

PRESIDENT'S PERSPECTIVE

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Diversions Program Aims to Rehabilitate Nonviolent Defendants With Mental Health Disorders



When I took the oath as New Jersey State Bar Association president last May, I pledged to support legislation, programs and initiatives that would help legal professionals and those in the justice system who struggle with a mental health disorder. I'm humbled and proud to report on steps that are being taken to advance that journey.

In December, Gov. Phil Murphy validated the Association's hard work on this subject in signing S524/A1700 into law. The measure ensures the expansion of mental health diversion programs in three Superior Court vicinages across each region of the state—north, south and central—and represents a significant step forward for the treatment of nonviolent defendants in the criminal justice system who suffer from a mental health disorder. The NJSBA was a major proponent of this legislation. Indeed, former Criminal Law Section Chair Jim Gerrow and I testified before the state Senate Judiciary Committee that creating more recovery and diversion courts, as provided under this law, offers the best chance at rehabilitation and redemption for this population.

For far too many who struggle with their mental health, the system becomes a revolving door of arrest and punishment with no hope for treatment. Mental health issues do not get cured or properly treated in a jail cell.

Now that this bill has become law, it will do wonders to improve the health and well-being of those with mental health disorders, while creating a safer society and reducing the cost of incarceration borne by the taxpayer. But the work isn't done. Until all qualifying nonviolent offenders have access to these programs, the NJSBA will continue to advocate for a mental health diversion court in every vicinage. For those interested in mental health diversion courts, the NJSBA will host a seminar in April that explores recovery courts in greater depth and the impact of the new law. This law is far from a "get out of jail free card." It is a proven alternative to the penal system that reduces the recidivism rate and puts individuals back in the mainstream of society where they have a right to be.

Wellness With Member Assistance Program

I'm also proud to report that the NJSBA's Member Assistance Program is thriving in its aim to stem the decline in mental health and wellness among New Jersey's legal practitioners. People have noticed since COVID the stress of everyday life and our practice is more difficult. In the last six months, the service has received nearly 1,500 phone calls from Association members and their dependents seeking mental health and wellness support. Some of the most common reasons people are calling—*anxiety, depression, job stress*—have become hallmarks of the profession and underscore the need for an industry-wide reckoning on how the profession approaches mental health.

The Association launched the program over the summer, following the release of the report of the Putting Lawyers First Task Force, in partnership with Charles Nechtem Associates—a well-respected mental health resource provider. The new benefit provides 24/7 access to trained, experienced mental health professionals and resources. Whether by phone, text or mobile access, members can reach a mental health professional with at least seven years of experience who will provide individual counseling and connect members with a wellness library of more than 25,000 self-help resources. It is heartening to see so many Association members and those in their households avail themselves of this vital service.

Of course, you can contact MAP counselors anytime via phone counseling services which are available 24 hours a day, seven days a week, 365 days a year at 1-800-531-0200. Callers will get immediate access to clinicians without using hold or transfer services. You can also reach them by email at inquiries@charlesnechtem.com.

On Feb. 19, women leaders in the law will come together in a special collaboration between the NJSBA's Lawyer's Well-Being Committee and the Women in the Profession Section. The two groups have assembled a star-studded panel who will share their insights on resilience and strength. The panel will feature state Supreme Court Justice Rachel Wainer Apter, U.S. District Court Judges Evelyn Padin and Esther Salas, along with a host of Superior Court judges and partners at major firms. If

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Further, a well and mindful attorney is also better equipped to develop the tools necessary for ethical law practice and hence a greater likelihood of adherence to the Rules of Professional Conduct. With the intense stresses that come with the practice of law, attorneys are often confronted with ethical queries and challenges. When healthy and grounded, lawyers have the best shot of making prudent decisions during stressful times and taking the appropriate ethical actions necessary. Indeed, many of the NJ Rules of Professional Conduct that may be impacted by an attorney's overall well-being include: RPC 1.1 Competence; RPC 1.3 Diligence; RPC 1.4 Communication; RPC 1.6 Confidentiality of Information; RPC 1.7 Conflict of Interest: General; RPC 1.8 Conflict of Interest: Specific Rules; RPC 1.9 Duties To Former Clients; RPC 2.1 Advisor; RPC 3.3 Candor Toward Tribunal; RPC 3.4 Fairness To Opposing Party & Counsel; RPC 3.5 Impartiality & Decorum of the Tribunal; RPC 4.1 Truthfulness in Statements to Others; RPC 4.4 Respect for Rights of Third Persons; RPC 5.3 Responsibilities Regarding Non-lawyer Assistance; RPC 7.1 Communications Concerning a Lawyer's Service; RPC 7.3 Personal Contact with Prospective Clients; and RPC 8.4 Misconduct.

This edition of *New Jersey Lawyer* includes a wide range of interesting articles not usually given voice in a legal magazine. The issue explores concepts that may shed light on some of the above concepts, on well-being issues faced by all of us in the legal community, and why/how we should continue to address them. Our featured authors include a retired Superior Court Judge, two Past Presidents of the New Jersey State Bar Association, a suspended attorney who is a recovering addict, a New Jersey Lawyers Assistance Program psychologist, an expert on addictions, law students, an associate, and shareholders alike—all providing great insight into the various well-being subtopics they

explore. Further, under the *Working Well Practice Tips* section, I provide tips for a holistic approach to necessary self-care. The featured authors in this issue address the following:

- Kirsten Scheurer Branigan, Beth Zoller, and Katie Ann Insinga discuss the mental health crisis in the legal profession, which includes an overview of current programs as well as the need for more action and provides insight into available resources.
- Dr. Defne Ekin discusses neuroplasticity and how attorneys can embrace their natural strengths and have thriving legal careers while maintaining their overall well-being.
- Nicole Perskie provides a compelling and brave biography of her struggle with addiction as a suspended attorney. It illustrates the need for attention to the subject of lawyer well-being, addiction, and attorney ethics.
- The Hon. Kevin G. Callahan (Ret.) discusses how stress impacts the legal community from his perspective after 50 years in the law and provides a list of his top 20 tips to cope with the stresses of the legal profession.
- John E. Keefe, Jr., discusses how we may maintain well-being in the legal profession including a discussion of resilience and the true meaning of balance.
- Morgan Walsh and Rachael Wolfram discuss the law students' perspective on well-being and workplace values and provides insight on the expectations of our incoming members of the Bar.
- Kimberly Yonta discusses some of the history of well-being initiatives in various Bar Associations as well as the current initiatives in this area. She doubles down on the proposition that, *to be a good lawyer, one must be a healthy lawyer.*
- Anthony J. Geremonte discusses how technological advancements, in par-

ticular screen time, have affected attorneys' health and causes burnout.

- Ray Ortiz discusses what addictions are and how they may be treated as well as the services available to lawyers through the NJ Lawyers Assistance Program.
- Nicole G. McDonough discusses how law firms need to embrace flexibility and can provide support to its members for greater well-being and professional success.

I hope this edition of the *New Jersey Lawyer* provides lawyers with insights on the need for continued well-being education, programs, and resources in the state as well as information on assistance available to attorneys in New Jersey. If you personally need help, I encourage you to use the free services available to you: the NJSBA Member Assistance Program and NJLAP as detailed throughout this edition, to reach out to a friend or colleague, or to reach out to me personally—you do not have to struggle alone. It is also my hope that this issue inspires its readers to know that it is possible to have a thriving and successful legal career while also maintaining good overall well-being and joy in all aspects of one's life. I am truly grateful for this opportunity to share with my colleagues and respected members of the New Jersey Bar such a meaningful edition of the *New Jersey Lawyer*. ■

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you are facing personal or professional obstacles and need encouragement, I urge you to attend this day of insightful conversations, inspirational stories and motivating guidance from some of New Jersey's finest. Registration is open on the NJSBA and NJICLE calendars.

As always if you have any matters of concern, please contact me at 732-660-7115 or at tmcgoughran@mcgoughran-law.com. ■