

the ADVOCATE

VOL. 52 PART 6 NOVEMBER 1994





ON THE FRONT COVER

ARTHUR ELLIS VERTLIEB, RUSSELL C. MACKAY AND THE LAWYERS ASSISTANCE PROGRAM

*By The Honourable Judge Mario Mondin**

The Lawyers Assistance Program has operated in this province for the past five years to assist members of the profession and their families in dealing with personal problems. Art Vertlieb has been the chairman of the LAP programme since its inception, and Russ MacKay has been the service coordinator almost as long.

Art hails from Hamilton but grew up in Tucson, Arizona, where he completed his undergraduate degree in business administration. He then returned to Canada and completed his LL.B. at Osgoode Hall Law School in Toronto in 1972. Destiny or perhaps his good fortune led him westward to article in Vancouver and to be called to the B.C. Bar in 1973. Through the years Art has since built an enviable reputation as plaintiff's counsel and now is the head of chambers at Vertlieb, Anderson — a small but vibrant litigation boutique on Granville Street.

In addition to his busy practice activities, Art has been very generous in the giving of himself to the profession. He has been active from the very start of the Trial Lawyers Association of B.C. He served as president from 1981 to 1983 and, more recently, has been the B.C. delegate to the Trial Lawyers of America. Younger practitioners will recognize his mug from attending some of the fine seminars put on by that organization. It is to be noted that he has lectured not only in this province but also in various other jurisdictions, including Alberta, Washington, Florida and California.

The Law Society, at various times, has had the benefit of Art's talents and good will in his serving as an ad hoc Bencher on the Communications and Competency committees. He has served as an appointee of the Society on the Medical Legal Liaison Committee and the Ministry of Labour Substance Abuse in the Workplace Committee. On many occasions Art has provided valuable service to his fellow practitioners by appearing as counsel for individual members at discipline, competency and admission hearings.

Along with his good work on behalf of the profession, Art has done hard and diligent service on behalf of his clientele and has also found time to devote to the community at large. Amongst his outside activities, he has been involved with the Boy Scouts of Canada, the Vancouver Academy of Music and Little League baseball. Believe it or not, Art also has time to dream about the NHL career that might have been — he tends goal for the "Knights". If you are ever in his office, he will be delighted to show you his copious hockey mementos.

* of the Provincial Court of British Columbia.

Art has three sons, who are all of primary school age. He is devoted to his kids and spends much time with them and their activities. It is too early to tell whether any of them will follow in the old man's footsteps. It is certain that he will prove to be a hard act to follow.

Russ MacKay grew up in Saskatchewan in a Scottish-Irish extended family — although for some time he held firm to the belief that he was raised by squirrels and later adopted by kindly humans. He came to B.C. in 1969 where he completed high school. Prior to entering law school at UBC in 1979, he completed three years of the honours program in criminology at SFU. After articles in Vancouver, Russ was called to the Bar in 1983.

At the urging of some knowing fellow practitioners and the counseling of the Law Society, Russ resigned from the profession in December 1987. An undertaking was subsequently given to the Competency Committee in February 1989 not to apply for reinstatement for a period of two years. In his years away from practice, he supported himself at various times by driving taxi, working for the federal government and doing research for the Oppal Commission. Prior to applying for reinstatement, Russ got into recovery from chemical dependency. Of note is that his recovery predated the present regime advocated by the Lawyers Assistance Program. The full Benchers, sitting at a hearing of the Credentials Committee in December 1993, heard submissions from its counsel and Russ's counsel and further heard testimony from a number of members and other prominent persons. The Benchers concluded that he was a fit candidate for readmission. Since readmission, he has successfully completed the PLTC and is now employed part-time at Vertlieb, Anderson under Art's tutelage.

A note is in order here about the guitar on the front cover. Russ has long fantasized about a rock and roll career. Even today you can occasionally spot him at open "jams" at the Yale. At one point he was known to some intimates as the "Keith Richards of the legal profession", although he candidly admits that this had less to do with his musicianship than it did with his chemical dependency. Happily, he has outgrown this nickname.

Russ now has an extremely happy relationship with a lady chartered accountant who is also an accomplished hatmaker. She appears to be successfully tutoring him in common sense. On weekends his son can also be found at Chez MacKay. Ryan is now 16 years old and has grown so tall that he has become a prime source of quality used clothing for his grateful father.

How did these two radically different characters come to work together in a common cause? The long version of the story involves Little League baseball, taxi driving and amazing coincidences. The short version is that Art met a physician (Dr. Ray Baker) who was also involved in the aforementioned Ministry of Labour committee as a representative of the College of Physicians and Surgeons. Dr. Baker posed the innocent question to Art about what lawyers did to help their brothers and sisters who fell victim to impairment disorders. Art carried this question back to the Law Society and, with input from Dr. Baker, managed to convince the Benchers of the value of a peer assistance programme in the profession. Funding was made available to gather together interested individuals and a new committee was formed, consisting of members who had first-hand experience in overcoming such difficulties and others who simply were interested in the idea of lawyers helping lawyers. I was one of those recruited to participate. I did so because of my concerns about what seemed to be happening in this profession, for, indeed, I felt for some time that there was a need for such a programme.

With Dr. Baker's indispensable input, we were able to set up a referral programme for lawyers that maintained a healthy distance from the Law Society. We sponsored

a workshop in early 1990 at which interested members were introduced to the disease concept of chemical dependency and taught intervention skills. By that time, Russ MacKay had been selected by the committee as the person to manage the day-to-day affairs of the new programme. I must confess to having had grave reservations about his selection at the time in light of my understanding of his circumstances. Selecting a former member whose livelihood was then earned behind the wheel of a taxicab and whose behaviour had led to some serious questions about his integrity did not seem to me to be the prudent thing to do if we were to have any chance of succeeding with our new enterprise. In any event, Russ was selected and he began to field calls from people needing help and to educate himself in the finer points of managing such an undertaking.

Over the next few years the LAP grew by leaps and bounds. A first-rate video about the programme was produced by Bruce MacDonald, LL.B. This was used as an educational/promotional device within our province and has subsequently been used by other programs across North America. We established firm connections to the American Bar Association Commission on Impaired Attorneys and, since 1991, have sent various representatives of our program to their annual workshop. We also established a link with the Canadian Bar Association's Legal Profession Assistance Conference (LPAC) and have participated in workshops sponsored by that body. Two further workshops have been staged for volunteers in B.C., who now number more than 75 and are located in virtually all areas of the province. In 1993, a fund was established to assist destitute lawyers. Most importantly, since the inception of the programme in 1989, more than 150 lawyers, students, staff and family members have received some form of assistance from the LAP. Many of these persons remain involved in the programme — commonly sharing their experiences with new referrals. Throughout the process confidentiality and flexibility are practised. The notion of lawyers helping lawyers has proven to be a very powerful vehicle to deliver help to those of our colleagues in difficulty and in need. Our programme has evolved into one of the finest of its type in North America. We have a committed team on the board of directors and some truly fantastic members in the ranks of our volunteer representatives.

Where will our LAP go from here? In my view, the potential for growth is enormous. Similar programmes have expanded to include comprehensive services such as support groups for lawyers looking for work or changing careers, advice on financial problems and assistance to lawyers who are experiencing the adverse effects of age, depression, stress or any number of other personal difficulties. We have, in fact, already begun to assist members with some of these other problems by way of discussion groups for men and women on stress management. There is work to be done in educating the Bar and Bench with respect to the entire issue of "wellness". We have done some groundwork in this regard and work in this area continues. The LAP has been involved with law students at UBC in setting up a programme to provide similar peer assistance in that milieu. There also appears to be some scope to deliver support to members who find themselves at odds with the Law Society. Recently it is my understanding that the LAP has provided informal locum tenens assistance to members in solo practice who were in need of in-patient medical treatment. The provision of such assistance without cost allowed these people to attend to such treatment without carrying the burden of managing files. It is possible that the LAP can offer such help in a more formal way. There are numerous other possibilities that, it seems to me, are limited only by imagination.

Perhaps I should now say that these two people have done it again as the LAP has been recognized by the ABA Commission on Impaired Attorneys by being selected as the host for the 1995 annual workshop. In addition we will be concurrently host-

ing the CBA-LPAC group and the annual conference of International Lawyers in A.A. These conferences, which Russ MacKay likens to "the Woodstock for lawyers assistance programmes", are set for the week of September 10-17, 1995 at the Renaissance Hotel in Vancouver. It is likely that we will host between 200 and 300 of our colleagues from other parts of Canada, the United States, Mexico and the U.K. We are hopeful that most of our own representatives will be involved in these events in one way or another. We are also hopeful that members of the profession and judiciary in this province will find a way to get involved. I have had the privilege of experiencing these conferences first-hand and can confirm that the expertise provided and experience received are extremely powerful.

Getting back to Messrs. Vertlieb and MacKay, it occurs to me that they have become the public face of our programme. This is not to diminish the work done by those of us who have participated less visibly, but these two have worked most closely together in building and promoting the programme and delivering assistance. As such they are a team in the same sense of the word as the proverbial "good cop/bad cop", Lennon and McCartney or Laurel and Hardy (or possibly Jekyll and Hyde?). Whether or not comparisons with more famous combinations are appropriate, the two of them provide that necessary mix of credibility and hard experience, achievement and overcoming defeat that have helped make our programme strong. Art Vertlieb has an incomparable track record of service to this profession. I have never regretted a moment of working with him in the LAP. As for Russ MacKay, suffice it to say I no longer have any reservations about his suitability as the coordinator of our programme. These two people have a calling — a vocation of service to the profession. They are to be applauded.

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