

Get Off the Couch

BY ANONYMOUS

Mid-November 2000 I was lying on a couch in my office with the lights out, hoping the room would stop spinning. It was around 8:30 am and I found myself in the same situation again: hung over at work and desperate. I was desperate not to have to go to court and act like everything was okay. I felt empty and fearful. I was disgusted with myself and felt no hope. My life seemed to be one big black hole. I couldn't face people and I couldn't look anyone in the eye. My professional life was coming to an end, and I thought there was no stopping that inevitability. A hearing in front of the Grievance Committee of the State Bar was fast approaching. I wasn't sure of the exact date because I hadn't roused the courage to open the certified letters the Bar had sent me, nor to read the complaints and notices of hearing that had been served upon me. I had a desk drawer full of certified letters that had yet to be opened. Little did I know at the time that my life would be totally transformed from a place of dark despair and fear-based alienation and loneliness to one filled with joyous connection with others, motivated by a desire to be helpful, open, free, and available to the richness of life's experiences. This is the story of how that transformation happened.

The night before was nothing unusual. I had spent a quiet Sunday at home drinking a little throughout the day. As dinner time approached my intake increased. I had taken on the cooking chores at home so that I could have access to the refrigerator and the alcohol inside: beer, wine, or liquor of any kind. That evening it happened to be cheap wine from a box. It had become my favorite, because my wife couldn't measure how much I had had to drink. I became expert at sneaking new boxes into the house and discarding the empty one every other day or so. I downed four or five large tumblers of wine while my wife was busy putting our daughter to bed. That allowed me to sip my next few glasses at a more leisurely pace until I passed out.

This routine had become my life. Drinking until I passed out. Taking care of whatever

needed to be done—both in my personal and professional life—as quickly as possible, so that I could devote my time more fully to drinking. I nearly always showed up for work, regardless of the pain of the hangover. I never drank before work. Just the thought of it made me nauseous due to my hangover. Nevertheless, I started drinking as soon as possible, usually after lunch. Oftentimes lunch would consist of several beers at a local bar, or a six pack in my office. I shared office space with another attorney who didn't know how much I was actually drinking. After work I would stop at a convenience store and pick up another six pack and drink as many as I could before I got home. Whatever I couldn't down I took into my office the next day. I drank those before I went to replenish my stock. That led to me drinking a lot of warm beer, but it didn't matter to me. I also hid whiskey in my office at times.

I had been drinking most of my life. The first time I got drunk was when I was 11 years old. My father, also an alcoholic, thought it would be a good idea to let me drink to the point of drunkenness to get me sick, thereby deterring me. It didn't work. I remember vividly the sensation of sangria washing down my throat. It made me feel important, and it made me feel a part of something. Despite my father's actions on that night, I was raised in a loving and supportive family, albeit an alcoholic one.

After my first drunk experience I didn't start drinking on a regular basis. I can't remember the next time I got drunk. Instead, after a couple of years I discovered marijuana, and in junior high school became a daily user. This lasted until my last year of high school, when I could fake being old enough to buy beer and wine. I made the slow transition from full-time pothead to full-fledged alcoholic. I started drinking regularly during my senior year in high school, and didn't stop until that fateful day in November 2000.

I was able to drink my way through high school, college, and law school. I was able to drink my way through dating, marriage, and



becoming a father. I was able to drink my way through studying for and passing the bar. I drank my way through setting up and starting a law practice. Through all these life events, celebrations, and successes, the constant was always alcohol and I placed it above everything else that mattered. It became my king. All else suffered and was neglected to some extent due to my drinking and my preoccupation with drinking, which grew over the years.

I had never seriously tried to quit drinking. It was just a part of my life. Early on I realized that once I started drinking I didn't want to stop. I tried to control the amount I drank so that I would not get out of control. I tried to change the type of alcohol I drank so that I could drink longer before becoming so drunk that I could not control myself. There were times when I was younger when I could forgo drinking altogether for a night, when I needed to stay sober for an important reason, like a test the next day or a special event. My choice back then was to abstain altogether because I couldn't fathom the possibility of limiting myself to a couple of drinks. Even that limited control—and the ability to abstain when I really wanted to—soon left me. Drinking every night to the point of blacking out and passing out became the norm by the time I was a few years into my legal practice.

I thought of none of that as I lay on the couch in my office that morning in mid-November 2000. All I wanted was a way out of the darkness I had brought upon myself. Across the street from my office was an older attorney who was always ready to provide a helping hand to other attorneys, especially young, inexperienced ones. He had helped me

during the six years I had been practicing. And I thought perhaps he could help me again. Somehow I got myself off the couch and walked across the street and into his office. This man took time from a busy Monday morning and listened to my predicament. He called another attorney, and together they decided that the first step was to call Don Carroll with the NC State Bar's Lawyer Assistance Program (LAP). The next step was to call the Grievance Committee.

My problem with the Grievance Committee was straightforward and easy to correct. A trust account audit had shown that I was not compliant with the Bar's trust account regulations. After the audit I had been required to take a few simple steps to come into compliance, but I had neglected to take the proper corrective actions. I then failed to respond to further communications from the Bar. I had also neglected to perfect an appeal that I was involved in, leading to the appeal being dismissed. As those deadlines had approached and passed, I drowned my concerns with alcohol. Despite having work that needed to be done, my thoughts always turned to alcohol. I would always plan to start the work, but as if under some spell, I always started to drink instead.

After contacting the LAP I was directed to undergo a substance abuse assessment, something I had often counseled clients to do. For me, it was an eye-opening experience. I had never honestly talked about my drinking with anyone. I had always lied when discussing how much and how often I drank. Even with doctors who were trying to diagnose a stomach disorder, I significantly under-reported my drinking. Finally, I found myself in a position where, for once, I thought I should be honest. Thankfully I was. I remember thinking that I wasn't drinking *that* much. I thought that I likely would be referred to outpatient treatment or some other form of counseling. When the meeting took place to announce the recommendations following my assessment, I was shocked to learn that they intended for me to go to detox for several days. When I told the counselors I thought that recommendation was extreme, they offered an alternative—a 28 day in-patient treatment stay. Detox suddenly seemed reasonable.

I called my wife to ask her about the possibility of our insurance covering detox. Rather than her having to check with our insurance company, I was surprised to learn

she had already investigated this possibility months earlier. I later learned that the LAP was already aware of my situation, and that someone had already referred me to them. It turned out I was not as successful at hiding my drinking as I thought I had been. It also turned out that I was not as alone as I thought I was.

Within 48 hours of asking for help, Don Carroll had arranged a bed for me at a local hospital detox. I do not remember much of what happened in detox, frankly. I do remember several lawyers coming to talk to me—lawyers who had been through what I was going through. They were there to offer support and hope. I cannot remember all of their names, nor can I remember what they said. I do remember feeling for the first time in a long time that all was not bleak and desolate. I also remember being given medication and eating chocolate cake. And for the first time I went to a meeting of Alcoholics Anonymous (AA).

I had some familiarity with AA because my father got sober when I was 19 years old. He and I had been occasional drinking buddies. His professional life was jeopardized by his drinking, and his employers coerced him into treatment. Ironically, I was the one who drove him to the in-patient treatment facility. However, other than that one family meeting at that facility, I never had considered seeking treatment or getting peer support from others dealing with alcoholism. My father had given me literature and talked to me about the real possibility that there is a genetic component to alcoholism, but I never explored it any further. I always thought that I could stop, or slow down, or handle my drinking. And I didn't realize the profound effect alcoholism had on all aspects of my life, including shaping my own perception about how I was being affected by alcohol (basically clouding my perception so that I could not see the truth). My father died sober, before alcoholism took a hold of me in my professional life, so I was never able to talk with him about what was happening.

Upon my release from detox I was met by a LAP volunteer. He drove me home and suggested we meet later at an AA meeting. That evening I went to my first AA meeting outside of a hospital facility and I picked up a white poker chip, indicating my desire to stop drinking and to join AA. I had never been much of a "joiner." I always felt alone and isolated, different from everyone else, and

despite my accomplishments, somehow lesser than other people. But, as I became more familiar with what it meant to be in a group of people all trying to get well, I felt wholly and completely a part of a group for the first time in my life. In this journey of recovery I have met people who have said things out loud—things that I had always thought I alone felt. I thought I was unique and that my problems were unique. It turned out that I was just a run-of-the-mill alcoholic. Regardless of whether I was speaking with other lawyers, or doctors, or construction workers, people living in mansions, or homeless people, I found that I had more in common with a person struggling with or recovering from alcoholism than I had with people I had known for years.

Going to recovery meetings and going to intensive outpatient treatment were part of the after-care of detox, and part of the suggestions given to me by the LAP. My actions and inactions that lead to grievances being filed resulted in a suspension of my law license. That suspension was stayed pursuant to an agreement whereby I would fix my trust accounting deficiencies, and I would abide by the terms of a contract with the LAP. Those terms included successfully completing outpatient treatment, further counseling to assist in preventing relapse, random drug testing, and regularly participating in recovery peer support. That contact lasted for three years, the end of which occurred nearly eight years ago.

Since the end of that contract I have been under no obligation to attend support meetings. Rather than an obligation, it is now a privilege. Treatment and participation in AA gave me another shot at life. Before recovery, although surrounded by a loving family and friends, I felt alone. I now realize I was living my life in fear. I was imprisoned by alcoholism. A slave to it.

Recovery has freed me. It has showed me how to live a full and complete life. I have learned to fully participate in life. I am a better person, a better husband, a better father, and a better friend. I am a better lawyer because of my recovery. Today, I really feel privileged that I am in a position to assist people who desperately need help. Most of my clients have the whole system working against them, and I am at least one person who is on their side. I am able to fully commit to engage on their behalf. Each day I show up with a positive outlook, ready to do my part and what I can in a case, knowing I have done my best. I have also

noticed that younger lawyers seek my opinions and advice on legal matters, although I suspect that has as much to do with my gray hair as anything else. But I am glad to help them the way I was helped as a young lawyer. Learning the principles of recovery has taught me how to set aside my own egoism and seek to be of service to others, not just clients. Having evolved from someone hiding in my office—scared to even look others in the eye—to being an enthusiastic participant in life, is truly a miracle.

In recovery these sorts of miracles occur every day. I didn't grow up wanting to be an alcoholic. I didn't grow up wanting to be a lawyer. Having found myself being both, I was

lucky to be in North Carolina. The Lawyers Assistance Program of the NC State Bar has a rich tradition and history of saving lawyers. It helped save my life physically, professionally, and spiritually. If anyone reading this feels like there is no hope, like you are beyond redemption, like you are undeserving of a second chance, like you are alone, please know this: There are people who understand. Those people are a phone call away. The LAP has volunteers throughout the state who are willing to lend help with no questions asked, no commitment required. All that is required is a sliver of willingness to want your life to be different. The only requirement for the assistance of the LAP is a phone call. ■

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The North Carolina Lawyer Assistance Program is a confidential program of assistance for all North Carolina lawyers which helps lawyers address problems of stress, depression, addiction, or other problems that may lead to impairing a lawyer's ability to practice. If you are a North Carolina lawyer, judge, or law student and would like more information, go to www.nclap.org or call toll free: Robynn Moraites (for Charlotte and areas west) at 1-800-720-7257, Towanda Garner (in the Piedmont area) at 1-877-570-0991, or Ed Ward (for Raleigh and down east) at 1-877-627-3743.

Gideon (cont.)

and responsible criticism of this system. This criticism may be summed up under the following headings:

1. In many instances the appointed attorney does not have sufficient time nor investigative resources to prepare adequately for trial.
2. In many cases young and inexperienced lawyers are appointed to represent indigent defendants, and in other cases lawyers who are busy with civil practice and have no experience in trying criminal cases are appointed.
3. Under the assigned counsel system it is particularly difficult to get attorneys appointed to represent indigent defendants before the presiding judge arrives to open court. This makes necessary the determination of indigency, the assignment of counsel, and in many instances the continuing of cases after a particular term of court is opened. The corresponding loss of the court's time adds up to considerable expense.
4. Under the assigned counsel system the indigent defendant often must remain in jail for longer periods of time, thereby increasing the expense of the counties or municipalities for maintaining and operating jails.

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With respect to the method that would provide an economical and efficient man-

ner of providing counsel for the indigent in North Carolina, the committee found it difficult to arrive at any comparative cost figures between the two simply because of the fact that there are at present no public defender offices in North Carolina. Under the present assigned counsel system during the year beginning July 1, 1963, and ending on June 30, 1964, 3,003 indigent defendants appeared in the separate superior courts. The cost was \$238,956. It should be pointed out, however, that these cases included only felony charges, that in many cases the fees paid were grossly inadequate, and that the cost figures do not include any post-conviction hearings. Also, the committee takes note of the fact that the administrative assistant to the chief justice of the North Carolina Supreme Court in remarks made at the October 1964 meeting of the North Carolina State Bar reported that during the first 15 weeks of the current year appointments made under the assigned counsel system were up 78% over the same period last year, and that payments to assigned counsel increased 105%.

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The committee feels that while a public defender system may cost more initially than the present assigned counsel system, that as the state grows in population and that as the principle set forth in *Gideon v. Wainwright* is extended to cover cases other than felony cases, the public defender system will be more economical to operate.

As far as efficiency is concerned the committee is convinced that counsel for the indigent can be more efficiently provided by a uniform statewide public defender system.

The committee ultimately released the report in 1965 and recommended the creation of a public defender system. A state-wide system of public defenders, of course, was never created. The legislature instead has created individual public defender offices in areas where it was believed that the office would serve the local system. The first office was created in Guilford County, and the first chief public defender was appointed by the governor in 1970. Wallace Harrelson served as chief public defender from his appointment until his death in 2011.

North Carolina has made great strides in providing counsel for indigent defendants, and in managing the resources required to provide representation. In 2001 the Office of Indigent Defense Services (IDS) began operation, proving a mechanism for creating and implementing policies that govern indigent representation. IDS now serves to manage the resources needed to provide representation in well over 200,000 cases a year, and provides oversight to the 16 local public defenders and three statewide defender offices, as well as the thousands of attorneys willing to take appointed cases. While many of the problems highlighted in the 1965 report remain—including the inadequate fees in many cases—we have come a long way since *Gideon*. ■

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