

## **A Personal History of SMART Recovery**

by Peter Bishop, Ph.D., Treasurer, SMART Recovery Self-help Network

This year has been very eventful; this is a good time to record my personal impressions of the history of our organization up to the current time. Hopefully this history -- aside from needing to be recorded -- will help all of us understand the present a little better, and help us understand each other better so we can all move forward in a constructive manner. Most of this history was recorded on August 14, 1994, when it became clear that it would be necessary to explain the recent set of events to all of the members of the board of directors, and eventually to other interested parties. Another portion was added on November 11 just prior to the board meeting, and the accounting of events after the board meeting was added on January 5, 1995.

In the beginning, our organization was first formed in 1989 when Jack Trimpey associated himself with the American Humanist Association (AHA). The self-help groups then operated under the umbrella of the AHA, which is a 501(c)(3) organization (non-profit). In 1991, Jack began forming our own board of directors. Our first board meeting was on February 2-3, 1991 in Texas. Our second meeting was on August 27-28, 1992 in Sacramento, California. At our second meeting, the board worked on the purposes for a new RRSN, Inc. independent of AHA. Articles of incorporation were prepared and signed at the related convention, but never filed as I will explain.

During 1992, Jack Trimpey was working with Richard Poole, with the idea that he would become an active executive director for RRS, Inc. (Jack's for-profit corporation), and ensure that RRSN, Inc. was operating properly. A few months after the 1992 board meeting, Jack decided that Richard would not be a good selection for this post. Later in 1992, Jack met Tom Barse and began getting advice from him about how to form RRSN, Inc. Tom Barse, who is an attorney in Maryland, filed incorporation papers for RRSN, Inc. in Maryland. The purpose and bylaws were taken from the earlier incorporation papers. Tom filed with the IRS for 501(c)(3) status, which we did not receive until 1993. Tom was officially working as an agent for RRSN, Inc. as well as doing some legal work for RRS, Inc. Jack Trimpey was still the official executive director of RRSN, Inc. as he had always been.

Since the 1992 board meeting, Jack had been talking about wanting to move the operation of RRSN out of Lotus, California. He complained that being executive director of RRSN was very expensive. On the other hand, he was obviously torn on this issue. Significant amounts of office staff time were utilized in organizing the self-help network. He and his wife, Lois, both expended significant amounts of time in organizing the network. There were several members of the board of directors who also felt that it would be good to have an executive director who could dedicate more time to the non-profit organization. The majority of the board felt a great loyalty to Jack Trimpey and wanted to work with him on these matters.

At the September 17-18, 1993 board meeting in Boston, Jack brought a licensing agreement for use of the name "Rational Recovery", which he owns, that he and Tom Barse had signed, and asked for approval by the board of RRSN, Inc. After discussion, the board and Jack and Lois affirmed the licensing agreement was the appropriate one to form a good ongoing relationship. Some members of the board were arguing that we should not have the words "Rational Recovery" in our name, but this view did not prevail. These members were convinced to go along due to the fact that the licensing agreement gave a license "in perpetuity" to RRSN to use the words "Rational Recovery". The board was also told that the business relationship between Jack and Tom Barse had just broken down, and so although several board members had been thinking positively of Tom Barse as a new executive director for RRSN, Inc., the board decided to begin a formal search for a new executive director. The executive committee was authorized to select a new executive director during the next year, with the understanding the cost would be small, since RRSN, Inc. did not really have any money. It was understood that the new executive director would play a key role in getting RRSN to a position of financial stability. It was also suggested that we sign a new agreement. The new agreement was identical to the old one except the original agreement was "in perpetuity", while the new agreement required "renegotiation between the parties on an annual basis".

After discussions with the executive committee, we unanimously decided that we could not agree to the new terms. In discussions on this point, we observed that such an agreement would make it necessary for us to remove the words "Rational Recovery" from the name of our organization. Some people felt we should change the name, anyway, but a majority decided that we wished to retain the name "Rational Recovery". So, we wrote a letter to Jack telling him that we could not agree to the new agreement and we were satisfied with the old agreement. There were numerous conversations between Jack and various board members during this time, exchanging views and increasing understanding of all the issues involved. Jack seemed to accept this resolution of the situation, although he was obviously disappointed with the outcome.

After this, in the normal course of his duties, the Treasurer, Peter Bishop, made an appointment to visit Lotus, California in January, 1994 so that he could begin his proper duties. It is the legal responsibility of the Treasurer to ensure that the financial dealings and financial health of the organization are legal and appropriate. The Treasurer also has the legal responsibility to ensure that the financial statements of the organization are accurate. This meeting was for the purpose of sharing the financial statements of RRSN with the Treasurer. Just before the meeting, Jack called Peter and canceled the meeting with no explanation.

Meanwhile, the search committee was actively searching for a new executive director. Several promising candidates were found, but on further investigation, these people were found to be unsuitable for one reason or another. Finally, Phil Tate got the idea to advertise in the professional magazines for association managers. After receiving

several responses, the search committee pruned the list to one particularly interesting possibility. A meeting was arranged to interview the candidate on July 23-24, 1994 in Chicago.

On July 21, 1994 many board members received a FAX of what seemed to be a filed lawsuit by RRS, Inc. against RRSN, Inc. Few people noticed that there was no court seal on these papers and that no case number had been assigned. Another appointment with Peter was canceled. We were also told by Jack that since there was litigation between us that he would not talk to us, but he encouraged us to talk to his lawyer. The executive committee authorized Peter Bishop to act as its legal agent on July 22, 1994.

On July 22, Peter Bishop went to Sacramento, visited the court, discovered that no case had been filed and that the legal proceedings that were contemplated were "ex parte" proceedings in which only one side is present. A hearing that we had been told would occur on that day was canceled. Peter visited Jack's lawyer and talked with him for two hours.

Jack's lawyer, Mr. Hodgson, told Peter several things: A) he felt that the licensing agreement between RRS, Inc. and RRSN, Inc. was invalid because of a conflict of interest on the part of Tom Barse; and B) even if the agreement was valid, it was too vague and was not a good basis for an ongoing relationship.

The lawyer proposed the following solution: RRSN, Inc. give up the licensing agreement, RRSN, Inc. change its name and stop operating under the name "Rational Recovery"; RRS, Inc. and RRSN, Inc. send a joint letter to the groups telling them what happened; and RRSN, Inc. refrain from further communication with the self-help groups for six months except that it could communicate with groups established by members of the board of RRSN, Inc.

Peter told him that this was not acceptable, that we would like to continue operating as RRSN. Peter also told the lawyer that if the agreement was too vague, then we would be willing to consider renegotiating the agreement to make it be a good basis for a permanent relationship. Jack's lawyer informed Peter that he was not authorized to negotiate specific terms of a new agreement. He requested that we create a new agreement in writing and send it to him for approval. Peter Bishop informed the lawyer that as Treasurer, he needed to review the financial statements and records of RRSN, Inc., and that Jack Trimpey, as executive director, was obligated to make those records available to Mr. Bishop. Peter demanded that the lawyer, as Jack Trimpey's agent, make the financial records of RRSN, Inc. available to the Treasurer. The lawyer informed Peter that those records would not be handed over until the suit was settled.

At an informal point during the discussion, Mr. Hodgson expressed the opinion that there was no need for a non-profit organization connected with Rational Recovery, and that non-profit organizations did not play a valuable role in Society. He also told Peter that he had advised Jack it was now necessary to destroy RRSN by legal action.

Although these points were made in this meeting, it must be remembered that this meeting was a negotiating session and so it is necessary to take all of these statements with a grain of salt. Peter chose to continue to work to achieve a mutually acceptable agreement.

At the meeting the next day in Chicago, all four members of the executive committee present decided to try to renegotiate a mutually acceptable agreement with Jack rather than give up the agreement and change our name.

Our interview with a professional association management company was quite an eye-opener. We learned about a number of very significant skills that are needed to run a successful national non-profit organization, and we saw many of these skills demonstrated for us. The importance of a license in "perpetuity" was stressed, as well as the desirability of having good relations with Jack Trimpey.

A serious challenge of running an organization such as RRSN, Inc. is that it needs to serve the members, coordinators and its stated purpose. The board of directors, the executive committee, and the coordinators all have important roles to play in determining what RRSN is and does. Professional management can gather the input and organize our volunteers while running a national office. It can enable the executive committee and the board of directors to make the significant decisions for RRSN, Inc. and then ensure those decisions are carried out.

Even the board of directors must serve the needs of RRSN, Inc. and the coordinators. Professional management can help this happen, too. The executive committee was so impressed by the presentation that they requested a proposal for a management support agreement. The executive committee decided that although it had been given the authority to hire an executive director, it wanted input from the board about whether we should hire a professional management company.

The executive committee further authorized a negotiations committee consisting of Peter Bishop and Joseph Gerstein to renegotiate our license agreement with Jack Trimpey in a manner that would prevent further legal action by RRS, Inc. against RRSN, Inc.

Peter Bishop wrote two letters to Jack Trimpey talking about various licensing issues and expressing a desire to reach a mutually acceptable agreement and requesting that Jack Trimpey communicate with us about what an acceptable agreement might look like. There was no response to these letters until Jack wrote a letter to all RRSN board members just prior to a telephone conference call board meeting in August 1994. In that letter, Jack expressed his opinion that there was no basis for a mutually acceptable agreement.

Joe Gerstein was also trying to open negotiations with Jack Trimpey. At one point in late July, Jack Trimpey called Joe. Their conversation was conciliatory and door-opening without being very substantive. Joe then tried to open a dialogue with Jack so

we could reach a mutually acceptable agreement. Joe made a phone appointment with Jack in early August. Jack's lawyer phoned at the time of the appointment to tell Joe that Jack's lawyer, Mr. Hodgson, had instructed Jack not to talk to us. We could talk to Mr. Hodgson instead.

The "ex parte" hearing was finally held on or about July 27, 1994. The executive committee was never informed of the outcome of the hearing, so it is clear that no injunction against RRSN was approved at that hearing.

The executive committee decided that since Jack Trimpey had not made the financial records of RRSN, Inc. available to our Treasurer, that this constituted violation of his job as executive director of RRSN, so Jack Trimpey was asked to resign. He refused to resign, so shortly before the conference call board meeting in August, 1994, Jack was terminated as executive director of RRSN, Inc.

Prior to the board meeting in August, there were discussions among the executive committee about whether to include the larger board in its deliberations in a formal way, or whether the informal communications that were occurring would be adequate. The entire situation was so difficult to explain, that a majority of the executive committee felt that a board meeting would not be proper. The executive committee was still trying to reach a mutually acceptable agreement with Jack Trimpey, although it was beginning to look as though Jack was not interested in reaching a mutually acceptable agreement. Meanwhile, a lawsuit against RRSN was filed in court by Jack's lawyer, and the executive committee finally obtained the services of a lawyer to deal with the suit.

Dave Trippel, Secretary, started organizing board members to call a meeting of the board of directors by phone, and so in August, 1994, a phone conference call was held during which it was unanimously voted to give up the licensing agreement with Jack and to change the name of RRSN, Inc. to Alcohol and Drug Abuse Self-Help Network, Inc. It was further mentioned that we would probably want to take more time to choose a different name to operate under, but that the name of the organization could remain with this new name, which we promptly registered.

At the time of this meeting, it was apparent that although different people were voting the same way on the issue, the reasons were sometimes contradictory. The overwhelming sense was that there were two main reasons why people were voting for the motion. Jack Trimpey wanted the motion to pass, and most people felt that taking this action would make any suits against us moot.

It took more than a month for the actual lawsuit to be settled between RRS, Inc. and the Alcohol and Drug Abuse Self-Help Network, Inc.

The executive committee then decided that it was essential to begin operations. The first task was to communicate with the groups. It was felt that we should select some sort of new name that had some kind of acceptable ring to it before communicating with

the groups telling them of the new situation. We have now selected the name SMART Recovery, and have communicated with the groups under this name.

During this troubling time, the executive committee discussed on several occasions what our purposes were. The conclusions of these discussions have always been an affirmation of the purposes in our articles of incorporation, which were hammered out during several major board meetings. We think that our group should teach self-reliance, DISARM the voice of the alcohol salesman in the brain, and some of the elements of rational-emotive therapy.

After the change of name and settling of the suit, Jack Trimpey explained matters in the Journal of Rational Recovery. He expressed his opinion that there was no need for a non-profit portion of Rational Recovery. He argued that no one wishes to receive tax incentives for donating operating expenses, meeting rooms, advertising or cash donations to cover book inventories, literature reproduction costs or phone expenses of the hundreds of self-help groups across the nation. Dave Trippel, at the time Secretary, also wrote in the Journal of Rational Recovery that there was no need for a non-profit organization, and he advocated that no one join SMART Recovery. Jack Trimpey and Dave Trippel announced that they were forming, as part of Rational Recovery Systems, Inc. (a for-profit company owned by Jack Trimpey), a group called the Rational Recovery Self-Help Network. They argued that this group was really the same group as the former Rational Recovery Self-Help Network, Inc.

The annual board meeting of the Alcohol and Drug Abuse Self-help Network, Inc., doing business as SMART Recovery Self-Help Network, met on November 12-13. Given the fact that Jack Trimpey, Lois Trimpey, and Dave Trippel had been acting against the interests of SMART Recovery, it was felt by most of the board members that this was a violation of the fiduciary responsibility of these board members, and so the first order of business of the board was to remove Jack Trimpey, Lois Trimpey, and Dave Trippel from the board of directors of the Alcohol and Drug Abuse Self-Help Network, Inc. As part of the process for this kind of motion, all three people were heard speaking to the motion. They all argued that they should remain on the board of directors, but they did not speak to the issue that they had been working against the interests of SMART Recovery and thereby violated their fiduciary responsibilities as board members of SMART Recovery. All board members except for those being removed from the board voted in favor of the motion.

The remaining members of the board of directors were then able to get down to work to rebuild the national organization. A presentation was made by Randy Cicen about professional association management of SMART Recovery. Randy helped the board very quickly prioritize the major tasks facing us in the next year and form a set of key committees with which to perform these tasks.

I think that this accounting of events will be of main utility for historical purposes. I am feeling a need to present the recent course of events from my perspective, since Jack

Trimpey has associated my name prominently with the events of last summer and seems to be blaming me for some of those events.

I continue to believe that our groups need to have an option of having a non-profit organization that they can associate with. Every time our groups have a volunteer run a group, get a free meeting room, or get free advertising, there is a possibility that the donor of these services is at least expecting that they are supporting a non-profit, charitable activity. The Internal Revenue Service has recognized the charitable nature of our work, and has recognized donations to SMART Recovery as legitimate charitable donations. Thus, I feel a responsibility to continue to support the organization that provides the legal non-profit status to our movement. I feel that Jack Trimpey has made a serious mistake when he says that there is no need for such an organization within our movement.

A legal consequence of non-profit status is a requirement of independence from control from for-profit organizations or people who have for-profit motives, such as Jack Trimpey. It appears to me that most of our recent troubles are due to the fact that Jack Trimpey was uncomfortable with the degree of independence shown by several of the members of the board of directors. As I look at the current board of directors, it appears to me that they accurately represent our movement throughout our country. When Joe Gerstein was selected President, there was no serious alternative person who better represented the wishes of the board of directors and of the members and coordinators of our self-help groups. I have been very disappointed at Jack's inability to work amicably with Joe Gerstein, but I have continued to do my best for the organization rather than selecting sides. I have not found it difficult to work with Joe Gerstein. He is a very professional person, who is able to deal professionally with disagreements and to follow through on organizational decisions, even when they do not coincide with his personal preferences.

Although I have talked to many people who would have preferred there to be no organizational split in our movement, Joe Gerstein and I worked diligently to try to avoid the split that is now a fact. The question facing us now is how to move forward, taking advantage of the strengths of the new situation and trying to minimize whatever disadvantages may exist. In particular, although Jack Trimpey has argued that people should not join SMART Recovery, the board of SMART Recovery welcomes all participation in SMART Recovery without requiring an absence of activity with Jack Trimpey. Many people in our movement may wish to have some dealings with both national groups. SMART Recovery offers recognition as a non-profit entity and an independent voice in cognitive approaches to recovery. SMART Recovery has maintained good relationships with the professional community, and contains the national grass-roots leadership that helped our entire movement get to the point it is today. Rational Recovery offers all of the expertise and energy that Jack and Lois Trimpey have shown so far. Let us move forward to help people throughout the world who can take advantage of our approach to recovery.