varied educational programs and conferences, creation of the LAT Judge Advisory Panel and its Judicial Life program (with the support and encouragement of Chief Administrative Judge Ann Pfau) and the Trust's community building efforts among the LAPs and the Lawyer Helping Lawyer Committees throughout the State. The Trust's unique role as a supporter of the LAPs, in turn, fosters cooperation and coordination among the various assistance efforts statewide.

*Special thanks must go to Michael Cooper for his stewardship of the Trust over the past three years and there is no doubt that Vince Reilly will lead the Board to even greater accomplishments.*

**SO HERE WE ARE TODAY IN JANUARY 2011** with all of those heroes and all of that good work behind us. 75 years after that Brooklyn Law School graduate and that Judge's son met in Akron Ohio, 39 years after that lawyer in California got his license back and started the first lawyers' recovery group, 36 years after the first meeting of International Lawyers in Alcoholics Anonymous in Niagara Falls Ontario, 31 years since the creation of the NYSBA Committee on Lawyer Alcoholism, 20 years since creation of the NYSBA Lawyer Assistance Program, 12 years since the creation of the NYC Bar LAP, 10 years since creation of the Lawyer Assistance Trust and five years since the re-invigoration of the Judicial Assistance efforts. Our friend Chuck Beinhauer advises me that the Gospels were not written until 100 years after Christ's death. By that measuring stick, we are at the very beginning of a very powerful movement which begins each day today, the same way it did in its infancy, by one recovered lawyer sharing with another lawyer who perhaps has lost all hope "I know how you feel .... We can do this thing together." It works – it really does.

*Thank you.*

