

ATTACHMENT 1

Gregory James Dorst, J.D., CADC II
gdorst2@gmail.com

15111 Pipeline Ave. Space 182 Chino Hills Ca 91709

(626) 222-6299

Education

Ministerial Intensives Graduate, Panel Approved, Monterey, CA, July 31, 2011

Ministerial Studies Graduate, International Centers for Spiritual Living, Simi Valley, CA, 2011

Academy for Coaching Excellence, Maria Nemeth, Ph.D. *Mastering Life's Energies*, Sacramento, CA, 2005

Certified Addiction Specialist II (CADC II) CAARR Institute, Sacramento, CA, 2003

Law Degree (J.D.) from University of La Verne, College of Law, La Verne, CA, 1983

Bachelor of Science (B.S.) from Claremont McKenna College, Claremont, CA, 1977

Diploma from Chaffey High School, Ontario, CA, 1973

Legal Experience

1993 to 1997 Law Offices of Greg J. Dorst, Sole Practitioner
Criminal and Civil Litigation with emphasis on Criminal Defense.

1988 to 1993 Law Offices of Anderson and Dorst, Partner
Focus on Corporate Law and Real Estate Litigation with associated transactional duties.

1985 to 1988 San Bernardino County District Attorneys Office
Deputy District Attorney. Misdemeanor and Felony jury trials.

1984 to 1985 Law Offices of Tracy Lowman Tibbals, Associate
Civil Litigation, Corporate Law.

1983 to 1984 Law Offices of Tracy Lowman Tibbals, Law Clerk
Pleadings, motions, discovery and research.

Treatment and Recovery Experience

April 2014 to October 2016 Consultant to Social Science Services, Inc. Provide Organizational support including CEO Interim Services, CEO training and Board oversight and development.

March 2009 to 2014 Chief Executive Officer for Social Science Services, Inc.,
Bloomington, Ca. Oversight for 21 unique programs including Cedar House, a 125
bed residential facility on 5 acres, Maple House for women and children and other
expansive in-patient and outpatient programs with an annual budget of over \$5
million.

January 2005 to 2011 and April 2014 to Present Consultant for Social Model
Recovery Systems
Present trainings and provide technical assistance to treatment providers on a variety
of TAP 21 subjects, throughout the state of California.

Training Topics:

- a) Co-Occurring Disorders
- b) Conflict Resolution (author)
- c) HIPAA and Confidentiality
- d) Ethics
- e) Sexual Harassment
- f) Boundaries
- g) Counseling Techniques
- h) Men in Recovery (author)

Technical Assistance Topics:

- a) Policies and Procedures for
 - 1) Sexual Harassment
 - 2) Confidentiality/HIPAA
- b) Board Functions

January 2005 to 2011 Consultant for CAARR
Present trainings for conferences throughout the State of California and by special
request for the Executive Staff at ADP in Sacramento, as well as writing new
trainings and providing technical assistance for programs in need.

Training Topics:

- a) Men in Recovery (author)
- b) Confidentiality/HIPAA
- c) Ethics

Nov. 2004 to December 2010 Consultant for The Other Bar, a Non-Profit
Corporation.

Work directly with alcohol and drug addicted attorneys on a confidential basis.
Present substantive materials and experience regarding alcoholism and drug
addiction to attorneys, law firms and associations for Mandatory Continuing Legal
Education Hours. Preferred speaker and trainer for:

- a) USC Gould School of Law
- b) Best, Best and Krieger
- c) District Attorneys for San Bernardino, Riverside, Orange, L.A., and San Diego Counties
- d) Public Defenders for San Bernardino, Riverside and L.A. Counties
- e) Treatment Providers and AA Conventions across the United States
- f) California State Bar Conventions
- g) CAALA Conventions
- h) Thompson and West webinar series on Addiction and Recovery

Dec. 2000 to Aug. 2004 Program Director, Mid Valley Recovery Services, Inc.
 Manage all aspects of the C.O.U.R.T. Program, the provider of services for the El Monte Superior Court's Drug Court Program. Obtained State Certification for this program and drafted all program Policies and Procedures. Worked directly with Alcohol and Drug Programs Administration and Division 2 of the El Monte Superior Court, Comm. Jose Rodriguez, presiding. Responsible for drafting program budget for submission to CEO; worked directly with staff and program participants and presented staff trainings on all aspects of drug and alcohol counseling.

Ministerial Experience

April, 2014 to Present Sr. Minister and Spiritual Director of the Claremont Center for Spiritual Living, Claremont, CA www.claremontcsl.org

September 1, 2011 to April, 2014 Assistant Minister, Sanctuary for Spiritual Living in Covina, CA (Rev. Kris Collins, Sr. Minister) Weekly speaking duties at the One Power Sunset Service, teach classes, lead retreats, Sunday morning welcome. Paid position.

May, 2013 to September 2013 First Church of Religious Science, Fullerton.
 Handle all pastoral duties of Sr. Minister while their minister was on sabbatical, including speaking engagements every Sunday morning.

Board of Director/Trustees Experience

April 2014 to Present Board of Trustees, Claremont Center for Spiritual Living, Claremont, CA

2012 to 2014 Vice President of the CCAPP exploratory Board of Directors tasked with forming the consolidated corporation CCAPP, Inc., from CAARR, Inc. and CAADAC, Inc.

April 1, 2014 to April 1, 2015 Consultant to Chief Executive Officer-Board Member, Cedar House Life Change Center, www.cedarhouse.org

February 2011 to present Board of Directors for California Association of Addiction Recovery Resources (CAARR) the largest certifier of addiction counselors in the state of California.

April 2011 to 2012 Executive Committee Member (Secretary) of the Board of Directors for The Other Bar, Inc. Statewide organization of lawyers and judges in recovery.

April 2010 to 2012 Member of the Board of Directors for The Other Bar, Inc. Statewide organization of lawyers and judges in recovery.

February 2004 to February 2008 Board of Trustees Member and President, Foothill Center for Spiritual Living, Sierra Madre, CA Led the Board and congregation through the process of finding and securing a new minister.

October 2004 to March 2007 Board of Directors Officer/Member for Cedar House, Bloomington, CA. Responsibilities, in conjunction with the full board, included full responsibility for the continuing financial well being of the institution, including fundraising; budget and organizational oversight.

March 2004 to 2005 C.A.S. Board Member. Chairman of Continuing Education Committee.

Related Experience

Thompson West "webinar" faculty on Substance Abuse and the Legal Profession
Inland Empire Collaborative Courts Committee, Vice Chair
Executive Committee Member for IECC, Capacity Building Academy (CBA) Alumni Collaborative through First 5 San Bernardino
Participant in Board Fundraising Workshop by Zimmerman & Lehman
Conducted Formal Interventions for attorneys and judges
Featured Guest on Rehab Radio
PBS Television-- Regular Guest on "Voice of the Inland Empire"
Clean and Sober since 10/31/97, with vast 12-Step working knowledge and experience
Awarded Certificate of Outstanding Accomplishment by Los Angeles County Board of Supervisors, 2008
Author, *Addiction: The Equal Opportunity Destroyer*, California Bar Journal, Business Section, December, 2009.
California State Bar Convention Workshop Presenter: *Substance Abuse and Ethics*
Blog Author- www.otherbar.org

2014 to 2016 Trainings for Confidentiality and Ethics

SCADP

Saturday Training Sessions Social Model Recovery Systems, Inc.

Pine Ridge Recovery (3 locations)

Clare Foundation

CCAPP Conference

Promises

NCADD

ADAP

References

Lawrence Kuhlman, Attorney and Past President of The Other Bar (909) 987-0018

Margaret L. Edwards, Director of Education and Training, SMRS (626) 332-3145

Gary Wenkle Smith, Attorney and Past President of Board of CHLCC (909) 880-9815

James Otto Heiting, Past President of the State Bar of California (951) 682-6400

Rev. Dr. Kristina Collins, Sr. Minister at Sanctuary for Spiritual Living Covina, CA
(626) 963-4608

DAVID MANN

141 F Street Petaluma CA 94952 dguymann@gmail.com / (415) 240-1599

RELEVANT EXPERIENCE: Counseling and Outreach

• The Other Bar, April 2009-Present

Northern California Recovery Consultant/Statewide Services Coordinator

Perform and coordinate all aspects of The Other Bar's work assisting California attorneys struggling with substance abuse and related issues. Start, maintain, and attend mutual peer support groups across Northern California. Answer hotline and respond as necessary with advice, referrals, personal meetings, interventions, treatment placement and transportation. Present *Competence: Substance Abuse in the Legal Profession* MCLE's statewide. Keep current The Other Bar's status as a certified provider. Maintain all MCLE records. Respond to email inquiries re Other Bar services. Plan and execute annual networkings and retreats. Write and publish recovery related articles in various legal publications.

State Bar of California Lawyer Assistance Program, April 2008-April 2009

Peer Consultant

Duties included: Develop "Substance Abuse in the Legal Profession" MCLE course content and present to bar groups statewide; receive referrals from LAP case managers and initiate contact with attorneys in crisis; arrange for treatment; transport attorneys to treatment facilities, visit and support them during treatment, and assist with transition into their local recovery community following treatment; regularly attend numerous Bay Area LAP support groups with membership totaling 80-100 participants, and remain available to provide specific support services as needed.

• Homeward Bound of Marin, February 2005 – October 2007

Resource Counselor

Comprehensive case management focusing on locating appropriate community resources for residents. Duties included: facility oversight, weekly individual counseling meetings with a caseload of 10 families, including children of all ages, writing treatment plans, progress notes and related documents, individually running the office, problem solving, conflict resolution, and data collection and analysis in accordance with funding providers' requirements. Supervised childcare facility and conducted ongoing teen youth groups. Facilitated recovery group relapse prevention meetings for adult residents with substance abuse issues.

• Walden House, San Francisco, 2000-2002

Placement Coordinator / SASCA (Substance Abuse Services Coordinating Agency)

Reviewed exit files of parolees leaving state prison treatment centers, and arranged for transition and placement in community treatment facilities. Maintained contact with counselors at over a dozen prisons, and worked closely with program directors and intake managers at over 40 community-based treatment facilities statewide. Counseled

individual clients experiencing difficulty transitioning into the community. Served as liaison between treatment counselors, parolees, and parole agents. Traveled Northern California giving presentations to regional parole offices regarding treatment options as alternatives to incarceration for drug-related parole violations.

- **Jelani House, San Francisco, 1999-2000**

- Residential Rehabilitation Counselor*

Provided individual and group counseling and case management services to residents of a 15-person men's residential treatment facility, using therapeutic community modality. The facility primarily served clients referred from the state parole board and county probation office. Duties included maintaining charts in compliance with these agencies' specifications.

- **Mission Rock Homeless Shelter, San Francisco, 1998-1999**

- Counselor*

Participated in all aspects of day-to-day operation of harm-reduction model facility, from performing intakes and assessments to monitoring the floor.

RELEVANT EXPERIENCE: Legal

- **Lexington Law Group, San Francisco, 2003-2005**

- Paralegal*

Performed all required work in support of busy public-interest complex civil litigation caseload. Investigated factual and legal issues, wrote complaints, answered and propounded discovery, drafted motions and other pleadings, and participated in negotiations and meetings with public-interest groups, the California Attorney General's Office and large corporate law firms statewide.

- **Murphy & Associates, San Francisco, 2002-2003**

- Private Investigator*

Served as the lead investigator and research coordinator for criminal defenses attorneys preparing serious felony cases for trial.

- **Deputy Public Defender / Private Law Practice, San Francisco, 1983-1995**

- Criminal Defense Attorney*

Handled all aspects of legal representation for large misdemeanor and felony caseload. Represented countless clients charged with DUI and/or drug offenses, working with prosecutors, probation officers and treatment providers to facilitate rehabilitation efforts wherever possible.

EDUCATION

- College of San Mateo, 2001: 40% of credits toward CADAC (Alcohol & Drug Counseling Certificate)

- J.D. Stanford Law School, 1983

- B.S. Environmental Sciences, Ohio State University, 1979

VOLUNTEER WORK

•Marin Services for Men, San Rafael, 2005-2010

Group Facilitator

Facilitated once weekly tool-based group recovery meetings in-house at 15 person sober living environment.

•San Francisco AA Teleservice, 2003-2010

Covered a once-monthly, eight-hour shift answering AA hotline calls from individuals requesting support, advice and referrals to appropriate alcoholism and addiction recovery groups.

•Image for Success, San Rafael, 2006-2018

Assisted in advising, dressing and providing clothing to clients reentering the job market after periods of incarceration, drug treatment, or homelessness.

•Ozanam Detox Center, San Francisco, 2003-2012

Conducted a once monthly H&I AA meeting for 20-30 clients currently in residence at detox center.

PERSONAL

Clean and sober since July 24, 1998. Recent LAP graduate. Very active in Marin and San Francisco recovery community, as well as The Other Bar. Extremely dedicated to recovery and related service work.

References available upon request

ATTACHMENT 2

Other Bar Speaker: David Mann

Biography

David Mann is a graduate of Ohio State University and Stanford Law School. He served as a Deputy Public Defender in San Francisco before becoming a solo criminal defense practitioner. After 12 years of practice, substance abuse-related issues caused him to resign from the bar with disciplinary charges pending. Following a relentless battle with addiction which included numerous hospitalizations and periods of living on the streets, he succeeded in getting clean and sober in 1998. Since then he has worked, among other things, as a cab driver, a private investigator, a paralegal, and a drug and alcohol rehabilitation counselor. He presently serves as the Northern California Consultant to The Other Bar, a statewide organization of recovering attorneys, judges, and law students. In this capacity, he spends his time providing outreach and education to the legal community, and assisting attorneys as they struggle with substance abuse and related challenges that threaten their ability and/or eligibility to practice law.

Substance Abuse in the Legal Profession: Prevention, Detection, and Treatment

MCLE Program Description

In this presentation, Mr. Mann provides a review of the brain chemistry of addiction and alcoholism, as well as a discussion of the behavioral and health consequences of the disease. Insights are offered into the personality traits of attorneys and the qualities of the legal profession that combine to make lawyers significantly more susceptible to addiction, and more difficult to treat, than the general population. The presentation includes a case study of an addict attorney, as well as a self-diagnosis exercise for attorneys to utilize if they are concerned that they may have a problem which needs to be addressed. Concluding remarks are directed towards both systemic and individual solutions to the problem, with references to specific strategies and resources available to attorneys. Mr. Mann approaches this very serious topic in a manner that incorporates humor and irony and invites attorneys to engage in a bit of sometimes much-needed self-reflection.

Outline

1. Introduction: Scope of Problem
 - a. Statistics
 - b. Professional Consequences
 - c. Difficulty of Solution
2. The Disease of Addiction
 - a. Symptoms
 - b. Traits
 - c. Brain Chemistry
 - d. Treatment
3. The Legal Profession: Why?
 - a. Lawyer Personality
 - b. Hourly Billing/Time Scarcity = Use of Chemical Shortcuts
 - c. Adversarial System = Desirability of Performance Enhancing Drugs
 - d. Advocacy for Client's Goals = Cognitive Dissonance
4. New Developments: The Challenge of COVID, Remote Work, and Uncertainty
5. Case Study: The Addicted Lawyer
6. Conclusion: Prevention and Detection

MCLE

Competence: Substance Use Disorders, Mental Health and the Practice of Law

Presenter: Greg Dorst JD, CADC II Consultant to The Other Bar

In this compelling presentation, you will learn about the harmful physical and mental effects of alcohol and drug abuse and addiction. How do we recognize use and abuse of alcohol and other substances? Why are legal professionals prone to alcohol and drug abuse and addiction? What are the impacts to family, friends, employers, clients and colleagues of alcohol and drug abusers? When is it time to get professional help to intervene and preserve one's health and career? Mr. Dorst will use his own personal journey and experience to bring these important issues to the forefront. He will provide resources for your consideration, and highlight the role that The Other Bar can play in the recovery process. You will receive 1.0 hour of general participatory Competence Issues MCLE credit for this presentation.

ATTACHMENT 3

THE OTHER BAR CAN HELP

Among the services which the Other Bar can offer to an impaired lawyer, judge or law student are:

Assessment and Referral: When you, a family member, or other concerned person calls the Other Bar, one of our staff consultants will evaluate the situation and outline available options.

Treatment: Through our network of community resources, The Other Bar can help to obtain counseling, and in-patient or out-patient rehabilitation. Under certain circumstances, we also provide matching funds in the form of loans to qualified individuals not able to pay the full cost of treatment.

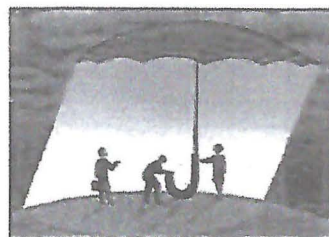
Peer Support Network: When drugs or alcohol are involved, mentors, who are themselves recovering lawyers and judges, are available to talk and listen.

Support Groups: The Other Bar sponsors regular, anonymous peer support groups statewide for individuals concerned about their drinking, drug use, or other addictive behaviors.

Education and Prevention: The Other Bar works with law firms, bar associations, the courts and law schools to provide education concerning chemical dependency and recovery. We offer MCLE accredited panels, workshops and retreats that are tailored to meet the needs of the specific participants.

A TREATABLE ILLNESS

Chemical dependency is not a moral issue; it is, instead, a treatable illness which causes a deterioration of moral and ethical values. The stigma is not in having the illness but in failing to seek treatment once its presence is recognized. Seeking treatment is perfectly acceptable social behavior. Free confidential help is available to any legal professional who may be having problems with alcohol or other substances. If you or someone you care about is suffering from such a problem, professional and peer assistance is available through the Other Bar to help bring about a positive change.



The Other Bar

Can Make a Difference

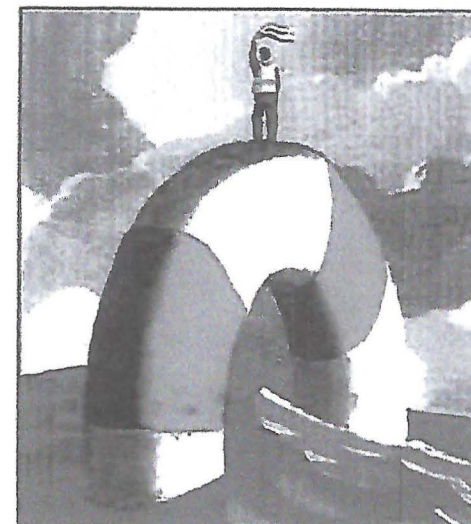
**Call Our Toll - Free Information
Hot Line 24 Hours a Day at:**

1-800-222-0767

website: www.otherbar.org

The Other Bar

*Help For Alcoholism, Drug Abuse
and Related Personal Problems*



**A Confidential Counseling and
Referral Resource For California
Lawyers, Judges, Law Students
and Their Families**

1-800-222-0767

THE OTHER BAR

Is a network of recovering lawyers and judges throughout the state, dedicated to assisting others within the profession who are suffering from alcohol and substance abuse problems. We are a private, non-profit corporation funded by member contributions and private donations.

Our organization is founded on the principle of anonymity and provides services in strict confidentiality. The program is voluntary and open to all California lawyers, judges and law students. Our consultants and volunteers stand ready to assist their colleagues in all areas of recovery.

THE NATURE OF CHEMICAL DEPENDENCY

Over 20 million Americans suffer from alcohol or drug dependency. However, it is generally accepted that the prevalence of chemical dependency within certain professions, including the legal profession, is higher than among the general population. It has been estimated that as many as 50% to 70% of the lawyers who are respondents before bar disciplinary committees are chemically dependent.

BATTLING ADDICTION

Like all people in all walks of life, lawyers tend to deny their symptoms. Their attempts to find solutions or tough it out alone are usually in vain. By acting omnipotent, they jeopardize all that is meaningful

in their lives and many find their careers and families slipping away as they grow more desperate. Chemical dependency is a progressive disease—it never gets better by itself.

A SELF TEST

Use this questionnaire to assess alcohol and/or chemical dependency problems

1. Are my associates, clients, or support personnel alleging that my alcohol/drug use is interfering with my work?
 2. Do I plan my office routine around my alcohol/drug use?
 3. Am I fooling myself into believing that drinking at business lunches is really necessary?
 4. Do I ever feel I need alcohol/drugs to face certain situations?
 5. Do I frequently use alcohol/drugs alone?
 6. Because of my alcohol/drug use, have I ever had a loss of memory when I was apparently conscious and functioning?
 7. Has my ambition or efficiency decreased since I began to drink or use drugs?
 8. Do I ever use alcohol/drugs before meetings or court appearances to calm my nerves, gain courage, or improve performance?
 9. Do I want, or take, alcohol/drugs first thing in the morning?
 10. Have I missed or adjourned closings, court appearances or other appointments because of my alcohol/drug use?
 11. Due to my use of alcohol/drugs, have I ever felt any of the following: fear, remorse, guilt, real loneliness, depression, severe anxiety, terror, or a feeling of impending doom?
 12. Is alcohol/drug use making me careless of my family's welfare or of other personal responsibilities?
 13. Does my alcohol/drug use lead me to questionable environments or acquaintances?
 14. Have I neglected food, hygiene, health care?
 15. Have I ever neglected my office administration or misused funds because of my alcohol/drug use?
 16. Am I becoming increasingly reluctant to face my clients or colleagues in order to hide my alcohol/drug use?
 17. Have I ever had the shakes, the sweats, or hallucinations as the result of my alcohol/drug use?
 18. Do I lie to hide the amount I am drinking or using drugs?
 19. Could disturbed or fitful sleeping be the result of my alcohol/drug use?
 20. Have I avoided important social, occupational or recreational activities as a result of my alcohol/drug use?
- If you have answered **YES** to more than one of the above questions, it is time to seek help. You do not have to manage it alone. Don't put off calling while you are trying to decide whether things are bad enough. You do not have to lose your license, reputation or family before reaching out for assistance.

ATTACHMENT 4



The Other Bar
Supporting Recovery in the Legal Community
David Mann, J.D.
Consultant/Services Coordinator
800.222.0767
<http://www.otherbar.org>

[Date]

Dear: [Name]

You are receiving this letter because of the recent disciplinary action taken against you by the California State Bar and reported on the state bar website. I am the Statewide Consultant and Services Coordinator for The Other Bar. The Other Bar is a voluntary recovery organization for those in the legal profession. *We are not affiliated with the California State Bar Association or the Lawyer Assistance Program.*

Both my experience and State Bar statistics support the proposition that a majority of attorneys undergoing discipline proceedings are doing so at least in part due to underlying problems with alcohol or other substance abuse. If this is the case in your situation, please feel free to contact me *at no cost and in complete confidentiality*, at The Other Bar. I welcome the opportunity to be of service to you in whatever manner possible.

The Other Bar has a proven track record of success in helping attorneys and law students achieve and maintain sobriety. We have been in existence for over thirty years and have hundreds of members statewide. Our members are from all walks of the profession, and include judges, prosecutors, defense attorneys, large firm partners, solo practitioners and law students. Our purpose is to provide strength and support to attorneys who are recovering from problems with alcoholism, drug abuse, or other addictions. To this end we conduct regular mutual support meetings in dozens of cities and towns across the state. We also do education and outreach in the form of Continuing Legal Education Seminars. I invite you to visit our website and/or call me at 800.222.0707 if there any questions you wish answered. I have also enclosed an Other Bar pamphlet for your review. You will be warmly welcomed should you decide to attend any of our meetings. (You may also wish to call the Lawyer Assistance Program at 877.527.4435.

I wish you the best during what is no doubt a difficult time for you. Please consider calling on us for assistance. Many of our members (me included) have experienced disciplinary proceedings and the attendant financial, personal, and family problems; and we received much-needed support from the Other Bar. Once again, be assured that your involvement with The Other Bar is *strictly confidential, voluntary, and at no cost.*

Sincerely,

David Mann
Consultant/Services Coordinator
The Other Bar

ATTACHMENT 5

Competence: Substance Abuse in the Legal Profession; Bad and Getting Worse

by David Mann, J.D., Northern California Consultant, The Other Bar*

Published November 2019, for the MCLE Spectacular

Note: The information in this article is based both upon the sources cited and the empirical observations and insights gained by Mr. Mann over the course of his 13 years of full-time experience working with California lawyers, judges and law students suffering from substance use disorders.

The legal profession has a reputation for many things. Perhaps because of the role lawyers and the legal system play in the frequently unpleasant business of resolving disputes and regulating behavior in society, the public's perception of the profession is wrought with uncomplimentary stereotypes. Is there another profession that has its own genre of jokes? The local bookstore is likely to have a small section devoted to books containing lawyer-centric "humor," virtually all of which evinces a negative and derogatory view of lawyers and the law. One of these stereotypes is that of the drunken trial lawyer, whose origins can be traced at least as far back as Shakespearean times. Unfortunately, this stereotype has a real and worsening basis in fact. Substance abuse in the legal profession, a long-recognized problem, has recently been well-documented as a phenomenon that is getting progressively more widespread, with serious consequences for practitioners and the public. Lawyers who are impaired by drugs or alcohol, almost by definition, cannot be relied upon to provide competent legal services to their clients. Accordingly, this issue needs to be prioritized and addressed.

It is no coincidence that the California State Bar Association's continuing legal education requirements have long included a mandatory unit on this

subject. Additionally, the State Bar administers a legislatively established Lawyer Assistance Program, ("LAP"), largely to address this problem. Unfortunately, it has recently become apparent that much more must be done. A clarion call for action went out in 2016 with the publication of an article entitled *The Prevalence of Substance Use and Other Mental Health Concerns Among American Attorneys*. (Addiction Medicine, Volume 10, Number 1, January/February 2016). This research, conducted By Patrick R. Krill, JD, LLM, et. al., was co-sponsored by the Hazelden Betty Ford Foundation and the American Bar Association, and made a number of findings which shocked the profession.

The study utilized a sample of 12,825 licensed, employed attorneys across 19 states. They comprised all walks of the profession and reflected a high level of diversity regarding demographic categories such as race, gender, and age. Each attorney completed a survey, the results of which were subjected to pre-existing and well-established evaluation protocols. The overall conclusion was that "attorneys experience problem drinking that is hazardous, harmful, or otherwise consistent with alcohol use disorders at a higher rate than other professional populations." Some specifics:

1. 20.6% of participants screened positive for potentially alcohol-dependent drinking.
2. Surprisingly, respondents 30 years of age and younger were more likely to have a higher score than their older peers.
3. Levels of depression, anxiety, and stress were significant, with 28%, 19%, and 23% of attorneys, respectively, experiencing symptoms.

Who are these attorneys, and why do they suffer these symptoms? It seems counterintuitive that attorneys should be so afflicted. Well-educated, usually well-compensated, and generally respected (if grudgingly) they are not the type of people commonly perceived as alcoholics or addicts. So, what is going on?

It turns out that an examination of the nature of addiction, especially the manner by which it first gains its grip on its victims, alongside a look at some central and unique traits of the legal profession, sheds some light on this question. Addiction, which includes alcoholism, is widely regarded as a chronic, progressive and fatal brain disease characterized by craving of the substance involved, escalating and eventual compulsive use in spite of negative consequences, and ulti-

Continued ►

mately an inability to control or stop using. It is not a choice, or a malady inflicted from outside the sufferer, but rather the result of a process, which begins when an individual first uses a chemical to change the way they feel. Drugs and alcohol are chemical shortcuts, ways to artificially and quickly achieve a desired result. These can be generally characterized as "up"; more energy and focus (stimulants from coffee to Adderall to methamphetamines), "down"; relaxation and stress relief (depressants from alcohol to tranquilizers to opiates), "around"; temporary escape (perception changers such as marijuana and psychedelics), and "off"; (sleep medications). Often, initial use is quite effective and is perceived as providing a benefit. Usually there are no immediate negative consequences. This encourages repetition of the behavior. The attraction is that the substances usually work better than any natural way of achieving the desired state. The problem is that the substances are addictive, which means that users become habituated and then dependent on them and they eventually stop working, causing the use of higher doses, with the attendant negative side effects. In short, every drug has its desired effects, and its unwanted side effects. With addictive drugs, the side effects include impaired thinking and memory, personality changes, behavioral deterioration, and eventual dysfunction, negatively impacting every facet of life.

The legal profession is fertile ground for sowing the seeds of substance use for a multitude of reasons too numerous to cover in a short article. They include the following:

1. The "lawyer personality."

There is general agreement among those who have studied the psyche of lawyers that many share

a common profile of personality traits. (See, e.g., *Lawyer Know Thyself: A Psychological Analysis of Personality Strengths and Weaknesses*. Susan Daicoff, 2004). A partial list of these personality traits includes people that are: controlling, ego-driven, competitive, judgmental, pessimistic, argumentative, anxious, self-centered, grandiose, and compulsive. Some of these seem to inhere in those who select law as a career. Additionally, it is well-documented that the traditional law school educational style and socialization process greatly reward and exacerbate these traits. It turns out that this profile is uncanny in the degree to which it overlaps with the consensus "addict personality" profile. This means that many lawyers are predisposed by personality to be susceptible to addiction.

2. High compensation and hourly billing.

Most people who are compensated as well as attorneys simply do their jobs and receive their paychecks. Lawyers bill by the hour, in increments of 6 minutes. They are under tremendous pressure to bill hours, and the time is expensive and must be justified. This creates for many lawyers a strange perception and a chronic shortage of time, which spills over into their personal life. When there is never enough time, shortcuts become attractive. A stimulant can substitute for a nap, a drink for meditation or other natural means to relax, a joint for a vacation, or an Ambien for proper sleep habits.

3. The adversarial system.

Many advanced professions involve congenial cooperation towards common goals (think medicine, architecture, engineering), but lawyers often do battle with each other in a public forum, with great consequence. The pressure

to win is enormous. Who else does this? Professional athletes do. In both cases, whether it's the Super Bowl or a five million dollar verdict, the temptation to gain an advantage with performance enhancing drugs is enormous, and both athletes and lawyers succumb at problematic rates. However, athletes get tested, get caught, and are compelled to quit, or forfeit their careers. Lawyers are not tested, with the result that the problem usually goes on for longer and becomes much worse before it is addressed.

4. Advocacy for others.

Attorneys represent the interests of their clients, which they are duty-bound to pursue, whether they agree or disagree with the result sought or the effects caused. They are told to divorce themselves from moral responsibility for the outcome, as long as they follow the law and adhere to the code of ethics. This is not always an easy task.

People generally want to feel good, and people of substance want to do this by feeling they are good people who do good things for good reasons. Playing an instrumental role in achieving an outcome that is inconsistent with one's personal values can cause cognitive dissonance; a discomfort with conflicting values or with reconciling behavior that is not consistent with held values. If one has a fundamental value conflict with a result worked for and achieved, it is often of little consolation that the effort was "for the client" and the law and rules of ethics were followed. The law and the rules of ethics are minimum standards, not morality. They are not aspirational but represent that below which we cannot go without getting into trouble. This conundrum makes attorneys particularly susceptible to quieting the dissonance in their brain with alcohol.

Continued ►

The result of the pressure exerted by the legal profession is, per the Krill report discussed above, a lot of lawyers in trouble with drugs and alcohol. The problem is aggravated by the barriers to getting the needed assistance. First, lawyers are problem solvers. They are not in the habit of asking for help or showing weakness. They solve other people's problems; they don't have problems! They are called counselors; they don't need counseling! Next, the stigma of addiction is pervasive. Although a disease according to no less an authority than the AMA, addiction is still widely considered a moral failure, and lawyers often perceive their most valuable asset to be their reputation, which they are terrified of sullying with the stigma of addiction. Further, many attorney personality traits (see above) cause major challenges to embracing new ways of thinking associated with successful recovery. Finally, the pressures of work and the inflexibility of schedules often raise significant strategic obstacles to allocating the time off necessary to go to treatment.

How to identify the alcoholic or addict lawyer? This questionnaire, adapted for lawyers from a longstanding and widely used treatment assessment tool, is designed to identify a level of alcohol or other substance use which is adversely affecting professional competence, and likely to require treatment.

1. Are my associates, clients, or support personnel alleging that my alcohol/drug use is interfering with my work?
2. Do I plan my office routine around my alcohol/drug use?
3. Am I fooling myself into believing that drinking at business lunches is really necessary?
4. Do I ever feel I need alcohol/drugs to face certain situations?
5. Do I frequently use alcohol/drugs alone?

6. Because of my alcohol/drug use, have I ever had a loss of memory when I was apparently conscious and functioning?
7. Has my ambition or efficiency decreased since I began to drink or use drugs?
8. Do I ever use alcohol/drugs before meetings or court appearances to calm my nerves, gain courage, or improve performance?
9. Do I want, or take, alcohol/drugs first thing in the morning?
10. Have I missed or adjourned closings, court appearances or other appointments because of my alcohol/drug use?
11. Due to my use of alcohol/drugs, have I ever felt any of the following: fear, remorse, guilt, real loneliness, depression, severe anxiety, terror, or a feeling of impending doom?
12. Is alcohol/drug use making me careless of my family's welfare or of other personal responsibilities?
13. Does my alcohol/drug use lead me to questionable environments or acquaintances?
14. Have I neglected food, hygiene, health care?
15. Have I ever neglected my office administration or misused funds because of my alcohol/drug use?
16. Am I becoming increasingly reluctant to face my clients or colleagues in order to hide my alcohol/drug use?
17. Have I ever had the shakes, the sweats, or hallucinations as the result of my alcohol/drug use?
18. Do I lie to hide the amount I am drinking or using drugs?
19. Could disturbed or fitful sleeping be the result of my alcohol/drug use?
20. Have I avoided important social, occupational or recreational activities as a result of my alcohol/drug use?

If you have answered YES to more than one of the above questions, it may be time to seek help.

Fortunately, the Krill study was instrumental in starting a significant movement within the profession to acknowledge the magnitude of the problem and put in place some systemic solutions. Most notably, The ABA's National Task Force on Lawyer Well Being, published a comprehensive report in 2017 entitled: *The Path to Lawyer Well-Being: Practical Recom-*

mendations for Positive Change. This groundbreaking and excellent report is required reading for anyone who professes concern about the state of the legal profession. Among other astonishing observations, the report notes a decrease in civility contributing to the toxicity of practicing law and finds that the current state of affairs is "incompatible with a sustainable legal profession." It demands that every sector of the legal community acknowledge the problem, take responsibility, and implement concrete measures to make positive change, and provides detailed recommendations for all the stakeholders. It is a truly impressive, meticulous and inspiring piece of work, and provides some long overdue reason for optimism regarding the possibility of a future populated by healthy, happy, and well-adjusted lawyers.

** The Other Bar is a California 501(C) non-profit whose mission is to provide confidential, free assistance to attorneys suffering from substance abuse issues. For assistance, call 1.800.222.0767 or go to otherbar.org.*

David Mann, J.D., is a graduate of Ohio State University and Stanford Law School. He served as a Deputy Public Defender in San Francisco before becoming a solo criminal defense practitioner. After 12 years of practice, substance abuse-related issues caused him to resign from the bar with disciplinary charges pending. Following a relentless battle with addiction which included numerous hospitalizations and periods of homelessness, he succeeded in getting clean and sober in 1998. Since then he has worked as a drug and alcohol rehabilitation counselor. After completing the State Bar's five-year LAP (Lawyer Assistance Program) he was employed for a year as a peer counselor for that program. Since 2008, he has served as the Northern California Consultant to The Other Bar, a statewide organization of recovering attorneys, judges, and law students. In this capacity, he spends his time providing outreach and education to the legal community (presenting over 50 CLE's on this topic annually), and assisting attorneys as they struggle with substance abuse and related challenges that threaten their ability and/or eligibility to practice law.



MCLE Self-Study Test

Competence: Substance Abuse in the Legal Profession; Bad and Getting Worse

by David Mann, J.D., Northern California Consultant, The Other Bar®

Published November 2019, for the MCLE Spectacular

1. Drug and alcohol abuse in the legal profession is a problem that:
 - a. Is statistically insignificant.
 - b. Is on par with other professions.
 - c. Has been improving in recent years.
 - d. Is worse than other professions and is only recently being addressed on an institutional level.
2. The California State Bar Association's continuing legal education requirements have long included a mandatory unit on the subject of substance abuse.
 - a. True
 - b. False
3. The State Bar administers a legislatively-established Lawyer Assistance Program, ("LAP"), largely to address substance abuse, anxiety, depression, and other well-being issues.
 - a. True
 - b. False
4. Recent evidence for the existence of a serious mental health crisis in the legal profession:
 - a. is non-existent.
 - b. is largely anecdotal.
 - c. has been seriously discredited
 - d. is largely derived from a highly-regarded study that utilized a sample of 12,825 licensed, employed attorneys across 19 states.
5. In this study, the number of participants who screened positive for potentially alcohol-dependent drinking was:
 - a. not measured.
 - b. under 10 percent.
 - c. over 30 percent.
 - d. over 20 percent.
6. In the Krill study, respondents 30 years of age and younger were more likely to have a lower score than their older peers.
 - a. True
 - b. False
7. Addiction, which includes alcoholism, is classified as a disease by the AMA, and is widely regarded as:
 - a. chronic, progressive and fatal.
 - b. characterized by craving of the substance involved, and escalating and eventual compulsive use in spite of negative consequences.
 - c. an inability to control or stop using.
 - d. all of the above.
8. The eventual side effects of addictive drug or alcohol use include impaired thinking and memory, personality changes, behavioral deterioration, and eventual dysfunction, negatively impacting every facet of life.
 - a. True
 - b. False

Continued ►

9. A common profile of attorney personality traits does not include the following trait:

- a. controlling
- b. ego-driven
- c. pessimism
- d. humility

10. Attributes of the legal profession that challenge mental health include:

- a. High compensation and hourly billing.
- b. The adversarial system
- c. Advocacy for client's interests.
- d. All of the above.

11. The AMA's official classification of addiction as a disease has largely eliminated the legal profession's treatment obstacles of stigma and concern for damage to reputation.

- a. True
- b. False

12. The ABA's National Task Force on Lawyer Well Being reports a decrease in civility contributing to the toxicity of practicing law and finds that the current state of affairs is "incompatible with a sustainable legal profession."

- a. True
- b. False

**Competence: Substance Abuse in the
Legal Profession; Bad and Getting Worse
by David Mann, J.D.**

**HOW TO RECEIVE
ONE HOUR OF MCLE CREDIT**

Answer the test questions, choosing the one best answer to each question. Mail this Self-Study and your payment* (\$30 per credit hour for CCCBA members/\$45 per credit hour for non-members) to CCCBA at the address below. Certificates are generally issued within two weeks of the day this form is received. *The fee is waived for MCLE Spectacular 2019 participants with a Full Day Package. (ID# 13616)

Name

State Bar #

Firm Name

Address

City, State, Zip

Phone

Email

☐ Visa ☐ MasterCard ☐ Amex ☐ Check (payable to CCCBA)

Cardholder Name

Card Number

Expiration Date

Signature

November 2019 MCLE Spectacular - 1 Hour Competence Issues MCLE Credit

Return this form to:

CONTRA COSTA COUNTY BAR ASSOCIATION
2300 Clayton Road, Suite 520, Concord, CA 94520

San Bernardino County Bar Association

Alcoholism: Lawyers Need a Confidential “Hand-Up”

By: Greg Dorst JD, CADC II, Consultant to the **Other Bar**

Fact: *"Attorneys experience problematic drinking that is hazardous, harmful, or otherwise consistent with alcohol use disorders at a higher rate than other professional populations. Mental health distress is also significant. These data underscore the need for greater resources for lawyer assistance programs, and also the expansion of available attorney-specific prevention and treatment interventions."*

The above is a direct quote from original research published in the **Journal of Addiction Medicine**: January/February 2016 - Volume 10 - Issue 1 - p 46–52; the research was conducted and reported by Patrick R. Krill JD, LLM; Ryan Johnson, MA; and Linda Albert MSSW.

We all know lawyers who drink to excess, smell like alcohol or show signs and symptoms of the negative effects of alcohol and/or other drug usage. On June 8, 2018 the **American Bar Association** published a list of symptoms characteristic of various stages of alcohol dependency:

"An alcohol use disorder may be mild, moderate or severe depending on the number of symptoms. Symptoms may include:

- Being unable to limit the amount of alcohol you drink
- Feeling a strong need or compulsion to drink
- Developing tolerance to alcohol so that you need increasing amounts to feel its effects
- Having legal problems or problems with relationships, employment or finances due to drinking
- Drinking alone or in secret
- Experiencing physical withdrawal symptoms — such as nausea, sweating and shaking — when you don't drink
- Not remembering conversations or commitments, sometimes referred to as "blacking out"
- Making a ritual of having drinks at certain times and becoming annoyed when this ritual is disturbed or questioned.

- Losing interest in activities and hobbies that used to bring you pleasure
- Irritability when your usual drinking time nears, especially if alcohol isn't available
- Keeping alcohol in unlikely places at home, at work or in your car
- Gulping drinks, ordering doubles, becoming intoxicated intentionally to feel good or drinking to feel 'normal'."

This list is by no means exhaustive and could include "drug seeking" behavior which is characterized by "doctor shopping" and multiple prescriptions as well as unhealthy relationships with street drug users. All of these signs and symptoms appear over the course of time rather than suddenly and frequently get worse, without help. The disease of addiction is characterized as a chronic and progressive disease which rarely gets better on its own.

The question that I ask attorneys who find that they are experiencing negative consequences around alcohol and/or drug usage is, "Is it okay with you if your life gets better?" Thousands of struggling attorneys need to know that they do not have to live as they have been living. The practice of law is stressful enough without the constant pressure of not feeling well, broken promises to clients, family and friends and the fear that someone will find out what the attorney is doing and how it is affecting him/her both personally and professionally. Since lawyers make their living by and through their reputation, many feel that they must hide what is going on. This is not an effective strategy. Moreover, trying to solve the problem of addiction all by oneself is a recipe for disaster both personally and professionally. So, where does one start the process of change?

Frequently, a thorough assessment by a professional, such as an MD, social worker, or psychologist is an important step as consequences of quitting "cold turkey" may begrave and can include suicidal ideations, seizures and death. Some, however, want to begin with an anonymous group; there are groups that are specifically designed for professionals. These groups are confidential and support professionals in their recovery. Confidential groups create a community of support which has long been known to increase a person's chances of recovery.

The **Other Bar** is just such a community of support. As a private, nonprofit network of recovering lawyers, law students and judges throughout the state of California, the **Other Bar** is dedicated to assisting others within the legal

profession who are suffering from alcohol and substance abuse problems. All participants in the Other Bar adhere to principles of confidentiality and anonymity. What is shared in meetings and who attended is held in the strictest of confidence. The program is voluntary and open to all California lawyers, judges and law students and is not aligned with the State Bar of California. No information is shared with any person or organization.

This network of "lawyers helping lawyers" comprises over 30 peer support meetings throughout the state, most of which meet every week. This network serves thousands of lawyers throughout the State of California each year. Its members support each other in recovery and assist others in becoming and staying sober. For many, the Other Bar serves as a bridge to the larger community of recovery options. All lawyers, judges, and law students are welcome regardless of their recovery model: 12-steps, medical, therapeutic, religious, secular, etc. The **Other Bar** also provides MCLE programs, both online and live, focused on recovery. Through its Shot of Sobriety Loan Program, it assists with the costs associated with hospitalization and residential treatment for those who need it. Finally, it provides two retreats in the fall, one for men and one for women, and a statewide Networking Conference each spring, where lawyers, judges, law students and their families come together to share their experience, strength and hope.

A community of recovering lawyers can do wonders for one's sense of well-being and support. Recovery is hard; working toward change with others helps to alleviate loneliness and depression. The cycle of secrecy and aloneness must be interrupted and not reinforced. It is nice to be a part of a community of friends and colleagues who help one another to stay sober one day at a time.

The **Other Bar** website can be accessed at www.otherbar.org; their confidential 24-hour hotline number is **(800) 222-0767**. The website offers resources including contact information for consultants here in Southern California as well as in Northern California.

Again, I ask, would you like a hand-up? Is it okay with you if your life gets better?