



ADDICTION: WHAT TO DO?

BY KRISTINE KUZEMKA, ESQ.

No one wakes up on any given day and decides to crush their respective life, devastate their family, ruin their career, and then garner the label of an alcoholic or drug abuser or – in the extreme – to be charged with a crime related to alcohol and/or substance abuse. Unfortunately, many lawyers wake up to this reality when it is already too late. At that point, if she or he is lucky, a hard correction in course may salvage all that is or was lost.

For the past seven years, I've been involved with Lawyers Concerned for Lawyers (LCL), an almost 28-year-old volunteer organization of lawyers committed to helping other lawyers get assistance for addictions, whether it be alcoholism, drug abuse or gambling. LCL volunteers do whatever can be done to help the lawyer in need, including taking phone calls directly from a lawyer seeking assistance or taking calls from other lawyers, judges, family or friends in an effort to help the lawyer in need.

Several articles and CLEs on substance abuse and alcoholism have reported that the legal profession has a much higher incidence of alcoholism and addiction than others. This makes sense when you consider the stressors related to our profession: deadlines for court filings, client interactions in civil and criminal practice, and clients who place seemingly unrealistic demands on our time and resources. We juggle the practice of law; operate and manage a firm or solo practice. At times, these factors culminate to create a perfect storm, leading to addiction to alcohol, drugs or gambling. As a result, the State Bar of Nevada has intervened in many a lawyer's professional affairs due to some of these addictions, which have led to misuses of trust accounts, failing to keep up with required competence and/or bar complaints. However, countless lawyers have gotten help before getting to the point where the State Bar of Nevada's Office of Bar Counsel intervenes. Some lawyers in the midst of their addiction(s) may end up on the wrong side of the criminal justice system, and find themselves on the receiving end of a criminal charge. In spite of these set-backs, many have recovered their professional, familial and social lives.

Unfortunately, there are many lawyers who have not made it back. For example, one young man who reached out for help

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after a state bar presentation for new lawyers, got introduced to LCL and started the process of recovery from alcohol and substance use for a few years. There was no intervention in his life from the criminal justice system, nor was he on the receiving end of state bar discipline. In fact, he was highly regarded by his peers professionally and by all outward appearances, had a very successful career ahead of him. His story had a tragic end, however, as he eventually took his life.

On the other hand, another seasoned, accomplished lawyer was on the receiving end of criminal charges and eventually a conviction for drug possession. He failed to get help for his addiction issues and he, too, ended up taking his life. Both of these examples defy logic, as the individuals had gone through the rigors of completing their educations and establishing themselves in the legal community as good, solid lawyers, yet still experienced such a dramatic demise.

Ending on a positive note, in these examples there are countless lawyers who have entered the process of recovery, who shall remain anonymous due to confidentiality reasons, which is the cornerstone of LCL. People who have reached out to LCL have ranged in age from their late 20s to their 60s. Some reached out for themselves and others for a colleague, friend or family member. Many addressed their respective issues as a result and are now productive members of our profession and society at large. In so doing, these individuals have likely averted a “professional train wreck,” thwarting the inevitable collateral consequences, such as loss of their profession (and increased negative press for the legal profession at large), the negative impact on clients, and the negative impact on their family and friends.

To illustrate one success, a young lawyer, while in law school, suffered from the disease of alcoholism and struggled to maintain some semblance of normalcy. Eventually, the court system intervened due to a DUI, and when it came time to apply for admission to the bar, there were some hurdles to clear. This young lawyer gained provisional admission to the bar, is successfully practicing law and has been for several years.

Awareness and understanding of the disease of addiction has increased significantly over the past couple of decades. We are seeing a trend toward addressing the issue in the legal profession, whether through state bar Lawyers Assistance Programs, or programs like LCL and new CLE requirements to increase awareness for all lawyers. On January 10, 2013, the Nevada Supreme Court issued an Order Amending Supreme Court Rule 210: Minimum continuing legal education requirements. The change became effective 30 days from the date of the order, and requires that, “... At least one (1) hour every three (3) years shall be exclusively in the area of substance abuse, addictive disorders and/or mental health issues that impair professional competence. SCR 210(2)(a).”

The following 20 questions for problem drinkers are a tool to determine the possibility of a drinking problem.

1. Do you lose time from work due to drinking?
2. Is drinking making your home life unhappy?
3. Do you drink because you are shy with other people?
4. Is drinking affecting your reputation?
5. Do you ever feel guilty about your drinking?
6. Have you ever gotten into financial difficulties as a result of your drinking?
7. Do you worry that you have a problem with alcohol?
8. Do you ever drink more than you intend to consume?
9. Do you ever want a drink the next morning?
10. Have you gotten into physical fights when drinking?
11. Has your drinking ever created a problem(s) between you and your spouse, a parent or other relative?
12. Has your efficiency decreased since you've been drinking?
13. Have you ever lost friends because of your drinking?
14. Is drinking jeopardizing your job or business?
15. Is drinking affecting your sleep pattern?
16. Do you drink to escape worries or troubles?
17. Do you drink alone?
18. Have you ever been to a hospital, institution or had medical problems related to drinking?
19. Have you ever been arrested or taken into custody, even for a few hours, because of behavior while drinking (i.e., drinking, domestic violence, etc.)?

A “yes” answer to any question indicates a drinking problem, and three or more positive answers provides a high degree of certainty that one is an alcoholic. A more detailed confidential assessment can be done through LCL.

In conclusion, it is the hope of LCL that you, or a colleague who is in the throes of addiction, reach out to LCL for help before this disease takes away your life or another's life. Addiction affects all you and others do. It affects brain functioning, perception and judgment. You can get confidential assistance with a drug, alcohol, depression, stress or gambling problem by calling LCL Toll Free at (866) 828-0022, or (775) 322-2154. ■



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