

# NEVADA LAWYER

## EDITORIAL BOARD

Patricia D. Cafferata, Chair	Scott McKenna
Michael T. Saunders, Chair-Elect	Gregory R. Shannon
Richard D. Williamson, Vice Chair	Stephen F. Smith
Mark A. Hinueber, Immediate Past Chair	Beau Sterling
Erin Barnett	Kristen E. Simmons
Nancy Harkess	Scott G. Wasserman
Hon. Robert J. Johnston	John Zimmerman
Lisa Wong Lackland	

## BOARD OF GOVERNORS

### President:

Frank Flaherty, Carson City

### President Elect:

Alan Lefebvre, Las Vegas

### Vice President:

Elana Graham

### Immediate Past President:

Constance Akridge, Las Vegas

Paola Armeni, Las Vegas	Hon. Mason Simons, Elko
Elizabeth Brickfield, Las Vegas	Hon. David Wall (Ret.), Las Vegas
Laurence Digesti, Reno	Ex-Officio
Eric Dobberstein, Las Vegas	Interim Dean
Vernon (Gene) Leverty, Reno	Nancy Rapoport,
Paul Matteoni, Reno	UNLV Boyd School of Law
Ann Morgan, Reno	Richard Trachok, Chair
Richard Pocker, Las Vegas	Board of Bar Examiners
Bryan Scott, Las Vegas	
Richard Scotti, Las Vegas	

## STATE BAR STAFF

**Executive Director:** Kimberly K. Farmer

**Bar Counsel:** David A. Clark

**Director of Finance & Information**

**Systems:** Marc Mersol

**Director of Admissions:** Laura Meyers Gould

**Program Director:** Lisa McGrane

**Asst. Director of CLE:** Stephanie Hirsch

## NEVADA LAWYER STAFF

### Publications Manager:

Jennifer Smith (jennifers@nvbar.org)

### Nevada Lawyer Coordinator:

Melinda Catren (melindac@nvbar.org)

### Publications Specialist:

Christina Alberts (christinaa@nvbar.org)

## GRAPHIC DESIGN

Georgina Corbalan

## ADVERTISING INDEX

AMERICAN ARBITRATION ASSOCIATION.....	39	LAWYERS CONCERNED FOR LAWYERS.....	41
BANK OF NEVADA.....	24	LEGISLATIVE COUNSEL BUREAU...BC	
CLARK COUNTY BAR ASSOCIATION...24		MARK ALDEN.....	30
COGBURN LAW OFFICES.....	15	MARSH.....	13
EGLET WALL CHRISTIANSEN.....	16	NEEMAN & MILLS.....	25
FASTCASE.....	IBC	PUBLIC LAWYERS SECTION.....	33
GERALD GILLOCK, ESQ.....	7	RANALLI & JORDAN MEDIATORS...14	
GREGORY BUHYOFF.....	23	STATE BAR OF NEVADA.....	11, 18-19
HUTCHISON & STEFFEN.....	17	TRANSITIONING INTO PRACTICE...IFC	
JAMS.....	35	VERITI CONSULTING.....	9
LAW PAY.....	40	WEALTH COUNSEL.....	10

# Message from the President

Frank Flaherty, Esq., State Bar of Nevada President



## HELPING OUR IMPAIRED COLLEAGUES; PROTECTING THE PUBLIC

"...33 percent of the state bar disciplinary matters currently pending before the Nevada Supreme Court involve attorneys with underlying abuse, addiction or mental health disorders."

On November 5, 2012, I had the privilege of appearing before the Nevada Supreme Court on behalf of the Board of Governors regarding Administrative Docket (ADKT) 478 petitioning amendments to SCR 210 – Continuing Legal Education. The hearing was by no means routine, and the court asked many probing questions, which resulted in the Board of Governors seeking and being granted leave to file a supplement to its petition. The end product of the process was the order entered by the court on January 10, 2013. SCR 210 now requires that at least one CLE hour every three years must exclusively address the area of "substance abuse, addictive disorders and/or mental health issues that impair professional competence."

As expected, the Board of Governors has received feedback regarding this new CLE requirement, and we always appreciate feedback and constructive criticism. I can assure you that as practicing lawyers ourselves, the Board of Governors is very mindful of the varied, competing demands on your time; but to put it bluntly, we are, as a profession, confronted with a serious problem that is crippling many of our colleagues, harming the public and affecting each and every practicing lawyer in the state, directly or indirectly.

It is an unfortunate fact that attorneys nationwide are at increased risk for mental health issues and related addictive disorders. We all know that practicing law can be a particularly stressful profession. Indeed, as a profession, we are not content to deal solely with the stressors in our own lives, but we reach out and embrace the often-complex and almost always emotionally charged problems of our clients. That double dose of stress can cause many problems, perhaps exacerbating pre-existing mental health conditions, or perhaps spawning addictive behaviors as some of us turn to unhealthy coping mechanisms.

I know that many of us have an anecdote "or two" regarding a colleague affected by these issues, but these struggles have been observed by those outside our profession as well. As early as the 1980s, researchers identified a link between mental health disorders and the legal profession. The ABA estimates that 15-20 percent of the legal profession suffers from alcohol dependence or substance abuse. Additionally, the ABA estimates that one in every 10 legal professionals will deal with an addictive disorder during their careers, and another 33 percent of legal professionals will experience either short-term or chronic symptoms of depression or stress. These studies have identified mental health, substance abuse and addictive disorders as very real problems affecting attorneys throughout the country.

Here in Nevada, 33 percent of the state bar disciplinary matters currently pending before the Nevada Supreme Court involve attorneys with underlying abuse, addiction or mental health disorders. Twenty-six percent (\$447,378) of all claims reimbursed by your Clients' Security Fund in the past decade were made on behalf of attorneys removed from practice due to an underlying substance use, gambling addiction or mental health issue. Over the past two years, 23 percent of all applicants selected for additional screening prior to admission by your Character & Fitness Committee disclosed a history of substance abuse.

When attorneys don't receive treatment, they are likely to not only experience, although perhaps not truly realize, a decline in their performance and productivity, but they are also likely to communicate less with their clients, setting the stage for a bar complaint. And most seriously, they are prone to slide down the treacherous slope of commingling client trust account funds with their own in order to support their addictive behaviors. But in the end, as the statistics above illustrate, these problems affect not just the attorneys themselves, but also create a ripple effect upon other attorneys, judges, clients and others involved in the justice system.

The "ripples" are already bad enough, and your Board of Governors is determined that they will not become "waves." Yet, although we are tasked with regulating our profession and protecting the public, from the board's perspective, it is far better to help a colleague with an issue before there are serious, sometimes tragic consequences. This is why the Board of Governors believes that this problem deserves at least one hour of your time every three years. Of course, the board does not believe that every lawyer in Nevada suffers from substance abuse, an addictive disorder or other mental health issue impairing professional competence. But the purpose of the CLE requirement is educate you so that you can help the state bar, the Board of Governors, the Office of Bar Counsel and the Lawyers Concerned for Lawyers program in tackling this serious problem. The primary objective of the new CLE requirement is to sharpen your understanding of the problem, train you to recognize the signs and symptoms of impairment, and let you know how to refer those in need of help.

Your CLE Committee has been and is working hard to ensure that you have ample opportunity to fulfill this new CLE requirement. At our Annual Meeting in July at Lake Tahoe, Dr. Michael Sucher will present a one-hour session on this topic. You can also visit [nvbarcle.org](http://nvbarcle.org) and look under the "Addiction" category to view a library of online CLE courses on the topic, or simply flip to page 32 of this issue of *Nevada Lawyer* to see the schedule of upcoming live seminars in your area. The January issue of *Nevada Lawyer* included a self-study article for CLE credit – if you no longer have your issue, you can read the article and download the related quiz by visiting [www.nvbar.org/articles](http://www.nvbar.org/articles).



**Lawyers Concerned for Lawyers Hotline:  
866-828-0022 (toll-free)**

And if you or someone you know is at risk, I strongly encourage you to reach out to your bar's Lawyers Concerned for Lawyers program. This organization is dedicated to helping us recover from alcohol and drug addiction, compulsive gambling, stress, and depression. The purpose of LCL is to prevent a ruined career or reputation by providing help before the damage is done. LCL's services are confidential and available at no charge.

Please join me in our efforts to support our members struggling with these very serious issues, and thus protect the public and improve the administration of justice in Nevada. ■

## Questions? Comments?

*Nevada Lawyer* welcomes feedback from our readers! Contact us at [nvlawyer@nvbar.org](mailto:nvlawyer@nvbar.org).