


Tennessee Bar Journal



[Home](#) > [Publications](#) >
[Journal](#) >
Tennessee Bar Journal

MARCH-APRIL 2022 | VOLUME 58 NO. 2

Destruction and Death by Denial

Posted by: J. E. "Buddy" Stockwell on Feb 28, 2022

Journal Issue Date: March/April 2022

Journal Name: Vol. 58 No. 2

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 indeed. It often robs the person of the opportunity to accept help before irreversible damage occurs.



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 caring persons (sometimes referred to as "enablers"), unwittingly harm rather than help the person in the long run.

And 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 thus themselves) that their opinion about any given issue is correct. Make it a controversial issue that personally confronts the lawyer and an all-out defensive battle often ensues.

As lawyers we come by it all very honestly. 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 mental health problem that might be perceived by some as a weakness.

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 importantly, thwart a result that is perceived as threatening.

As a general rule, we are trained to never voluntarily make an admission or statement potentially against our own interest. After all, a defendant's basic right to deny an allegation is central to due process. In criminal matters, 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, even when there is stunning and clear liability and the "white flag" is waived, settlement agreements routinely state there is no admission of guilt; no acceptance of liability; and, no acknowledgement 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 that they are being prosecuted by adversaries rather supported by people who care about them.

The problem is that Denial does not resolve alcoholism and addiction. These diseases are not subject to any statute of limitations, double jeopardy, or res judicata. Legal tactics are simply useless against alcoholism and addiction. Although it seems wildly counterintuitive to lawyers, acceptance and unconditional surrender to professional help generate the path to health, restoration, resolution, and happiness.

The most unfortunate alcoholism and addiction cases we see at TLAP involve lawyers or judges who remain steadfast in Denial until the bitter end. They lose jobs, law licenses, families, and, in the harshest cases, lose their lives ... all while never having fully acknowledged the disease that killed them.

It is a common saying in the addiction field that "my [addiction] disease constantly tells me I don't have a disease." This is true and underscores the fact that addiction is primarily a disease of impaired perception wherein the person who suffers cannot see the severity of their circumstances until they "hit bottom."

As the fabric of recovery from substance use disorders continues to be woven with millions of individual stories now told, some things do remain clear: hitting bottom is not only unpredictable but appears to be mysterious. It can leave witnesses with the impression that it is random as to who will make it into recovery early and stay in

recovery versus those who suffer repeated consequences and yet reject help. The worst cases end in jails, institutions and death.

It can be very frustrating and challenging when working with certain alcoholics and addicts who, to the untrained eye, seem to perpetually choose to ignore every crisis and consequence and reject every offer of help. These persons appear to be defiantly set upon an intentional mission of digging a “deeper hole” for themselves through sheer recalcitrance. In truth, however, the behavior often emanates from the powerful Denial component of these diseases.

As one would commonsensically expect, as Denial and Ego both increase in any given alcoholic or addict, so does their ability to rationalize, minimize, and ignore substance abuse-related consequences. For example, arrests for driving while intoxicated are often deemed to be merely bad luck. Trouble at work for missing deadlines or failing to meet obligations because of drinking or hangovers is blamed on the employer or fellow employees who are uptight, unfair, or simply too demanding.

In the sometimes-heartbreaking business of trying to help practicing alcoholics and addicts into recovery, and watching them suffer in the grip of the disease, the catchphrase “it takes what it takes” is used as shorthand within the recovery community to succinctly describe the sheer unpredictability of what it may finally take for any given individual to hit bottom and really surrender and accept help.

Against the backdrop of all the above, one serious question presents: is there anything that any of us can do to effectively help a person get into recovery earlier rather than later? The answer is YES! In many cases we CAN do something! A professional TLAP intervention can often be successful in encouraging someone to get into recovery NOW, before things get worse for them and those around them.

In my next article, we will continue this conversation and discuss TLAP’s professional interventions. Until then, if you or someone you know needs help with any mental health issue, make a confidential call to TLAP at 615-741-3238, email TLAP@TLAP.org, or visit us on the web at www.tlap.org. III



BUDDY STOCKWELL was appointed by the Tennessee Supreme Court in July 2020 as executive director of the Tennessee Lawyers Assistance Program (TLAP). He comes from south Louisiana where he has been a volunteer and program monitor for the state’s Committee on Alcohol and Drug Abuse and the executive director of Louisiana’s

comprehensive Judges and Lawyers Assistance Program (JLAP) peer professionals’ program. He is a certified clinical interventionist through “Love First” training at the Betty Ford Center and has personally been in recovery from alcoholism for over 38 years. Stockwell earned his law degree from LSU Law School in 1993. He practiced in both large and small firm settings, including a solo practice in Baton Rouge where he focused heavily on domestic litigation. Read more about him at tba.org/Stockwell.

THIS MONTH

Issue Homepage

Tennessee Lawyers Impact America: A History of Advancing the Right to Vote

Dunn v. Blumstein: A Young Tennessee Lawyer Wins Expansion of the Right to Vote

ATJ: Tech-Driven Innovations and Partnerships Advance Access to Justice

ATJ: Pro Bono Opportunities in Tennessee

ATJ: What’s Ahead for the Tennessee Supreme Court Access to Justice Commission

ATJ: Access to Justice Awards Recognize Outstanding Work

E-filing in Tennessee Courts: What You Need to Know

TBA Is on the Move: Farewell to Downtown, Change Reflects Shifts in Profession, Office Market

Lawyers as Leaders

The Next Chapter

Learning from the Best: You

Destruction and Death by Denial

Rethinking Extradition Proceedings

The Value of an Elder Law Attorney to Another Attorney

QUICK INSPIRATION FOR YOUR BUSY DAY

Election Will Decide TBA President for 2024

LICENSURE & DISCIPLINE

PASSAGES

JOURNAL RESOURCES

[About the Journal](#)

[Advertising Info](#)

[Submit an Article](#)

[Send a Letter to the Editor](#)

[Journal Archive](#)

[TBJ Select Archive](#)

VIEW JOURNAL PDF



[Download Full PDF of Issue](#)

© Copyright 1996 - 2023 Tennessee Bar Association. All rights reserved.