

Gambling: Risky Business for Lawyers

by Joe Scally

"The best throw of the dice is to throw them away." ~ English proverb

Opportunities to gamble are flourishing in Illinois and across the country. The 2019 Rebuild Illinois Act authorized six new casinos to be licensed and built by 2022. Sports betting is exploding across the country. The lottery, off track betting, bingo, and video gaming are also on the rise. With online betting, some form of gambling is at our fingertips all day, every day. There are more slot machines in the United States than ATMs.

Gambling can be defined as "risking something of value on an activity or event in which the outcome is uncertain in hopes of winning something of material value." The odds are against the gambler coming out ahead in the long run. They may win a particular hand, bet, or throw of the dice, but everything is set up in favor of the house. Very few, if any, individuals will prevail if they gamble over a period of time. Nevertheless, many people gamble because they find it entertaining, exciting, or interesting. Most people are able to limit the time they spend gambling and the money they lose to acceptable levels without developing a problem.

According to the Diagnostic and Mental Health Disorder Manual 5 (DSM-5), problematic gambling behavior includes:

- restlessness or irritability when not gambling or trying to cut back
- making repeated unsuccessful attempts to control or stop gambling
- needing ever larger amounts of money to gamble in order to achieve the same excitement
- becoming preoccupied with reliving previous gambling experiences, planning the next venture, or thinking of ways to get gambling money
- gambling when feeling distressed (to relieve or distract from uncomfortable feelings)
- chasing losses (after losing one day, returns the next to "get even")
- lying to conceal the extent of gambling involvement
- jeopardizing significant relationships, jobs, or opportunities because of gambling
- relying on others to provide money to relieve financial situations caused by gambling

Persons with problematic gambling behavior fall into two general categories: 1) those who are trying to escape their problems or feelings, and 2) those who get a thrill out of the action. A person who exhibits enough of these behaviors over a long enough period can be diagnosed with a Gambling Disorder (GD). Having a GD can be conceptualized as having an addiction. Many of the same characteristics of addiction are present, including withdrawal symptoms when gambling is not available. Many gamblers have a co-occurring substance use problem. These co-occurring problems work in synergy to exacerbate the problems. For instance, a person may be more likely to gamble when they are drinking or using cocaine to enhance the thrill of gambling and stay at the tables longer. While GD shares many of the attributes of a substance use problem, it is often harder to detect because the same physical signs (e.g., slurring words, dilated pupils, motor difficulties) are not present.

The research is not yet settled on whether increased access to gambling venues will lead to higher prevalence of problematic gambling behavior. Study results range from 4% to 9% of American adults who will experience problem gambling during their lives. Within this group are the less than 1% to 4% of adults who will meet criteria for a Gambling Disorder. However, some studies show that adolescents and young adults experience problem gambling at a higher rate.

Lawyers may be especially prone to developing problem gambling behaviors for several reasons. First, lawyers have access to money for gambling. Many lawyers earn enough money to have discretionary income for gambling. Many also have access to client trust accounts. Second, lawyers have opportunities to gamble. Because lawyers control their schedules and often out of the office for court, depositions or meetings, it is easy for lawyers to venture off to the casino. Third, lawyers often work late and can use this as an excuse when they are gambling. The availability of online gambling puts opportunity at lawyers' fingertips while they work. Also, legal work is stressful. Lawyers with ineffective stress relief may seek out the thrill or escape of gambling. Lawyers have higher rates of substance use problems than the

general population. Lawyers are good at developing and presenting cover stories that convince others there is no gambling problem. Finally, some lawyers have big egos. Their egos tell them that they can win at gambling when others cannot. and they believe they can stop whenever they want to long after gambling becomes a significant problem for them.

"I lost my house in foreclosure, cars were repossessed, I lost my law license, but still did not believe I was a compulsive gambler."

While gambling disorder is less frequent than other substance or mental health issues, the Attorney Registration and Disciplinary Commission (ARDC) states that gambling disorder is far more costly to clients, primarily due to easy access to client trust accounts. Lawyers who raid their client trust accounts begin with the intention of "borrowing" money they intend to repay with winnings. Even as this possibility of pay back becomes more remote, lawyers continue to draw down client funds. The gambler believes that the money lost is theirs, just waiting to be won back with the right bet. As a result, individual lawyers have lost millions of dollars of their clients' money.

Lawyers should be particularly attuned to their own behaviors in addition to any problematic behaviors exhibited by colleagues.

To determine if gambling is an issue for your or a colleague, ask these two questions:

1. Have you ever felt the need to bet more and more money?
2. Have you ever had to lie to people important to you about how much you gamble?

A positive response to either question raises concerns.

Gambling Disorder is often not detected until the gambler is in desperate financial straits. The suicide rate for those affected by GD is high and recovery is difficult. Gamblers' families are also in desperate financial and emotional situations. For the lawyer gambler, careers are often in shambles by the time they seek help. Resources available for problem gamblers as limited compared to those experiencing other mental health or substance abuse disorders.

Nevertheless, there is hope. Marty, the lawyer quoted above, described how treatment slowly brought back his life. Treatment had taken him from a desperate suicidal point to a place where he was enjoying his family and everyday activities. Effective treatment is available. Lawyers who are concerned about themselves or their peers can call the Lawyers' Assistance Program for help at 312-726-6607. <https://illinoislap.org/>

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