

LAWYER ASSISTANCE PROGRAM OVERSIGHT COMMITTEE OPEN SESSION AGENDA ITEM

DATE: May 19, 2018

TO: Members, Lawyer Assistance Program Oversight Committee

FROM: Michelle Harmon, Program Supervisor

SUBJECT: Proposed Rule Amendment Reflecting Elimination of Evaluation Committees

EXECUTIVE SUMMARY

In March of 2018, the Lawyer Assistance Program Oversight Committee adopted a motion to eliminate the Evaluation Committee process for all LAP participants. The Evaluation Committees have been replaced by a Clinical Review Team meeting, which is a process of case consultation wherein the clinicians who interact with the participants on a regular basis make the same types of recommendations that had previously been made by the Evaluation Committee, e.g., acceptance into the LAP, and termination of participation in LAP. This agenda item proposes amendments to Rules of the State Bar that make reference to the role of the Evaluation Committee to clarify that these responsibilities now belong to the Clinical Review Team.

BACKGROUND

Several State Bar Rules make reference to the Evaluation Committees. Rule 3.242(C) gives the oversight committee the authority to establish Evaluation Committees. The Rule reads, “(t)he committee may establish one or more Evaluation Committees in both the Northern and Southern regions of the state.” The Rule also outlines the make-up of the Evaluation Committees and authorizes the Evaluation Committee to accept or deny applications, and to determine completion of and termination from LAP. Rule 3.246 outlines the specific criteria under which the Evaluation Committee may deny an application to the Program. Rule 3.249 specifies the criteria the Evaluation Committee will use to determine successful completion from the Program. Finally, Rule 3.250 outlines the conditions under which the Evaluation Committee may terminate LAP participation. The full text of these Rules can be found in Attachment A.”

DISCUSSION

The new process that has been developed to replace the Evaluation Committees specifies that the Clinical Review Team will meet regularly to admit or deny an application to LAP, determine if completion criteria have been met, and if a participant's termination is warranted. The Clinical Review Team is comprised of members of the LAP clinical staff, including the Program Supervisor and Clinical Rehabilitation Coordinators. The Group Facilitator also participates in Clinical Review Team meetings either via written report, telephonically or in person. Elimination of Rule 3.242(C) which establishes the Evaluation Committees, and modification of the Rules of the State Bar, rules 3.246, 3.249 and 3.250 are necessary to clarify that the Clinical Review Team is fully empowered to deny an application for LAP, determine if a participant may successfully complete LAP or determine if a participant meets criteria for termination from LAP.

FISCAL/PERSONNEL IMPACT

None

RULE AMENDMENTS

Amend Title 3. Programs and Services. Division 2. Attorney Members. Chapter 5. Lawyer Assistance Program. Rule 3.242 Duties of oversight committee, Rule 3.246 Application, Rule 3.249 Completion of LAP and Rule 3.250 Termination from the LAP.

BOARD BOOK IMPACT

None

RECOMMENDATION

Staff recommend that the Lawyer Assistance Program Oversight Committee approve the following motion:

IT IS MOVED, that,

A recommendation shall be made to the Regulation and Discipline Committee that amendments to Rule 3.242, Rule 3.246, Rule 3.249 and Rule 3.250, as set forth in Attachment B, be circulated for public comment.

ATTACHMENT(S) LIST:

- A.** Rules of the State Bar, Rules 3.242, 3.246, 3.249, and 3.250, as currently adopted
- B.** Proposed amendment to Rules of the State Bar, Rules 3.242, 3.246, 3.249 and 3.250