

## Don't Drink and Advise

by

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It seems stupid to have to tell a lawyer she shouldn't drink, or do drugs, and then advise a client, draft a will, or, worse, head off to court. But, you see, lawyers, especially young lawyers, have a problem. They drink a lot. So, I have to tell you; don't drink and advise. But, what do you do if you know someone who does? What if you have a friend who drinks and advises?

First, lest you think I'm making something of nothing, let's get the statistics<sup>2</sup> out of the way; lawyers abuse alcohol at a rate 3 times higher than the general public. One of every five lawyers has a substance abuse problem with the highest problem drinking among lawyers under age 30, who have a problem drinking rate just shy of 1 in 3 at 32%. These numbers don't include drug use which is harder to measure as lawyers don't participate in surveys recording illegal behavior, but the more than 426 NH heroin deaths in 2016, with victims ranging in age from 15 to 89, don't lie. Statistically speaking, someone at your Inns of Court table, maybe two someones, depending on the age range, suffers for Substance Use Disorder.

If you are an alcoholic, or an addict (or, more appropriately, suffer from Substance Use Disorder) an article is not going to help. You have to be the one to recognize you have a problem and you have to be the one to take action. If that's you, stop reading and look up AA online to find a meeting or call the Lawyers Assistance Program, (877) 224-6060, and start taking some positive action today, but, what do you do if you don't have the problem? What do you do if you see something that makes you think someone has a problem? Do you say something? How do you become part of the solution? Well, first, you have to be able to recognize the problem.

What are the signs that someone has a problem with drugs or alcohol? Watch for:

- Behavior changes - Joe's been coming in later and leaving early with little or no explanation.
- Work product changes - Jill's production is down and so is her work quality.
- Isolation - Joe isn't attending work functions and isn't going to networking events and, generally, isn't communicating with colleagues.
- Mood changes - Jill has been acting differently; especially look out for apathy or irritability.

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<sup>2</sup> All stats mentioned in this article can be found in: P. Krill, R. Johnson, L. Albert "The Prevalence of Substance Use and Other Mental Health Concerns among American Attorneys." J. Addiction Medicine, Jan/Feb. 2016.

- When asked, they avoid questions about whether there is a problem. They also tend to minimize problems. You point out one of the above behavior changes, like an unexplained drop in billable hours, and Joe or Jill minimizes the problem and suggests it's "no big deal."
- They smell. Joe smells like beer, whiskey or something vaguely familiar from your college days.

So, step one is education, and while the information above is useful in spotting a potential issue, the first true tenet of your education is that substance abuse is a disease not a character flaw. And before you say, "duh, we know that," you should know I have impeachment evidence.

A recent NH Bar News survey shows just how dumb NH lawyers are about Substance Use Disorder. A Bar News poll asking "what would you do if you recognized that a colleague was suffering from depression or an alcohol use disorder and might need some help?" received the following responses from you: 6.1% would contact the Attorney Discipline Office to protect the public; 10.2% would ignore it because adults can handle their own issues; 20.4% would contact the NH Lawyer Assistance Program anonymously and 63.3% would talk to the person and offer to listen.

If we, as a Bar, really understood Substance Use Disorder, including both drugs and alcohol, like depression, is an illness then we'd see the foolishness of our responses. Damn, Bill has Multiple Sclerosis, I'd better call the Attorney Discipline Office. I've noticed Susan seems sicker since the chemo, but she can handle her own problems. That new associate has diabetes, I'd better talk with him because nothing controls insulin production like a good chat.

You'll note I didn't joke about calling NH Lawyer Assistance's Cecie Hartigan at (877) 224-6060. That's a good idea. She's trained to help. But, before we talk about what else you can do to help, let's understand a bit about why the problem exists.

Let's start in law school where no one is taught about stress management, or health and wellness. The hyper competitive environment normalizes heavy drinking to address layers of stress from high student debt, a shrinking job market and smaller starting salaries than ever. Society even normalizes the idea of the heavy drinking lawyer. Doesn't every TV trial end with two lawyers sharing a scotch? "Denny Crane."

After graduation, young lawyers prioritize success and accomplishment over balance and personal well-being. In part, because they see the behavior modeled for them by older lawyers, but also because they are forced into taking jobs they may not really want to service loans - the higher and faster they climb, the faster the loan is paid. They defer positive actions that reduce stress like having families, because they can't afford to, and have ever increasing financial concerns. Many young lawyers turn to alcohol, or drugs, to cope. And, frankly, it's easy to have too many at lunch because ours, for many types of lawyers, is an isolated profession. New Hampshire also has a large percentage of solo practices which brings more stress and isolation. If you hang out your own shingle right out of law school, it takes a lot longer from someone to notice you've been isolating or smell of whiskey at 2:30 every afternoon.

I know you think that lawyers are smart and would naturally turn to positive outlets for stress, but the truth is, that lawyers, just like anyone else, need to be taught how to make good choices. Krill's survey demonstrates that a major reason lawyers don't seek healthy alternatives is they don't know where to turn and they don't know how.

So, what can we do to help these young lawyers? We've first got to get rid of the stigma associated with Substance Use Disorder. Law students, and young lawyers, with problems don't seek help because they are fearful of not being admitted to the Bar or not being hired. Practicing lawyers fear their reputations will be killed and their careers will be over. Would you be afraid your career would end if you sought treatment for diabetes? In other words, part of the solution starts with us changing our own mindset. Part of this fear of the stigma is also the fear that even though the LAP says it's anonymous, many lawyers don't believe that to be true. That fear is less real if the stigma is less potent. But, I will say it is anonymous, so is AA and NA and a host of other treatments. But it should be a choice to keep an illness private, not a necessity because the Bar still doesn't get it.

We can also help by encouraging more education not only about Substance Use Disorder, but about handling stress in positive ways throughout the legal career cycle. This means health and wellness classes at law schools and CLE's at Bar meetings. It means adding Wellness programs to your workplace.

Call your alumni office and tell them to add a stress management class, a class on alcohol/drugs and mental health issues and support messaging that tells law students that getting help is smart, not risky. Call the Bar and tell them to add a CLE. And if you want high attendance at a wellness, stress management, CLE, give ethics credit. There is a tremendous interplay between impaired lawyers and ethics violations. Spearhead a wellness program in your workplace. Studies show they increase productivity - a lot. Hey, how about not having a cocktail hour before every Bar or Inns of Court event? It adds to the stereotype that we all unwind with a glass of wine and makes it that much harder for the young lawyer to see that his use of alcohol might be different than yours.

The last stumbling blocks are simply not knowing who to call when you need help and then not believing you can afford help. I already gave you Cecie's number. Here's another; HOPE for NH Recovery - (603) 935-7524 or visit [www.hopefornhrecovery.org](http://www.hopefornhrecovery.org). So, you can help by passing those numbers along or donating your money. There are a lot of ways to recovery and not all of them involve expensive rehab. The first step is seeking help and not letting worries you can't control stop you. Understand, it doesn't cost a fortune to quit; it saves you one.

So, what do you do if you have a friend who drinks and advises? You do something.