

## Mark's Woes

By: Carol P. Waldhauser

As the strong afternoon sun penetrated the courtroom shutters, the bailiff announced: "all rise". Up against very serious federal charges, the Defendant, Mark, followed robotically the instructions called out. His thoughts, however, turned momentarily to a different place and time. Perhaps it was the afternoon sun that triggered the flashback or the fear of the trial, whatever the reason, Mark thought about the sunny afternoon that he graduated from an Ivy League law school 10 years ago. In those days, Mark thought nothing could ever go wrong!

Upon graduation from law school, Mark, highly competitive and energetic, eagerly accepted an opportunity to work in one of the area's best firms. Soon, Mark was a successful lawyer who earned hundreds of thousands of dollars annually. Financially secure, Mark married and had children. All continued to go well until one day Mark realized that he had a problem and this problem would turn is word upside down.

Ironically, Mark seemed to have it all although he knew that he was often restless and easily bored. Subsequently, Mark began to look for ways to feel better and be amused. At first, Mark found amusement in betting on-line. Poker was not only fun; it was challenging. Sadly for Mark, however, it was also addictive. Initially, Mark spent about \$300 a month on gambling, later that turned into \$300 a week; and then \$300 per day. Mark admitted that in the early days of his gambling, it made him feel "better". Gambling was a way to "chill-out" and not to think about his cases or his responsibilities.

Unfortunately at some point, Mark's persistent and recurrent maladaptive gambling behavior disrupted his personal, family and professional pursuits. He became preoccupied with gambling (e.g. reliving past gambling experiences, planning the next gambling venture, or thinking of ways to get money with which to gamble). Similar to many pathological gamblers, Mark sought "action" (an aroused, euphoric state) or excitement even more than money. As he made increasingly larger bets and/or took greater risks in order to continue to produce the desired level of excitement, Mark began to lie to family members, therapists and others to conceal the extent of his involvement with gambling.

Equally as hurtful, Mark began to borrow resources leading to the forgery, fraud, theft and embezzlement charges against him today. Admittedly, Mark states that his negative behavior and gambling addiction resulted in losing his home, his family and his license to practice law. Mark embezzled nearly 2 million dollars from unsuspecting clients. Suddenly, Mark heard the Judge's voice and reality set in. It took six long years for Mark to get to this point and he was ready to take responsibility for his actions.

The Problem:

Gambling has existed since ancient times and there is evidence that most cultures supported it in some form. Today, more than ever before gambling has become acceptable and profitable. For most people, gambling is fun; but for some it can lead to financial ruin, loss of jobs, broken homes, physical illnesses, criminal acts and suicide attempts. According to the Diagnostic and Statistical Manual (DSM-IV):

Pathological gambling is a mental health disorder in which an individual has a psychologically uncontrollable preoccupation with the urge to gamble, eventually resulting in damage to vocation, family, and social relationships. It is characterized by a chronic and progressive inability to resist the impulse to gamble. (Diagnostic and Statistical Manual of Mental Disorders, Fourth Edition (DSM-IV-TR) P. 671.

Specifically narrowing the scope to the profession in his article Gambling, Paul R. Ashe states:

A lawyer who is a compulsive gambler can be very dangerous. By the nature of their practice, lawyers are often exposed to fiduciary relationships involving large sums of money, which serve as the commodity or “drug of choice” for the gambler. A lawyer who may already be predisposed to gamble, whether on a casino game, horse or dog race, lottery ticket, or via the Internet, should be aware of some of the inherent danger signs that could result in complete devastation, including prison, bankruptcy, or death.

In Delaware, certain types of gambling are legal. For that reason, Delaware offers enormous information on the problems associated with compulsive gambling and confidential treatment available. In fact, the mission of the Delaware Council on Gambling Problems is to raise public awareness that compulsive gambling is a treatable disorder and to facilitate the development of a network of services for compulsive gamblers and their families in Delaware. Including, but not limited to, some signs of a compulsive/addictive gambler:

Compulsive gamblers may:

- Become increasingly obsessed with the idea of gambling.
- Become hooked on the high of gambling.
- Gamble more and more money, more and more often over time.
- Use gambling as a way to escape life’s problems
- Lose interest in normal activities.
- Try, but fail, to stop or control gambling.
- Act restless and irritable when not gambling.
- Have an attitude that no win is ever big enough.
- Lie about losses and exaggerate wins.
- “Chase” their losses.
- Bet until their last dollar is gone.,

Get in worse and worse financial and emotional trouble over time.  
Need to be “bailed out” financially.  
Beg, borrow, or steal money to gamble or pay off gambling related debts.

As for Mark, generally compulsive gambling is not considered a valid defense to criminal charges. It is, however, in many tribunals allowed as a mitigating factor in the disposition. Mark demonstrated remorse for his past misdeeds and could show clearly his sincere acceptance and recovery from his disease. Today, Mark knows that his disease is chronic and he must treat it one day at a time regardless of the outcome of his trial.

If you, or someone you know is gambling for more than fun, they may have a problem that is affecting their professionalism and quality of life, call the confidential line of the Delaware Lawyers Assistance Program (302) 777-0124 or 1-877-24DELAP for information and help or e-mail [cwaldhauser@de-lap.org](mailto:cwaldhauser@de-lap.org)