



# MOLAP News

The Missouri Bar

Fall 2009



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## Lawyer Support Groups

If you are interested in joining a Lawyer Support Group in your area, contact the appropriate person:

St. Louis  
Tom Casey  
(314) 421-0763

Kansas City  
Hugh O'Donnell  
(816) 931-5533

Mid-Missouri  
Julian Ossman  
(573) 636-4120

Southwest  
Bob Richart  
(417) 781-6770

Southeast  
Peter Statler  
(573) 243-3482

## Director's Notes

September, October, and now November have been "out and about" months. I attended the Annual Meeting of the Missouri Bar in St. Louis, then the National Commission on Lawyer Assistance Programs Conference in Phoenix. (Next year's national meeting will be in Indianapolis, in October. Someone suggested taking a van from St. Louis. I'm up for a road trip!) The annual MOLAP Conference was in St. Louis, Oct 23-24. Then I was on the program for the Council of Bar Admission Administrators conference in Kansas City, Nov. 6-7. I will be part of the faculty for a practice management Webinar on Nov. 10th, and will be presenting again on Nov. 13th at the "Stepping Up, Stepping Out," CLE program in Columbia. All these events give me places to talk about MOLAP and the possibility of change.



*Jim Brady, LCSW*

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## Lawyers Assistance Committee Meets

On Friday, November 20th, 2009 The Bar hosts its semi-annual Committee Meetings Day at the Capital Plaza Hotel in Jefferson City. New Committee Chair Kevin Glynn of Kansas City will convene the LAC at 10:00 AM. Agenda items will include:

- Plans to make best use of a \$5,000 grant from the Missouri Bar Foundation for promotion of MOLAP.
- Construction of a model talk for volunteers to present to local and specialty Bar Groups to encourage use of MOLAP.
- Intervention training for MOLAP Volunteers.

All lawyers with an interest in Lawyer Assistance are welcome. Minutes and action plans from the meeting will be posted to the LAC list serve. It is likely that MOLAP volunteers will be asked to make presentations to local and specialty Bars in the near future.

# I Came to Fish

by Anne McDonald, Kansas Lawyers Assistance Program, Executive Director

*The young lad was struggling out of the small lake, fully clothed, and dripping. A kindly passerby stopped to give him a hand, and then said, "But how did you come to fall in, my boy?" The boy allowed an expression of contempt to cross his face and said, "I didn't come to fall in! I came to fish."*

"Treasure of Humor" by Isaac Asimov, Houghton Mifflin Co., Boston 1971. p. 175

I loved this joke/story when I came across it. It seems to describe most of us at one time or another in our lives. We find ourselves in some distressing situation we never expected and have to take the extended hand of a kind passerby to pull ourselves out. We didn't set out, that day or that life, to fall into a pond of stress or addiction or illness. But here we are, floundering, dog paddling, maybe even gasping for breath and praying we won't sink to the bottom. Did we think we'd just dip our toe in and then slip on the rocks or grass? Did we indeed snag a big fish and get pulled in? Did a huge gust of wind blow us in? Of course, these are all metaphors for the possible stressors or tendencies (genetic or personality) or life events that can lead to our immersion in that pond of illness.

With these tough economic times there's a lot of focus on depression. Medical professionals believe there is a genetic component to depression but that various life situations can also play a big part. As with other illnesses, there can be a lot of denial going on ("I can't be having a heart attack – I don't have time!"). Oh, and by the way, a major illness, such as a heart attack or stroke, can be one of those life situations that triggers depression, so if you or someone you know, is recovering from something like that, be particularly aware of symptoms and learn about treatment options. Denial of an illness with a mental or emotional component can be particularly strong, probably because we don't know much about it and anything unknown is scary, and there may still be a perceived stigma associated with it. Some of the symptoms of depression are:

- Loss of interest in normal daily activities;
- Feeling sad or down;
- Feeling hopeless;
- Crying spells for no apparent reason;
- Problems sleeping;
- Trouble focusing or concentrating;
- Difficulty making decisions;
- Unintentional weight gain or loss;
- Irritability, restlessness, easily annoyed;
- Feeling fatigued or weak;
- Feeling worthless;
- Loss of interest in sex;
- Thoughts of suicide or suicidal behavior; and
- Unexplained physical problems, such as back pain or headaches.

Many times a lawyer is struggling with several of these symptoms but just chalks it up to being too busy or too stressed and often blames herself/himself for even having the symptoms. Two indicators that are common but can be deadly are having trouble focusing or making decisions, which result in procrastination or inaction. Unfortunately, that can morph into a disciplinary complaint involving rules 1.3 – diligence and 1.4 – communication. Many disciplinary cases allege violations of these two rules in particular, and many of those cases also involve a lawyer struggling with addiction or depression. Most unfortunately, depression is a factor in many cases of suicide, so it's not something to take lightly.

One recent disciplinary case noted that the lawyer failed to comply with annual registration requirements and even failed to open many of the envelopes from the clerk of the appellate court. The underlying complaint alleged that the respondent failed to answer many telephone messages and to file notices of appeal in two cases. The

opinion found depression as a mitigating circumstance, saying, “The Respondent has suffered from depression for many years... the Respondent has struggled with attending to many seemingly routine business matters, paying bills, completing ... forms, etc. The Respondent’s depression directly contributed to his misconduct.” The Court imposed public censure and I believe one reason they did so is that they also found that the lawyer had addressed his depression and **was successfully treating it with therapy and medication.**

If any of this reminds you of a lawyer you know – or yourself – don’t suffer, seek help. A health professional can provide diagnosis and treatment. Depression will usually not get better on its own. The Missouri Lawyers Assistance Program can talk with you and help you with a referral to a provider. Our volunteers are always delighted to partner with you on the road to recovery.

This article is reprinted with permission from Anne McDonald, the Executive Director of the Kansas Lawyer Assistance Program. This article originally appeared in the October 2009 issue of *The Journal of the Kansas Bar Association*.

### *About the Author*

*Anne McDonald graduated from University of Kansas School of Law in 1982 and spent most of her legal career as court trustee in Wyandotte County. After she retired in 2006, she has served as a judge pro tem in Kansas City Kansas Municipal Court and in Wyandotte County District Court. She is a member of four boards or commissions and three book clubs, along with the Sierra Club. She frequently hikes or backpacks with her husband and other Sierra Club members. She is a prior chair of the KBA Committee on Impaired Lawyers and has been a KALAP commissioner from its inception, and now serves as executive director.*



## 14th Annual Lawyer Assistance Conference

This year’s Conference was held at the Sheraton Westport in St. Louis County on October 23 and 24. 33 volunteers and interested lawyers attended. Presenters included Judge Robert Childers from Memphis and Judge Jim Radcliffe from Belleville, Illinois, who is now Assistant Director of the Illinois Lawyer Assistance Program. Special guest was Jim Smith, Director of the Commission on Retirement, Removal, and Discipline of Judges. Social Worker Chris Frey presented on relationship building, and psychologist Ralph Orlovick discussed obstacles to good recovery.

At the Friday evening dinner, Mike Belancio of Kansas City was presented the Welliver Award, for efforts on behalf of troubled attorneys over the past year. Friday night’s dinner also included remarks from an al-anon speaker, and a special musical performance by someone with an uncanny resemblance to Elvis. There was beginning discussion at the Conference about developing a speaker’s bureau of volunteers to carry the message to various Bar groups about MOLAP services. That plan will be the focus of the LAC meeting in Jefferson City on November 20th.

**MISSOURI LAWYERS' ASSISTANCE PROGRAM**

A program of The Missouri Bar

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