FROM JUNKIE TO JUDGE: OVERCOMING ADDICTION AND RESOURCES FOR ATTORNEYS

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MY STORY

- Mom
- Stepfather
- Seeking Relief
- Early Drug History
- College
- Sexual Assaults
- Partner Domestic Violence

MY STORY CONTINUES

- Meth Again
- Impact
- Rehab
- Secular Recovery Plan
- Sober since 1994
- Personal Recovery
- Trauma Recovery

MY LEGAL CAREER

- Berkeley Law 1984
- Legal Work to Down Corporate Ladder
- Recovery Work History
- Berkeley Law 2000
- Big Law
- Federal Government Attorney
- Federal Administrative Law Judge

RELATIONSHIP OF ADDICTION AND LEGAL WORK

- Drug disclosure to Bar and Fed
- Disclosed when judge
- As ALJ:
  - Law to Apply
  - Questioning Claimants
  - Weighing Evidence
- Open Recovery and Wall Street Journal
- LA Times Op Ed
- From Junkie to Judge: One Woman's Triumph Over Trauma and Addiction

CURRENTLY

- Board of LifeRing Secular Recovery
- Board of She Recovers Foundation
- Memoir: *From Junkie to Judge: One Woman's Triumph Over Trauma and Addiction*
- Essays include:
  - WSJ: *I Beat Addiction without God*
  - Los Angeles Times: *It wasn't luck that allowed me to become a judge after a meth addiction. It was white privilege.*
- Speaker, advocate
- Trainer

SUBSTANCE USE DISORDER DEFINITION

- NIDA (National Institute of Drug Addiction)
  - Chronic, relapsing disorder characterized by compulsive drug seeking (including alcohol), continued use despite harmful consequences, and long-lasting changes in the brain.
- SAMHSA (Substance Abuse and Mental Health Services Administration)
  - Recurrent use of alcohol and/or other drugs causes clinically significant impairment, including health problems, disability, and failure to meet major responsibilities at work, school, or home.
- Learning Disorder
  - Unbroken Brain, Maia Szalavitz
- Bad Habit
  - Memoirs of an Addicted Brain, Marc Lewis

SUBSTANCE USE DISORDER RATES

- General population (GP) and Attorneys (A)
  - Alcohol use disorder, 11.8% GP, 20.6% A
  - Sedatives: 6% GP, 15.7% A
  - Marijuana: 6% GP, 10.2% A
  - Opioids: 3% GP, 5.6% A
  - Stimulants: 2% GP, 4.8% A
  - There is overlap among substances.

ATTORNEY SUD EXPLANATION

- Reasons:
  - Long Hours
  - High Stress
    - Workload
    - Traumatized Clients
    - Lot at Stake for Clients
  - High Standards
  - Job Dissatisfaction
  - Lack of Control
- Treatment Barriers
  - Fear of Being Found Out
  - Confidentiality Concerns

ATTORNEY DISCIPLINE AND SUD

- Substance use involved in (one estimate):
  - 60% attorney discipline prosecutions.
  - 90% serious disciplinary matters.
  - 60% legal malpractice claims.

MODEL RULES OF PROF'L CONDUCT & SUD

- Most states have similar rules
- Competence, RPC 1.1
  - A lawyer shall provide competent representation to a client.
  - Competent representation requires the legal knowledge, skill, thoroughness and preparation reasonably necessary for the representation.
- Diligence, RPC 1.3
  - A lawyer shall act with reasonable diligence and promptness in representing a client.
- Communication, RPC 1.4
  - Obtain informed consent
  - Keep client reasonably informed
  - Comply with reasonable requests for information

ETHICS RULES & SUD (CONT'D)

- Conflict of Interest, RPC 1.7(a)(1)
  - Representation limited by a personal interest of the attorney
- Safekeeping Property, RPC 1.15
  - Including client monies
- Declining or Terminating Representation, RPC 1.16
  - The lawyer's mental or physical condition materially impairs the ability to represent the client
- Expediting Litigation, RPC 3.2
  - A lawyer shall make reasonable efforts to expedite litigation consistent with the interests of the client.
- Misconduct, RPC 8.4
  - Commit a criminal act that reflects adversely on the honesty, trustworthiness, or fitness as a lawyer
    - DUI
    - Illegal drug use or possession

ETHICS RULES & SUD (CONT'D)

- Supervisory responsibilities, RPC 5.1
  - If suspect junior attorney of SUD problem that has or could result in violation of Rules
- Possible SUD Signs
  - Attendance
  - Job performance
  - Erratic behavior
- Can be many other causes
- ADA (Americans with Disabilities Act):
  - Doesn't protect those with active substance use disorder
  - Does protect those with substance use disorder history

TIPS

- Substance use disorder exists on a spectrum
  - Mild
  - Moderate
  - Severe
- “Hitting bottom” is neither necessary nor recommended
  - Always was a retrospective point
  - What was my worst moment or situation
  - Dangerous
  - People die
  - Or suffer serious and sometimes irreversible health consequences
  - Creates more damage
  - Earlier SUD cycle is disrupted, less damage
  - So less to repair

TIPS (CONT'D)

- Quitting can be beneficial even if you don't meet the SUD criteria
  - Alcohol has negative health effects even at moderate use
    - Cancer
    - Liver
    - Heart
  - Are you making risky choices when under the influence?
    - Driving under the influence
    - Being a passenger where the driver is under the influence
    - Regretting sexual decisions
  - Are hangovers interfering with work productivity or living your best life?
  - Are you using alcohol or other drugs to avoid dealing with emotions?
    - When addressing them would be better
  - Are you using alcohol or other drugs to avoid confronting a problematic life situation?
    - Unhappy with your partner or job

GUIDANCE FOR SUD

- Good news:
  - Frequent recurrence in early recovery
  - 75% success rate overall
  - 5 years of sobriety = 85% chance never relapse again
- Treatment
  - Inpatient
  - Intensive outpatient (IOP)
  - Therapist with SUD expertise
  - Doctor with SUD expertise
    - Medication assisted treatment
  - Recovery coach

GUIDANCE (CONT'D)

- Support programs options
  - Alcoholics Anonymous/Narcotics Anonymous
  - She Recovers Foundation
    - Subgroup for legal professionals
  - LifeRing Secular Recovery
  - Women for Sobriety
  - SMART Recovery
  - Recovery Dharma
  - Are others
  - Patchwork/Hybrid
  - PAL Study

GUIDANCE (CONT'D)

- Exposure at home or work
- Dual diagnosis
  - Self-medicating
  - Dual diagnosis treatment programs
  - Therapist with dual expertise
- Other supports
  - Read substantive recovery materials
  - Learn the science of SUD
  - Memoirs and inspirational recovery stories
  - Podcasts
  - Journaling
  - Mindfulness, meditation, yoga

GUIDANCE (CONT'D)

- Relationships
  - Supportive
  - Not
- Relapse prevention
  - Anticipated exposure situations
  - Unanticipated
  - If you have a recurrence
- Written plan
  - SUD
  - Other related areas of life
  - Prioritize
  - Reassess regularly
- Congratulate self for accomplishments

RESOURCES: NATIONAL

- SAMHSA (Substances and Mental Health Services Association)
  - samhsa.gov
  - Information about SUD
  - Variety of programs
  - Treatment provider list by location
  - Evidence based practices toolkit
  - Research and data
- NIDA (National Institute on Drug Abuse)
  - Part of NIH (National Institute on Health)
  - nih.gov
  - Mission is to advance science on the causes and consequences of drug use and addiction and to apply that knowledge to improve individual and public health

RESOURCES: LAWYER ASSISTANCE PROGRAMS

- American Bar Association Lawyer Assistance Program
  - Resource links
  - Works with state and local bar associations
  - https://www.americanbar.org/groups/lawyer_assistance/
- State Bar Lawyer Assistance Program
  - Assessment
  - Referrals
  - Financial assistance
  - Confidential

RESOURCES: THE OTHER BAR ATTORNEYS

- The Other Bar
  - otherbar.org
  - Exists in many states
  - Peer support meetings
  - Referrals
  - Resource links
  - MCLEs about recovery
  - Treatment referrals
  - Sobriety Loan Program for treatment
  - Retreats
  - Confidential

RESOURCES: STATE

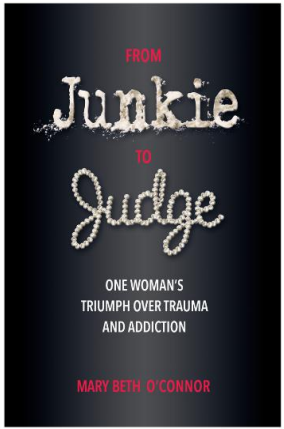
- Department of Public Health or Health and Human Services
- Substance and Addiction Prevention or similar
- Counties usually have websites with local information
- Information
- Resources links
- Treatment referral line
- Harm reduction information

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