

Don't Let It Come to This

BY SCOTT MEIKLEJOHN

I enjoyed drinking. In fact, I enjoyed it too much. For me, drinking was part of the lawyer experience. We worked hard and we played hard. For a long time, drinking seemed to work for me. It was a great way to blow off steam, relieve stress, and put the workday behind me. I drank successfully all through college, law school, and my early years of practice. Admittedly, however, I did have a sense during this time that my drinking would eventually turn on me and be a problem. This was an understatement.

My Slow March to Disbarment

My problems with alcohol crept up slowly. Early difficulties or situations arose, like not being effective in the morning due to a hangover or not putting in the time on a brief because I wanted to drink instead. Some problems crept up seemingly without my noticing them. I wasn't as detail oriented as I had been. I forgot to calendar certain items, and I failed to carefully check my citations. Still, my drinking didn't seem to have any serious consequences.

As this was happening, I was able to convince myself that these problems were normal, that every busy attorney probably made these types of mistakes. I didn't want to face the possibility they were a result of my drinking too much. The drinking was far too important to me to consider trying to curtail it.

One thing I know about alcoholism is that it is progressive. Over any period of time, it will continue to get worse. I needed to drink more, and I needed to drink more frequently. Also, the times when I lost complete control of my drinking became more common. It was not only affecting my work, but also severely impacting my relationship with my children and my wife. Even so, I still couldn't conceive of the possibility

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that my drinking needed to stop. Certainly, there were times that I experimented with quitting. Unfortunately, those experiments were short lived, and I was able to convince myself that those experiments had somehow proven to me that drinking wasn't the issue.

As my drinking was progressing, a few friends of mine expressed their concern about my drinking. Some of them were lawyers that I worked with. But I was able to easily discard their remonstrances as anything other than true concern for my well-being. So, my drinking continued essentially unabated.

Another thing I know about drinking is that it seemingly disables that part of my brain that makes me care about the consequences of my actions. As my behavior continued to deteriorate, I started to cause harm to my clients, my family, and the profession. Yet I couldn't seem

to summon the appropriate level of concern for those harmed. Instead, I said to myself, "I will fix it later."

All this eventually brought me to the behavior that would result in my disbarment. In an effort to maintain my lifestyle and support my drinking, I started stealing money from the trust account. This is all meticulously detailed in the order of disbarment that I received.¹

Assistance Then

Versus Assistance Now

Before my disbarment, I was aware of a program called the Colorado Lawyers Health Program, but I didn't know how confidential it was or whether it was connected to the supreme court attorney regulation office. I worried that if I told them my problem, it would trigger the disciplinary referral that I was trying to avoid by seeking help. And the one time I did meet with them, I was anything but forthcoming and honest. Hence, I couldn't avail myself of the assistance I so desperately needed.

Further, those friends of mine who were in the profession may have had a duty to report me under Colo. RPC 8.3. I'm sure many of them were dissuaded from doing so, as that would have triggered a complaint being filed with the office of attorney regulation. And that would have resulted in discipline and my professional ruin from adverse publicity.

The primary point of all of this is that the world that led to my disbarment is not the world that exists today. Today we have resources that struggling attorneys and their friends and relatives can turn to for confidential assistance.

One such resource is the Colorado Lawyer Assistance Program (COLAP), coloradolap.org. COLAP is a free, independent, and confidential well-being resource for Colorado's legal community. COLAP's licensed behavioral health professionals support attorneys struggling with substance use, mental health, and other personal and professional well-being concerns. They also support colleagues and loved ones who are concerned about a member of the legal community.

If the program had existed back when I was drinking, those friends of mine whom I rebuffed could have turned to COLAP for assistance in

getting me help. While my colleagues still may have had a duty to report, the professionals at COLAP, as an approved assistance program under Colo. RPC 8.3(c), would be able to provide support and at the same time guarantee anonymity to those who were trying to help me.²

I earnestly believe that if COLAP had been available when I was struggling, I could have found a solution to my drinking problem long before it resulted in my disbarment. I now hope that lawyers, their friends, their colleagues, and their families will use the resources at COLAP when they're aware of an attorney who's struggling.

Unfortunately, this is not an infrequent occurrence. One study found that over one in five attorneys showed behavior consistent with problem drinking.³ And younger attorneys had an even higher rate, with one in four attorneys aged 31 to 40 and nearly one in three attorneys aged 30 or younger showing behavior consistent with problem drinking. This makes it highly likely that you will encounter an attorney with substance abuse issues.

Updates, Additional Resources, and Volunteer Opportunities

After my disbarment, and after losing everything that was important to me in my life, I was able to finally find a solution to my drinking. And, having arrested my alcoholism, I was eventually able to petition the Colorado Supreme Court for readmission to the practice of law. Thankfully, my petition was granted.⁴

Since my readmission to the practice, I've been fortunate to be able to help others like me by volunteering with a few wonderful organizations, including COLAP. As a COLAP volunteer, I meet with attorneys who are struggling with problem drinking to share my experience and direct them to appropriate resources. I also travel to Colorado's law schools to provide future lawyers with information they might find helpful over the course of their career.

I'm also a peer support member with Colorado Lawyers Helping Lawyers (CLHL), colhl.org. CLHL is a fellowship of volunteers who offer free, confidential assistance to Colorado lawyers and law students who may be struggling with alcohol, substance abuse, or mental health

issues. It is available to anyone who needs help or who may have concerns about themselves, other lawyers, or law students. CLHL offers education and assistance in finding the resources to better manage stress as well as assistance to the individual who has already developed unhealthy stress management behaviors. CLHL also hosts virtual meetings twice a week for lawyers, judges, and law students. The Colorado Supreme Court has designated CLHL as an approved lawyers assistance program under Colo. RPC 8.3(c). Confidentiality is specifically assured by this rule. Information is never disclosed to anyone without specific written permission.

Additionally, I had the opportunity to serve on the Proactive Management-Based Program subcommittee of the Colorado Supreme Court Advisory Committee, where I worked with a group of over 50 lawyers and other professionals to help develop content and questions for the Colorado Lawyer Self-Assessment Program.⁵

In carrying out this important work, my fellow subcommittee members and I were asked to draw from our personal experiences in practicing law, working with lawyers, and maintaining client relationships.

Finally, I was a member of the Colorado Task Force on Lawyer Well-Being, which was created to explore ways to enhance well-being in the Colorado legal community.⁶ Again, I was able to use my unfortunate experience to help others.

If you have struggled with substance abuse issues like me, you may also be able to assist COLAP and CLHL. Providing support and mentorship to struggling attorneys can be a valuable part of your own recovery, as it has been for me. And, if you happen to be an attorney who needs help, please don't hesitate to reach out to these organizations for assistance. I certainly wish I could go back and take advantage of these programs before my drinking led to my personal destruction. **CL**



Scott Meiklejohn currently maintains a private law practice in Denver, where he acts as a lawyer, lobbyist, and negotiator. While remaining active in recovery, he is a peer support member of Colorado Lawyers Helping Lawyers, Inc., a court-approved, peer assistance program that offers support, education, and referrals for those who are struggling with alcohol, substance abuse, and mental health issues. He is also a volunteer with the Colorado Lawyer Assistance Program.

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NOTES

1. *People v. Meiklejohn*, No. 02PDJ032 (2002).

2. Colo. RPC 8.3 states:

(a) A lawyer who knows that another lawyer has committed a violation of the Rules of Professional Conduct or that an LLP has committed a violation of the LLP Rules of Professional Conduct that raises a substantial question as to that lawyer's or LLP's honesty, trustworthiness or fitness as a lawyer or LLP's in other respects, shall inform the appropriate professional authority.

(b) A lawyer who knows that a judge has committed a violation of applicable rules of judicial conduct that raises a substantial question as to the judge's fitness for office shall inform the appropriate authority.

(c) This Rule does not require disclosure of information otherwise protected by Rule 1.6 or information gained by a lawyer or judge while serving as a member of a lawyers' peer assistance program that has been approved by the Colorado Supreme Court initially or upon renewal, to the extent that such information would be confidential if it were communicated subject to the attorney-client privilege.

3. Krill et al., "The Prevalence of Substance Use and Other Mental Health Concerns Among American Attorneys," 10(1) *J. of Addiction Med.* 46-52 (Jan./Feb. 2016), https://journals.lww.com/journaladdictionmedicine/fulltext/2016/02000/the_prevalence_of_substance_use_and_other_mental.8.aspx.

4. *Meiklejohn v. People*, No. 10PDJ113 (2011).

5. Office of Attorney Regulation Counsel, "Lawyer Self-Assessment Program," <https://www.coloradolegalregulation.com/aboutus/lawyerselfassessmentprogram>.

6. Office of Attorney Regulation Counsel, "Colorado Task Force on Lawyer Well-Being," <https://www.coloradolegalregulation.com/current-lawyers/taskforcewellbeing>.