

It is the psychological defense mechanism of **Denial** that routinely prevents a person in trouble with alcohol or drugs from acknowledging a problem and admitting a need for help. Denial is a fierce enemy. It robs the person of the opportunity to accept help *before* irreversible damages occur.

In fact, denial is so pervasive that it is recognized in our state law within La. R.S. 37:221:

One prominent characteristic of alcoholism and drug addiction is denial, which is the delusion of the alcoholic or drug addict that he or she will be able to control the use of alcohol or drugs. Successful treatment can be initiated only when the delusion of self-control is broken and the alcoholic or drug addict admits the hopelessness of his or her condition.

In some cases, the person's family, friends and employers also join in denial. They undertake well-intended efforts to "defend" the person from being diagnosed as an alcoholic or addict. Minimization and rationalization are the common tools. These persons unwittingly harm the person rather than help.

While a very strong component of denial is present and routinely problematic in diagnosing and treating substance use disorders in the general population, lawyers and judges are literally in a class by themselves when it comes to the art of denial as a defense strategy.

As masters of argument and evidence, lawyers are especially adept at convincing others (and also convincing themselves) that their opinion about any given issue is correct. Make it a controversial issue that personally confronts the lawyer and a defensive battle will likely ensue.

As lawyers, we come by it all very hon-

estly. Our legal education and experience in the practice of law make us extremely resistant to admit *anything*, much less admit and then surrender to a personal problem such as alcoholism or addiction.

Legal professionals have been highly trained to distinguish facts, identify all possible claims and defenses, and assert them in the most effective manner possible to obtain a desired result or, more important, *thwart* a result that is disagreed with or perceived as threatening.

As a general rule, we are trained to never voluntarily make an admission or statement potentially against our own interest and rightly so. After all, a defendant's basic right to deny an allegation is central to due process itself and denial is indispensable in criminal and civil procedure.

In various forms, criminal defense lawyers rightly utilize the essential tool of denial to defend clients from prosecution. Pleading the Fifth Amendment is common. An initial plea of not guilty is virtually mandatory. Plea bargaining for lesser charges and expunging convictions are also forms of denial by gradation.

In civil matters, claims in a petition are denied or rebuffed with the boilerplate "defendant lacks sufficient knowledge or information to form a belief as to the truth of the allegations" so as to delay a full response and buy time to investigate whether or not any potential admissions can be avoided.

Even when there is stunning and clear liability in a civil matter and the "white flag" is waved, written settlement agreements routinely set out *ad nauseam* that payments are being made confidentially to end the litigation and the defendant does so in denial: there is no admission of guilt, no acceptance of liability, and no acknowledgment of fault or wrongdoing of any nature or kind.

When lawyers and judges are confronted about an alcohol or drug problem

by family, friends or colleagues, they often wrongly perceive they are being prosecuted by adversaries rather than being helped by people who care about and love them. The legal brain of a lawyer or judge often reacts with fierce denial.

The problem is that alcoholism and addiction are not subject to prescription, double jeopardy or *res judicata*. Moreover, legal negotiations are useless against alcoholism and addiction. Thus, our legal training wholly betrays us when it tempts our denial of alcohol and addiction problems. Although it seems wildly counterintuitive to lawyers, acceptance of and *unconditional surrender* to professional help provides the effective path to health, happiness and resolution.

The most unfortunate alcoholism and addiction cases we see at the Lawyers Assistance Program, Inc. (LAP) involve lawyers or judges who remain steadfast in denial until the bitter end. They lose jobs, law licenses and families. In the harshest cases, they lose their lives never having acknowledged the disease that killed them.

Don't be a victim of denial! Reach out to LAP for powerful assistance in identifying and treating alcohol and addiction problems. If you need help, or want to learn more about how you can help someone else, contact LAP. All calls are confidential as a matter of law and you do not even have to give your name. Call (866)354-9334, email LAP@louisianalap.com, or visit the website: www.louisianalap.com.

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