

AGENDA ITEM

54-121 MARCH 2016

DATE: February 16, 2016

TO: Members, Regulation and Discipline Committee
Members, Board of Trustees

FROM: Stewart Hsieh, Chair,
Lawyer Assistance Program Oversight Committee
Richard Carlton, Director, Lawyer Assistance Program

SUBJECT: Lawyer Assistance Program 2015 Annual Report –
Statutory Report and Filing

EXECUTIVE SUMMARY

Business and Professions Code section 6238 requires that the Oversight Committee of the Lawyer Assistance Program (“LAP”) of the State Bar of California to report on the operations of LAP annually to the Board of Trustees and to the Legislature by March 1 of each year. In this item, the LAP 2015 Annual Report, which has been submitted to the Office of the Secretary of the State Bar and to the Legislature, will be formally presented to the Board.

BACKGROUND

The LAP is premised on early identification of attorneys suffering from substance abuse or mental illness. The program assists the Bar to protect the public, the courts, and the legal profession by offering education and rehabilitative programs to State Bar members. The program also works in conjunction with the State Bar Court Alternative Discipline Program to offer an alternative to traditional disciplinary sanctions. Section 6238 of the Business and Professions Code directs the Oversight Committee of the LAP to submit a report to the Board of Trustees and to the Legislature not later than March 1 each year on the implementation and operation of the program.

In this item, the LAP report filed for 2015 will be officially presented to the Board.

ISSUE

None.

HIGHLIGHTS FROM THE REPORT

During 2015 the LAP provided effective early intervention consistent with the program's mission of enhancing public protection while supporting recovering attorneys in their competent practice of law. Specific initiatives addressed during the year included:

- (1) Encouraging certain law students to be evaluated for participation in the LAP prior to applying for membership. In terms of protecting the public through prevention of future attorney misconduct, the work of the LAP with applicants to the State Bar may have the greatest impact.
- (2) Expanding education to the membership regarding the scope of the problems addressed by the program and the range of support services available from the LAP. Nearly 100 continuing legal education presentations were delivered by or through the auspices of the LAP to bar associations and law firms during 2015. Additionally, two videos are posted on the State Bar YouTube page that use testimonial statements from graduates of the program to explain the components and benefits of the LAP experience. The videos have been viewed nearly 1400 times.

DISCUSSION

None.

FISCAL / PERSONNEL IMPACT

None.

RULE AMENDMENTS

None.

BOARD BOOK IMPACT

None.

RECOMMENDATION

The Lawyer Assistance Program Oversight Committee recommends that the Regulation and Discipline Committee and the Board of Trustees receive and accept the LAP 2015 Annual Report, pursuant to Senate Bill 479, in the form attached to these minutes and made a part hereof.

PROPOSED BOARD COMMITTEE RESOLUTION

Should the Regulation and Discipline Committee agree with the above recommendation, the following resolution would be appropriate:

RESOLVED, that the Regulation and Discipline Committee recommends that the Board receives the report and thanks staff for its submission of the Lawyer Assistance Program 2015 Annual Report, as presented to the Regulation and Discipline Committee this day.

PROPOSED BOARD OF TRUSTEES RESOLUTION

Should the Board concur with the Regulation and Discipline Committee's recommendation, the following resolution would be in order:

RESOLVED, that upon the recommendation of the Regulation and Discipline Committee, the Board hereby receives the report and thanks staff for its submission of the Lawyer Assistance Program 2015 Annual Report, as presented this day.