

YOUNG LAWYERS

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SUPPORTING OUR FELLOW ATTORNEYS IN THEIR TIME OF NEED

In October, I was afforded the opportunity to attend the ABA Fall Conference for Young Lawyers in Little Rock, Arkansas. The key focus of the conference was “Fit to Practice.” Each morning the conference began with yoga at 7 a.m. to benefit one’s physical health, followed by informative CLEs throughout the day for one’s intellectual health, and in the middle, an hour-long presentation on Arkansas Judges and Lawyers Assistance Program, also known as JLAP, to address one’s psychological and emotional health.

It was the last topic that really got me thinking and comparing our program in West Virginia to that of Arkansas. In Arkansas, JLAP is a very prominent program and has a significant amount of support and funding, not only from Bar dues, but from outside sources. Arkansas not

only provides mental health care and counseling to judges and lawyers in their state, but also to law students and family members of judges and lawyers. The Arkansas JLAP was instituted in 2000 to provide services to judges, attorneys and their families, with an amendment by the Arkansas Supreme Court in 2010, which added services for law students. Comparatively, West Virginia was the last state in the country to found a Lawyers Assistance Program with the 2012 launch of the West Virginia Lawyers Assistance Program, a three-year pilot program in 2012.¹

For those who are not familiar with this program or its existence, Rule 1 (a) of the West Virginia Supreme Court Rules states “There is hereby established a statewide lawyer assistance program to be known as the West Virginia Lawyer

Assistance Program (WVLAP), which shall provide immediate and continuing help to lawyers who suffer from any physical or mental health conditions that affect their ability to practice.” Rule 1 (b) defines the four primary purposes of the program which are as follows: 1) To protect the interests of clients and the general public from harm caused by impaired members of the legal profession; 2) To assist impaired members of the legal profession to begin and continue recovery; 3) To educate the bench, the Bar, and the public to the causes of and remedies for impairments affecting members of the legal profession; and 4) To develop programs that emphasize prevention of conditions that might negatively affect members of the legal profession.

As you can see, this program is designed to ensure lawyers and

judges can have a safe haven to reach out to before their clients, and the public in general, are affected by an attorney's physical or mental health issues. I find this program to be very beneficial and may be a way to prevent the Office of Disciplinary Counsel from becoming involved, and thus reducing their growing caseload. As attorneys we are taught to be stoic, and not to show emotion, no matter how stressful the situation. We are taught to stand tall and be pillars in our communities, but the fact of the matter is at the base of everything we are still human. The cases and issues we deal with on a daily basis affect us, whether we want to admit it or not. The day in and day out chaos of trying to balance work with family and other commitments can be exhausting. Often as attorneys we cannot discuss our day with our spouses as a significant portion of what we do is confidentially protected information, so who can we turn to? For some the solution is alcohol or other substances, which often times are prescribed by a physician. This is where the WVLAP program was designed to step in. No one ever thinks they are going to become an addict. I have never heard a drug addict or an alcoholic say "I am glad I took that first drink, I always hoped I would end up an alcoholic and destroying my life." It just happens, and often without the individual affected even realizing it.

The WVLAP is confidential so no one, other than our executive director, George Daugherty, has to know there is an issue. The WVLAP also allows for the confidential reporting by others who are concerned a loved one or close friend may be suffering from a problem that person does not even realize they have. Since it was founded, Daugherty has essentially run WVLAP single-handedly. But, it doesn't have to be this way. We as lawyers and judges have the ability to help our colleagues by volunteering for this program, and we can do so in a number of ways.


As a volunteer for the WVLAP, we may be called to assist in interventions planned by the WVLAP, act as a 12-step program sponsor or recovery mentor, or be a local contact in our home counties for members of

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the legal profession seeking help from the WVLAP. We may also be called to act as a contact between the WVLAP and the courts, the Lawyer Disciplinary Board, the Office of Disciplinary Counsel, and other state Bar organizations, committees, etc. As you can see, there are a number of ways we can assist the WVLAP by simply asking the question, "What can I do to help?"

As it currently stands, the WVLAP is funded by the West Virginia State Bar through our Bar dues. Any remaining funds needed to assist in providing services through WVLAP are to be raised by the program itself. But unfortunately, the amount of money set aside for the WVLAP is not enough to accomplish what needs to be done. This is why it is so important that we offer our time as volunteers to this program. It does not appear that funding will be permitted to be increased by the State Bar, so that places the burden on us as individual attorneys. I understand not everyone will find this to be a worthy cause. But I ask you to think about this, if we don't take care of our own, who will?

I also understand that many of the larger firms may have internal programs to address these issues their employees may have, but what about the growing number of solo practitioners found in West Virginia? I challenge each of you to take a few minutes and think about your profession and your fellow colleagues. I am sure we can all think of at least one person who would or could benefit from the services provided by WVLAP. Now would you give \$15 to help that person? If the answer is yes, I encourage you to consider making a donation to WVLAP. If you are still on the fence, I encourage you to contact Daugherty and talk to him about this program and the services he offers. After all, West Virginia is a small state and sometimes we all need somebody to lean on.

For more information on the WVLAP, turn to page 22. 

¹ It should also be noted that prior to the implementation of WVLAP, Mr. Arch Riley ran a volunteer program known as Lawyers Helping Lawyers that provided assistance for attorneys who were struggling with substance abuse issues. Upon his death, Ms. Karen Kahle took responsibility of this program on a volunteer basis until WVLAP was officially founded.