

THE NORTH CAROLINA STATE BAR

JOURNAL

FALL
2010



The
Lawyer Assistance Program
Symposium



IN THIS ISSUE

A Hard Look in the Mirror *page 6*

Work and Well-Being *page 12*

Suicide in the Legal Profession *page 18*

Help is a Confidential Phone Call Away...

BY BARBARA B. WEYHER

"In the depths of winter, I finally learned there was in me an invincible summer."

—Albert Camus

During the past 30 years, well over 1,000 North Carolina lawyers have been helped through their personal depths of winter with the support of the North Carolina State Bar's Lawyer Assistance Program (LAP). For some, these depths have been caused by alcohol or chemical

addictions and for others by depression or other mental illnesses.

Today, NC LAP is widely recognized as one of the best lawyer assistance programs in the United States, with success rates of 86% (addiction) and 83% (mental illness). We are proud to dedicate this issue of the *Journal* to the Lawyer Assistance Program.

Throughout this edition of the *Journal* you will find detailed information on LAP and its history as well as inspiring narratives of personal recovery. I think it is only fitting that I use my final president's column to tell you a bit about some of the remarkable people who are responsible for the success of this outstanding program.

LAP is a *confidential* peer-support program with services including assessments, consultations, referrals, interventions, education, advocacy, monitoring, and recovery support. It is governed by a nine-member board, currently chaired by State Bar Councilor Mark Merritt. The board consists of three Bar councilors, three addiction or

mental health professionals, and three lawyer volunteers.

Peer support is provided by over 230 lawyer volunteers throughout the state, who generally have personal experience with addiction or mental health issues and who are currently in recovery. Volunteers are divided into two separate committees: FRIENDS, which provides peer assistance in the areas of depression and mental health, and PALS, which is focused on addiction. The volunteers support those suffering from similar conditions by sharing their own experiences and successes. They also serve as monitors and mentors to those who are new to recovery. All volunteers receive training in peer assistance, including specific training in confidentiality.

LAP is ably directed and managed by three professionals: LAP Director Don Carroll, who has responsibility for the western counties of North Carolina, Assistant Director Ed Ward, who primarily serves the

eastern part of the state, and LAP Coordinator Towanda Garner, who serves the Piedmont. Some short bios as well as contact information follow:

Don Carroll – LAP Director

Western North
Carolina District
1-800-720-7257
nclap@bellsouth.net

Don Carroll has served as director of LAP since 1994. He is a 1967 graduate of Davidson College and a 1971 honors graduate of the University of Virginia Law School. He has a Masters of Philosophy degree from the University of Dundee in Scotland and an MFA degree in writing from Vermont College. Don also holds certifications as an Employee Assistance Professional and as an Executive Coach.

Following law school, Don clerked for the Honorable James McMillan, United States District Court Judge for the Western District of North Carolina. Upon completing his clerkship, he entered private practice with the firm of Helms, Mullis & Johnston and was a partner in its successor firm, Smith, Helms, Mullis & Moore.

As the LAP director, Don not only administers the program, but he also works directly with impaired lawyers, from assessment through recovery. He teaches at Campbell University School of Law on addiction and the law, and writes regular LAP columns for the *State Bar Journal* and the *Campbell Law Observer*. In 2001, he was appointed by the president of the ABA to serve on its Commission on Lawyers Assistance Programs. In 2000 he received the Addiction Professionals of North Carolina Outstanding Achievement Award



CONTINUED ON PAGE 57

A Hard Look in the Mirror

BY MARK MERRITT

One of the great benefits of serving on the Board of Directors of the Lawyers Assistance Program ("LAP") has been to meet many of

our volunteers. Most of our volunteers are lawyers who are in recovery



and who have worked hard to overcome alcoholism, drug addiction, or mental illness. They give back generously to assist those who are currently battling those diseases and who can benefit tremendously from their similar experiences and help. The LAP is now celebrating 30 years of service. I honor what the LAP volunteers do, and it is a real privilege for me to have them as friends.

The characteristic that I admire most about people in recovery is a trait we desperately need now in the State Bar. That trait is brutal honesty. When you are around a recovering alcoholic or drug addict, you are struck by their brutal honesty about their disease, how it took over their life, and how it hurt them and the people that they love. You realize that the first step to real recovery is to acknowledge and name the problem.

The State Bar is very much in the position of the alcoholic or drug addict that needs to admit that there is a problem that has to be addressed. We have been aware for some time that national surveys show that lawyers are among the least healthy group of people and struggle with drug and alcohol abuse, anxiety, depression, and other mental illnesses. From the LAP itself and from Bar leaders around the state, we continue to hear

how the turbulent economic times we all face have devastated lawyers who have lost jobs, lost clients, and lost their nest eggs in the economic downturn. Many new law school graduates have no job prospects but are saddled with debt. The result is that lawyers in North Carolina may be at the highest risk they have ever been for substance abuse or mental illness.

The anecdotal evidence in this regard is fully supported by the recent survey of North Carolina lawyers by Dr. Darcy Siebert of Rutgers University. Dr. Siebert, an associate professor at the Rutgers School of Social Work, conducted an anonymous survey of North Carolina lawyers to gain a better understanding of their state of mental health. Her results, which are discussed at length in a separate article, confirm that we face serious challenges to improve the well being of lawyers. Over 60% of lawyers

find their jobs stressful, 39% of lawyers scored at or above the cutoff score for burnout, and only 53% scored above neutral in professional life satisfaction. When asked if they would advise their children to become lawyers, 41.9% indicated that they would not. The survey found that 10.3% of respondents scored at or above the cutoff for depression, that 12.4% take a prescription for stress or anxiety and that 11.4% are taking a prescription for depression. Drinking among lawyers at levels that are considered unhealthy is extensive among the attorneys surveyed.

The good news from the survey was that 97.4% of lawyers knew about the LAP and that 70.2% felt confident or very confident that they would refer colleagues to the LAP. Sadly, only 36.8% of lawyers felt confident or very confident that they would use the LAP for their own personal issues. Perhaps

"Medical research has shown that substance abuse and mental illness are not the result of flawed character or low morals, but stem from differences in the way that the brains of people can handle substances and deal with the stressors that life imposes upon us."

the most troubling statistic of all is that 48.4% of lawyers agreed or strongly agreed that they would have difficulty asking for help with substance abuse or issues that affected their mental health.

These statistics show the challenge that we face: lawyers suffer significant substance abuse and mental health issues but are very reluctant to seek help for themselves. This shows that the stigma around issues of substance abuse and mental illness remains and prevents a highly educated group of professionals from receiving the help they need to lead happier and more fulfilling lives. Medical research has shown that substance abuse and mental illness are not the result of flawed character or low morals, but stem from differences in the way that the brains of people can handle substances and deal with the stressors that life imposes upon us. Despite that body of knowledge, lawyers still feel constrained from acknowledging their personal struggles with substance abuse or mental illness out of fear that it will harm their professional reputation or cause them to lose their law license. Ironically, and sadly, it is often the delay in addressing these conditions that can lead lawyers to become so dysfunctional and unable to make appropriate choices that they engage in conduct that results in some kind of discipline from the State Bar.

It is always easier to identify problems than to have a plan to solve them. I would suggest that we begin with the same kind of honesty that our friends in recovery have and ask ourselves some hard questions.

■ Are we honest with ourselves about our own health and happiness? Do we allow ourselves the time we need for sleep, exercise, and social interaction that are the cornerstones of our mental and physical well-being?

■ Are we honest when we see our colleagues who may be struggling with substance abuse or mental illness? Do we really act to help them get well or are we too quick to judge, stigmatize, and marginalize them or simply too busy to help?

■ Are we honest in identifying and placing some limits on the stressors in our professional lives? Has our inability to set boundaries in our professional lives turned law into a 24-hour, seven-day-a-week job where our clients feel it is their right to call on the cell phone at any hour or ask for the immediate response to their email on your PDA?

■ Are we honest enough to admit that the pursuit of material wealth and billable hours has disconnected us from helping others in a way that might actually make us more connected, less isolated, and happier?

The good news is that there is work at the national and state levels to address these issues. Some recent studies strongly support that the substance abuse and mental health problems that lawyers face start in law school, and the ABA is doing good work with law schools to address this problem and to remediate the characteristics of law school that can make it destructive of the well-being of lawyers. In our state, the LAP has an experienced staff and a committed and well-trained group of volunteers who are available to assist lawyers anywhere and anytime to address the challenges that they face from substance abuse or any form of mental illness. Our State Bar has a history of working with lawyers who suffer with some form of impairment and who have taken the steps that they need to help themselves.

The LAP Board's hope is that Dr. Siebert's work will promote the kind of dialogue we need to address these problems knowledgeably and constructively. We know that we have work to do educating lawyers about the prevalence and effect of substance abuse and mental illness and reducing the stigma associated with those conditions. After 30 years of service, now is a great time to take stock of where we are and what we can do better. Our hope is that this issue of the *Journal* will help every lawyer take a hard look in the mirror at his or her own life and well-being. That has been an essential step for our colleagues who are now in recovery, and I am certain that each of them would tell you that he or she is better for it. The articles in this symposium

issue are designed to help us take this hard, honest look.

This symposium issue starts with a history of the evolution of the Lawyer Assistance Program in North Carolina. One of the remarkable things about this story is how organic that evolution has been. Over time, the LAP as a program has grown and adapted to help better address the issues that lawyers have which may lead to professional impairment.

After that historical look, we then move to where we are presently. We have a vivid snapshot of our well-being from the recent survey of the profession conducted by Professor Siebert. Her article looks at the state of well-being of lawyers in North Carolina today. The insights that her research provides are one of the dramatic and important reasons for this symposium issue, and it helps to provide that hard look in the mirror about the health of our profession.

Oftentimes, there is a huge risk for a lawyer who needs help and does not find treatment. The risk is suicide. Professor Barbara Scarboro, a faculty member at Appalachian State University and a member of the LAP Board, and Towanda Gardner, LAP staff member, have contributed an article about suicide in the legal profession. Any hard-nosed look at the health of our profession requires us to talk openly and directly about the risk of suicide.

One of the things that brings greatest hope to those who suffer from depression and other mental illnesses, or addiction, is to be able to hear the stories of others who have gotten help and seen dramatic changes in their lives. Included in this symposium issue are two powerful recovery stories. These stories are powerful examples of how illnesses can be treated successfully and lawyers can return to lives that are happy and productive. These stories are what the LAP is truly all about, but we cannot do it without your help. ■

Mark Merritt is chair of the Lawyer Assistance Program Board.

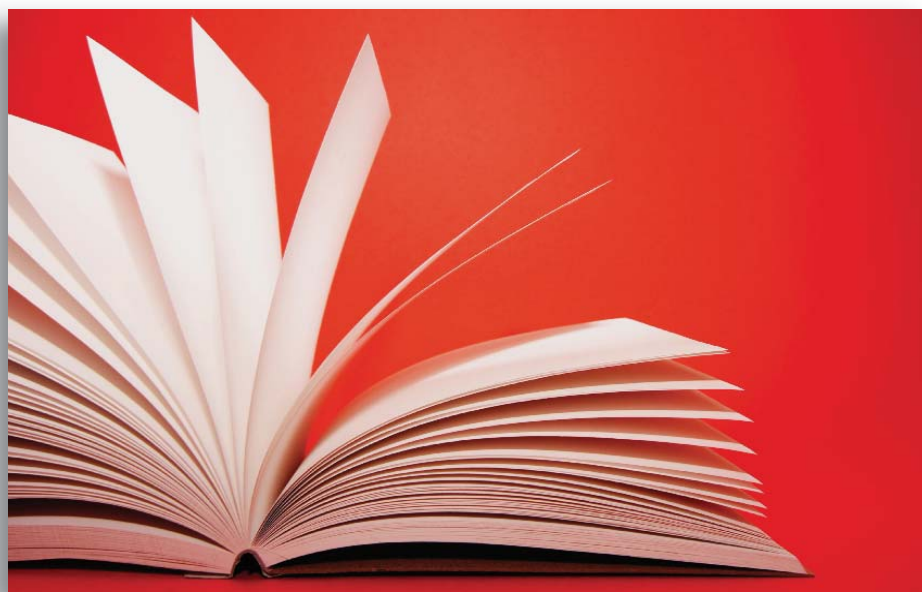
The Lawyer Assistance Program Story

BY JERRY LEONARD AND DON CARROLL

As we enter a new decade, we know more. Everything moves at a faster pace and there are more of us: people, clients, and lawyers. We are tethered to cellular phones, e-mail, computers, and software programs. None of this was true 30 years ago, but some things haven't changed. Then and now approximately 10% of the population who drink, or use other mind-altering substances, becomes alcoholic or addicted. The recent survey of lawyers in North Carolina (see Work and Well-Being on page 12) found 34.7% of male lawyers and 29.2% of female lawyers at risk for alcohol issues, according to the National Institute of Health's science-based protocol. But while the risk of problems from addiction and depression may be as high as ever for North Carolina lawyers, the survey found that almost 8% of the lawyers in North Carolina self-reported being in recovery from past alcohol or drug abuse. That this large segment of the Bar is healthy and contributing to the profession is, in no small part, a tribute to success of the Lawyer Assistance Program in meeting the needs of lawyers and judges in our state. How did this start and what happened?

In 1977, the Disciplinary Hearing Commission of the North Carolina State Bar discovered that, since its creation two years earlier, two-thirds of all cases that came before the commission involved alcohol or drug abuse. Aware of the problem of addiction and its adverse impact on the practice of law and the public, the State Bar Council appointed a standing committee to deal with impaired lawyers.

As approved by the North Carolina Supreme Court in August 1979, the Positive Action for Lawyers (PALS) Committee was established to implement a program of intervention for lawyers with substance abuse problems affecting their professional conduct.



The hallmark of PALS was confidentiality, recognizing that without the trust of lawyers, PALS would fail. PALS was set up separate and distinct from the Grievance Committee and disciplinary office of the State Bar.

At first, PALS didn't receive many referrals. The PALS Committee, formed with the hope of helping the impaired attorney recover from alcoholism, had to earn its stripes. The impaired lawyer, as well as anyone else involved, needed to have absolute confidence that conversations and names would remain confidential.

The first chairperson of PALS, John W. Campbell, was appointed in 1979 and the first director was Lester Chalmers, who served from 1983 until his death.

The first formal meeting of PALS volunteers was held in Pinehurst in February 1985. At that time, PALS had a membership of 28 volunteers—today there are over 200 LAP volunteers.

During the 1980s the PALS Program con-

tinued to grow. Its impact among those who suffer from alcoholism or other chemical addiction, and their families, partners, associates, and friends, was dramatic and often life-saving. In 1988, things began to take off. PALS probably received more calls that year than in the preceding four years combined, PALS' membership grew dramatically, and procedures for intervention were established.

In 1989, the State Bar's rules relating to PALS were amended to put some teeth into the PALS Program when dealing with impaired lawyers who do not voluntarily agree to a program of recovery. In extreme cases a procedure was provided to allow PALS to petition a Superior Court Judge to suspend an impaired lawyer's license to practice law in North Carolina or to transfer the lawyer to inactive status for up to 180 days. The record of such proceedings are sealed and not open to the public. (Fortunately, the procedure is not frequently utilized.) PALS members were given immunity by being deemed agents of

the North Carolina State Bar if working within the procedural guidelines of PALS.

In November 1990, a PALS subcommittee, composed of several PALS members who were also judges, was appointed. This subcommittee was asked to establish an appropriate program for dealing with alcohol and drug problems among the members of the judiciary. A judicial subcommittee was added to PALS by rule change in December 1993. In 1994 the first judicial subcommittee of PALS was appointed.

It came to the attention of the PALS Committee that many impaired lawyers did not have funds or insurance to obtain treatment for chemical addiction. In 1992 the IOLTA Board approved a PALS funding application and granted funds to set up a revolving loan fund that is administered by the State Bar's executive director. This fund continues to this day to provide assistance to lawyers without recourse to get treatment.

PALS, in consultation with other committees and agencies of the Bar, recommended that information received by the State Bar concerning illicit drug use by a member of the Bar should not be treated as a grievance, but rather

referred to the PALS committee. If upon investigation it is determined by PALS that the information is credible, PALS contacts the lawyer and offers amnesty from discipline by the Bar with respect to the prior drug use on condition that the lawyer successfully completed a prescribed course of treatment and comply with follow-up monitoring and drug testing. However, if the lawyer does not cooperate with PALS or fails to complete the recovery program, PALS is obligated to respond back to the Grievance Committee when it makes such a referral. This amnesty program became effective December 5, 1991.

Although confidentiality has been basic to the PALS Program since its beginning, illicit drugs required some clarification of the confidentiality rules. The State Bar Council approved a rule change in 1993 which provides that communications between a PALS volunteer and an impaired lawyer are confidential to the same extent as communication between a lawyer and a client.

A growing concern among law school administrators emerged regarding problems of alcoholism and other drug use among law students. A law school substance abuse educa-

tional program became a part of the outreach of the PALS Program in 1990. Speakers from LAP appear on a regular basis at North Carolina law schools.

In the fall of 1993, PALS Chair Ernie Machen and volunteer director Eddie Murrelle convinced the State Bar Council that the PALS Program needed a full-time director. The job of part-time volunteer director had become a full-time endeavor. W. Donald Carroll Jr. was hired as the first director. Don was a practicing North Carolina attorney who has extensive experience and education in counseling and substance abuse. Don continues to serve as director of the LAP.

The Lawyer Assistance Program celebrated its 20th anniversary in 1999, which was also a formative year in its growth and expansion. Under the direction of then State Bar President Bob Sink, the mission of the Lawyer Assistance Program was expanded to include helping lawyers with depression and other mental health issues, in addition to its traditional role of helping lawyers suffering from addictive diseases. This change was timely as survey data increasingly showed the need to help lawyers with



BORING.

Professional Liability Insurance.

In all probability, you find the details **yawn-inspiring.**

But at **Daniels-Head Insurance Agency**, it's what we do. In fact, we have been working with high quality insurers to provide clients just like you with personal attention for more than 50 years.

You can rest assured that Daniels-Head is dedicated to providing professional liability insurance solutions for law firms of all types and sizes.

So it's okay if you're bored by it;
we're not.

**DANIELS-HEAD
INSURANCE
AGENCY, INC.**



Insurance Solutions for Professionals Since 1954.

www.danielshead.com ~ 800.950.0551

Call or Click
today for your
FREE estimate.
800.950.0551
danielshead.com



Lawyers Insurance
A SUBSIDIARY OF LAWYERS MUTUAL

Your partner for disability insurance.

KEN HUDSON, DISABILITY INSURANCE AGENT

For a limited time only, **LAWYERS INSURANCE** and the NC Bar Association bring you the **BEST** disability offering you are **EVER** likely to see.

- No embarrassing health questions – Guaranteed Issue up to \$4,000 per month.
- Policy issuance within a week rather than 1-2 months.
- True Own Occupation definition of disability, including specialty.
- Only proof of income is required.

Contact **LAWYERS INSURANCE** – your partner for your disability insurance.

LAWYERS MUTUAL **Lawyers Insurance** **LAWYERS INSURANCE: FOR YOUR OFFICE, HOME AND LIFE.**

919.677.8900 800.662.8843 lawyersinsuranceagency.com

other conditions besides addiction.

The central issue that the LAP Board faced at that time was whether or not to structure these outreaches administratively separately or together. Many individuals suffering from addiction also had symptoms of depression, and that often a person who identified as having a depression problem had, in the background, an unrecognized addiction issue. With insight, the program was organized in a unified administrative fashion so that all lawyers seeking help would be evaluated in the same way with equal attention directed to helping the lawyer recognize and discover the nature of his problem regardless of whether the core issue was addiction or mental health. The Board did maintain two different committees of volunteers. The first committee continued the old committee of PALS volunteers who were focused on helping lawyers dealing with addiction issues. A second new committee of volunteers was created called the FRIENDS Committee, which consists of lawyers who have dealt with depression and other mental health issues and whose mission is to provide peer assistance to lawyers seeking assistance for these problems.

Don Carroll continued as director of the LAP. Ed Ward was hired as assistant director of the LAP and director of the mental health expansion. Ed has an extensive background as an addictions professional and wide experience with depression and related mental health issues. He served for over eight years as executive director of Fellowship Hall, a facility in Greensboro for treatment of substance abuse and related mental health problems. In February 2000 there were eight FRIENDS volunteers with eight more awaiting appointment. Ten years later there are nearly 100 FRIENDS volunteers.

The FRIENDS volunteer support groups address the problems of isolation in lawyers suffering from mental illnesses. Ed has found during the past ten years that the use of trained volunteers and volunteer groups leads to the growth of trust in the confidentiality of the LAP, which has resulted in the number of lawyers accessing the LAP growing from a low of less than 5% self-referrals to almost 50% self-referrals.

The LAP Board determined at its January 21, 2000, meeting that lawyers involved in methadone maintenance would be allowed to

participate in the Lawyer Assistance Program, but there would have to be a goal of getting off methadone at some point that was medically appropriate. It was the Board's view that it was inappropriate for the Lawyer Assistance Program to continue working with lawyers indefinitely who remained in medically prescribed active addiction.

At the April 2000 LAP Board meeting, participation in a cross-professional survey with the doctors, pharmacists, nurses, and dentists was discussed. The survey was administered under the umbrella of the Consortium of Professional Recovery Programs in North Carolina that was started a few years earlier by Dr. Vanderbury, the director of the Physicians Professional Health Program. Elsewhere in this issue is an article describing the initial results of the survey which was completed in 2009 (see page 12).

During 2003 and 2004 the LAP Board spent time focusing on ways to assist Bar Councilors in doing their job. At this particular time the Bar Council was considering procedures for councilors who had lawyers in their district who would not respond to letters from the Bar. Often these Bar inquiries concerned very minor matters. As a result of this discussion the Board had staff prepare a *Guide for New Bar Councilors on Impairment in the Legal Profession*. This turned out to be a very comprehensive discussion of ways that any Bar leader could utilize the LAP program to help lawyers who might need assistance.

During 2004, Mary Howerton, the former executive director of the Mecklenburg Bar and a LAP Board member, presented to the LAP Board the results of her doctoral research. Her thesis was entitled *The Relationship of Attribution Style, Work Addiction Perceived Stress, and Alcohol Abuse in Lawyers in North Carolina*. Mary's research showed that, in comparison to earlier studies, the rate of depression among lawyers had increased significantly. Mary noted that the data showed an increase in the level of dissatisfaction with the practice of law among younger lawyers, particularly those in practice for less than five years. At this time the Board was discussing the possibility of adding a third clinical position on the LAP staff and it was agreed that this position, in addition to regular clinical duties, would be utilized to focus on helping younger lawyers and in outreach to law schools. Towanda Garner was hired

CONTINUED ON PAGE 24

Work and Well-Being

BY DARCY CLAY SIEBERT

Close to ten years ago, the members of the Consortium for Professional Recovery Programs began discussing a collaborative project to survey North Carolina professionals. This consortium, comprised of representatives from medicine, law, dentistry, pharmacy, psychology,

nursing, and social work, met regularly to discuss methods to improve the behavioral health issues experienced by their professionals. The consortium members believed that both services and policy could be improved if they had current data about the behavioral health and occupational issues facing their memberships.

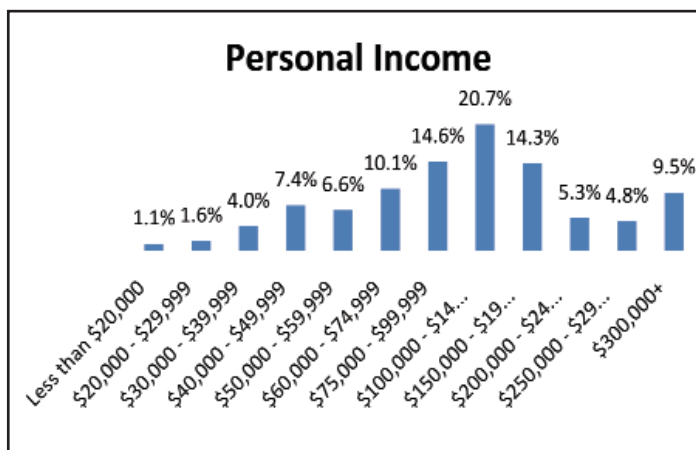


Development of Work and Well-Being: A Survey of North Carolina Professionals. Through the tireless efforts of consortium members, the project was refined through an iterative process, ensuring the scientific validity and the professional relevance of the findings. The results of this project, ultimately funded and implemented last year, are summarized herein.

We mailed questionnaires to a probability sample of members of the North Carolina State Bar, and we received 390 usable responses. The questionnaire was lengthy, and it included occupational items about workplace and workload, behavioral health questions about alcohol and other drug use, depression, and burnout, along with demographic items. The survey was anonymous; that is, the identity of the respondents could not be connected to the information they provided. As a result, most respondents answered all the items, and many provided written comments as well.

The demographics of the respondents were well distributed. Lawyers' ages ranged between 27 and 90, and the average respondent was 50 years old. Most were married (80.5%), white (91.7%), male (61.1%), and straight (97.4%), and the mean household income was between

Over the next several years, the consortium members worked together to develop a comprehensive set of issues that were relevant to all the professions, along with issues that were idiosyncratic to each discipline. The results of this effort provided the foundation for the devel-



\$100,000 and \$150,000 per year.

More than 20 different areas of practice were represented, but a large number of respondents practiced in real estate law (12.7%), criminal law (11.9%), family law (11.4%), and general practice law (9.0%). Other areas of practice included business litigation (6.1%), corporate law (6.1%), trusts and estates (4.8%), plaintiff's personal injury (4.5%), and a variety of additional practice specializations. Although the majority were in solo practices (28.9%), many practiced in small firms of two to four lawyers (24.0%) or four to eight lawyers (12.0%), and others practiced in firms of 20-50 lawyers (16.9%) and firms of over 50 lawyers (18.3%). Respondents' clients were largely city-dwellers (58.0%), and most respondents practiced in private firms (72.5%). Respondents had, on average, 22 years of professional experience. The NC State Bar does not collect demographic information about its members, so we have no way of knowing whether this sample adequately represents the population of lawyers in North Carolina. However, the sample resembles the membership of the American Bar Association in terms of mean age (48), gender (67.1% men), and race (88.7% white). The wide range of demographics in our sample gives us some confidence that no one group is dramatically over-represented.

The lawyers in this sample work very hard. Weekly billable hours reported ranged from 0 to 75, with a mean of 29.5 hours. Average number of hours worked per week ranged from 0 to 80, and although 47% reported no on-call responsibilities, 25% reported being on call 20 out of the previous 30 days. In addition, 42% reported taking work home frequently or daily, and 79% reported taking only 15 or fewer days of vacation in the previous year. Although the average number of vacation days reported was 12.8 in the previous year, 5% took no vacation days at all. Despite all the hard work, 67% of respondents were somewhat or extremely worried about their future income because of changes in the profession, and they provided these responses before experiencing the full impact of the current recession.

The lawyers in this sample also faced a number of challenges in the workplace. For example, one quarter of respondents either agreed or strongly agreed that they faced pressure to compromise on professional ethical issues, and another 13% reported a

"neutral" response.

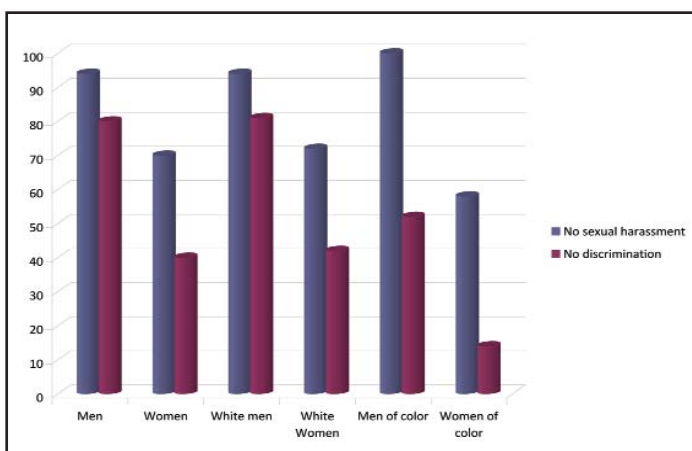
Most respondents (74.5%) reported having the material resources that they needed to do their jobs. However, 64.5% believed that they had enough support from co-workers, 36.7% reported having sufficient supportive supervision, and another 31% reported having no supervision. This is important, because material and social kinds of support tend to be mitigating factors for occupational stress. Without a doubt, lawyers in this sample were feeling occupational stress—38% agreed and 24.6% strongly agreed that their workplace was stressful, while only 15.6% disagreed or strongly disagreed that they worked in a stressful environment. A number of respondents also wrote about the stressful nature of their work, as represented by the following comments:

"In my view, a litigator's life is designed to be stressful. Clients are upset about being in a lawsuit. Opposing counsel are (sic) usually stubborn for no reason. And courts are looking for every reason to sanction lawyers for missteps. The key to lawyer well-being is working at a firm or other workplace where a balanced life is valued more than profits. Good luck finding that."

"Attorneys have a tremendous amount of pressure—some external and some internal. We are expected to hear and see things that the rest of society doesn't want to know about—especially in the criminal law setting. Many people get into the profession thinking that it automatically brings a six-figure salary—it is becoming more of a job than a profession, which is sad..."

"They never told me in law school how hard it would be to balance work, family, and God. I am sort of getting there, but find that most of these life issues are taboo, something my fellow lawyers do not want to talk about."

With regard to the experience of sexual harassment and discrimination in the legal profession, it is advantageous to be a man, and to be a white man in particular. Men experience lower levels of harassment and discrimination. All women experience higher rates of both, but women of color are partic-



ularly disadvantaged.

It is not surprising, then, that 39% of this sample of lawyers scored at or above the cutoff score for burnout and only 53% scored above "neutral" in professional life satisfaction; 6% of the total sample scored quite high, but 17% reported very low professional life satisfaction. Similarly, the average score on commitment to the lawyer role was only slightly more than "neutral."

In addition to limited professional satisfaction and commitment to the lawyer role, respondents also appeared to be experiencing some depression as well. As measured by the Center for Epidemiological Studies Depression Scale, 10.3% of the respondents scored at or higher than the cutoff for depression. Respondents also entered the profession with a history of behavioral health issues. For example, 20% reported alcohol or other drug abuse by a biological parent, 17% had an emotionally or psychiatrically troubled parent or caregiver, 16% reported being emotionally abused, 5.4% were physically abused, and 3.3% were sexually abused. Growing up in a troubled family certainly can place people at risk for their own behavioral health problems, so these statistics are cause for concern. It is not surprising, then, that 16% of lawyers reported their current mental health as fair or poor, that 12.4% reported taking a prescription for stress or anxiety, and that 11.4% reported taking a prescription for depression.

Not all lawyers in the sample handled their anxiety or depression with prescription medication. Instead, 44% reported relieving their depression or anxiety by drinking or using drugs in a way not prescribed by a physician, with 4.4% of these drinking or using drugs for relief either often or daily, and another 11% doing so "sometimes." Several respondents commented on this.

“...over the last number of years I have had a tendency to drink too much, but I find that it is more of a habit to relieve stress than a chemical dependency.”

“...I can see how the sorry state of our profession exacerbates stress, depression, and a general lack of satisfaction with one’s career choice. And for persons with a tendency to drink and/or do drugs, it is quite easy to understand how this profession could escalate their consumption.”

“Getting out of the law firm grind and into solo practice was one of the best actions I’ve taken for quality of life, but I was nine years in AA before having the courage to make the move.”

Drinking among lawyers was extensive, as demonstrated by the 72.5% of respondents who reported drinking at least weekly. Lawyers, like other professionals, tend to under-report the amount that they drink, as they want to give a good impression of themselves, even in an anonymous survey. Despite this tendency to answer in a socially desirable manner, 25.4% reported drinking five times a week or more, and 13% of the entire sample reported drinking daily. In addition, 53.2% drank until “high” one or more times in the last 30 days, 19.8% drank until high once a week or more, and 8.6% drank until high three or more times per week.

High-risk or “binge” drinking is a serious issue, as this pattern of drinking places the drinker at high risk for serious, adverse consequences like traffic accidents and health problems. Defined by the National Institutes of Health (NIH) as drinking five or more drinks at one sitting for men, 8.3% of men reported binge drinking once a week or more, and 34.7% of male respondents reported binge drinking once during the previous month.

The statistics for women were even more troubling. The NIH definition of binge drinking for women is drinking four or more drinks at one sitting, and although 29.2% of women reported binge drinking at least once during the last month, 9.1% of female lawyers in the sample reported binge drinking once a week or more.

Historically, drinking has often been a part of the legal profession—while having a meal with prospective clients, for example. Although only 7.3% of respondents believed that their firm encouraged drinking, 28.5% believed that the profession’s attitude is that drinking is a part of being a lawyer. This is illustrated by one respondent’s comment that, “At almost every attorney function there is an open bar and a lot of drunk attorneys and their spouses are there.”

Among all respondents, in the previous 12 months 9.4% reported drinking on the job at least once and 3.8% reported going to work after drinking alcohol. However, reported drug use at work was quite low at slightly less than 2%, but most respondents also reported that it would be easy or very easy to obtain and use drugs at work. It is important to note that these statistics likely reflect the aforementioned social desirability bias in reporting personal behavior.

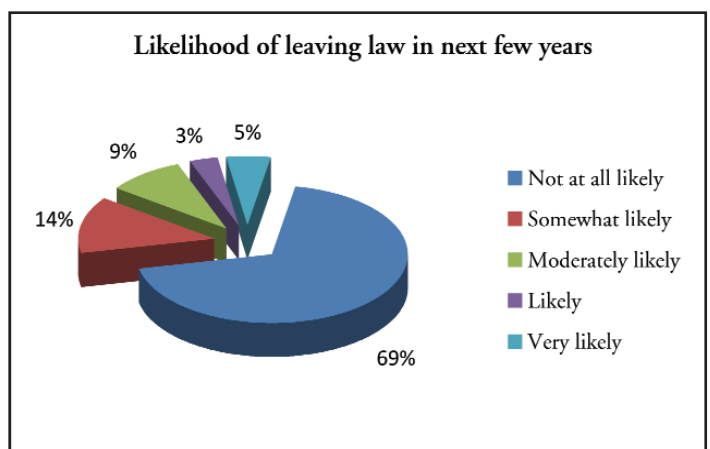
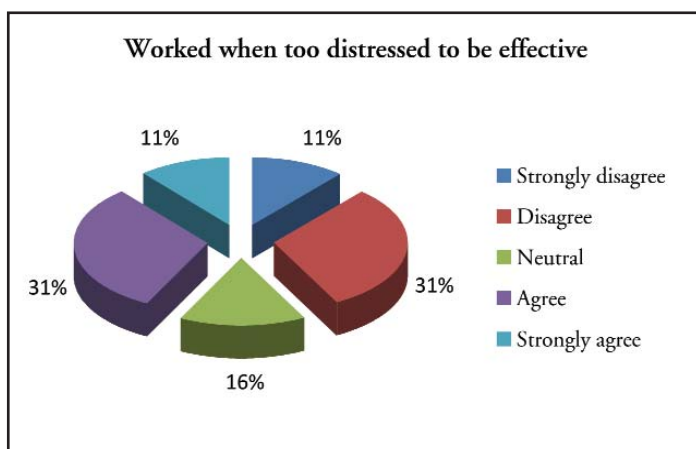
The news about drinking among lawyers is not all cause for concern, however. Although 5.4% reported active alcohol or other drug abuse issues, 7.9% considered themselves to be recovering or recovered from past alcohol or other drug abuse. The length of continuous recovery ranged from less than one to 50 years, with a 15-year mean length of recovery. This may be, in part, a result of the work of the Lawyer Assistance Program (LAP). A remarkable 97.4% of respondents reported knowing about the LAP, and 70.2% felt confident or very confident that they would refer colleagues

to the LAP. Professionals tend to be reluctant to seek help for themselves, and the participants in this survey were no different. Nevertheless, 36.8% felt confident or very confident that they would use the LAP for their own personal issues—perhaps because most respondents (55.8%) felt that their use of it would remain confidential.

Unfortunately, the lawyers in this sample were not inclined to seek other kinds of professional help. In fact, the numbers were so low that they would not support statistically valid analysis. This reluctance was likely a consequence of lawyers’ individual opinions and characteristics. For example, less than half of respondents (42.7%) believed that the profession sincerely encouraged counseling, and although 54.2% of respondents personally believed that counseling was a good way to deal with personal problems, another 41.4% had mixed feelings about counseling. Most telling, perhaps, is that 48.4% either agreed or strongly agreed that they have difficulty asking for help.

Additional evidence of lawyers’ reluctance to seek help was that although only 4.4% of the sample sought formal help for their alcohol or drug misuse, 7.7% of the entire sample reported using informal strategies. The most common techniques utilized included exercise, relaxation techniques, and talking with friends or family.

Law schools appeared unlikely to address alcohol and other drug misuse in their curricula. Sixty-seven percent of respondents reported having no training at all on the psychological aspects of chemical dependency, and another 14.8% reported having only one part of a class lecture on the topic. Only one-half of 1% reported having a course on the alcohol and drug misuse. Continuing education is,



however, available to lawyers. Among the respondents to the survey, 33.1% reported that the CLE presentations on mental health and addictions have been helpful or very helpful to them personally, but the typical response was “slightly helpful.” Given the ongoing problem of alcohol and drug misuse among lawyers, it might be useful to consider developing current, evidence-based curricula for dissemination in law schools and continuing education environments.

A major concern for the legal profession, of course, is whether stress and other behavioral health issues impair their professionals’ practice. Because of social desirability, it is difficult for lawyers and other professionals to self-report this kind of professional impairment, as so much of their identity and self worth is tied to their occupation. As a result, professional impairment is commonly measured by a response on a single survey item—“I have worked when I was too distressed to be effective.” Among all respondents in this sample, 42.4% agreed or strongly agreed that they had worked when they were too distressed to be effective at their job.

Despite the concerns raised in this survey, most lawyers in this sample were not ready to leave the profession. When asked how likely it was that they would stop practicing law in the next few years for reasons other than retirement, 68.8% said that it was not at all likely, and only 8.7% said that it was likely or very likely. This may be evidence of their commitment to the profession, despite the occupational and personal stressors they feel. However, when asked if they would advise their children to become lawyers, 41.9% said that they would not. This survey item, often considered to be one of the best measures for assessing overall career satisfaction, highlights the ambivalence that many lawyers must be feeling about their work, also represented in the following written comments:

“Practicing law is extremely rewarding... and extremely stressful. I would only encourage a child of mine to become an attorney if they had some knowledge of what the work environment would be for them. I love what I do, but it wears hard on a person.”

“Law is an exhausting profession. Many times I am drained by my work. However, sometimes it is very satisfying. I think it is pretty much the same for all professions/employment.”

In contrast, several lawyers were quite clear about their feelings:

Web-Based Resources

North Carolina Lawyer Assistance Program
www.nclap.org

National Institute of Mental Health
www.nimh.nih.gov

National Institute on Alcohol Abuse & Alcoholism
www.niaaa.nih.gov

National Institute on Drug Abuse
www.nida.nih.gov

Self-Help Fellowships
Alcoholics Anonymous
www.aa.org

Narcotics Anonymous
www.na.org

Gambler's Anonymous
www.gamblersanonymous.org

Sex and Love Addicts Anonymous
www.slaafws.org

Finding A Support Group
www.supportworks.org

Mental Health Resources
Depression & Bi-polar Support Alliance
www.dbsalliance.org

Manic-Depression
www.ndmda.org

Bipolar Support
www.lucidinterval.org

National Mental Health Association
www.nmha.org

BarCARES (Confidential Attorney Resource and Enrichment Services)
www.ncbar.org/about/barcares.aspx

Postpartum Depression
www.intellihealth.com

Eating Disorder Referral & Information
www.EDReferral.com

Addiction Resources
National Clearinghouse on Alcohol & Drug Information
ncadi.samhsa.gov

Sobriety and Recovery Resources
www.recoveryresources.org

National Institute on Drug Abuse
www.nida.nih.gov

Hotlines
National Helpline for Lawyers
1-866-LAW-LAPS

National Suicide Prevention Lifeline
1-800-273-TALK / 1-800-273-8255
www.suicidepreventionlifeline.org

HopeLine of North Carolina
Crisis Hotline: (800) 844-7410

“I will discourage my children from this profession, and hope to God they never consider it.”

“I wish I had never gone to law school. My life is controlled entirely by my law practice. I have no free time. I am a slave to endless mounds of work. I hate the way judges tear into lawyers and are so cranky all the time, and disrespectful. I hope to get out of this profession as soon as possible. Too much risk. Bad for my health. My life is slipping away and I don’t have time to enjoy it. Yes, I help people, but there’s a cost—my health and livelihood. My personal life. It’s not worth it.”

“Very frankly, I would not go to law school today if a young person. The profession has

become much more specialized and is more stressful.”

“It is tough feeling that you have people’s lives in your hands sometimes. But I believe the Lord has enabled me to do this, and I view law as a serious and noble calling.”

“I love that I got a chance to be a member of one of the noblest professions on earth—the practice of law.”

This overview of the initial findings from the Work and Well-Being survey suggests that North Carolina lawyers face a significant number of occupational and personal challenges. Because the survey provided a very rich data

CONTINUED ON PAGE 17

A Kick in the Ass

BY ANONYMOUS

You don't have to live under a bridge to need some help. Sadly, some people have to lose enough to qualify to live under a bridge before they ask for help. That does not have to be you. I've been a lawyer for a decade and a half, though I am sometimes reminded that I've been on this earth a lot longer. For better or worse, becoming a lawyer and practicing as a lawyer taught me some bad habits that affect my ability to make healthy decisions.

When I was a kid, it seemed pretty natural to ask for help when I needed it. Admittedly, I was a stubborn kid, and quite often you would hear the kid equivalent of, "No, no, I got it." Of course, most of the time I had no problem asking someone "bigger" than me to help me out. That's what adults are for, right?

I'm not entirely sure when I stopped thinking I could ask for help. Maybe it was in law school where competition made the perception of weakness something worth avoiding. Maybe it was in the practice of law where my clients looked to me to be strong and completely self-sufficient. Maybe it was in trial, where saying, "I don't know" did not seem like an option. Whatever it was and however it happened, I stopped asking for help.

A wise friend once pointed out to me that refusing to ask for help was the height of arrogance and ego. When I responded that my lack of asking for help might actually stem from low self-esteem or fear of being perceived as weak, he flatly said, "Isn't worrying about what other people think the height of selfishness and ego?" Touché my friend, touché.

By this point, most readers may have

thought of someone they know who obviously needs help. Possibly, that person is the reader, but probably not. We think of the person who is in obvious pain or obvious dysfunction—the lawyer who has "started to lose it." But every lawyer currently riding the "lost it" bus stood in the line for that bus for a long time, procrastinating about getting some help.

Let's face it, most lawyers are procrastinators. We have too much to do so we make daily triage decisions. Triage is healthy, but when we get to the point that our triage criteria is based upon our *fear*, then we are not making healthy decisions, especially if our fear is not based in facts but in emotions. What do I mean by that? Missing a looming statute of limitations is a fact-based fear. Avoiding speaking to a client because we have not completed promised work is a fact and an emotion-based fear. Not talking to anyone is a fear born from emotions and internal conflict. It is not healthy.

I'm not a big fan of the word "blame," but recognize that the heart of many lawyers' practices is assigning responsibility for harms and seeking redress for those harms. It is natural for

lawyers to seek out the "causation" of our issues and possibly assign "blame." If we procrastinate getting help for ourselves, it may well stem from the fact that we self-impose unrealistic expectations on ourselves. We can't make mistakes, we can't admit weaknesses, and we simply don't have the time to deal with issues outside of our practices. There is just not enough time for "us." Does that ring true?

Whether we like it or not, ignoring our personal issues won't make them go away. Typically, they just get worse. What starts out as a temporary coping mechanism can quickly become a deep-seated instinct or addiction. If we do not take the time to address our issues now, then it is quite likely our problems will rise up and strike back without asking our permission to do so.

Early in my career I had a perfect storm of bad news. My employer, without notice, dissolved the law practice and I found myself without a job and without financial resources. There were problems with my parents and family. My law school loans were oppressive and I had no real savings. I was in a panic and yet I found myself having trouble making decisions. Auto-pilot had kicked in, but I was flying an empty airplane with no flight plan, no destination in sight, and low fuel.

Essentially, I froze with indecision because all of the personal choices I had to make seemed too overwhelming for me. For example, I was not answering my phone. I could not bring myself to talk to people. I'd return their calls but sometimes it would take days. Opening the mail became torture. I felt like every letter would hold bad news. I had to force myself to get the mail open. When there was no bad news, I started thinking that the news was just going to arrive the next day. I would write a letter three times, unable to decide on the content. I would excruciate over legal pleadings, certain that I had forgotten some "magic word," my case would be thrown out, and I would be humiliated and get sued

by my client. Everything felt urgent, yet somehow I was immobile. Of course, I didn't sit completely still, but "reorganizing my sock drawer"(my term for any seemingly helpful task that is not addressing the real problem) was not providing much forward momentum.

Had you known all of these things and asked me how I was doing, I would have told you, "I'm fine. I got it."

I was fortunate that while I was perfectly willing to BS myself into thinking that things were "ok," some people I loved were not willing to let me. They told me, "You are depressed. You need to talk to someone."

In a pivotal moment in my life, I was willing to try something new. Not only something new, but something that scared me and certainly threatened my idea of who I was.

Therapy was an amazing and positive experience. I wholeheartedly recommend it to anyone. I learned that my "immobility" was a result of moderate depression brought on by some difficult circumstances. Not a big surprise. I also learned that I had a lot of coping mechanisms from my life before law and my formative years that were not serving me well anymore. These coping mechanisms were deeply ingrained because when they developed they were survival mechanisms. I learned that those survival mechanisms were not helpful to me anymore, and in fact were hurtful and counterproductive. The good news was that I didn't need them anymore. Therapy helped me let go of those outdated instincts and substitute healthy instincts.

If I had been left on my own, I'm sure I would have survived that difficult time in my life, but I also know I would not have improved my inner-life. I would have simply "managed." Managing is not a really good life plan. And for me, long-term "managing" always resulted in bad side effects when my outmoded survival instincts kicked in.

My doctor prescribed antidepressants for a while. I really did not want to take them. Not my style, I would have said. My doctor said, "If I told you you were a diabetic and needed insulin, would you tell me it's 'not your style?'" Touché doctor, touché.

The antidepressants kicked in after a few weeks. I didn't feel elated. I didn't have a smile

THE CHARLOTTE SCHOOL OF LAW Seeks Tenure-track Faculty

The Charlotte School of Law is looking for tenure-track faculty for the 2011 academic year. Our mission is to provide a legal education that is student-centered, facilitates practice readiness, fosters personal integrity, and serves underserved communities. Striving to create a collegial work environment, we value emotional intelligence as much as IQ. In keeping with our practice ready mission, we prefer candidates with 4+ years of legal practice experience. For more details please visit www.charlottelaw.edu/jobs.asp.

on my face all the time. In fact, I hardly felt all that "up." But what I did notice was that decisions that had seemed overwhelming to me a few weeks earlier suddenly became less "life or death" for me. I started sleeping better and I was able to wake up and actually look forward to the day.

I had been wrong about the antidepressants. I had thought they would "boost" my mood. But what I came to realize was that depression had been hampering me, adding a lot of unnecessary weight to my backpack of real life issues. Once the medication became effective, the extra "rocks" of depression were taken out of my backpack and I could march forward, stronger and better. Antidepressants and therapy did not change who I was, they simply returned me to what I could be.

I'm still on my journey of being me. Each day holds new challenges, but I have a firm foundation upon which I can act. My career has been incredibly fulfilling since I came out of that dark place so many years ago.

I count myself as very lucky that I got some help early. Other than a few irritated clients, there were no long-term negative consequences to my career because of my depression. I don't know if I would have sought help on my own. I needed a kick in the ass. I'm just glad it came before I started losing people and things I held dear. I never had to live under that bridge, and I don't regret that for a moment.

Not everyone has someone who will reach out and encourage them to talk or get help. If you don't have that person and you can identify with any of the feelings in this article, please consider this your kick

in the ass. It is done with kindness and love because you deserve to live a fulfilling life. It can get better. ■

If you are having problems with alcoholism, other drug addictions, or mental health disorders, contact the Lawyer Assistance Program, a service of the North Carolina State Bar which provides confidential assistance to North Carolina lawyers to help them identify and address these problems. Go to www.nclap.org for your regional toll-free number. If you are eligible for the NC Bar Association's BarCARES benefit, which provides three free sessions of counseling, the Lawyer Assistance Program will assist in referring you to a therapist that will allow you to get this benefit.

Work and Well-Being (cont.)

set, we anticipate future articles with more in-depth analysis on a variety of topics to provide further insight into the well-being of North Carolina lawyers. For now, the bottom line is that the level of stress and occupational dissatisfaction is high. The tendency of lawyers to take medication has dramatically changed, but their reluctance to seek counseling remains very great. The good news from the survey is that the Lawyer Assistance Program is universally known. In addition, the substantial number of lawyers self-reporting as being in recovery from alcohol or drug abuse is noteworthy, likely indicating that the Lawyer Assistance Program is effectively carrying out much of its mission. On the other hand, there is still much room for improvement in creating less stressful work environments for lawyers and in providing an atmosphere within the profession where those needing assistance will more readily be willing to reach out for it. ■

Darcy Siebert, Ph.D., is an associate professor at Rutgers School of Social Work.

Suicide in the Legal Profession

BY BARBARA A. SCARBORO AND TOWANDA C. GARNER

Suicide recently received national attention from the president of

the United States, the US Department of Health and Human Services (DHHS), the surgeon general, the Center for Disease Control and the Substance Abuse



and Mental Health Administration (SAMSHA). The amplified concern related to the increased prevalence of suicidal thoughts and behaviors resulted in the aforementioned entities compiling a Treatment Improvement Protocol (TIP). TIP was compiled to provide research-based information for substance abuse counselors' preparation and utilization with clients and/or family members presenting with suicidal thoughts or ideations.

Suicide as a growing concern is further exemplified by statistics. The National Center for Health Statistics reported in 2006 an annual increase in deaths by suicide every year, totaling over 33,000 people in the United States dying by suicide every year. This is equivalent to 91 suicides per day, one suicide every 16 minutes or 10.95 suicides

per 100,000 people.

Suicide dates back to early civilization, with the most frequent method identified as hanging. Suicide is generally precluded by surmounting distress and pain-rendering feelings of disdain with little to no hope of managing or recovering from the mental anguish. TIP researchers comprised of a dis-

tinguished panel of experts defined suicide, suicidal behaviors, suicidal thoughts, as well as nonsuicidal thoughts and behaviors: "Suicide is a deliberate act of self-harm with at least some intent to die that results in death. Suicide attempt is a deliberate act of self-harm with at least some intent to die that does not result in death. Such acts have a wide range of medical seriousness. Suicidal ideations are thoughts of attempting suicide. Such thoughts have a wide range of specificity, intensity, and frequency. Suicide plans are a severe form of suicidal ideations that include identifying a method or scenario to attempt suicide."¹ Behaviors identified as nonsuicidal thoughts and behaviors were characterized as "thoughts of dying but without ideas for suicidal behavior *per se*. Nonsuicidal self-injurious behaviors are self-directed acts of self-harm without intent to die. Broadly, these acts tend to have intrapersonal (e.g., manage emotions) or interpersonal (e.g., communicate distress) motiva-

tions and include a variety of behaviors (cutting, piercing, burning) and a wide range of medical seriousness.”²

Incidences of suicide have impacted the legal profession resulting in the loss of valuable members. According to NC LAP Director Don Carroll, some statistical data suggest that lawyers are more at risk for suicide than other professions or vocations. Results from a 1992 National Institute of Occupational Safety and Health study indicated that male lawyers in the United States are twice as likely to commit suicide in comparison to their counterparts in the general population.³ Suicide is the second leading cause of death among 25-34 year olds and the third leading cause of death among 15-24-year olds. Males take their own lives at nearly four times the rate of females and represent 79.0% of all US suicides. Suicide rates for males are highest among those aged 75 and older (at a rate of 35.7 per 100,000). Females’ susceptibility is reportedly steady with a ten-

Statistics Regarding Depression, Alcohol Abuse and Suicide Among Lawyers

- Research conducted at Campbell University in North Carolina indicated that 11% of the lawyers in that state thought of taking their own life at least once a month.
- According to a 1991 Johns Hopkins University study of depression in 105 professions, lawyers ranked number one in the incidence of depression.
- Male lawyers in the United States are two times more likely to commit suicide than men in the general population (National Institute for Occupational Safety and Health, 1992).
- One in four lawyers suffers from elevated feelings of psychological distress, including feelings of inadequacy, inferiority, anxiety, social alienation, isolation and depression (*Bar Leader Magazine*, March/April 1998).
- There is a higher rate of depression among law students than any other professional student body (Tennessee Bar Association, 2007).

dency to peak during their 40s.⁴ Similarly, a 1997 study found that suicide was the third leading cause of death among lawyers insured by Canadian Bar Insurance.⁵ Cancer and heart problems were the leading reasons for death claims for the two-year period studied. The suicide rate was about 69 deaths per 100,000 people, nearly six times the suicide rate in the general population, according to a study summary. From a multicultural perspective, in the US suicide is highest among white males, American Indians, and Alaska Native males. Lower incidences of suicide are purportedly among African American and Hispanic or Latino females.⁶ The latest data from the National Center for Injury Prevention and Control reported a total of 32,637 deaths by suicide in 2005.

Suicidal behaviors often co-occur with substance abuse or other diagnosable emotional and psychological disorders. Suicidal behaviors and substance abuse disorders co-occur more often than not.⁷ Although psychological disorders are not associated with all suicides, it is reported that nearly 90% of adults who commit suicide have a diagnosable psychological disorder.⁸ The most frequent co-occurring are major depression, schizophrenia, and alcohol-related disorders.

Among lawyers, judges, and law students, depression has been reported as a major concern and a predisposing risk factor for suicide. Within the legal profession, about 19% of lawyers experience depression at any given time, compared with 6.7% of the general population. Other contributory factors to higher suicide rates within the legal profession include, but are not limited to, personality characteristics associated with lawyers such as perfectionism and competitiveness, co-occurring with depression.⁹

For some people, depression is so painful that their thoughts turn recurrently to ideas about escaping from the torment that characterizes every day.¹⁰ It is suggested that the risk of suicide is greatly elevated among people with severe mood disorders, such as major depression and bipolar disorder; thus, it is critical that the signs and symptoms of depression are clearly recognized to help avert a possible suicide.

Symptoms of depression include the following: depressed mood or loss of interest or pleasure in nearly all activities (i.e., changes in appetite or weight, sleep, and psychomotor activity; decreased energy; feelings or worthlessness or guilt; difficulty thinking,

What Are the Warning Signs?

1. A deepening depression
2. Pre-suicidal comments or statements.
3. Putting affairs in order and making final arrangements.
4. Unexplained cheerfulness.
5. Serious risk taking.
6. Other self-destructive behavior.

concentrating, or making decisions; or recurrent thoughts of death or suicidal ideation, plans, or attempts.¹¹ These diagnostic criteria or signs and symptoms manifest differently in each individual. In diagnosing clinical depression, it is not necessary for an individual to exhibit all the signs or symptoms: “the diagnosis is typically made if at least a few signs are evident, particularly a mood of profound sadness that is out of proportion to the person’s life situation, and a loss of interest and pleasure in previously enjoyable activities.”¹² According to the American Foundation for Suicide Prevention, about 15% of the population will suffer from clinical depression at some time during their lifetime; 30% of all clinically depressed patients attempt suicide; 15% of them succeed over a lifetime. Individuals diagnosed with a mental disorder are between seven and 10% at greater risk of committing suicide.¹³

Carroll stated that “depressed individuals may be more prone to use addictive substances to deal with feelings of sadness and isolation.” While approximately 10% of the population suffers from alcoholism, the number jumps to almost 20% in the legal profession, or one in five lawyers.¹⁴ Substance abusers are ten times more likely to commit suicide than the general population. The American Foundation for Suicide Prevention reported that alcohol is a factor in about 30% of all completed suicides. Over 60% of all people who commit suicide suffer from an affective disorder. If one includes alcoholics who are depressed, this figure rises to over 75%.¹⁵

The highly alarming statistics presented illustrate the urgency to address suicide within the legal profession and to encourage seeking assistance to promote wellness.

What Are the Signs?

Throughout the literature, circumstances precipitating and contributing to suicidal

What You Can Do To Help Save a Life

1. Take it seriously.
2. Remember: Suicidal behavior is a cry for help.
3. Be willing to give and get help sooner than later.
4. Listen.
5. Ask: "Are you having thoughts of suicide?"
6. If the person is acutely suicidal, **DO NOT LEAVE THEM ALONE.**
7. Urge professional help.
8. No secrets.
9. From crisis to recovery

Source: *Tips from Suicide Prevention Resources* (2004).

thoughts and behavior are coined risk factors, while factors in an individual's life that prevent, reduce, or alleviate risk factors—thus decreasing suicidal thoughts and behaviors—are called protective factors. Risk and protective factors vary individually, but should be identified when suicidal thoughts or ideations are suspected or assessed. As listed by the *Desk Manual on Mental Illness for LAP Directors*, here are some signs to observe, question, and assess.

1. **A deepening depression** or expressions of utter despair or hopelessness. Such feelings may indicate a downward spiral, especially if combined with the use of alcohol or harmful drugs.

2. **Pre-suicidal comments or statements.** Often suicidal people will actually make suspicious comments about suicide, death, or despair or hopelessness. These statements can be missed or even ignored if the listener is confused or embarrassed.

3. **Putting affairs in order and making final arrangements.** A pre-suicidal person may suddenly finish a will, give away prized possessions, or put their affairs in order for the first time in a long time. Sometimes they will make direct or even vague statements that they are not going to be around.

4. **Unexplained cheerfulness.** A suicidal person may suddenly appear cheerful after a long period of being down. Their depression may suddenly be replaced by a strange elevated mood. It seems that a decision to commit suicide can serve to remove the burdens or the

perception of burdens on a suicidal person. Having decided on a solution, the suicidal person may feel a lessening of their pain.

5. **Serious risk taking.** Driving at high speeds is a perfect example. There are many, many unexplained, single-occupant car accidents where someone appears to have driven into a barrier or off the road.

6. **Other self-destructive behavior.** These may include severe bouts of drinking or drug abuse, or even walking the winter streets without hat, coats, or boots.

Protective factors may consist of the following: access to and participation in counseling or clinical intervention; family, church or community support; effective stress management, conflict resolution or problem-solving skills; values or cultural characteristics that frown upon suicide; or children or other responsibilities. Understanding suicidal tendencies or behaviors is critical in obtaining professional help for the individual at risk. Dispelling misunderstandings or myths is essential to preventing suicide and accessing professional help.

Some Myths and Facts About Suicide

1. **Myth:** People who talk about suicide are just seeking attention and won't really try to kill themselves.

Fact: Studies show that 75% of those who commit suicide talk about it or display other warning signs before attempting it.

2. **Myth:** Suicidal people are intent upon dying.

Fact: The majority of suicidal people are not intent upon dying. Often, they simply see no other viable option. The warning signs they give are desperate calls for help before they choose this final option.

3. **Myth:** Talking about suicide and a person's suicidal feelings will only encourage that person to commit suicide.

Fact: Talking about suicide may be the only thing that can save the person's life. It can give them a sense of connection and hope. It shows the person that someone cares and finds them important enough to listen to and help.

4. **Myth:** Improvement in emotional state means less risk of suicide.

Fact: The fact is that people often commit the act after their spirits begin to rise and energy level improves; this appears to be especially true of depressed patients.

Most people have suicidal thoughts or feelings at some point in their lives; yet less

than 2% of all deaths are suicides. Nearly all suicidal people suffer from conditions that will pass with time or with the assistance of a recovery program. There are many modest steps that can be taken to improve the response to the suicidal individual and to make it easier for a person to seek help. Taking these steps can save many lives and reduce a great deal of human suffering. ■

Towanda C. Garner, MA, LCAS, Certified QPR Gatekeeper Instructor, is employed with the North Carolina Lawyer Assistance Program (LAP) as the Piedmont Coordinator.

Dr. Barbara A. Scarboro, NCC, LPC, LCAS, ICAADC, CCS, NCLSC, Department of Human Development & Psychological Counseling, Appalachian State University, is a LAP Board Member. Correspondence regarding this article should be addressed to TGarner@ncbar.gov or scarboroba@appstate.edu.

Endnotes

1. US Department of Health and Human Services, Treatment Improvement Protocol (TIP) 50 Series, *Addressing Suicidal Thoughts and Behaviors: Part 3* (2009).
2. *Id.*
3. Jones, D. P., & Crowley, M. J., *Depression and Suicide* (2006), retrieved August 24, 2009, www.mobar.org.
4. National Center for Injury Prevention and Control, *WISQAR Fatal Injuries: Leading Causes of Death Reports* (2007).
5. Weiss, D. C., *Lawyer Personalities May Contribute to Increased Suicide Risk*, ABA Journal - Law News Now (2009).
6. See note 4 above.
7. Kessler, R.C., Borges, G., & Walters, E.E., *Prevalence Of and Risk Factors for Lifetime Suicide Attempts in the National Comorbidity Survey*, Archives of General Psychiatry, 56, 617-626 (1999).
8. *Id.*
9. See note 5 above.
10. Halgin, R. P., & Whitbourne, S. K., *Abnormal Psychology: Clinical Perspectives on Psychological Disorders (5th Ed.)*, (New York, NY, McGraw-Hill, 2008).
11. American Psychiatric Association, *Diagnostic and Statistical Manual of Mental Disorders* (2000).
12. Davison, G., Neale, J. M., *Abnormal Psychology (6th Ed.)*, (New York: John Wiley & Sons, Inc., 1994).
13. Cavanagh, J.T., Carson, A.J., Sharpe, M., & Lawrie, S.M. (2003). *Psychological Autopsy Studies of Suicide: A Systematic Review*, Psychological Medicine, 33, 395-405.
14. Sweeney, M. J. *The Devastation of Depression: Lawyers Are At a Greater Risk--It's an Impairment to Take Seriously*, viewed February 2, 2008, www.abanet.org/barserv/22-6dev.html.
15. American Foundation for Suicide Prevention, *Facts About Suicide* (1995), viewed August 24, 2009, www.afsp.org.

Alcoholism is a Family Disease

BY ANONYMOUS

Both of my parents are alcoholic. My mother was able to get sober in AA. My father was not. Seven

years ago I fed my father scotch and water out of a Styrofoam cup in the hospice unit so that he would not go into DTs. I grew up in a time before the

words “domestic violence” were coined. My parents just drank and fought. My mom admits that she initiated the physical fights. But my dad always won them. In those days she just donned oversized sunglasses to hide the black eyes. I have too many memories of fleeing our home in the middle of the night—me in my cotton flower-print nightgown, my younger brother in his Scooby-Doo footie pajamas—my mother dragging us from our beds, escaping to the safety of my aunt’s house.

Once I grabbed my cat in the mad dash to the car. To my six-year-old mind the cat, too, must have been in danger. Looking out the back windshield of the car, I watched my father watch us drive away. He was yelling. Or crying. You see, everyone is a victim of the

disease of alcoholism, including the drinker.

When I was four years old, my parents began a dance to the tune of separate-then-try-to-make-it-work-again. Once, my mother picked me and my brother up from school, then took us “home” to a different place than



the one we left that morning. It was all very dramatic. She had called in sick that day, secretly left my father, and moved our belongings to an undisclosed location. No matter. Dad was living with us again a few months later. They finally divorced when I was eight, but that did not stop the insanity. As my mom’s alcoholism progressed, various men from the bars made their way through our house. Stepping over a huge slob of a man passed out face down across the living room floor one night, I looked over at my mother and said, “What are you doing?” (not in the colloquial sense). I was nine.

Given the chaos of my home life, school provided stability and safe haven. Teachers suspected something was amiss. I doubt they could have guessed anything near the truth. My mother was a well-known and respected professional in the community. And she was really good at her job. She was a “highly functional alcoholic.” Many teachers gave me special attention, for which I am eternally grateful. It worked; I thrived in school. I

knew exactly what was expected and I could deliver. In return I received the praise, acknowledgement, and recognition I so desperately craved. Achievement became a major coping mechanism. It served as a substitute for what I was not getting at home and what I never learned to give to myself.

My parents both suffered from blackouts. A blackout is different from passing out. A person in a blackout walks and talks and goes about doing whatever she/he is doing, but has no memory of it the next day. For those of us that do remember, it is literally crazy trying to live with this on a day-to-day basis: missed appointments, being left somewhere, forgotten about, being told something did not happen that I watched happen with my own eyes. But I learned (as early as three years old) not to say anything about what went on lest I suffer a beating. When people suffer from blackouts and you are dependent upon them for things like food, shelter, and safety, you learn quickly how to survive—and how to stop depending on them as soon as you imagine you are able (even if you are not).

By the age of ten I was as self-sufficient as a ten-year-old raising herself could be: cooking, cleaning, raising my brother, and counseling my mother. When my mother moved in with and eventually married my step-father, my defensive and survival patterns became deeply ingrained. My step-father did not drink, nor did he work. He was an unrecovered adult child of an alcoholic and was prone to binges of rage—tantrums complete with property destruction thrown in as a bonus. Thankfully he eventually found Al-Anon (after I had left for college) and was able to heal from the abuse he suffered as a child. I will not detail my life with my step-father here other than to say it was drilled into our heads daily that we, the kids, had caused and were responsible for his anger and outbursts. My mother looked to me, her 11-year-old daughter, for every type of emotional support and rescue in the chaos of that abusive relationship.

I was the parent, she the child. As the first born, I was thrust into the role of hero/rescuer. My mother heaped every unmet expectation or disappointment of her life on to me. She put me on a pedestal and lived vicariously through my every achievement. My achievements masked the shame I felt about my family—I put forth quite an image to the world and lost connection to myself and my

heart in the process. It does not take a PhD in psychology to discern how growing up in this environment might impact the formation of a child's personality, perceptions, coping mechanisms, and reactions to life. I began drinking at 13 to anesthetize the pain. By 18 I found no reason to live. But, as these things go, God had other plans for me and I found AA and got sober. Not a blip on my résumé would ever show what was happening behind the scenes.

I went to college, then eventually on to law school. I excelled but was driven in a way that was self-destructive. I was a true perfectionist and workaholic. My personal relationships were a disaster. I always picked totally irresponsible, emotionally abusive, alcoholic men who needed rescue, and I scrambled to do everything I could for them so I could earn their love. Work relationships weren't much better. I always wound up with exploitative bosses who publically degraded me while I worked tirelessly, running myself ragged to prove I could do a good job and earn their approval. Alcoholism affects people differently. This description, taken from an Al-Anon book entitled *From Survival to Recovery*, aptly sums up how it impacted me:

Growing up with the chaos and unpredictability created by alcoholism caused many of us to mask our confusion, anger, and shame by trying to be perfect. To prove to ourselves and the world that there was nothing wrong with us or our families, we scrambled hard in school to get straight A's, or worked feverishly at home to keep everything neat and tidy. We became star athletes, artists, corporate leaders, humanitarians, and outstanding citizens. Inside, however, we feel driven, terrified of failure, unable to relax or play, and lonely. Toward less responsible people who seem to make our efforts at perfection harder, we often feel self-righteous and angry. Convinced that something terrible will happen if we lose control, we run ourselves ragged trying to take charge of everything and never know how much is enough. Until we begin to recover, many of us are trapped in a compulsive need to give more, love more, and do more.

For me, being sober and working a committed program in AA did not address or fix these problems or tendencies I had. AA could not lay a glove on them. But my AA program was what led me to the doors of Al-Anon right before I entered law school.

In law school I struggled with picking the right legal career path. Desperately needing others' approval, validation, and recognition, it was unclear which path to take. With constant outspoken pressure from my mother to save the world (and the need to gain her approval), a public interest job seemed best; yet a job at a big firm would look good and show the world (really, convince me) that I was good enough after all. By the time I graduated law school I had 15 years of sobriety and enough self-awareness to know that, given my penchant for rescuing, a job at legal aid (my natural inclination) would probably kill me. I did not know I was still trying to mask my own shame, and the pull of the big firm image of success was too much to resist, so that was my choice. If only it had worked to heal me! It didn't. I did not realize that the nature of the job is actually unimportant when a person has no internal boundaries.

Some key concepts in Al-Anon are boundaries and detachment. Before coming to Al-Anon, I could not separate me from you. Your problems were, by definition, my problems. It was my responsibility to fix, rescue, and save you—even from yourself and your bad choices. I was a Solution Provider. (It took a little while in Al-Anon to realize other people experienced that as control.) So it might not surprise you to learn that no matter what job I landed, I was going to be in trouble. How alcoholism works in my life (even when no one is drinking), is that I need to make you OK so I can be OK.

I began in a litigation practice and found I could not detach from the difficulties of my clients. Whether they made a bad business decision that had cost them financially or were having health problems and trying to get disability, I was up at night, losing sleep, obsessively thinking about how to win their cases so they would be OK. A partner at the firm stepped into my office one day and expressed concern that I might be "going too far" in a case and that I needed to "learn to step back a little" from the situation. I began using the Al-Anon principles at work and began getting a better night's sleep. I began detaching from client's bad choices. I learned that it was not my chaos, my drama, my life. Some of this comes naturally to those who were not raised with alcoholism, but for those of us who were, it is a monumental shift in consciousness and a big step towards freedom.

Though my spiritual development and

seeking in Al-Anon, I realized I had been grasping for external approval and recognition though achievement. The problem was, because I was unhealed inside, it was never enough. Another passage from the Al-Anon literature states, “[Growing up in an alcoholic home means] needing to hear over and over again, ‘You’re wonderful!’ yet never believing it. So I always need to hear it again, and it’s still not enough. It’s feeling that I am not enough. It’s having to do [more] so that I can earn love [respect, happiness], yet feeling that what I give is never enough.”

How did that manifest for me as it relates to my legal career (and life)? Awards, accolades, plaques of recognition and achievement, winning law school competitions, young lawyer committees and bar leadership roles, billing billing billing to gain the praise of partners, working so many hours to the very real detriment of my marriage, and being so lost in perfectionism, people pleasing, and approval seeking that I had no true idea of who I was, what I valued, or even what I wanted. My entire worth and identity were wrapped up in what you (the legal community, in this case) thought of me. And you actually thought very highly of me. But one day I woke up and realized I was just miserable. (One of the gifts of working a program in AA/Al-Anon is that I cannot stay miserable for too long without waking up to it and then having to do something about it.) I saw that for me it was all an illusory payoff, like being invited to a black tie gourmet dinner made entirely of...air. I leave hungry. If my worth and value is not coming from a wellspring within me, from an intrinsic place inside, and is instead dependent upon external praise, rewards, and accolades, then I am doomed, for I must always have the next, better notch in my belt to continue to affirm my worth. Coming from that place, it is too risky to ask what it might mean about me and my value or worth if I did not win or you did not approve.

The workaholicism and associated recognition, while temporarily making me feel a bit superior to those around me, sucked the very joy out of my life. Neither is it a good way to attract genuine or meaningful friends. My driven perfectionism left me with no emotional energy for my marriage or myself. No creativity. No spontaneity. I was constantly driven by the next task, the next item on the to-do list. And I did this in multiple areas of my life, not just work. It is an exhausting

Take the Alcoholism Test

YES NO

- ☐ ☐ 1. Do you get to work late or leave early due to drinking?
- ☐ ☐ 2. Is drinking disturbing your home life?
- ☐ ☐ 3. Do you drink because you are shy with other people?
- ☐ ☐ 4. Do you wonder if drinking is affecting your reputation?
- ☐ ☐ 5. Have you gotten into financial difficulties as a result of drinking?
- ☐ ☐ 6. Does drinking make you neglect your family or family activities?
- ☐ ☐ 7. Has your ambition decreased since you started drinking?
- ☐ ☐ 8. Do you often drink alone?
- ☐ ☐ 9. Does drinking determine the people you tend to be with?
- ☐ ☐ 10. Do you crave a drink at a definite time of day?
- ☐ ☐ 11. Do you want a drink the next morning?
- ☐ ☐ 12. Does drinking cause you to have difficulty sleeping?
- ☐ ☐ 13. Is it difficult being honest with your physician about your drinking?
- ☐ ☐ 14. Do you drink to build up your self-confidence?
- ☐ ☐ 15. Have you ever been to a hospital or institution because of drinking?
- ☐ ☐ 16. Do family or friends ever question the amount you drink?

If you answered yes to two or more of these questions or if you are simply sick and tired of being sick and tired, you should call PALS today.

way to live. I discovered that striving to be and appear perfect, winning awards, and gaining the praise of colleagues does not fulfill my soul, connect me to others, or bring me the peace I crave. It never will.

There is something to be said for actually achieving and getting everything you ever thought you needed in order to make you feel happy and fulfilled and finding it falls flat. I knew it wasn’t working, which propelled me to search further, deeper, in a completely different direction. So I left the big firm and ventured out into new territory, seeking to find a legal career (and life) that was more satisfying and authentic. I

detail for you here my career path, but as much or more was happening in my personal relationships and my spiritual development as I progressed with working my Al-Anon program.

I eventually landed in a small firm with a niche practice, working from home. No office on the 30th floor overlooking the city. No suit. No big-firm name backing me up. No business card. Nobody knew where I worked or even what I was really doing. Nobody “out there” was providing any recognition or approval. And I stopped striving for it. And the funniest thing happened. I was set free. I was happier in my work and my life

Fire Investigator available to conduct origin and cause, and other fire investigation services. Retired police fire investigator, certified, licensed, and insured. Visit my website at www.pyropi.com. Contact me at 919-625-8556 or scott.hume@nc.rr.com.

and with myself than I had ever been. After years of chasing after it out there, I found what I had always been looking for deep within myself, in my own heart. I stopped the human DO-ing to learn to become a human BE-ing.

Through some serendipity I ended up at the right time getting help from the Lawyer Assistance Program. What I had not gotten in 12-step programs I got with the LAP. A new page turned.

Today I am working on living authentically, from a place grounded in feeling and knowing my intrinsic worth regardless of what others may or may not think of me. This is a relatively new chapter in my life. For

the first time in my life I have the feeling that life is a great adventure rather than something to be endured or something to just “get through.” I am feeling free in my spirit in ways I never have before. I have the sense that life is a canvas where I am invited to paint my own picture from deep within my being. The joy and peace are indescribable. This does not mean I do not have other feelings that come up like anger or grief, but today I seem to be centered more in a place of acceptance and joy rather than a place of snappy, irritable impatience, as was typical not too long ago. I am finding that qualities like compassion, love, acceptance, forgiveness, gratitude, and humility that I used to strive to obtain are just springing up in me without conscious effort. They are a by-product of my deepening spiritual work, which has always been rooted in the 12 steps. The need to rescue, fix, manage, or control others has, for the most part, slipped away. It still pops up from time to time, but I am acutely aware of it and stop it as soon as I recognize it. I no longer need to jump into the tornado or aftermath of other people’s problems, unhealthy decisions, or

behaviors. I don’t need to be right all of the time or always demand that I get my way. I can let go of things much more easily, because I have seen that most of what I spend a lot of emotional energy proving I am right about does not even matter. I am opening up my heart and finding a host of friends who welcome and embrace my newly developing authenticity and vulnerability.

There is no way in these few words to describe the depth at which alcoholism shaped who I am as a person or to detail the countless ways in which AA and Al-Anon have saved me, and the Lawyer Assistance Program has added a special touch to my recovery. Most of all, I am beginning to appreciate how precious this life is and that I am lucky enough to have been given a chance to live it fully, as I believe God intended. ■

This article is written by a LAP participant and is presented anonymously in the spirit of 12-step programs. If you would like to communicate with the author, please e-mail Don Carroll at nclap@bellsouth.net and he will forward your message.

The LAP Story (cont.)

for this position in 2005. Towanda comes to the LAP staff with extensive experience and credentials for working with individuals suffering from addiction and depression.

In the past five years Towanda Garner has worked extensively with law schools in North Carolina, enlightening students about the confidential services provided by the LAP for law students experiencing problems with alcohol abuse, chemical addiction, and/or mental health problems. Like the rest of the LAP staff, Towanda leads peer support groups.

On October 1, 2005, the LAP Board unanimously adopted *Guidelines to Avoid Conflict with the Establishment Clause*. These guidelines were adopted to clearly articulate that participation in AA, or similar 12-step programs incidental to participation in the LAP, is voluntary on behalf of any lawyer participant. Later, Assistant Director Ed Ward was named in a suit along with a North Carolina treatment center alleging that the claimant’s Establishment Clause rights were violated. A dismissal of the suit against Ed was later taken. Although litigation is never a

pleasant prospect, the results of the suit were positive in reaffirming the Lawyer Assistance Program’s goal of trying to assure that any assistance provided to a lawyer fits with what is most appropriate for that lawyer. This kind of individualized treatment assistance has been shown to be most effective clinically and been the goal that the LAP has pursued. In addition, the issues raised by this suit resulted in the LAP Board’s requesting that the Bar Council delete a rule that provided that the LAP could refer a matter to Grievance. The rule in question had never been used to anyone’s knowledge and was inherently in conflict with other Bar rules which required the LAP to zealously protect each lawyer client’s confidentiality. The Bar Council agreed with the LAP Board’s request and deleted the rule so that it would be unambiguous that a participant in the LAP would have his or her confidentiality protected.

During 2007, as a result of a suicide by a Hickory lawyer after he was served with a discipline subpoena, the LAP program undertook to work with Grievance on a policy to help minimize suicide risk. Under this policy, the LAP program is to be advised ahead of time of when a suicide risk subpoena might

be served so that there is time for LAP volunteers to visit the lawyer in question. It is believed that this policy has been effective to help minimize suicide risk and in at least one case. (A lawyer, who the LAP reached out to right before he was disbarred, stated that the LAP’s outreach prevented his suicide.) Towanda Garner and Board member Barbara Scarboro, a professor at Appalachian State, combined to develop a suicide prevention program that has been shown to a number of Bar groups since 2008.

The Lawyer Assistance Program is present throughout the legal profession of North Carolina including the law schools, the practicing bar, and the judiciary. LAP, through its volunteer committees of PALS and FRIENDS, is always available to help our fellow professionals with substance abuse or mental health problems. The assistance of LAP is only a phone call away. ■

This article is a joint effort based on a 1999 Journal article by Judge Jerry Leonard, an interview with Judge Leonard, and collaboration from Ashe Lockhart, PALS Volunteer, and Don Carroll, Ed Ward, and Towanda Garner of the LAP Staff.

Identifying Depression and What to Do

BY DON CARROLL

Depression is an illness that involves the whole person. It includes the person's body, mood, and thinking. It affects eating and sleeping habits. Depression

influences how you feel about yourself and your thoughts about your life.

Almost everyone who suffers from a problem with alcohol or other drug addiction experiences the symptoms of depression. In other words, the addictive use of alcohol is likely to create a cycle of depressive feelings. Despite the sensation of elevated mood that occur when one first drinks, alcohol is a toxic sedative and central nervous system depressant. If there are issues of depression, one should avoid the use of alcohol. If it is difficult to avoid using alcohol, then this is a clear indication one should be evaluated for a problem of alcohol abuse.

Depression is not the same as an appropriate response to normal, but difficult, emotional events in life such as the loss of a loved one. Depression is also not a sign of personal weakness. This is difficult for lawyers who often believe that they should be able to will or wish away something that's bothering them.

Like, alcoholism and other medical illnesses, depression gets worse if it is not treated. Statistics suggest that depression affects as many as 15% of the population, and lawyer survey data suggests that lawyers are affected in the range of 20-30% at some time during their years of practice. Depression has also

been found to be about twice as common in women as in men. Men appear to be at greater risk when they are older and single.

Depression, like alcoholism, is often difficult to identify because we have in our minds an idea of what it looks like when, in fact, it comes in different forms. The two predominant forms of depression are Major Depression and Dysthymia.

Symptoms of Major Depression

- Persistent sad, anxious, or "empty" mood
- Feelings of hopelessness, pessimism
- Feelings of guilt, worthlessness, helplessness
- Loss of interest or pleasure in hobbies and activities that were once enjoyed, including sex
- Decreased energy, fatigue, being "slowed down"
- Difficulty concentrating, remembering, making decisions
- Trouble sleeping, early-morning awakening, or oversleeping
- Appetite and/or weight changes
- Thoughts of death or suicide, or suicide attempts



- Restlessness, irritability
- Persistent physical symptoms such as headaches, digestive disorders, and chronic pain, which do not respond to routine treatment.

Symptoms of Dysthymia

- Appetite and/or weight changes
- Trouble sleeping, early-morning awakening, or oversleeping
- Decreased energy, fatigue
- Low self-esteem
- Poor concentration or difficulty making decisions
- Feelings of hopelessness.

What Lawyers Can Do About Depression

1. Contact your Lawyer Assistance

Take the Depression Test

If you or someone you care about answers yes to five or more of these questions (including questions #1 or #2)...and if the symptoms described have been present nearly every day for two weeks or more, you should consider speaking to a health care professional about different treatment options for depression.

YES NO

- | | | |
|--------------------------|--------------------------|--|
| <input type="checkbox"/> | <input type="checkbox"/> | 1. Do you or they feel a deep sense of depression, sadness, or hopelessness most of the day? |
| <input type="checkbox"/> | <input type="checkbox"/> | 2. Have you or they experienced diminished interest in most or all activities? |
| <input type="checkbox"/> | <input type="checkbox"/> | 3. Have you or they experienced significant appetite or weight change when not dieting? |
| <input type="checkbox"/> | <input type="checkbox"/> | 4. Have you or they experienced a significant change in sleeping patterns? |
| <input type="checkbox"/> | <input type="checkbox"/> | 5. Do you or they feel unusually restless...or unusually sluggish? |
| <input type="checkbox"/> | <input type="checkbox"/> | 6. Do you or they feel unduly fatigued? |
| <input type="checkbox"/> | <input type="checkbox"/> | 7. Do you or they experience persistent feelings of hopelessness or inappropriate feelings of guilt? |
| <input type="checkbox"/> | <input type="checkbox"/> | 8. Have you or they experienced a diminished ability to think or concentrate? |
| <input type="checkbox"/> | <input type="checkbox"/> | 9. Do you or they have recurrent thoughts of death or suicide? |

Other explanations for these symptoms may need to be considered.

Adapted from *American Psychiatric Association: Diagnostic and Statistical Manual of Mental Disorders*. Fourth Edition. Washington, DC. American Psychiatric Association: 1994.

What often happens is that someone gets engaged in a medication regime, or treatment, that simply reinforces their ability to incorporate their negative outlook into their treatment and to feel that they are a victim of their illness.

5. Exercise is one of the most vital ways to combat depression. Several control studies have shown that exercise has as good, or better, an outcome than those taking the newer forms of anti-depressant medication. Exercise seems to be the most efficient way to clear the body of the negative neurochemical effects of stress and also the most efficient way to engender the production of the healthy neurotransmitters in the brain necessary for feeling good.

6. Recent research has shown that spiritual practices are extremely helpful in addressing depression issues. These are not necessarily *religious* practices, though they might be. Practices of mindfulness, meditation, centering prayer, and similar practices, have been shown for some people to be precisely what is needed. Because depression brings with it a negative outlook on life, and spiritual practices help engender more positive outlooks, people with depression who engage in spiritual practices see how they self-create their negative outlook. This awareness, in turn, helps them learn how to become free of negative moods.

7. Join a support group. Your Lawyer Assistance Program has a number of support groups state wide including some specifically designed for lawyers suffering from depression. There are other groups, such as Depression Anonymous, that are available in some communities. In hearing the stories of others and sharing honestly one's own experiences, the negative depressive outlook can begin to dissolve and a broader perspective on life may become more natural.

8. There are lots of good books that are available to help us understand depression. The difficulty is that simply reading the book and having some intellectual understanding about depression is normally not going to help. The insights from a book need to be combined with taking action. One of the best known is Dr. David Burns' *The Feeling Good Handbook*. It provides a number of exercises that can be extremely helpful. My experience is that people who suffer from depression usually do not have the energy to actually do the exercises on their own. So, at the very least, you will need an

Program. The LAP will help you get an evaluation to determine exactly what kind of depression you may be suffering from and what level of treatment and intervention is most appropriate to help you. This consultation is completely confidential.

2. Seeing a counselor who specializes in helping lawyers deal with depression is an excellent step. Your Lawyer Assistance Program can help you find the right counselor. Lawyers tend to be prone to an overly mental analysis of their issues, and a counselor who is use to working with people with this orientation is most helpful. Cognitive behavioral therapy has been shown to be very effective in helping people with depression. But most important is that the form of treatment be designed to work well with the individual lawyer's personality type.

3. You may have to consider taking med-

ication. Survey data shows many lawyers take medication for depression. However, medication alone is not the most effective treatment and taking medication is a complex issue. The complexity of the medication question underlines the need to get good professional help in evaluating exactly what medication, if any, is needed to treat depression. Once a medication is prescribed, continual medical care is needed to evaluate how long and under what circumstances the medication should be continued.

4. In treating your depression, get involved with a modality that is most self empowering for you. In other words, do not engage in a form of treatment that continues to allow you to feel that you are the victim of the illness, or powerless to do anything about it. One of the most significant aspects of depression is a negative outlook on life.

accountability partner—somebody who can work through the workbook with you.

9. Get back in touch with what is really exciting to you in your life and brings you joy. For so many lawyers, we get involved in working hard to establish successful practices, or to become partners in our firms. Even if we experience law as a real calling, we may simply neglect other activities in our life which we find joyful and fun. One of the hallmarks of depression is the inability to feel happiness or joy. Often we lead lives where we experience this symptom by default because we simply neglect those activities that we most enjoy.

10. The failure to have good nutritional habits can increase the opportunity for depression. If we regularly skip breakfast or with simply consume cereal and coffee (carbohydrates and caffeine) we are much more likely to experience the ups and downs in our metabolism during the morning which may lead to mood swings. If we eat a healthy breakfast with protein, and a healthy lunch, we are much more likely to have a more stable metabolism which will allow for greater mood stability. This will also give us more energy for

our day's work. One of the symptoms of depression is a lack of energy. Many people have found that diets without caffeine or sugar significantly help their mood.

11. Good sleep hygiene is essential for good mental health. We have four stages of sleep. The last stage is the one that is most restful and helps restore the healthy neurotransmitters in our brain which give us a good positive mental outlook. If we are not sleeping well we increase the chances of depression symptoms. There are doctors who specialize now in just addressing sleep disorders. Getting good treatment to improve sleep may totally remove all symptoms of depression.

Good basic sleep hygiene includes going to bed at the same time each night and getting up at the same time in the morning. Avoid watching television, using the computer, or doing anything stressful the last hour before going to bed. While sleep medication can be very helpful if one has gotten into a place of severe sleep dysfunction, many prescription sleep medications are addictive and can cause problems in the long term. In addition, many sleep medications will also often prevent a full and restorative fourth stage of sleep.

12. Good dental hygiene. This may seem a curious topic under depression. I would have certainly thought so before I understood the relationship between inflammations in the body and the triggering of the body's immune defenses. If there is chronic gum disease or untreated tooth abscess that needs a root canal, these conditions will trigger the body's immune system. We experience the body's immune system response the same way we experience depression. The body is giving the signal for us to be lethargic and unmotivated so we can rest and get over the inflammation. The failure to have good oral hygiene can often lead to feeling depressed.

Other medical conditions that give rise to chronic inflammations can also, by the same process, cause us to experience symptoms of depression. Particularly noteworthy are allergies which trigger the immune system response. This is probably the reason that suicides are most common in the spring and the fall during allergy seasons. Bottom line, any inflammation process in the body should be treated promptly and effectively to avoid the immune system creating the symptoms of depression. ■



For years I took great pride in drafting my own documents using a word processor.

Then I learned how WealthDocx™ could improve my drafting efficiency and increase my profitability. The time I save allows me to see twice the number of clients I used to see.

Today, my new partner and I appreciate the new strategies and improvements in WealthDocx. We are using its new Domestic Asset Protection Trust module to serve the asset protection needs of physicians, dentists and other high-risk business clients.


WealthCounsel®

For more information,
call 1-888-659-4069, ext. 819.

Powered by  WealthDocx™ 7

View our demo of WealthDocx on the web at www.wealthcounsel.com.

Race in Carolina

BY CHRIS GEIS

Raleigh, NC
May 1995

THERE WAS JUST one light on in the capitol when Austin Snyder picked up the phone and made the call.

The light came from a banker's lamp, and its small, confined light barely revealed the black face of the other man in the shadows of the room—the face that would change the South and its politics.

Though it was close to midnight, Governor Snyder wanted to talk just one more time with his most trusted political sounding board about tomorrow and the biggest news in the history of modern North Carolina politics.

The governor, a white, wealthy, good-looking man with, most thought, his future success assured and unlimited, was about to make an announcement breathtaking in its audacity and risk. He would name his best friend, Nathaniel Hampton, the black man sitting across from him, to fill a vacancy and serve as the next United States senator from North Carolina. No black son or daughter of the South had sat in one of its Senate seats since Union troops packed their bags and departed after Reconstruction, and none had ever served as a senator from North Carolina.

The governor stroked his loosened silk tie—it was a blue-and-red-striped repp model, the *de rigueur* of his trade—and leaned back in his chair. He winked at Nat, who was expressionless and sipping Scotch on the rocks. After four rings, Ozzie Miller answered the phone on the other end in his gruff mountain accent, and his voice enlivened when he heard Austin's voice.

"Mr. Speaker, how ya doing?" Austin said with his usual enthusiasm.

"Fine, son, just fine," Ozzie said, clearing his throat of gravel, whiskey, and cigar

smoke. "How's that senator of yours?"

"He's great, sir. Sitting right here, as a matter of fact, drinking your booze."

"Well, make sure he don't run out, Governor. And put that ol' boy on speaker, doggone it."

"Yes, sir, Mr. Speaker."

Austin placed the phone down and punched a button, and Ozzie's 70-year-old voice filled the room.

"Hello, Nat. Glad I finally got a chance to talk to you today, son. I see you're starting to keep the governor's hours."

"Yes, Ozzie. That's a bad sign, isn't it?" Nat said. Nat's voice was deep and reserved. There was no accent, but it was an unmistakably black voice, and one of authority.

"No, son, it just means you've realized the best time of the day to get two important things done—drinking and deal-cutting," Ozzie said. "Welcome to the fraternity."

"All a body needs is four hours of sleep a night anyway," Austin interjected.

"Oz, I'm not so sure I want to be a fraternity bro," Nat said.

"What do you mean, son? Are you nervous?" Ozzie said. "Let me tell you, there ain't a thing to worry about. We got it all covered. Besides, this is nothing compared to what I know you been through, and Austin too, in Vietnam," a word for which Ozzie used three syllables. "Believe me, son, I know. I was a gunner's mate on a destroyer in the big one, and we had some rough times battling the Japs. Compared to that, son, everything's peaches and cream. You can handle it."

"Thanks, Oz."

"Now I'll see you bright and early tomorrow. Drink up—don't let Austin keep the good stuff from you—and get a good night's rest. Say, boys, has the press sniffed this thing out yet?"

"Yes, sir, Mr. Speaker," Austin said. "My buddy at the Charlotte paper called me ear-

The Results Are In!

This year the Publications Committee of the State Bar sponsored its Seventh Annual Fiction Writing Competition. Eight submissions were received and judged by a panel of six committee members. The submission that earned first prize is published in this edition of the *Journal*.

lier, and they're going to have a short story about it in the morning. They'll probably put it on the wires tonight, so I imagine it'll be on the radio and in some of the other papers in the morning."

"Well, good," Ozzie said. "That ought to get the Republicans more excited than turkeys the day before Thanksgiving. They won't know what to do with themselves."

Ozzie Miller had served 35 years in the North Carolina Legislature and he had been speaker of the House of Representatives for five terms, and Governor Austin Snyder's decision to appoint Nat Hampton to the US Senate was the boldest political move he had ever seen. He wasn't sure if it would work, but at his age he was tired of caution.

"Boys, I tell you, I'm so excited I'm about to wet the floor," he said.

Austin and Nat laughed like school boys. Ozzie said they could talk later, and he hung up.

For a moment, the office was quiet, and the best friends eyed each other with slight smiles on their faces.

"So now you're starting to look happy," Austin said. "You're happy, right?"

Nat rolled his eyes and looked away. He got up from his chair and walked to the wet bar in the corner of the room, where he refreshed his drink. He looked back to

Austin's brown walnut desk and then pulled another cold bottle of beer from the small fridge and handed it to Austin.

"I haven't been happy in 15 years, Aust. Maybe 25. But Ozzie does amuse me. I hate to use a cliché, but he's really the salt of the earth. And he's the only guy I know who wears Brooks Brothers suits and chews Red Man, sometimes at the same time."

"He's just an old populist who likes stirring things up from inside," Austin replied in between draining his beer. "And you know how much he likes you. He thinks you'll be good."

"A populist. That's what they call you if you're a liberal white man from the mountains. Everybody's got a label. What am I?"

"You're a sullen, overly-serious, too-conservative black guy with a chip on his shoulder and a weakness for the bottle—who also happens to be the best friend I've ever had and who will be a great United States senator from North Carolina."

Nat let a small grin slip across his face again and drained his glass.

"Why are you doing this, Austin?" His gaze was fixed on the Depression-era buildings across the street, visible in the still darkness of Raleigh over Austin's left shoulder.

"Relax, man. Let's have a cigar."

"No thanks. Those things are bad for your health."

"And I suppose that glass is a nipple of mother's milk?"

"It hasn't hurt me so far. Even with one and a half legs, I can still kick your butt in basketball, softball, and golf."

"One and three-quarters legs. And I'm a better tennis player."

"Tennis is a sissy sport. Didn't have a country club in my 'hood anyway."

"Just a golf course, though, right?"

The governor's office was silent again except for the stirring of ice cubes in Nat's glass. Austin opened his desk drawer and pulled out a humidifier. From it he removed two cigars. He clipped them both, and smelled one and rolled the other across the table. With a wooden match he carefully lit his, rolling it around in his mouth and puffing until it had the perfect orange glow evenly around the edges. Smoked wafted to the ceiling. He opened a window that was supposed to be permanently shut.

"What's wrong with you, Nat?" he asked in a more serious tone.

"Nothing, Aust. Nothing. I'm going to

take a walk."

Nat returned to the bar and poured another drink, then disappeared from the office. Austin sat and continued smoking quietly in the dark, cleansing his palate with a swig of cold beer every few minutes.

THE GOVERNOR'S DECISION to appoint his best friend—a black guy, no less—would startle state and national political observers and shake up state and national politics as well. For months, even years, Austin, with his keen political mind, had tried to calculate how it would play. He knew it had risks, especially to his own future, but he was pretty sure—not supremely confident, though, as he was with most matters—that he could navigate any storms and come out dry and safe. Anyway, to him there was only one decision to make. Politics, history, race, the South, his own ambitions—all had been judiciously analyzed in his mind for months on end; but, in the end, he was like a judge who had come to a case with a pre-determined verdict and just wanted to be prepared for the effects his ruling would unleash. He would appoint Nat regardless.

He was going to unleash this bomb on North Carolina, on the South, on the nation. He just wanted to know what it would take with it when it exploded. Maybe him?

For months Austin had huddled secretly with a small circle of his trusted political advisers, including Ozzie, who knew which way the political winds were blowing in every corner of the state. His advisers mostly offered caution, except for Ozzie, who appealed to Austin's place in history and to his religious faith. With a single stroke of the pen, Austin Snyder, governor of the great state of North Carolina, would send tumbling down a century-old fortress of white political supremacy in the Old Confederacy, and Ozzie played this tune in Austin's ear regularly. Austin disregarded the fact that Ozzie was from the mountains, where there were few blacks and where more than a few people had fought for the Union or at least not with the Confederates.

Unbeknownst to Ozzie and others, however, Austin had long ago made up his mind—years and even decades ago. This was a decision that he believed, arrogantly enough, that he was born to make.

NATHANIEL HAMPTON AND

EXPAND YOUR PRACTICE!

Veterans Need Representation

Learn how at the

Washington, DC Seminar

October 23-25, 2010 from NOVA

www.vetadvocates.com - 877-483-8238

Austin Snyder had been best friends since meeting on Austin's uncle's tobacco farm in Stokes County, north of Winston-Salem, one hot summer day in 1961. They were both from the city, but they spent much of the succeeding summers together on the farm, harvesting the crop and playing and fishing in the Sauratown Mountains.

When Winston-Salem began to quicken the pace of desegregation in the mid-1960s, they went to school together and eventually played on the same football, basketball, and baseball teams at R. J. Reynolds High School. Each had the rare blessing of being wholly devoid of racial prejudice, and each recognized it in the other immediately. They shared an admiration for John F. Kennedy and dreamed of making it big in politics or the law. Austin would be governor and maybe president, and Nathaniel would be the first black US Supreme Court justice.

They agreed to stay at home and attend Wake Forest University together. When they graduated four years later, facing the prospect of the draft, they both signed up for the marine corps and attended officer candidate school in Quantico, Virginia. Soon after being commissioned they were training to lead infantry platoons in combat.

Off both went to Vietnam, where they arranged to serve in the same infantry battalion. Austin returned alive only because Nat saved his life. Nat, too, returned alive, but without part of his right leg, which he left behind in a rice paddy.

There wasn't a day that went by that Austin didn't think about that sunny afternoon in Vietnam. He had a beautiful wife and three great children, and he loved his friend as much as anyone. And now he was going to make him a United States senator.

NATHANIEL HAMPTON, THE soon-to-be next senator from North Carolina, was sitting alone astride an old Confederate cannon on the edge of the capitol lawn, facing west to Hillsborough

Street in downtown Raleigh. It was after midnight. His purple-and-gold tie loosened, white shirt sleeves rolled to the elbow, he looked comfortable. Yet he felt like a jockey on a wild horse that was about ready to burst out of the stable. The moon was full, the air warm and still, and he was sweating.

"You know they used those things to protect the Capitol from the Union Army," Austin said, sneaking up on the less-than-sober soon-to-be junior senator. Capitol police officers and state troopers in plain-clothes watched observantly from windows, about 40 yards away.

"Guess they didn't work too well, bro," Nat said.

"Are you posing for a picture in *Irony* magazine?"

"You mean *Ebony*, Governor. As in ebony and ivory."

"No, I mean *Irony*. Because everyone knows you don't wear a tie when you're manning a crew-served weapon. Seems like I read that in a book about naval warfare somewhere. Just ask Ozzie about his old days on a destroyer."

"Oh, I get it. You weren't referring to the irony of a black man astride a cannon designed to protect the South from what we will announce on this very spot tomorrow—the assumption of southern political power by the dark race."

"I don't think you qualify for the dark race, Nat. First of all, you're way too light skinned—and whew, thank God for that, because just a hint more chocolate in you and, well, frankly, I couldn't have appointed you. As it is now, everybody's just going to think you're another white guy with a head start on his summer tan."

"I was speaking metaphorically, Aust."

"Then I think my race would be adequately described as the dark race. We have a long resume distinguished with hundreds of years of ignorance, oppression, and violence."

Nat rolled the last of his drink around his glass until it was only ice cubes, and he stared off into the quiet downtown.

"So what happens when October and November come, and my tan still hasn't worn off and I'm kissing babies whiter than Wonder Bread at rallies in Charlotte?"

"We blame it on year-round tanning products, and white people's desire to look and be like black people."

"Glad you got this planned out, Gov. 'Cause it's going to get interesting, that's for sure. In fact, that's the only reason I agreed to do this, just to be along for the ride and watch it unfold. 'Course, next year I might say it would be a hell of a lot more interesting if I wasn't in the middle of it. Someone let the help in, and the help's about to become senator. The Union blue boys might as well have walked past these canons as if they were toys for all the good they did. Why else did we all fight? The help is going to be running the show now. That's a body blow to the Confederacy if I ever saw one."

"The Confederacy's been dead for 130 years."

"Then why are we still flying those flags, bro?"

"Guess some people haven't gotten the word, kind of like those Japanese soldiers they found on the islands years after the war in the Pacific. We'll get the word to them with this. Anyway, it enlivens me to know you've somehow found some purpose in life, or at least in this matter. You're an observer of your own history-making actions."

"Yeah, it'll kind of be like being half-dead, standing outside your body, and watching priests and friends give you last rites and pray over you. I've had that experience before, you know. Anyway, they're *your* history-making actions. I'm just along for the ride, as I said."

"Why aren't you happy with this?"

"Why does anyone have to be happy? Is it necessary to sustain life? What's this happiness crap you've been on for the last 20 years, man? Let it go. Just strive for being content, being in the moment."

"Ooh-rah," Austin mumbled sarcastically, pulling out the Marine jargon.

It was a conversation they had had before, and just like all the other replays it went down the same path.

Nat shook the ice cubes in his glass a little and looked away from Hillsborough Street and toward Austin, who was sitting on a bench near the cannon.

"In 11 hours I'm going to stand here and face a crowd of Tar Heel people and tell them I'm their new senator, and by the way, excuse me, but I'm black."

"By God, I hope those cannons are operational still. We might have a last assault of the Confederate cause on the capitol tomorrow."

"We can take 'em, Aust! Ooh-rah! By God, we can take 'em!"

He chucked the cubes into the bushes, and Austin helped him down. He had looked thoroughly ridiculous and loved it. He put his arms around his buddy and they walked back to the governor's office.

A FEW MINUTES LATER, back in the office, Nat called Ozzie back and got his own version of the history of North Carolina politics and the effect Nat's appointment would have on the state. Austin became the bartender as Nat listened, laughed, and learned from the great one. Ozzie explained how the Democratic Party in North Carolina had evolved from a party of white supremacists and segregationists after the Civil War to one of moderation and progressivism during the depression and after World War II.

Ozzie said that it was not unheard of for governors to appoint senators midway through a term. This usually happened because of a death, but sometimes because of the resignation by the senator originally elected to the six-year term. The governor could appoint someone to fill the spot temporarily, and an election to fill out the remainder of the term would be held on the next general election date. In this case, that would be a year and a half away, in November 1996.

The drinking and conversation continued past midnight. Occasionally, Ozzie would be put on speaker phone as his young lads Austin and Nathaniel figuratively sat by his side and learned about the evolution of North Carolina and his beloved Democratic Party. When Ozzie started to fade around the 1950s, Nat broke in on the history lesson and provided a few lessons of his own. After they got to 1965, Ozzie said he had to hit the head, and Nat told Ozzie to go to bed so he could make it downtown on time in the morning. Austin called the commander of the state Highway Patrol and asked him to have a cruiser at Ozzie's door at 0800 hours.

Nat's emotions were buoyed by the drinking and the conversations with Ozzie. Austin's uncle and Ozzie had been seatmates in the state House for a few terms in the late 1960s and early 1970s, and Ozzie, like so many other powerful Democratic politicians in North Carolina, had taken a liking to the up-and-coming Snyder early on.

But Ozzie also had slowly but surely developed a tight bond with Nat. Partly it was due to both men's curiosity. As a mountain politician, Ozzie had never really dealt with black folks on a sustained basis and he found Nat intriguing, real, and disarmingly charming. As a mountain native, born in an age when few neighbors ever left their hollow, let alone their county, Ozzie also had a human need for a black man's approval and friendship. Nat fit the bill not only because of his intelligence, but also because he had come of age in a time when he neither had to be subservient nor especially suspicious of older white men.

As for Nat, his friendship with Ozzie fulfilled his personal need to learn as much as possible about what made older white southern men tick, and he was also awed by Ozzie's intelligence. Ozzie had dropped out of high school to fight in World War II, and he was a battle-scarred navy veteran who had served in the South Pacific. When the war ended he returned to school and eventually got his law degree. He could quote Shakespeare, the Constitution, and the Bible in the same paragraph. He was also gracious and gentlemanly in a sincere way that Nat immediately loved, and he shared Nat's taste for cigars and drink.

Ozzie had his own agenda, to be sure. He wanted to build up the rural areas of the state, especially the poor mountains from which he came, and he would shovel as much money as possible to those areas to do it. But he had put most of his agenda aside for the sake of Governor Snyder. He thought Austin was capable of great things, and perhaps would be president, and he had helped him get command of the legislature and put his programs through. Now he was about to do the same for Senator Hampton.

"If we can get those wine-and-cheese Yankee Republicans in Charlotte and Raleigh to back you son, you'll be a shoe-in," Ozzie told Nat. "They don't know squat about the history of our state, but they hold the fate of her political history in their soft, money-grubbing hands, although they don't know that, either."

Nat thanked him and ended the conversation by promising to appear with Ozzie at his county apple festival in the fall.

"You just make sure there's nothing in that cider I can't handle," he said, already half drunk.

He reached into Austin's desk and pulled

a cigar from the humidor, lit it, and puffed away. The office of the governor of North Carolina would stink like a pool hall in the morning.

"I was just thinking," Austin said with a mischievous grin. "Should we call Barker and wake him up with the news?"

Wide smiles broke out on their faces.

"Nah," Nat said. "Tonight's probably the one night a month he's doing it with his wife, and it would totally ruin his ability for the next year or so. I don't really like the old codger, but I don't dislike him that much."

HAROLD BARKER WOULD be the new Senator Hampton's colleague from North Carolina in the United States Senate. Seventy-four years old and a staunchly conservative Republican, Barker had been a Democrat when he was appointed to the Senate by then-Governor Vance Theodore in 1962 as a political payoff for helping Theodore win election two years prior.

But the day after Lyndon Johnson signed the Civil Rights Act of 1964, Barker drove to North Carolina, switched his party affiliation, and returned to Washington to phone home-state reporters and tell them they might want to check the registration books in Rocky Mount, his hometown. Ever since, he had been a thorn in the side of liberal and moderate Democrats in Raleigh and Washington. Austin thought he was the most racist politician he had ever seen, and he hated Barker with a passion. The feeling was mutual.

Nat, however, had a different take on Barker, viewing him more as a product of his time who just became more stubborn as he aged and the world changed too quickly for him. Sure, Nat knew that Barker would do what it took to win, and that included race baiting if necessary. But Nat thought few people at the core were truly racist. Nat loved giving the state the delicious irony of serving alongside Barker, but he thought Barker would like him personally.

The seeds of the appointment had been sown three years earlier, in 1992, when Austin was winning his second term as governor. The aging Theodore, who had by then succeeded to the Senate, discreetly told Austin that he would serve only half his term. It would be up to Austin to appoint a replacement. Austin quietly floated the idea of a black appointee to Theodore, and Theodore's eyes lit up with excitement at the

idea. Theodore was by no means a left-wing liberal on matters of race, but he had long ago decided that racial prejudice was simply holding back society's progress and so people needed to move on from the issue. He had been burned a time or two by the race-baiting that Barker's crowd used when it suited Barker's political needs. Barker was still Theodore's oldest political rival, and such an appointment would stick in Barker's craw, so Theodore was all for it.

"Theodore told me that Barker might up and have a heart attack on the Senate floor once he sees you walk in," Austin said between puffs on his last cigar of the evening. "Said it'd be the greatest thing to happen to North Carolina since we signed the Bill of Rights. We were the first to sign it, you know—First in Freedom." The phrase, oddly, once graced North Carolina's license plates.

"Yes, I know. My family has always treasured that heritage of our state," Nat replied.

"I'm sure they'll be proud tomorrow." Austin guzzled the remains of his last beer and put the cigar out. "Let's go."

With that they hit the lights in the governor's office, walked out the side door of the capitol, and headed across the lawn to the governor's mansion a few blocks away. The governor's security detail of plainclothes state troopers followed 50 yards back. Austin was close with the troopers, but they gave him his space when he needed it.

"Say," Nat said, putting his arms around Austin as they walked through the warm spring night. "How about this for license plates: 'North Carolina—First in Black Senators.'"

"I love it. I can see it on Barker's car now. But, uh, we'll have to change that to 'African-American.'"

"Nah," Nat said. "We'd have a special tag just for Barker: 'First in Negro Senators.'"

They laughed like bar drunks walking out after last call, and their silliness continued and filled the air of deserted downtown Raleigh. Tomorrow, they would make some real noise. And the country would be listening. ■

Chris Geis is an attorney for Womble Carlyle Sandridge & Rice in Winston-Salem and holds the rank of lieutenant commander in the US Navy Reserve. This piece is dedicated to Caroline, who motivated him to keep writing over a long, cold winter.

Kapp Nominated as Vice-President



Raleigh attorney M. Keith Kapp was selected by the State Bar's Nominating Committee to stand for election to the office of vice-president of the North Carolina

State Bar. The election will take place in October at the State Bar's annual meeting.

Kapp earned an AB degree, with honors, from the University of North Carolina and a JD, also with honors, from the University of

North Carolina School of Law.

Kapp is a partner, vice-president, and board member at his firm, Williams Mullen. He represents businesses, ranging from multinational to private or family-owned enterprises, in connection with their commercial litigation and regulatory needs. He advises clients on the laws of contract, shareholder rights, antitrust, franchise relations, warranty, consumer protection, unfair trade practices, and various regulatory statutes. As a member of the Commercial Arbitration Panel of the American Arbitration Association, Kapp also provides arbitration services.

Kapp has substantial involvement in local and state bar organizations. He served as president of the Wake County Bar Association and

served on the Board of Governors of the North Carolina Bar Association. As a State Bar counselor, Kapp chaired the Ethics Committee, Facilities Committee, and Administrative Committee. He has also served on the Grievance Committee, Emerging Issues Committee, Issues Committee, Paperless Banking Committee, Executive Committee, Disciplinary Review Committee, and Program Evaluation Committee.

Mr. Kapp is active in numerous civic organizations including the Moravian Ministries Foundation, the Raleigh Kiwanis Club, and the Raleigh Little Theatre.

Kapp is proud to be married to Chancy McLean Kapp, and have Katie Kapp as a daughter and rising college senior. ■

President's Message (cont.)

for his work as LAP Director.

Much to our deep regret, Don has recently announced his retirement to take place at the end of 2011. Don is, of course, irreplaceable, and the task of finding a new director to fill his shoes will be a major challenge.

Ed Ward – LAP Assistant Director

Eastern North Carolina District
1-877-627-3743, eward@ncbar.gov

In 1999, Ed joined the North Carolina



State Bar as director of FRIENDS, which was a new State Bar program to assist lawyers suffering from mental illnesses. He now serves as assistant director of the Lawyer Assistance Program, which is

inclusive of both FRIENDS and PALS.

Ed is a graduate of Campbell University, and is credentialed as a licensed clinical addiction specialist and a certified clinical

supervisor by the North Carolina Substance Abuse Professionals Certification Board. In the course of his career, he has worked as an addictions counselor, clinical supervisor, and approximately 15 years as a hospital administrator. He is a past-president of the Addiction Professionals of North Carolina and a recipient of that organization's Norbert Kelly Outstanding Achievement Award. He has also received the Walter Mitchell Award given by the North Carolina Association of Alcoholic Residential Facilities.

Towanda Garner – LAP Coordinator

Piedmont North Carolina District
1-877-570-0991, tgarner@ncbar.gov

Towanda is the newest member of the LAP staff, which she joined in 2005. She earned a BA in Psychology with a minor in Child Development and Family Relations from East Carolina University. She also holds an MA degree in Clinical Psychology from North Carolina Central University. Her prior work experience includes serving as a clinical director and program director at a drug rehabilitation treatment center. Like Ed, she is a licensed clinical addiction specialist.

North Carolina currently has in excess of

23,500 licensed lawyers practicing in the state and that number is expected to double in the next 20 years. Record numbers of students are graduating from North Carolina law



schools and over 1,000 students recently sat for the bar exam this past July. When these numbers are viewed in context with the present state of the economy, the difficult job market for lawyers, LAP's current case load of 636 active files, and the frightening statistics on attorney addiction and mental health (see article on page 12), it is obvious that a strong LAP program will continue to be more important than ever.

We are truly blessed to have extremely capable people at the LAP helm as well as hundreds of dedicated volunteers working behind the scenes to help others with illnesses similar to their own. Our heartfelt thanks to all of you for the important work you do for the lawyers of our state so that they might find, in themselves, their own invincible summers. ■