

Attachment B

Proposed amendment to Rules of the State Bar, Rules 3.242, 3.246, 3.249, and 3.250.

Rule 3.242 Duties of oversight committee

- (A) The committee is to meet regularly at locations within California. Special meetings may be called by the chair or vice chair and must be held at the State Bar offices in San Francisco or Los Angeles. Meetings must comply with State Bar requirements.²
- (B) The committee may authorize subcommittees of two or more members of the committee to transact business on its behalf.
- ~~(C) The committee may establish one or more Evaluation Committees in both the Northern and Southern regions of the state. Each three member Evaluation Committee consists of a physician, a clinician, and a local member of the State Bar experienced in recovery. Evaluation Committees are authorized to accept or deny applications for admission to the LAP,³ to determine completion of the LAP,⁴ and to terminate individuals from LAP participation.⁵~~
- (D)(C) The committee must maintain records that enable it to respond promptly to State Bar requests for information regarding financial assistance loans and collections and must report annually to the Board and Legislature on the operation of the LAP.

Rule 3.242 adopted effective January 9, 2010; amended effective March 2, 2012.

Rule 3.246 Application

An eligible member, former member, or candidate for admission who wishes to continue participating in the LAP must apply for either the Support LAP or the Monitored LAP. The ~~Evaluation Committee~~ LAP's Clinical Review Team reviews the applications and may deny an application if it determines that

- (A) the applicant does not meet eligibility criteria;
- (B) the applicant will not substantially benefit from the LAP; or
- (C) the applicant's participation would be inconsistent with public protection.

Rule 3.246 adopted effective January 9, 2010.

² See State Bar Rules 6.60-6.65

³ ~~Rule 3.246~~

⁴ ~~Rule 3.249~~

⁵ ~~Rule 3.250~~

Rule 3.249 Completion of LAP

A participant is deemed to have completed the LAP when the ~~Evaluation Committee~~ LAP's Clinical Review Team determines that the participant:

- (A) has maintained three years of continuous sobriety or, in cases of mental health, stability;
- (B) has made lifestyle changes sufficient to maintain ongoing sobriety or stability; and
- (C) has satisfied the terms of the participation agreement.

Rule 3.249 adopted effective January 9, 2010.

Rule 3.250 Termination from the LAP

A participant may be terminated from the LAP if the ~~Evaluation Committee~~ LAP's Clinical Review Team determines that:

- (A) the participant will not substantially benefit from the LAP;
- (B) further participation would be inconsistent with the LAP's mission of public protection; or
- (C) the participant failed to satisfy the terms of the participation agreement.

Rule 3.250 adopted effective January 9, 2010.