PROGRAM MATERIALS
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Substance Use Disorders and Attorneys

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SUBSTANCE USE DISORDERS AND ATTORNEYS

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AGENDA

- My story
- Substance use disorder definition
- Attorneys and SUDs
- SUD and mental health
- Specific drugs
- Opioid epidemic
- Ethics rules
- For employers
- Strategy Examples
- Friend and family
- Q&A

MY STORY

- Abuse history
- Drug history
- Sobriety recovery
- Trauma recovery
- Professional recovery
- Currently

SUBSTANCE USE DISORDER DEFINITION

- Recurrent use of alcohol and/or other drugs despite causing clinically significant impairment, including health problems, disability, and failure to meet major responsibilities at work, school, or home
- Dependence v. addiction
- On a spectrum
- No need to hit horrible bottom

ALCOHOL AND CANNABIS

- Alcohol
  - Still most used drug
  - Moderate use standards
  - 28 million active AUD
  - Liver, heart, cancers, stroke
  - Depression, sleep, accidents
  - 178K deaths/year
  - Medication
  - Medically supervised withdrawal
- Cannabis/marijuana
  - Smoke, vape, edibles
  - Increased potency
  - 50 million users per year
  - Data supports some medical uses
  - Some data about health consequences
  - Risk of psychotic symptoms
  - 3 million CUD
  - Just say “wait”

STIMULANTS AND BENZOS

- Stimulants
  - Methamphetamine, cocaine
  - Amphetamines, including ADHD meds
  - 10.2 million mis-used in 2022
  - Overdoses increasing
  - Heart and mental health risks
  - No on-label medications
  - Contingency management w/CBT
- Benzodiazapenes
  - Sedatives/tranquilizers
  - Anxiety meds
  - Examples: Xanax, Klonopin, Valium, Ativan
  - 30 million users annually
  - Dependence v. addiction
  - Taper down
  - Medically supervised withdrawal

OPIATES

- Opiates
  - Heroin
  - Fentanyl
  - Oxycontin/Oxycodone
  - Codeine, Percocet, Demerol
- Overdoses
  - 100K+ fatal 2020-23
  - 90K fatal 2024
  - 80% opioids, stimulants increasing
  - Why?
  - Demographics
  - Harm reduction tools
    - Behavioral
    - Fentanyl test strips
    - Naloxone
    - Syringe Services
    - Overdose prevention centers
  - Medications

SUBSTANCE USE DISORDER RATES

- General population (GP) and Attorneys (A)
  - Alcohol use disorder, 11.8% GP, 20.6% A
  - Sedatives: 6% GP, 15.7% A
  - Marijuana: 6% GP, 10.2% A
  - Opioids: 3% GP, 5.6% A
  - Stimulants: 2% GP, 4.8% A
  - There is overlap among substances

ATTORNEY SUD EXPLANATION

Reasons:

Long Hours

High Stress

- Workload
- Traumatized Clients
- Lot at Stake for Clients

High Standards

Job Dissatisfaction

Lack of Control

Treatment Barriers

Fear of Being Found Out

Confidentiality Concerns

SUD/MENTAL HEALTH OVERLAP

SAMHSA: 25% of those with a mental health disorder also have a SUD

55%-70% of those with a SUD have another mental health disorder too

Other mental health disorder can come first

- Substance use starts as an effort to self-medicate and manage symptoms
- Mental health brain biology may make drugs more attractive

SUD can come first

Some drugs can cause psychotic symptoms

- Methamphetamine
- Marijuana
- Alcohol

These symptoms might not resolve for long time or ever

TRAUMA/SUD OVERLAP

Trauma and SUD have high percentage of overlap

- ACE of 4 increases likelihood of SUD by factor of 3
- SUD can be pain-management technique
- Trauma may underly PTSD, anxiety, and/or depression too

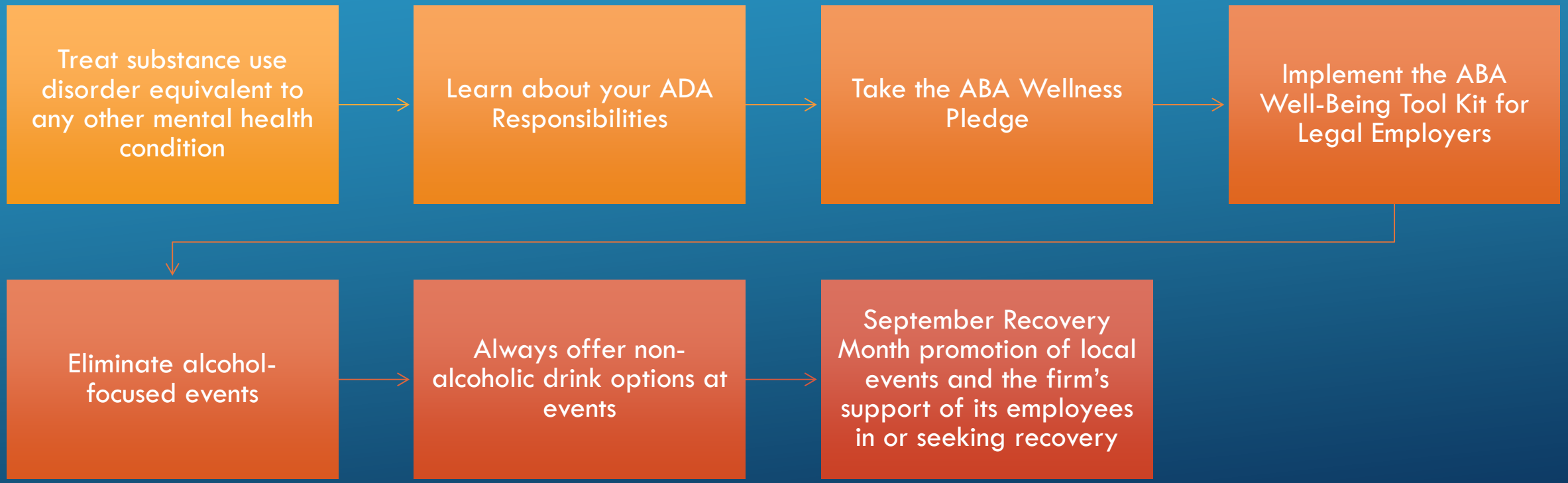
SUD-related activities put at risk of trauma

- Physical assault
- Sexual assault
- Being unhoused
- Incarceration

Evaluate for and treat simultaneously

- Dual diagnosis expertise
- Increases recovery odds for both

FOR EMPLOYERS



ATTORNEY DISCIPLINE AND SUD

- Substance use involved in (one estimate):
  - 60% attorney discipline prosecutions.
  - 90% serious disciplinary matters.
  - 60% legal malpractice claims.

MODEL RULES OF PROFESSIONAL CONDUCT & SUD

Competence, RPC 1.1

- A lawyer shall provide competent representation to a client.
- Competent representation requires the legal knowledge, skill, thoroughness and preparation reasonably necessary for the representation.

Diligence, RPC 1.3

- A lawyer shall act with reasonable diligence and promptness in representing a client.

Communication, RPC 1.4

- Obtain informed consent
- Keep client reasonably informed
- Comply with reasonable requests for information

Conflict of Interest, RPC 1.7(b)

- Representation limited by a personal interest of the attorney

MODEL RULES OF PROF'L CONDUCT & SUD (CONT'D)

Safekeeping Property, RPC 1.15

- Including client monies

Declining or Terminating Representation, RPC 1.16

- The lawyer's mental or physical condition materially impairs the ability to represent the client

Delay of Litigation, RPC 3.2

- A lawyer shall make reasonable efforts to expedite litigation consistent with the interests of the client

Misconduct, RPC 8.4

- Commit a criminal act that reflects adversely on the honesty, trustworthiness, or fitness as a lawyer
  - DUI
  - Illegal drug use or possession

MODEL RULES OF PROF'L CONDUCT & SUD (CONT'D)

Supervisory responsibilities, RPC 5.1

- If suspect junior attorney of SUD problem that has or could result in violation of Rules

Possible SUD Signs

- Attendance
- Job performance
- Erratic behavior

Can be many other causes

Legal protections

- ADA (Americans with Disabilities Act):
- FMLA (Family Medical Leave Act)

STRATEGY EXAMPLES

Take charge

My actions count

Hope helps

Choices and goals

Choices and habits

Step by step

Success breeds success

Congratulate self

FRIENDS AND FAMILY

- Maintain connection
- Tough Love
  - Interventions
- CRAFT
  - Community Reinforcement and Family Training
- Beyond Addiction

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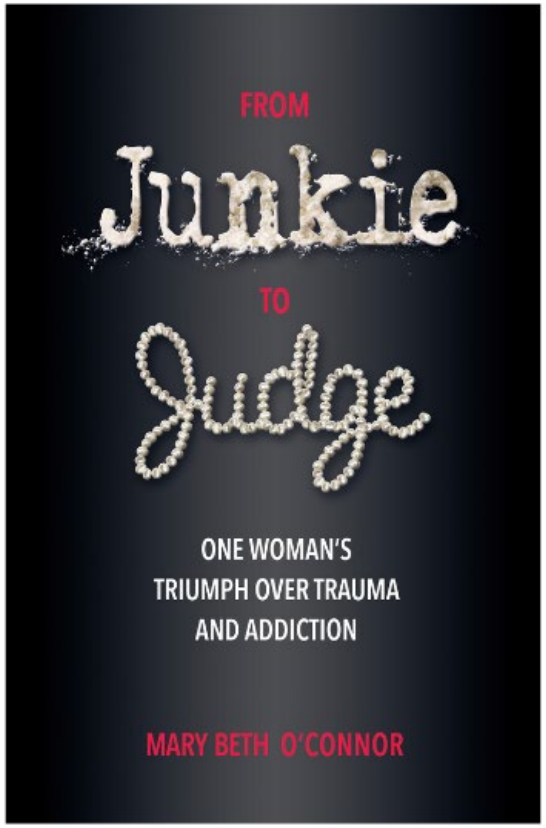
NONFICTION BOOK AWARDS WINNER

NON FICTION
SILVER WINNER
BOOK AWARDS



NONFICTION
AUTHORS ASSOCIATION

Q & A