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IN SIGHT

for Oregon Lawyers

IMPROVING THE QUALITY OF YOUR PERSONAL AND PROFESSIONAL LIFE

RECOVERY REINSTATES HOPE

I stole nine hundred dollars of client funds. The documents sent to me by the Bar proved that I had committed the most serious ethical violation that a lawyer can commit. I didn't remember doing it, but there was a lot I couldn't remember from back then, and the behaviors I did remember would not lead anyone to believe I was innocent. Between 1988, when I deposited that client money in my personal account, and that day in 1994 when copies of the checks were presented to me by Disciplinary Counsel, a lot had happened. None of what had happened, however, changed the fact that I was facing disbarment.

I am an alcoholic and have been one since my first taste of alcohol. There is no good reason for me to be one. I didn't have a difficult childhood. No one ever abused me or discriminated against me. I don't suffer from stress, depression, or any mental illnesses that I might need to self-medicate with alcohol. I simply loved to drink. I loved it the very first time I did it, and I loved it until it took everything away from me. Like all alcoholics, when I start to drink I cannot stop, and when I am drinking I do bad things.

I graduated from law school in 1982. I was in the top ten of my class and was editor-in-chief of the law review. In that last year of law school, I was drinking ten to twelve drinks a night just to be able to sleep. I had been drinking for ten years to reach that level of daily consumption, and it would be another ten years before I asked for help.

After graduation I got a good job in a good firm, but the firm had expected an employee who was not hung-over every morning. They kept me on longer than they should have. After being gently forced out of that job, I began a slow descent down the economic ladder. In the late eighties, out of a job, I decided to hang out my own shingle. I liked being my own boss and gave myself most days off. The practice was a disaster, so on the last day of 1989 I walked away from the law and began my final drunk. That drunk lasted two years and two months.

In March of 1992, desperate and suicidal, I asked for help and admitted myself to a treatment facility. When I arrived there, I was so impaired that I could not read a newspaper.

Treatment worked and my body began to heal. I left the facility, committed myself to a twelve-step program, and haven't had a drink since. The first job I got in sobriety was loading trucks in an appliance parts warehouse. Using the healing power of physical labor, I began to get better. Then, in spring of 1994, the certified letters marked "personal and confidential" started coming from the Bar. The letters contained the proof that I had stolen client money. The proof was incontrovertible, and in the fall of that year, I drafted my Form B resignation.

Five years passed, during which time I lived among the vast majority of the population that does not work in, or even think much about, the legal profession. During my absence from the profession, I learned that a person can be content not being a lawyer, but I also learned that I loved law. I was a lousy warehouseman, but my transcripts suggested that, even drunk, I knew how to read and write law. I had resigned under the old rule, which allowed a person to apply for reinstatement five years after disbarment. So in January of 2000, I applied for reinstatement.

The Bar was not overjoyed to see my application. Reinstatement was theoretically possible, but Judge Van Hoomissen of the Oregon Supreme Court had written in 1994, "My research indicates that this court has never reinstated a lawyer after disbarment." My own lawyer, after reviewing the matter, advised me that my case was hopeless, and promptly resigned. Some things, however, are meant to be, and as long as you don't quit on them, the odds don't matter. I carried on, representing myself.

I got up every morning, put on my Wolverine work boots, and went off to drive a forklift. In the evenings, I worked on my case. I asked for help from the people around

me, and many of them said they would. My boss at the warehouse said he could testify to my work ethic. People who I had met in recovery offered to testify to how I had changed and how I had helped them. My family, who had seen me at my worst, wanted to tell the trial panel about the person I had become in recovery. Neither my previous lawyer nor I had fully understood that the witnesses – the keys to my reinstatement – were all around me.

The Bar's obligation was to challenge my moral fitness, and it took the job seriously. The hearing before the trial panel was a history of my wrongdoing presented by a Bar counsel who knew how to present evidence effectively. Every bad thing they said about me was true. The Bar had practicing lawyers to testify against my reinstatement. My witnesses were the people I'd met in twelve-step meetings, in my community, and on the warehouse floor. After two days of hearing, the panel retired to make its decision. In the ruling, the chairman of the trial panel wrote, "The evidence of reformation of character is not only clear and convincing, it is substantial and impressive in the complete reversal of habits that consumed the Applicant for years." I won, and won convincingly.

A few months later in Salem, I was sitting next to the Assistant Disciplinary Counsel who had prosecuted me from the beginning. Waiting our turn to address the Oregon Supreme Court, we joked in whispers about how nervous we were. She had earlier apologized to my wife for the fact that her job would require her to stand before the court and say bad things about me. Chatting in the hall after arguments, she predicted that I would be readmitted in sixty days. She was right.

Today, I have a small sole practice limited to elder law, probate, and related matters. I am no longer the brilliant man I thought I was when I graduated from law school. I forget people's names, misunderstand the facts in cases, and misread the law. My letters have typos. I make mistakes and admit them promptly to the affected clients. I work only for clients I like. I regularly attend twelve-step meetings. I take days off and seldom let my work steal time from the other things I like to do. A lot of people would never hire a lawyer who practices like I do. The people who do, however, become incredibly loyal. Fortunately, there are enough of the latter to keep me off the forklift.

I am sometimes asked to tell my story before groups of recovering people, and I always agree. I am told that it is inspiring. I suppose it could be. Personally, I wish that it had all happened to someone else.

I don't know why I am an alcoholic or why I decided one day to trade my law license for nine hundred dollars of client money. I don't really understand what brought those people to the hearing years later to give the powerful testimony I needed in order to practice law again. I don't know what lesson my story is supposed to teach. However, the story seems to help people, and as long as that is the case, I will be willing to tell it.

Orrin R. Onken

Editor's note: We have included the author's name at his special request.