

THE LAWYER ASSISTANCE PROGRAM  
STRATEGIC PLAN  
FROM MARCH 2017 TO MARCH 2020



THE STATE BAR OF CALIFORNIA  
EXPECTED ADOPTION MARCH 4, 2017

## **STRATEGIC PLAN DEVELOPMENT**

This Strategic Plan was developed and adopted by the Lawyer Assistance Program (LAP) Oversight Committee to guide the work of the LAP and ensure that the LAP functions as intended under Business and Professions Code 6230. The LAP was established “to identify and rehabilitate attorneys with impairment due to abuse of drugs or alcohol, or due to mental illness, affecting competency” and to see that “attorneys so afflicted may be treated and returned to the practice of law in a manner that will not endanger the public health and safety.”

Members of the Oversight Committee adopting this plan are:

Stewart Hsieh, J.D., Chair  
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## **VISION STATEMENT**

The Lawyer Assistance Program (LAP) provides support to attorneys who are struggling with substance abuse and/or mental health issues. The LAP provides a range of services and levels of support that are tailored to the circumstances of each participant. the goal of the LAP is to protect the public through outreach and education about the dangers of substance abuse and mental illness in the legal community and rehabilitation of attorneys who struggle with these issues.

- LAP provides outreach services, training, and continuing legal education regarding substance abuse, stress, mental illness and dementia in the legal profession;
- LAP makes confidential referrals to counseling and free assessments for attorneys who are experiencing stress, mental illness or are struggling with substance abuse;
- LAP collaborates with the Office of the Chief Trial Counsel, State Bar Court, Office of Probation and others to monitor and support attorneys who participate in the LAP as a condition of their discipline;
- LAP works with the Office of Admissions at the State Bar to assist with the evaluation of applicants to the bar who have been referred to LAP as a condition of their moral character review.

## **OVERVIEW OF THE LAP**

Introduced by Senator John Burton, the Attorney Diversion and Assistance Act (SB 479, 2001) became effective January 2002. The act added language to the Business and Professions Code (6230 et seq.) requiring the State Bar of California to create a program to assist attorneys with substance abuse and/or mental health issues. As a result of the legislation, the State Bar of California created the Lawyer Assistance Program ("LAP"). The State Bar collects \$10.00 from every active attorney, and \$5.00 from inactive attorneys, to operate the program. statute requires that participants are responsible for all expenses related to treatment and recovery, but no member will be turned away due to lack of ability to pay.

LAP has three main components: transitional assistance service, support LAP and monitored LAP.

- Transitional assistance services provide attorneys with the opportunity to be referred to outside personal or career careers counselors. Participants can get two free sessions with counselors.
- Support LAP provides attorneys with orientation and assessment of their substance abuse and/or mental health issue. The assessment is completed by one of LAP's licensed clinicians. Staff provides referrals to resources and the opportunity to participate in facilitated group sessions with other legal professionals.
- Monitored LAP is the most rigorous form of support offered by the LAP. In Monitored LAP, participants receive an assessment from a licensed clinician, similar to support LAP. In addition, the participant receives an evaluation plan recommending a course of treatment for the participant. Evaluation plans generally include recommendations for participation in other abstinence-based meetings, referrals for more detailed evaluations and random testing. Other requirements are incorporated into evaluation plans as appropriate, depending upon the participant's situation. In order for attorneys to be involved in the State Bar Court's Alternative Discipline Program, they must participate in Monitored LAP.

## **THE PLAN**

The Strategic Plan that follows is divided into two broad sections.

- Outreach and education focuses on disseminating information broadly to members of the legal community and their families and proactively identifying those members of the community that are most at risk for substance abuse and mental health issues by:
  - developing educational content about the risks of substance abuse and mental illness to attorneys and promoting healthy life-style choices;
  - ensuring the broadest possible dissemination of materials to the target audience including the families of attorneys;
  - raising awareness among these same audiences about the services available through the LAP and in the community.
- program design and effective intervention focuses on specific components of the LAP especially in those areas related to the discipline system:
  - Establishing and sustaining collaborative relationships with representatives of the Office of the Chief Trial Counsel, State Bar Court, and respondents' counsel to develop policy and procedures for effective case management and treatment of attorneys who come before the discipline system;
  - improving the identification of attorneys in the discipline system who would benefit from participation in the LAP and/or Alternative Discipline Program;
  - promoting legislation that would allow bar applicants to participate in the LAP;
  - tracking data and evaluating the impact of the LAP for purposes of reporting to the LAP Oversight Committee and for on-going program monitoring and improvement.

## **MONITORING THE PLAN**

The Oversight Committee of the LAP views this plan as a living document. The Committee commits to:

- developing and tracking operational goals to advance the strategic goals articulated in the Plan;
- monitoring progress toward achieving these goals at its quarterly meetings;
- periodically modifying the plan as needed but no less than every three years to ensure that the LAP functions effectively and efficiently.

## **EDUCATION AND OUTREACH**

Research on the prevalence of substance abuse in the legal community has shown that younger attorneys are especially at risk. In addition, mental health disorders, co-morbid disorders and issues related to aging or cognitive decline are likely to have a significant impact on the growing number of older attorneys practicing law in California.

An effective response to these challenges will require targeted outreach that includes educational materials tailored to specific audiences. Wherever feasible, outreach should include the families of attorneys and extend from law school through retirement preparation focusing on wellness and seeking to de-stigmatize those who suffer from addiction, mental illness, or other forms of cognitive impairment.

During the period that this strategic plan is in effect, the LAP Oversight Committee should focus its attention on the following goals related to Education and Outreach:

- I. Determining the target audiences, content and types of outreach for education of the legal community regarding substance abuse, mental illness, and age-related cognitive impairment.
  - A. Working with the Committee of Bar Examiners on outreach to law students and their families with substance abuse as the primary focus:
    1. developing targets for the number of schools at which to give presentations, conducting other forms of outreach and seeking to institutionalize the delivery of information on substance abuse and mental illness as part of general wellness material that each school provides;
    2. developing lists of contacts at all law schools including ABA, CAL and unaccredited schools.
  - B. Working with local bar associations on outreach to members with the primary focus on mental health issues and cognitive impairment that affects elder attorneys:
    1. evaluating the demographic profiles of different regions of the state to develop targets for local bars at which to give presentations, conduct other forms of outreach and seek to institutionalize the awareness of mental health issues and substance abuse as part of general wellness materials that local bars provide;
    2. developing lists of contacts at local bars.
  - C. Developing guidelines and training for the Office of the Chief Trial Counsel to assist attorneys and investigators identify signs of substance abuse, mental illness and cognitive decline where these may be contributing factors to a discipline case.
  - D. Working with the Bar to ensure the inclusion of wellness / self-care materials in the recently mandated 10 hours of CLE requirements for newly admitted lawyers;
    1. Working with California Young Lawyers Association (CYLA) to establish a cadre of young lawyers who conduct outreach and education on wellness;
    2. Institutionalizing the relationship between the LAP and CYLA so that it is not disrupted by member turn-over in either organization;
- II. For each of the areas above, tailoring educational and training content to the target audience including assessment of the appropriate medium for content delivery – e.g., hard copies, online, mobile applications, videos, etc.
- III. Developing self-assessment tools targeted to the attorney populations most at risk for substance abuse and mental illness.
- IV. Evaluating the “brand” of the LAP and returning to the Oversight Committee with recommendations for ensuring that the connection of the LAP to the State Bar not become a deterrent to attorneys and their families who might otherwise seek assistance from the program.
  - A. Developing a strategy to collaborate with other volunteer organizations or individuals to provide outreach and support promoting the services of the LAP;

- B. Conducting a marketing analysis to survey attorneys in various settings such as Law firms, large employers and small practices on what needs they have and the best way to disseminate information
- V. Collecting, evaluating and reporting to the Oversight Committee on key metrics of the outreach and education efforts.

#### **PROGRAM DESIGN AND EFFECTIVE INTERVENTION**

In recent years, enormous strides have been made in documenting and disseminating best practices in probation and drug courts for the monitoring and treatment of defendants struggling with substance abuse and mental illness. While the attorney discipline system is distinct from the superior courts where therapeutic courts have flourished, there are, nonetheless, important lessons that may be borrowed from the experience of therapeutic courts.

To begin, effective treatment of attorneys whose addiction or mental illness has brought them to the attention of the discipline system will require a *collaborative* approach. In addition, the LAP will benefit from paying close attention to the data on the program and utilizing that data to modify the program.

Specific aspects of the LAP related to Program Design and Effective Intervention on which the Oversight Committee should focus its attention during the period of this Strategic Plan include:

- I. Establishing a formal structure of on-going collaboration with the State Bar Court, Office of the Chief Trial Counsel, and respondents' counsel to clarify the treatment and monitoring modalities for attorneys who come before the discipline system.
  - A. Establishing a regular, formal schedule of meetings to be held no less than monthly to coordinate OCTC, SBC and LAP policy in a number of areas including:
    - 1. Identifying the types of discipline issues that should be assigned to LAP for evaluation;
    - 2. Developing a "response matrix" that specifies the incentives and sanctions to be used to ensure compliance with OCTC, SBC and LAP orders;
    - 3. Clarifying the respective roles of LAP, Probation, OCTC, and SBC in different types of cases and where each of these entities can best contribute to improving the likelihood of recovery and wellness.
  - B. Working with the other bar, treatment providers, community-based organizations, and others whose work may be complementary to that of the LAP.
  - C. Completing the integration of LAP with the Office of Probation to ensure that the evaluation and monitoring of probationers with substance abuse and mental health problems are tailored to meet the individual needs of Probationers and LAP participants.
  - D. Evaluating terms and conditions of probation and working with the State Bar Court to include probation conditions that address the substance abuse and mental health issues of attorneys on probation.

II. Evaluating the various components of the LAP including:

- A. Assessing the intake / evaluation process and associated instruments used by LAP case managers to determine whether an attorney has addiction, mental health, or cognitive impairment issue and the severity;
- B. Reviewing current policy documents and updating / developing process-flow diagrams to clarify participant options, along with decision points and policies for case management;
- C. Reviewing current policy, practice and the outcomes related to the work of the Evaluation Committee and determining whether there are cases that should be handled through a different modality of treatment / oversight;
- D. Reviewing current policy, documentation and practices related to guidelines for handling reviews, relapse and termination and providing recommended updates as necessary;
- E. Reviewing current policy, documentation and practices related to the utilization of facilitated groups, evaluating the efficacy of the facilitated group model and exploring whether county-certified treatment providers are viable alternatives.

III. Integrating the various tools that are used by the LAP and the data collected by:

- A. engaging in on-going assessment of the success of the program and improvement where applicable;
- B. developing metrics that align with the mission of the LAP and tracking outcomes for participants in the program;
- C. providing regular reports and recommendations to the Oversight Committee and LAP management regarding basic indicators of program utilization and program success.
- D. determining appropriate and realistic indicators of “successful program completion” and using these to guide day-to-day management of the program and on-going program development by the LAP Oversight Committee.