

# AGENDA ITEM

**MOC IVA MAY**

**DATE:** April 12, 2012

**TO:** Members, Member Oversight Committee

**FROM:** Richard Carlton, Acting Director, Lawyer Assistance Program

**SUBJECT:** Lawyer Assistance Program Follow-up Report

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## EXECUTIVE SUMMARY

At the March 2012 meeting of the Member Oversight Committee, Members of the Board requested additional information and data not presented in the 2011 Annual Report of the Lawyer Assistance Program ("LAP") of the State Bar of California. Responses to those requests for additional information are presented here. Board members with questions or concerns may contact Richard Carlton, 415-538-2355 or [richard.carlton@calbar.ca.gov](mailto:richard.carlton@calbar.ca.gov).

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## BACKGROUND

The LAP assists the Bar to protect the public, the courts, and the legal profession by offering education and rehabilitative programs to State Bar members suffering from substance abuse or mental illness. Section 6238 of SB 479 directs the LAP to report to the Board of Trustees and to the Legislature annually on the implementation and operation of the program. During the presentation of the 2011 LAP Annual Report, Members of the Board requested additional information on the program and program results with regard to:

1. program activity
2. short-term counseling services
3. types of discipline system complaints typically lodged against LAP participants who are participating in the LAP due to disciplinary terms
4. a weighting of outcome results in terms of the level of discipline involved for these participants
5. comparing LAP activity and outcome information to the general attorney population
6. operating expenses in real numbers
7. the status of the LAP loan collection and possible debt retirement

The program is currently working with other offices of the State Bar to obtain the data necessary to weigh outcome results in the manner requested and to compare LAP

activity and outcomes to the general attorney population and will present that information to the Board in the near future. The status of the loan collection process and an analysis of the potential for accelerating collections or retiring debt is being presented to this Committee in a separate Agenda Item.

## **DISCUSSION**

### Requested Additional Information

*1. What types of discipline system complaints are there against LAP participants who are participating due to disciplinary terms?*

Since the change in the Alternative Discipline Program Rules approved by the Board in 2007, the majority of LAP participants who have been subject to discipline have received a public reproof or a stayed suspension with a one to three month actual suspension. While the nature of the complaints filed is quite varied, the majority fall into the broad category of failure to perform services.

*2. Do you have information on short term service participants in the program?*

During 2011, the LAP received 181 calls for short-term career counseling services and 87 calls for short-term personal counseling.

*3. Provide more granular information than was included in the Annual Report:*

- A. What stage of the program are participants in?*
- B. When did participants start the program?*
- C. If participants dropped out of the program, how long did they stay in the program?*

Participants who entered and departed between 2008 through 2010  
(Not Accepted, Terminated or Voluntarily Withdrew)

*Total participants who entered and departed during this period*

Discipline: 268  
No Discipline: 97

*Not accepted into the Program*

Discipline: 20  
No Discipline: 0

*Terminated by the Evaluation Committee*

Discipline: 8  
No Discipline: 1

*Chose to follow support system currently in place*

Discipline: 76

No Discipline: 49

*Discontinued contact*

Discipline: 60

No Discipline: 30

*Disagreed with recommendations*

Discipline: 24

No Discipline: 7

*Financial decision*

Discipline: 18

No Discipline: 4

*Completed Orientation and Assessment Phase*

Discipline: 9

No Discipline: 1

*Moved out of state*

Discipline: 2

No Discipline: 1

*Other*

Discipline: 13

No Discipline: 1

*Completed Bar admissions abeyance period*

Discipline: NA

No Discipline: NA

Total: 41

### Terminology

NOT ACCEPTED INTO THE PROGRAM: Evaluation Committee of the LAP determined not to accept the applicant into the program because the applicant did not meet one of the following criteria:

1. The applicant did not meet the eligibility criteria (did not have a diagnosable condition)
2. It was determined that the applicant would not substantially benefit from the LAP
3. It was determined that the applicant's participation would be inconsistent with public protection.

TERMINATED BY THE EVALUATION COMMITTEE: A participant was terminated from the LAP because the Evaluation Committee determined that:

1. The participant would not substantially benefit from further participation in the LAP
2. Further participation would be inconsistent with the LAP's mission of public protection
3. The participant failed to satisfy the terms of the participation agreement.

CHOSE TO FOLLOW SUPPORT SYSTEM CURRENTLY IN PLACE: The participant determined that he or she had no further need to participate in the LAP and voluntarily withdrew.

DISCONTINUED CONTACT: The participant stopped attending LAP group or otherwise participating in the program and several attempts to contact the participant were unsuccessful.

DISAGREED WITH RECOMMENDATIONS: The participant was unwilling to comply with the recommendations of the Evaluation Committee and voluntarily withdrew.

FINANCIAL DECISION: Participant determined that he or she did not want to or was unable to bear the cost of participating in the program and voluntarily withdrew.

COMPLETED ORIENTATION AND ASSESSMENT PHASE: The participant completed the Orientation and Assessment ("O&A") Phase of the LAP and voluntarily withdrew at the conclusion of that phase. (NOTE: O&A is open to all members and includes a professional assessment by a LAP case manager, attendance at up to four sessions of LAP-facilitated support groups and two sessions of individual counseling—all free of charge).

MOVED OUT OF STATE: Participant voluntarily withdrew from the program due to a decision to permanently relocate to another state.

#### Length of Time in the LAP

0-60 days	172 participants
61-120 days	53 participants
121-180 days	40 participants
181-240 days	24 participants
241-300 days	24 participants
301-360 days	17 participants
361-420 days	14 participants
421-600 days	12 participants
More than 600 days	9 participants

4. *Provide real numbers on the operating expenses and a further breakdown of the category "interfund allocation."*

2011 LAP Operating Expenses by Category

Employee Expenses	\$1,419,893	(72.6%)
Travel	\$78,747	(4%)
Supplies/Postage/Telephone/Printing	\$26,814	(1.4%)
Occupancy	\$18,754	(1%)
Professional Services	\$15,483	(1%)
Outside Services Other	\$8,374	(0.5%)
Interfund Allocation	\$388,920	(20%)
TOTAL	\$1,956,985	