

Inside the Office of Bar Counsel:

Lawyers and Substance Abuse

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Substance abuse is democratic; it defies stereotypes. Compulsive use of alcohol and other drugs cuts across all gender, age, racial, religious, economic, occupational and geographic boundaries.

Fact:

Roughly one in eight American adult drinkers is an alcoholic or experiences problems due to the use of alcohol.

Source: "The Economic Costs of Alcohol and Drug Abuse in the United States 1992," National Institute on Drug Abuse, National Institute on Alcohol Abuse and Alcoholism, National Institutes of Health, 1998.

Fact:

An estimated 14.8 million Americans were current users of illicit drugs in 1999, meaning that they used an illicit drug at least once during the 30 days prior to the interview.

Source: Substance Abuse and Mental Health Services Administration, 1999 National Household Survey on Drug Abuse.

Alcohol and drug addiction can lead to serious attorney disciplinary problems. Each year the Virginia State Bar Disciplinary Board hears summary suspension, disability and misconduct cases involving substance abuse. In summary suspension and disability matters, there is usually direct evidence of substance abuse; in many misconduct cases, the issue of substance abuse is not addressed because there is only circumstantial evidence of abuse. Some matters involving substance abuse never reach the Disciplinary Board because the respondents surrender their law licenses rather than confront the substance abuse problems that led to disciplinary charges.

The public and the legal profession suffer when the attorney disciplinary process has to deal with substance abuse issues. By the time the bar learns an attorney is addicted to alcohol or other drugs, it is more likely than not that the abuse has already harmed someone. The best way of dealing with substance abuse is prevention and, if that fails, finding help for lawyers who are addicted to alcohol or other drugs sooner rather than later. Frequently, after a lawyer has been arrested or publicly disciplined for conduct related to substance abuse, the word on the street is that everyone knew for a long time that the lawyer had a serious problem. Which prompts the obvious question: Did no one try to help the lawyer or, when efforts to help were unavailing and the public was at risk, report the lawyer to the bar?

Encouraging a lawyer to acknowledge that he or she has a substance abuse problem is not an easy undertaking. Reporting the lawyer to the bar may be an even more difficult decision.

But each of us has a duty to our family, friends, fellow bar members and the public to address substance abuse issues.

Who can assist you in finding help for a lawyer with a substance abuse problem? Lawyers Helping Lawyers has a statewide network of volunteers and trained professionals, who are available to counsel concerned family members, friends and colleagues, and to intervene if necessary. Rule 8.3(d) of the Professional Rules of Conduct expressly excepts lawyers and judges helping impaired lawyers from the duty to report professional misconduct. Since Lawyers Helping Lawyers does not share reports of substance abuse with the Virginia State Bar, contacting Lawyers Helping Lawyers will not adversely affect or jeopardize a lawyer's standing with the bar. The Lawyers Helping Lawyers confidential help line is: (804) 644-3212.

When should you seek help? If a lawyer you know engages in one or more of the following behaviors, there may be reason for concern:

- Lying about alcohol or drug use
- Becoming jumpy, shaky, cranky or nervous when deprived of alcohol or drugs
- Using alcohol or drugs in the morning or at work
- Missing work or performing poorly due to alcohol or drug use
- Having trouble stopping once drinking or drug use begins
- Avoiding family, friends and colleagues in order to get drunk or high
- Experiencing legal or financial problems due to alcohol or other drug use
- Taking risks, such as driving or engaging in illicit sexual encounters, while under the influence of alcohol or other drugs
- Developing chronic health problems or being hospitalized as a result of alcohol or drug use

The sooner lawyers with substance abuse problems get help, the better. Do not assume that a particular lawyer's problems are known to the bar and that the bar will do something about them. Act upon your concerns, try to get help for the lawyer and, if the substance abuse problems persist and the public is at risk, notify the bar. By doing so you may save a fellow attorney's livelihood, personal relationships and, in some cases, his or her life. [LHL](#)