



KRILL STRATEGIES
TRANSFORMING THE LEGAL PROFESSION

The California Lawyers Assistance Program: Protecting the Public by Helping the Lawyers that Serve Them

*An analysis of the structure and organization of the LAP and
suitability of the State Bar as program host.*



I. Introduction and Background:

Acting on recommendations from the State Bar of California’s Governance in the Public Interest Task Force, the State Bar’s Board of Trustees has directed that a review be conducted of the Bar’s volunteer committees and commissions, and the staff and processes that support them (the “Appendix I Review”). Each review will compare the work of these committees with similar work conducted by other State Bars across the country.

As such, the structure and organization of the Lawyers Assistance Program (“LAP”) within the State Bar is being evaluated to determine if the State Bar is the best and most appropriate host for the program. As part of a broader consulting agreement between The State Bar and Krill Strategies, I have been asked to conduct an analysis of the advantages and drawbacks of the State Bar as host of the LAP, to examine the approaches of other states in relation to lawyer assistance, and to present an informed, considered, and actionable determination regarding whether the LAP should be retained within the State Bar.

A. Broader Context

A meaningful analysis of whether the State Bar is the best and most appropriate host of the LAP cannot occur in a vacuum, but rather must be predicated upon a more global understanding of the current landscape related to the underlying subject matter. Substance use disorders, mental health, and lawyer well-being generally are becoming increasingly important priorities for the legal profession. Following the publication of two studies¹ in 2016—one of practicing lawyers, published in the *Journal of Addiction Medicine*, and one of law students, published

¹ The American Bar Association has been instrumental in developing recent research examining aspects of impairment among law students and attorneys. This research has quantified an alarming rate of problematic alcohol/substance use and mental health impairments, coupled with deficient help-seeking behaviors in the legal profession. For example, the research indicates that attorneys engage in problematic alcohol use at nearly twice the level of the general population and have higher rates of depression and anxiety throughout their legal careers. Complicating matters, attorneys are reluctant to seek help. They are concerned that available resources are not sufficiently private and confidential, are worried that others will learn of their circumstances, and that any indication of an issue will detrimentally impact their career or prospects in the legal profession.

in the *Journal of Legal Education*, a National Task Force on Lawyer Well-being² was formed in response to troubling levels of substance use and mental health disorders in the legal profession. The Task Force, of which I am a member, then published a comprehensive report, titled “The Path to Lawyer Well-being: Practical Recommendations for Positive Change” in August of 2017. That report contained recommendations for all stakeholders in the profession, including lawyer assistance programs and bar associations, to begin to address the behavioral health problems we face more proactively and with greater commitment.

Subsequently, the American Bar Association passed Resolution 105 in February of this year, urging all stakeholders, including state bar associations, to adopt the Task Force recommendations within their states as appropriate, and to work to reduce the prevalence of substance use and mental health disorders in the legal profession. At the present time, a total of 17 states have already formed their own state-wide well-being task forces, and several others are in the exploratory and planning stages. It is important to note that these statewide wellbeing task forces are being conceptualized and formed with the understanding that the state’s LAP will be a strategic partner intended to play a pivotal role in the task force’s work.

Also, in 2017, the ABA President formed a working group to improve lawyer well-being, of which I am also a member. Of the many initiatives soon to emerge from that group, one of particular relevance to this discussion is a “Law Firm Pledge” to reduce the incidence of substance use and mental health disorders in the legal profession. Currently slated for launch in the next few months, the pledge campaign will ask law firms to become signatories to a seven-point framework to improve the mental health and well-being of their lawyers. It is important

² In 2016, the above-referenced studies were a catalyst for a coalition of entities within and outside of the ABA to form the National Task Force on Lawyer Well-Being. After analyzing the data and seeking input from numerous sources, the Task Force issued a report in August 2017, which presented a series of recommendations directed at a variety of stakeholders within the justice system, and more importantly, for the purposes of this report, Lawyer Assistance Programs and Bar Associations. Both the Conference of U.S. Chief Justices and the American Bar Association have subsequently passed resolutions recommending adoption of the Task Force recommendations.

to note that one of the seven steps in that framework specifically states that law firms should seek to partner with lawyer assistance programs and utilize their resources. Several of the largest global law firms in the world have already committed to becoming inaugural signatories to the pledge, and planning is underway to have a robust roster of signatories by the end of 2018.

Finally, in the realm of law-student well-being, student governments at the top 14 law schools in the country, members of the so-called “T-14,” recently banded together and signed a pledge that they would work collaboratively to demand greater access to behavioral health resources in legal education, as well as other structural changes to the profession which would support better mental health. Again, this points to an important role for organizations like LAPs to play. A number of these schools have recently conducted surveys of their own student populations and found that the rates of substance abuse and mental health distress, including suicidality, are far higher than previously known, and there is a growing motivation and willingness—nationwide—to develop effective institutional responses to the pervasive mental health problems in legal education.

Taken together, the increased and growing emphasis on lawyer and law student well-being is quite clear, and points to an exciting era of overdue improvements in the legal profession, as well as a central and expanded role for stakeholders properly situated to make a difference. It makes sense, however, that this could also be a potentially fraught time to be contemplating existential questions and complex structural changes related to the State Bar of California’s Lawyer Assistance Program. By way of rough analogy, it is somewhat like contemplating the relocation of a storefront during peak shopping season—no shortage of practical and logistical questions would exist.

In terms of this Appendix I review, the foregoing facts are not dispositive in favor of one particular course of action, nor should they be viewed as necessarily supporting one outcome over another. Rather, they should inform the conversation more broadly, and underscore the

importance of a rigorous and transparent analysis, and ultimately of reaching the right conclusion.

II. The Appendix I Question and Rationale for this Analysis

The question raised by the Governance in the Public Interest Task Force as to whether the State Bar is the appropriate host for the LAP is not without precedent among LAP's nationally, nor without justification in the context of the specific challenges that these programs often face. Specifically, the language in Appendix I states:

“The program goal is not in doubt, but the State Bar lacks expertise in matters of substance abuse and mental illness, making it an unusual host. Moreover, concerns have been raised that attorneys might be disinclined to seek assistance from the same entity responsible for attorney discipline, a concern that may explain LAP’s low attorney participation rate. A review of other state practices also suggested that many jurisdictions have chosen to structure their parallel programs as separate entities from the regulatory body precisely because of these types of concerns. The direct relationship between LAP and the discipline system, particularly as related to the direct diversion role it plays for some attorneys appearing before State Bar Court, could be a counter to arguments for separation of the program; this perspective suggests that the State Bar has a responsibility to ensure appropriate quality control of the services being provided and can best do so if LAP is part of the State Bar proper.”

Similarly, in a report³ I prepared for the Lawyer Assistance Program in October 2017, which outlined a series of recommended program improvements, I noted the challenges inherent to operating the LAP from within the State Bar:

³ A report titled “The California Lawyers Assistance Program: Opportunities for Growth and Improvement in a Time of Need: A review of current processes for Monitored and Support LAP” was submitted to the State Bar and LAP Oversight Committee in October of 2017 and is hereby incorporated by reference. The report was intended to address a number of deficiencies within the then-current structure and operation of the LAP, including low utilization. Since that time, a significant number of the recommendations outlined in the report have been adopted

“Chief among the “big-picture” considerations with which the LAP must grapple is, essentially, a question of identity. Currently, the LAP is situated as a resource for those members of the State Bar who either independently wish to avail themselves of support for addiction, mental health, and other problems, or those who have been directed to seek such support and provide documentation of its receipt. This mixed constituency presents a threshold, and potentially irreconcilable, tension between housing discipline-related LAP participants and referrals under the same roof as voluntary self-referrals. Experience and research demonstrate that fear of disclosure and discipline keeps many legal professionals and those close to them from seeking help from agencies that may be perceived to be court or bar related.

To overcome this fear for the purposes of attracting voluntary self-referrals to the LAP, the LAP must not only guarantee confidentiality, but that confidentiality must be widely advertised. Even presented with such guarantees of confidentiality, however, many lawyers will still not trust an agency that is part of the State Bar to help them with private matters such as addiction or mental health disorders. In short, the intensely personal and potentially embarrassing nature of their problems make many lawyers skeptical that firewalls between the LAP and the State Bar are adequate for preventing a breach of confidentiality and the damage to their professional reputation that could ensue. Irrespective of the merits of such fears, they are real, pervasive,

or are in the process of being adopted, all hopefully leading to a more streamlined, efficient, and effective program with greater utilization and better outcome measurement.

and dis-incentivizing for many in the legal community to step forward and get help.”

While there are challenges and drawbacks associated with structuring and operating a LAP as an agency within a state bar, the alternatives also present limitations and problems. As such, it was important to examine the experiences and perspectives of LAPs in other jurisdictions, to solicit feedback from the LAP’s target constituency (California attorneys), to solicit input from other stakeholders including the LAP Oversight Committee and State Bar Court, and to analyze the practical as well as theoretical obstacles to implementing a change to the current structure of the LAP.

III. Analysis

A. Approaches and Perspectives in Other Jurisdictions

As noted above, other states have chosen to structure their Lawyer Assistance Programs in a variety of ways⁴, including as an entity within the State Bar, similar to California. To ascertain whether there exists, nationally, a consensus view or majority opinion among LAPs as to the best and most effective structure and host for these types of programs, I initially conducted phone interviews with staff from roughly a dozen programs throughout the country. Perhaps not surprisingly, all but one program director expressed the view that the structure of the LAP in their state tended to have the most benefit and deliver the best results. While I anticipated that opinions and perspectives regarding the best approach would hew closely to the established practices in any given state, I was struck by the fact that only one program director I

⁴ The American Bar Association Commission on Lawyer Assistance Programs conducts a biannual survey of LAPs around the country and publishes a report titled the “Comprehensive Survey of Lawyer Assistance Programs.” The most currently available survey can be found at: https://www.americanbar.org/content/dam/aba/administrative/lawyer_assistance/lis_colap_2014_comprehensive_survey_of_laps.authcheckdam.pdf

spoke with suggested that their might be a better system than the one in which they were currently operating. This conformity between opinions and practices suggested to me that an apparent bias towards one's own approach to the work of lawyer assistance was likely to preclude the discovery of "gold standard" or clearly-established best practice that would prove dispositive of the question now before the State Bar. Alternatively, the variations in legal culture and demographics that exist between different states could suggest that the structure of the lawyer assistance program in any given state is, in fact, the best fit *for that state* and its unique characteristics.

To further probe these questions, however, I decided that a larger sample would be useful, and therefore created an online survey which the Chair of the ABA Commission on Lawyer Assistance Programs agreed to circulate on the organization's directors' listserv. The survey yielded responses from 37 different LAPs, representing a very robust response rate for research more generally. Reports containing detailed breakdowns of the responses, including narrative comments offered at the end of the survey, are attached to this report as "Appendices A and B."

In summary, the largest number of respondents identified as working for LAPs organized as agencies within the state bar, followed by entities that were structured in a variety of alternative ways (including nonprofit corporations), followed by agencies organized within the court. Most respondents reported being part of a mandatory bar, having more than ten years of experience working in lawyer assistance, and having formed an opinion as to what structure and organization of a LAP holds the most benefit. Here, in the larger sample, there was greater divergence between the system in which someone was currently operating, and their view of what system was best.

Specifically, several respondents who identified as currently working in a LAP situated within a state bar indicated that they viewed other structures as being more advantageous. Conversely, of the 14 respondents who identified as a) working in LAPs *not* situated within a state bar; and b) having an opinion as to the most advantageous structure for a LAP, none indicated a preference for being an entity within the state bar. In sum, it would appear from this survey that when a divergence exists between personal experience and stated belief about which approach is best, that divergence militates against structuring a LAP as an agency within a state bar.

As noted above, legal cultures vary from state to state, as do overall structures of bar associations, budgets, population sizes, and multiple other factors. For that reason, the conclusions that can be drawn from a survey such as this are subject to limitations regarding applicability to California. With that in mind, I also looked more specifically at the smaller number of LAPs from states with a mandatory bar association, and whose size, budget, and number of clients served were at least somewhat comparable to California. Among those 9 states, the majority (6) were situated as agencies within the state bar. Again, when there was a divergence between how a LAP was currently structured and which structure the staff member believes to hold the most benefit, the divergence was away from being organized as an entity within the state bar.

As to the reasons survey respondents cited for their choice about which program structure held the most benefit, budgetary concerns, effectiveness of services offered, and confidentiality of services were selected with the greatest frequency. At the end of the survey, respondents were asked for any additional feedback they wished to provide. Those comments offer a useful though limited view into the thinking reflected in the survey responses and are worth reading. A final point meriting serious consideration is that the issue of budget and budgetary stability emerged as a significant theme, both in my individual interviews of LAP staff and in the survey. In fact, I was told by just about every individual I spoke

with that this should be a threshold consideration for any action the State Bar may contemplate, and that any action which would reduce the program's budget or stability should be avoided for the sake of the program's underlying mission. Irrespective of how LAPs are organized around the country, it is clear to me that inadequate and unstable funding is viewed as the single largest handicap and biggest threat these types of programs face.

B. Feedback from California Attorneys

Together with State Bar Staff, I worked to develop a survey that was disseminated, through an email from the State Bar, to a random sample of licensed California attorneys. It is my view that this information was critical to the analysis at hand, since California attorneys are the clients of the LAP—either presently or prospectively—and thus the group most affected by any potential changes to its structure. This survey was intended to ascertain a number of important facts, including: whether attorneys would be more or less likely to utilize the LAP if it were reconstituted as an entity separate from the State Bar; what their concerns would be with utilizing the LAP; whether they had ever experienced a substance use and/or mental health problem and, if so, sought help for it; what their more general experiences and beliefs are about the prevalence and significance of substance use and mental health disorders in the legal profession.

Approximately 1200 California attorneys participated in the survey, the full results of which are attached as "Appendix C." The most notable findings of the survey include: the overwhelming majority of attorneys believe that substance and mental health distress are significant problems in the legal profession (67%); the majority know friends, peers, or colleagues who struggle with alcohol or drugs (46%) and mental health distress (45%); only 16% believe that enough is being done to address the problems; the majority of those who have struggled with substance use or mental health problems have sought help for the issues, but not from the LAP; roughly half of attorneys are aware of the LAP and the services it provides; the majority are unsure if they

would utilize the LAP if they needed it; concerns about privacy and potential threat to licensure are the most commonly cited concerns about utilizing the LAP; and those concerns would appear to lessen, though it is unclear by precisely how much, if the LAP was reorganized as an entity completely independent of the State Bar.

Taken together, these responses signal a heightened level of concern among California attorneys as to the prevalence and significance of substance use disorders and mental health distress in the profession, coupled with a moderate level of awareness about the State Bar's existing resources to address those problems, and a clear reluctance to utilize those resources. If the LAP were reorganized as an entity independent of the State Bar, there is a minority (15%) that would still not be open to the idea of utilizing the LAP, but a majority who would appear to at least be open to that possibility, pending the provision of further details.

In my opinion, two competing conclusions can be drawn from these findings: First, that the State Bar is uniquely positioned to provide the level of resources and services that most California attorneys clearly believe are lacking when it comes to addiction and mental health distress in the legal profession. Put another way, enhancing and significantly increasing the reach, scope, and effectiveness of the LAP would likely be a welcome development and viewed as the State Bar providing much-needed and valuable services to its members. This conclusion would support retaining the LAP within the State Bar, subject to ongoing and increased improvements.

Alternatively, the findings could support the idea that the perception of the LAP as part of the State Bar presents too many obstacles to reasonably believe that utilization could ever reach the level needed to match or meaningfully address the scope of the problems in the profession. Under this interpretation of the findings, a separation from the State Bar would be supported, with the significant caveat that the devil would be in the details as to whether such a separation would actually lead to increased utilization of the program, because the majority of

respondents answered “Maybe” (35%) or “Unsure/Would Need More Information” (26%) when asked if separation from the State Bar would make them more likely to utilize the LAP.

C. Position of LAP Oversight Committee

The LAP Oversight Committee is a key stakeholder in this analysis. As such, the question raised by the Appendix I Review has been squarely on their radar throughout 2018 and has been addressed in two separate Oversight Committee meetings I have attended this year (one telephonically, and one in-person). Throughout these discussions, the views expressed by the Committee as to the appropriateness of the State Bar as host of the LAP have been wide-ranging and fluctuational, taking into account many different and sometimes competing considerations. For example, frustration was expressed by some Committee members that the LAP was subject to a recently-negotiated employee classification system and salary schedule for all State Bar employees. Under this system, the LAP would likely be precluded from hiring licensed mental health clinicians in the future, due to the limitations the system imposes. At the same time, many of the Committee members expressed a realization that there are many practical and logistical benefits associated with being part of the State Bar, including access to the Bar’s overall infrastructure and the support it can provide.

At the May 2018 Oversight Committee meeting, I presented a report of my initial findings related to both the LAP survey and the attorney survey, as well as the more general considerations which would underpin this report. A robust conversation ensued, wherein the Committee members discussed various pros and cons associated with reorganizing the LAP as an entity separate from the State Bar. Following this discussion, the Committee held an informal vote to determine what it would recommend at this point in time regarding the Appendix I question. The Committee voted in favor of retaining the LAP within the State Bar at this time.

Chief among the considerations supporting the Committee's position was the fact that a significant amount of changes and improvements have been underway within the LAP over the course of the last year, including a tremendous streamlining of processes and enhancement of program materials and educational content. Many if not most of those improvements will take additional time for their benefits to be realized as they are beginning to be deployed moving forward. The Committee believes, and I would have to concur, that initiating a separation from the State Bar at this time would have the potential to disrupt progress, divert momentum, and distract attention from the improvements currently underway, ultimately making the work of the last year amount to an academic exercise as it would be unknown if those improvements would have led to increased utilization and better functioning of the LAP as a program of the State Bar. Put more simply, the work of the last year has not yet borne fruit, and therefore the issue of separation is premature at this time.

The Committee expressly did not conclude, however, that retaining the LAP within the State Bar was the better or best course of action in the abstract or the long-term. Rather, they concluded that it is the best course of action to support the LAP's mission at this time. This, I believe, is a critical distinction. If the changes and improvements currently underway at the LAP—including a greatly enhanced focus on outreach and outreach strategies—do not yield higher utilization and better overall functioning of the LAP over the next several years, it would be clearer that being part of the State Bar was not, and could not be, the best fit for the program and its mission.

D. Feedback from State Bar Court

The State Bar Court is another important stakeholder in this analysis, primarily because the Court relies upon the judgment and recommendations of LAP staff while adjudicating cases involving substance use and mental health disorders (ADP cases). I did not formally interview a State Bar Court Judge or staff member to solicit an official position of the Court on the Appendix I Review question, but nonetheless had the opportunity to hear feedback from

both Presiding Judge Catherine Purcell, who regularly attends LAP Oversight Committee meetings, and Judge Roland, Assistant Supervising Judge of the Hearing Department. It became clear to me that the State Bar Court views the LAP as an integral partner in certain of the cases that come before it, and therefore any reorganization or relocation of the LAP outside of the State Bar would need to ensure for continuity in availability of expert guidance from the LAP to the State Bar Court, and preservation of the lines of communication and overall working relationship between the two entities. Any change to the structure of the LAP that would materially diminish, disrupt, or delay the availability of LAP participation in ADP cases would be a significant detriment to the State Bar Court and its ability to fulfill its role within the broader scheme of attorney regulation in California.

E. Potential Benefits of Separating the LAP from the State Bar

The foregoing facts and discussion notwithstanding, there could be numerous potential and hypothetical benefits to relocating the LAP outside of the State Bar, including greater autonomy and decision-making authority for the LAP staff in relation to hiring, program structure, content, and overall direction. As such, it is possible that a LAP outside of the State Bar could enjoy greater capacity for innovation. It is also possible that the LAP could experience increased utilization if it were separated from the State Bar, for reasons discussed above, including the perception of many lawyers that it is risky to seek help for a substance use or mental health problem from the State Bar. Additionally, the LAP survey and interviews that were conducted for purposes of this analysis revealed that being removed from the politics and bureaucracy of a state bar was viewed as a positive among many who work in lawyer assistance. It is important to note, however, that current staff of the California LAP have expressed a strong interest in the program remaining part of the State Bar, and view the State Bar as a good, if not in all cases perfect, host for the LAP.

While it is not a “benefit” of separating the LAP from the State Bar, it must be noted that, should the decision be made to separate the program, a broadly-applicable roadmap for how

the process could unfold already exists: the process that was undertaken to separate the Sections from the State Bar and to create the California Lawyers Association (“CLA”) following the passage of SB 36. Included in that process was the creation of a mechanism by which the State Bar would continue to collect dues that would be used to support the work of the CLA, if it meets certain conditions, including serving a public purpose. A provision such as this, which would allow the State Bar to continue to collect dues to support the LAP, would be an enormously important component of any process that was undertaken to separate the LAP from the State Bar. As has been discussed, adequate and stable funding is of paramount importance to the LAP and without such it will be wholly unable to fulfill the vital purpose for which it was created. At the same time, it is unclear if California attorneys (and law students) will come to view any newly-formed LAP as being truly independent from the State Bar if the Bar is collecting the funds for the LAP to operate. Any resulting doubt as to the LAP’s true independence from the Bar could obviously serve to undercut one of the primary potential benefits of separation in the first place, namely increased program utilization.

F. Potential Benefits of Retaining the LAP Within the State Bar

As an initial matter, it must be noted that the LAP was created by statute, and therefore new legislation would be required to alter its structure or remove it from the State Bar. As such, one potential benefit of retaining the LAP within the State Bar would be to avoid the time, effort, and cost associated with such an undertaking. Additionally, as has been discussed above, there are a significant amount of program improvements currently underway at the LAP, with even more being contemplated. The time, effort, and cost associated with undertaking those initiatives would have been largely for naught if the program is extricated from the State Bar in the near term, prior to the benefits of the initiatives being realized. Additionally, current LAP staff have expressed a desire to remain part of the State Bar, and it is likely that they would seek to remain as State Bar employees, rather than continue as LAP staff, should the decision be made to separate the program. An additional benefit of retaining the LAP within the State Bar, therefore, would be to retain the current LAP staff and the experience and institutional

knowledge of the LAP that they bring to their work. Attempting to create an alternately structured LAP with entirely new staff would seem to be a significant challenge that could threaten program continuity and reduce program efficacy and functionality until new staff and program management were fully up to speed.

Additional benefits of retaining the LAP within the State Bar include: preservation of working relationships with ADP, the State Bar Court, and other departments within the State Bar that benefit from the services offered by the LAP; preservation of stable and secure funding for the LAP through the existing dues collection mechanism; providing the LAP access to the State Bar infrastructure and resources; allowing the State Bar to oversee an important public protection function and provide a unique and valuable service to its members.

G. The Nexus Between Public Protection and Lawyer Assistance

The State Bar of California Board of Trustees has, as part of a recent restructuring of the State Bar, adopted a new mission statement for the Bar which reads:

The State Bar of California's mission is to protect the public and includes the primary functions of licensing, regulation and discipline of attorneys; the advancement of the ethical and competent practice of law; and support of efforts for greater access to, and inclusion in, the legal system.

While I do not have firsthand insight into the process which resulted in the language adopted, it is my understanding that the phrase “advancement of the ethical and competent practice of law” was intended to extend only to regulatory functions. Nonetheless, a direct line can be drawn between lawyers impaired by substance use or mental health disorders on one hand, and potentially unethical and incompetent practice of law on the other hand. Statistics vary from jurisdiction to jurisdiction, but a conservative estimate of the percentage of disciplinary matters and malpractice claims tied to lawyer

impairments would be somewhere in the neighborhood of 30%; some estimates peg the number as high as 60%. And those are only the disciplinary matters or malpractice *known* to be related to lawyer impairment. My experience counseling addicted attorneys, as well as the experience of many LAP directors around the country, suggests that there is often a significant amount of incompetent and unethical legal practice tied the level of detection or discipline. Simply put, lawyers in the grips of an addictive disorder, mental health crisis, or co-occurring disorder are far more likely to underserve their clients and struggle with minimum competence, but often the clients and the attorney's coworkers remain unaware of the underlying dysfunction.

California's Rule of Professional Conduct 3-110, which defines "competence" to include the "mental, emotional, and physical ability reasonably necessary" for representation clearly touches upon the very aspects of an individual that can become compromised through an addiction or mental health problem: their mental, emotional, and physical state. In our 2017 Report from the National Task Force on Lawyer Well-being⁵, my colleagues and I discussed the connection between lawyer impairment and competence:

Troubled lawyers can struggle with even minimum competence. At least one author suggests that 40 to 70 percent of disciplinary proceedings and malpractice claims against lawyers involve substance use or depression, and often both. This can be explained, in part, by declining mental capacity due to these conditions. For example, major depression is associated with impaired executive functioning, including diminished memory, attention, and problem-solving. Well-functioning executive capacities are needed to make good decisions and evaluate risks, plan for the future, prioritize and sequence actions, and cope with new situations. Further, some types of cognitive impairment persist in up to 60 percent of individuals with depression even

⁵ See *The Path to Lawyer Well-Being: Practical Recommendations for Positive Change. The 2017 Report of the National Task Force on Lawyer Well-being*. Available at: <https://www.americanbar.org/content/dam/aba/images/abanews/ThePathToLawyerWellBeingReportRevFINAL.pdf>

after mood symptoms have diminished, making prevention strategies essential. For alcohol abuse, the majority of abusers (up to 80 percent) experience mild to severe cognitive impairment. Deficits are particularly severe in executive functions, especially in problem-solving, abstraction, planning, organizing, and working memory—core features of competent lawyering.

Indeed, the California legislature recognized the relationship between lawyer impairment and competence when establishing the LAP, as California Business and Professions Code § 6230 states that:

It is the intent of the Legislature that the State Bar of California seek ways and means to identify and rehabilitate attorneys with impairment due to abuse of drugs or alcohol, or due to mental illness, affecting competency so 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.

Insofar as the nexus between lawyer impairment and unethical and incompetent lawyering remains as real and tangible today as it ever has been, a strong argument can be made that providing a well-functioning lawyer assistance program is an important responsibility of a lawyer regulatory body charged with protection of the public.

IV. Conclusion

The question of whether the LAP should be retained within the State Bar is complex and consequential. The Lawyer Assistance Program (LAP) was established by statute⁶ in 2001 expressly “to identify and rehabilitate attorneys with impairment due to abuse of drugs or alcohol, or due to mental illness, affecting competency so that attorneys so afflicted may be

⁶ Business and Professions Code §6230.

treated and returned to the practice of law in a manner that will not endanger the public health and safety.” In the years since its formation, the LAP has begun taking on a broader role, more consistent with LAPs nationwide, which also includes an educational and outreach component aimed at prevention and awareness. Despite the longstanding nature of the challenge that substance use and mental health disorders present to the legal profession, the issues are receiving far more attention than they ever have, and an increased recognition of the need for systemic reform aimed at greater attorney and law student well-being is evident throughout the profession.

To be clear, the LAP has faced numerous challenges and not manifested the type of progress and success one might hope for and expect from a program with its level of resources. Program utilization, as a percentage of the overall attorney population, remains low. Roughly half of California attorneys remain unaware of the LAP and the services it provides, and only 21% can say that they would use the LAP if they needed it, while 50% say they are unsure and 30% say they would not. At the same time, almost 70% of California attorneys view substance use and mental health disorders as significant problems in the profession. Without question, room for improvement abounds.

The news, however, is not all bad. A significant number of program improvements are underway at the LAP, including the addition of a new full-time position (senior analyst serving as project manager with a focus on outreach) beginning on June 18, 2018. These improvements, coupled with the LAP’s new Strategic Plan, promise to improve functionality and utilization at the LAP, hopefully leading to a program that looks different, works better, and is perceived more positively by lawyers and law students in the state over the course of the next several years. As is often said, timing is everything. Without doubt, this analysis would be different under two different scenarios, both relating to timing. First, if the LAP didn’t currently exist in California, and the State Bar was starting with a blank slate, sufficient evidence exists to suggest that a different structure and organization of the program—outside of the State Bar proper—*might* yield better results. (I do not believe that enough data and evidence are

currently available to reach the decisive conclusion that a LAP situated outside of a State Bar is the “best” approach, though there is enough support for that idea as to make it a wholly reasonable position for one to have.) Second, if the Appendix I question was being contemplated three years ago, when the state of lawyer well-being was not an increasingly prominent strategic priority for the entire legal industry nationally, the State Bar would have enjoyed more latitude in reinventing or relocating the LAP, as the risks of having a *less* functional LAP—even for a period, during transition—would have been less substantial.

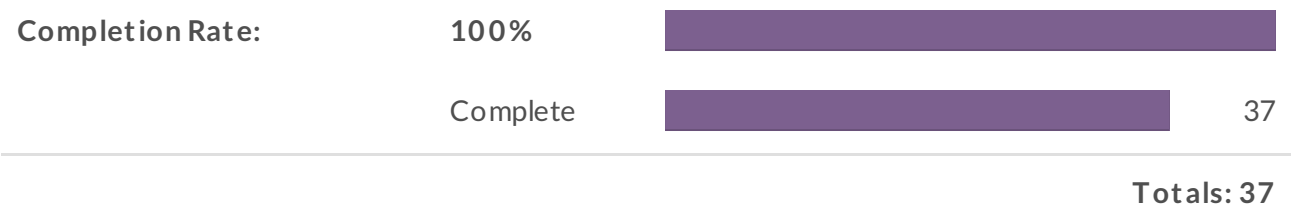
As it stands, however, the program does currently exist, with a framework and program design currently under renovation, as well as an established role in supporting other elements of the State Bar, including the State Bar Court. Additionally, opportunities for the LAP to grow its profile and have more of a positive impact on the judicial system in California can be expected to increase in the coming years, all of which would inure to the benefit of the State Bar if it remains as host of the program. For these reasons, it is my opinion that the LAP would be best served by remaining as part of the State Bar for the time being. My opinion mirrors that of the Oversight Committee insofar as it is delimited by the present time in its applicability. I would encourage the State Bar to remain engaged with monitoring the progress and overall functioning of the LAP over the next 2-3 years and to reserve the right to revisit this issue in the future, should doubts continue to linger as to whether the needs and objectives of all stakeholders are being well-served by housing the LAP within the Bar.

By: Patrick R. Krill, JD, LL.M, MA, LADC

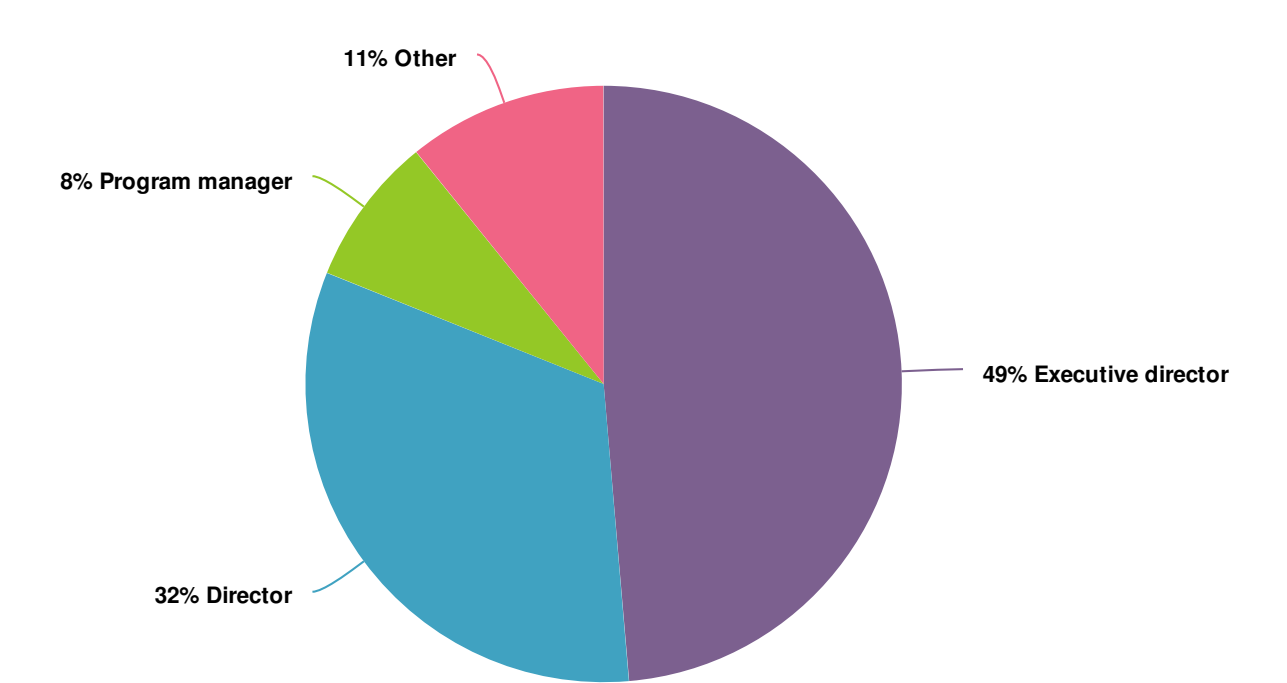
Date: July 12, 2018

Report for 2018 State Bar of California National LAP Survey

Response Counts



1. What is your position with the LAP?

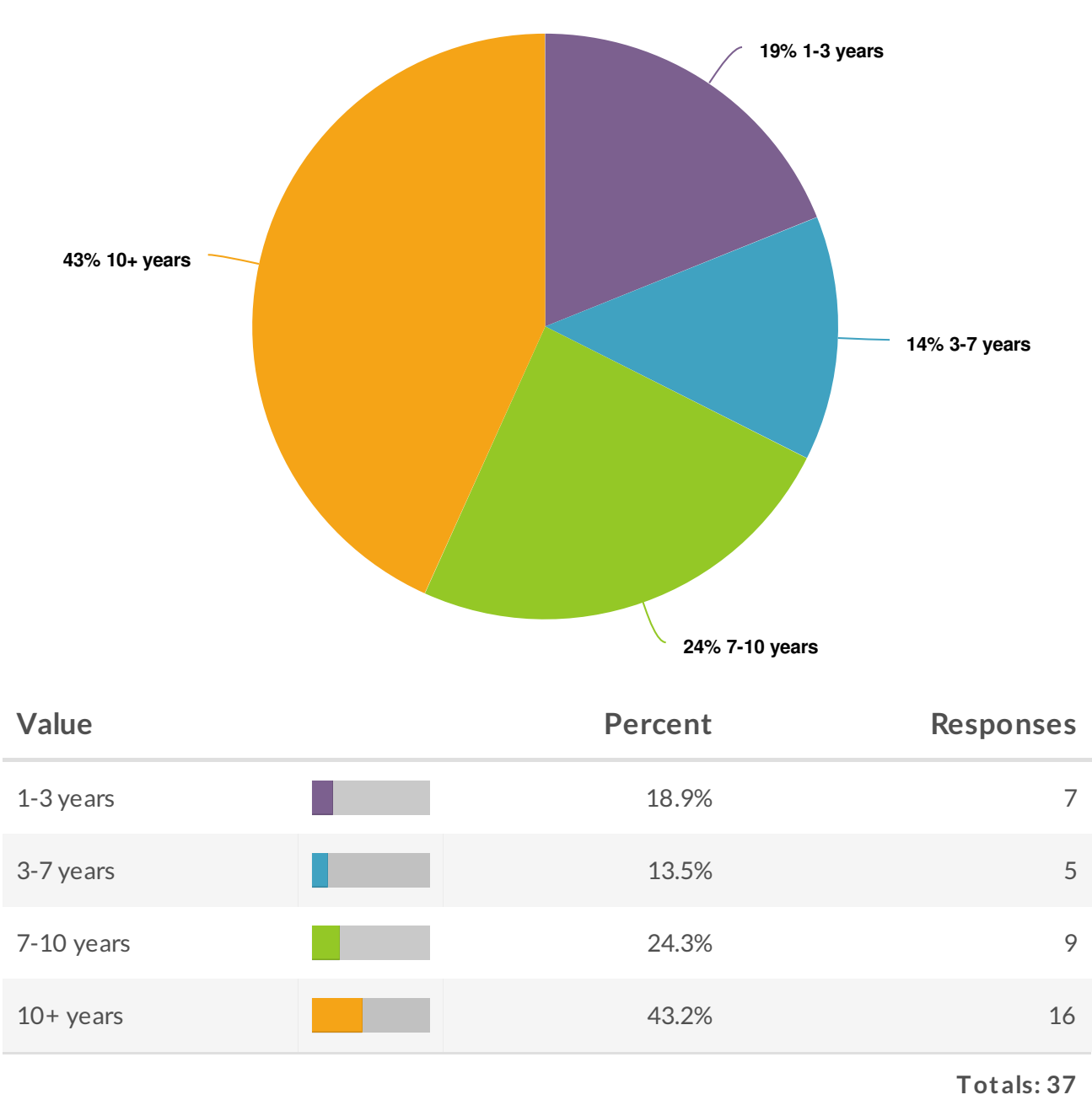


Value		Percent	Responses
Executive director	<div><div></div></div>	48.6%	18
Director	<div><div></div></div>	32.4%	12
Program manager	<div><div></div></div>	8.1%	3
Other	<div><div></div></div>	10.8%	4
			Totals: 37

Statistics

Skipped	0
Total Responses	37

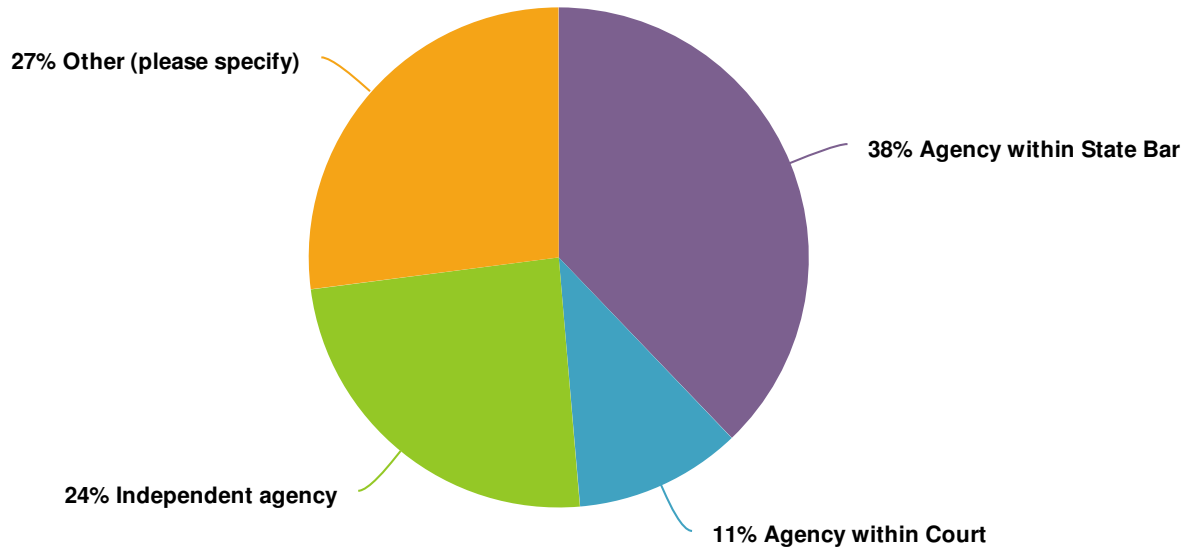
2. How many years have you been working in lawyer assistance?



Statistics

Min	1
Max	10
Sum	245.0
Average	6.6
StdDev	3.6
Skipped	0
Total Responses	37

3. How is your state's LAP organized and structured?



Value		Percent	Responses
Agency within State Bar	<div><div></div></div>	37.8%	14
Agency within Court	<div><div></div></div>	10.8%	4
Independent agency	<div><div></div></div>	24.3%	9
Other (please specify)	<div><div></div></div>	27.0%	10

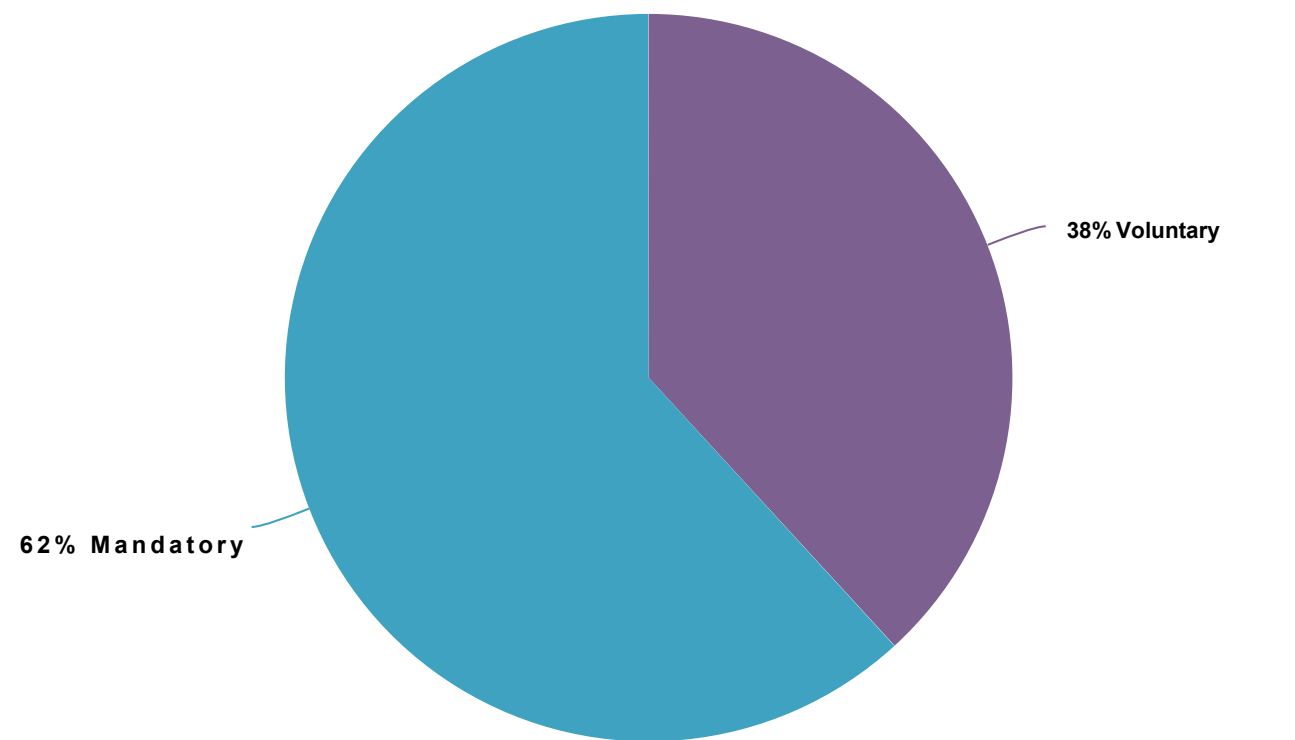
Totals: 37

Statistics

Skipped	0
Total Responses	47

Other (please specify)	Count
501 c 3	2
Independent agency supervised by state bar funded by lawyer assessment	2
Not for profit corporation	1
Program of the NY City Bar	1
We are a state bar association "committee" formed by Supreme Court Rule.	1
committee of bar association	1
program of the self insurance of state bar but kept confidential from bar and the Professional Liability fund	1
state funded program within a county Bar Association. NY has 3 state funded LAPs: NYS, NYC and Nassau County	1
Totals	10

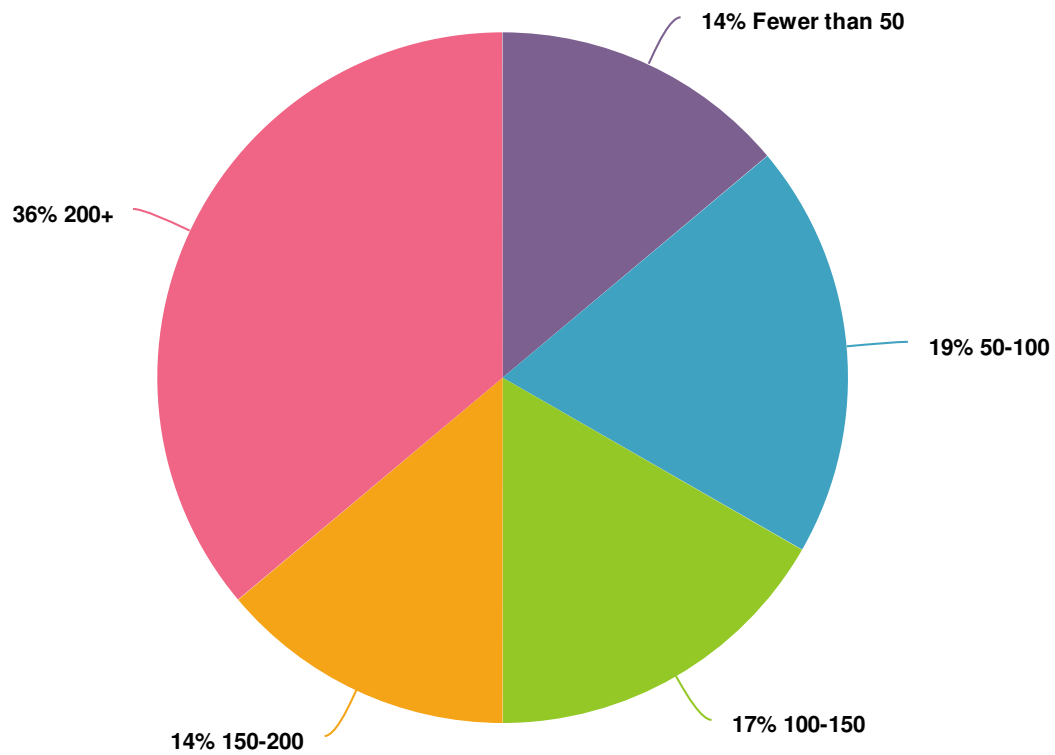
4. Does your state have a voluntary or mandatory bar association?



Value		Percent	Responses
Voluntary	<div><div></div><div></div></div>	38.2%	13
Mandatory	<div><div></div><div></div></div>	61.8%	21
			Totals: 34

Statistics		
Skipped		3
Total Responses		34

5. How many clients, on average, does your LAP serve every year?



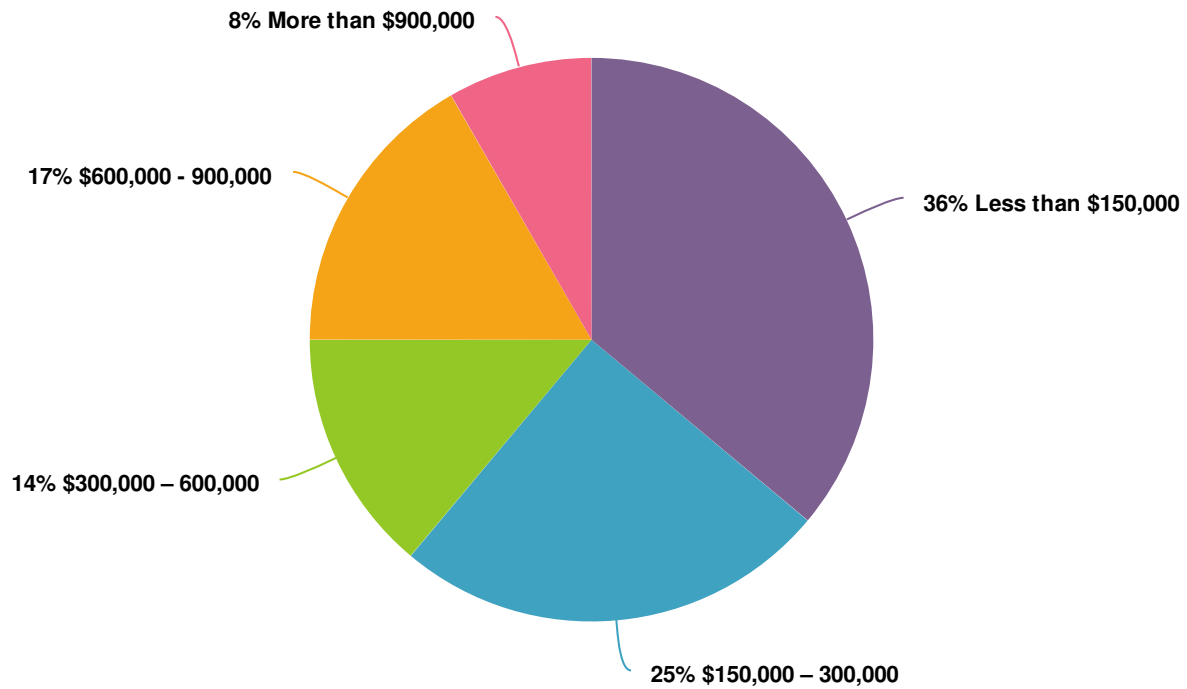
Value		Percent	Responses
Fewer than 50	<div><div></div></div>	13.9%	5
50-100	<div><div></div></div>	19.4%	7
100-150	<div><div></div></div>	16.7%	6
150-200	<div><div></div></div>	13.9%	5
200+	<div><div></div></div>	36.1%	13


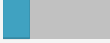



Totals: 36

Statistics

Min	0
Max	200
Sum	4,300.0
Average	119.4
StdDev	73.9
Skipped	1
Total Responses	36

6. What is your LAP's annual budget?



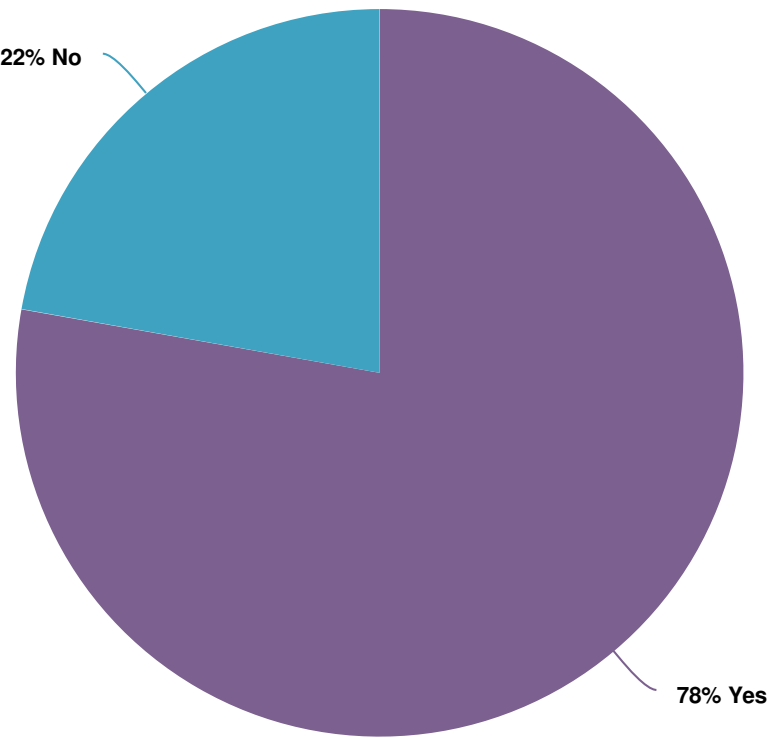
Value		Percent	Responses
Less than \$150,000		36.1%	13
\$150,000 - 300,000		25.0%	9
\$300,000 - 600,000		13.9%	5
\$600,000 - 900,000		16.7%	6
More than \$900,000		8.3%	3

Totals: 36

Statistics

Skipped	1
Total Responses	36

7. Has your experience working in lawyer assistance allowed you to form an opinion about which LAP structure (from those listed in #3) is the most advantageous and efficacious?



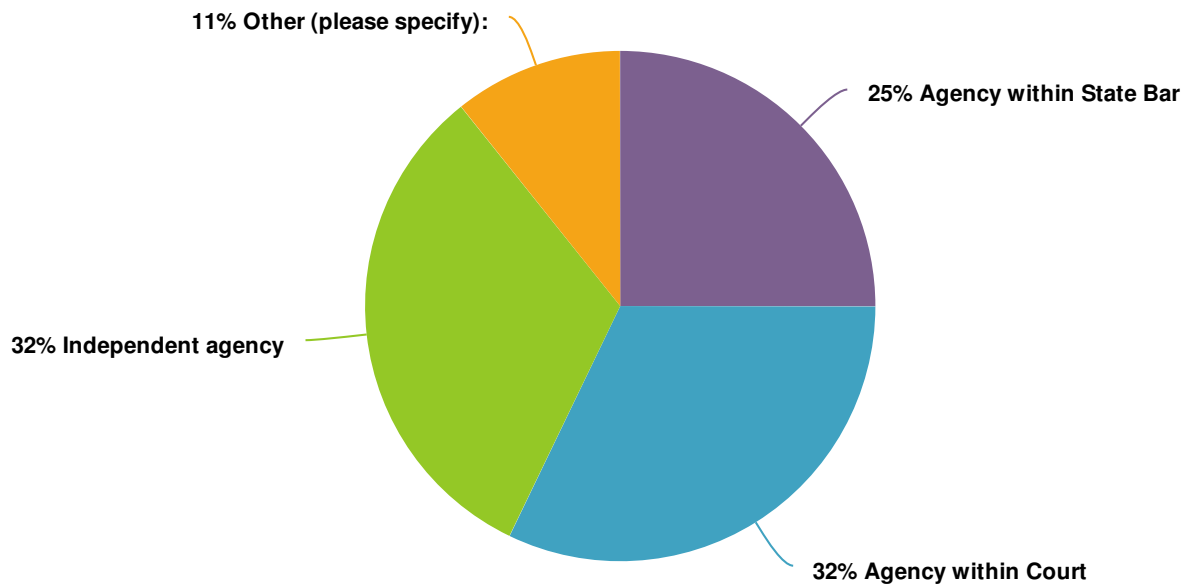
Value		Percent	Responses
Yes	<div><div></div></div>	77.8%	28
No	<div><div></div></div>	22.2%	8

Totals: 36

Statistics

Skipped	1
Total Responses	36

8. If you answered "Yes" to #7 above, please indicate which LAP structure holds the most benefit in your opinion.



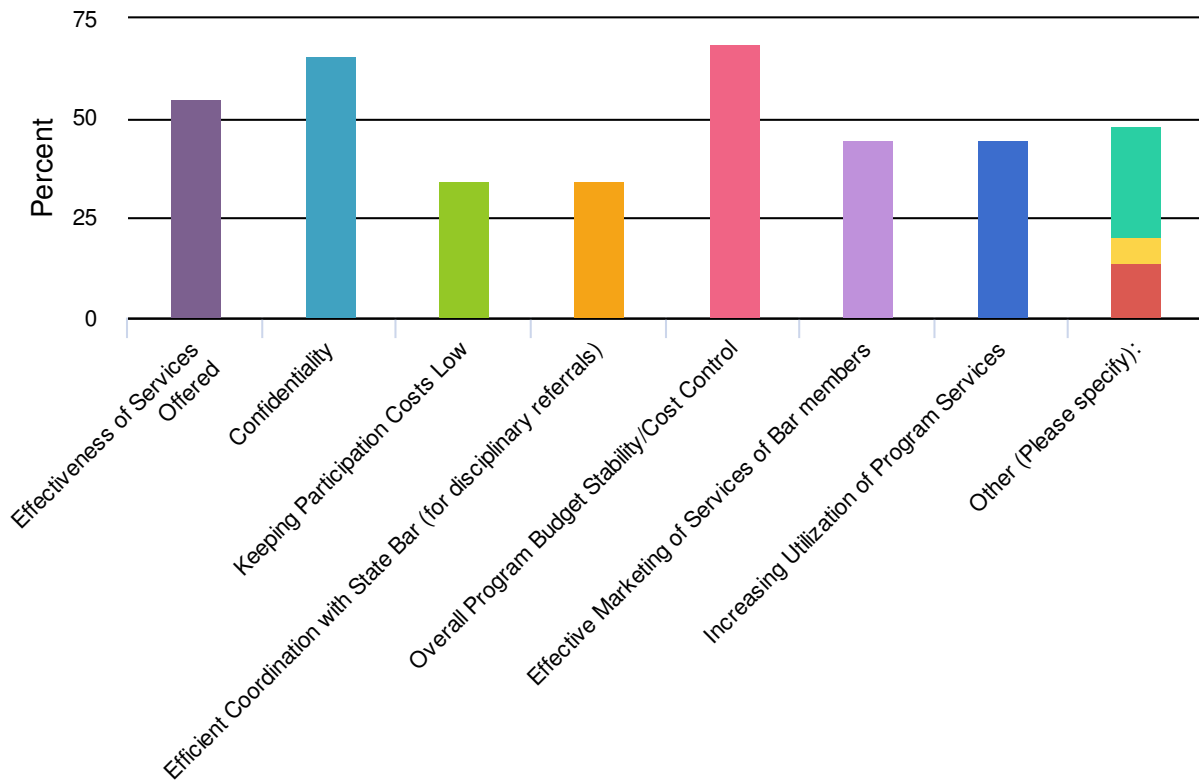
Value		Percent	Responses
Agency within State Bar	<div><div></div></div>	25.0%	7
Agency within Court	<div><div></div></div>	32.1%	9
Independent agency	<div><div></div></div>	32.1%	9
Other (please specify):	<div><div></div></div>	10.7%	3











Totals: 28

Statistics

Skipped	9
Total Responses	28

9. Please select the top five reasons for your choice in #7.



Value		Percent	Responses
Effectiveness of Services Offered		55.2%	16
Confidentiality		65.5%	19
Keeping Participation Costs Low		34.5%	10
Efficient Coordination with State Bar (for disciplinary referrals)		34.5%	10
Overall Program Budget Stability/Cost Control		69.0%	20
Effective Marketing of Services of Bar members		44.8%	13
Increasing Utilization of Program Services		44.8%	13
Other (Please specify):		48.3%	14
Other (Please specify):		20.7%	6
Other (Please specify):		13.8%	4

Statistics

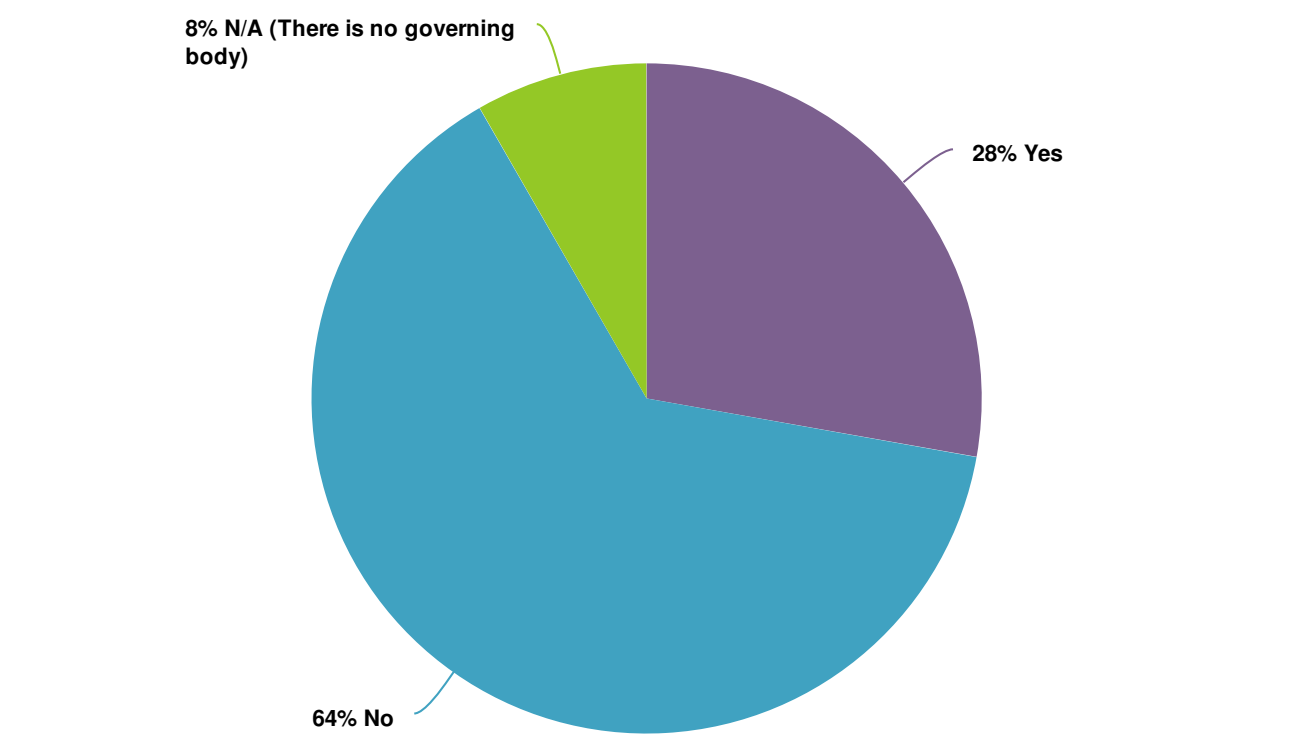
Skipped	8
Total Responses	29

Other (Please specify):	Count
Enhanced protection of the program	1
Governance through Court Rules lends credibility and stability to the program	1
I'm sorry, I really don't know how to answer this question, as my experience and understanding of how other LAPs work is not near extensive enough.	1
Independence	1
Level of independence from (political) interests of State Bar	1
Must ensure confidentiality	1
No need to worry about 501c3 infrastructure - State Bar handles salary, retirement, health insurance, etc.	1
Voluntary	1
autonomy	1
less bureaucracy	1
obtain dedicated funding stream from court system	1
privacy/anonymity	1
the well-being of lawyers and their profession is the responsibility of the State Bar	1
we serve judges, lawyers and law students	1
Totals	14

Other (Please specify):	Count
Compassionate	1
If you have a state bar LAP, it is y impressiona you are at the mercy of them and their budget	1
Independence	1
apolitical/not subject to special interest pressure	1
effective use of volunteers	1
increase staff to provide a greater range of services	1
Totals	6

Other (Please specify):	Count
Independence	1
assist a larger number of attorneys, judges, law students and their family members	1
independent organization viewed as more trustworthy	1
reduce stigma; lawyers helping lawyers	1
Totals	4

10. Has the governing body of your LAP ever considered or evaluated the possibility of restructuring or reorganizing the program?

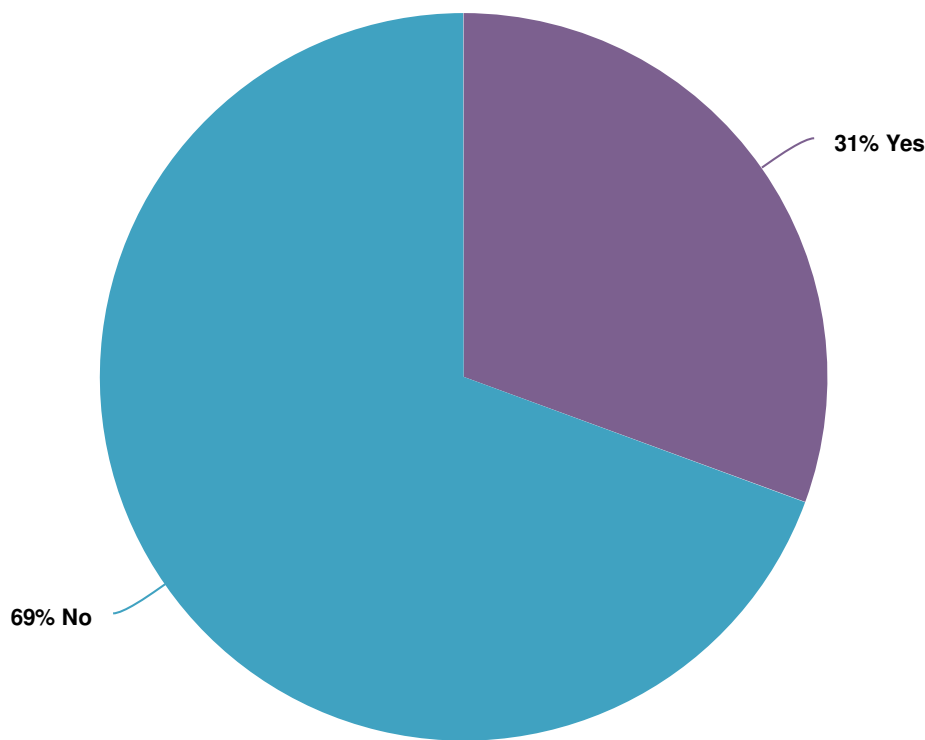


Value	Percent	Responses
Yes	27.8%	10
No	63.9%	23
N/A (There is no governing body)	8.3%	3
		Totals: 36

Statistics

Skipped	1
Total Responses	36

11. Are there organizational deficiencies or procedural challenges within your LAP that you feel could be addressed if your program was restructured or reorganized?



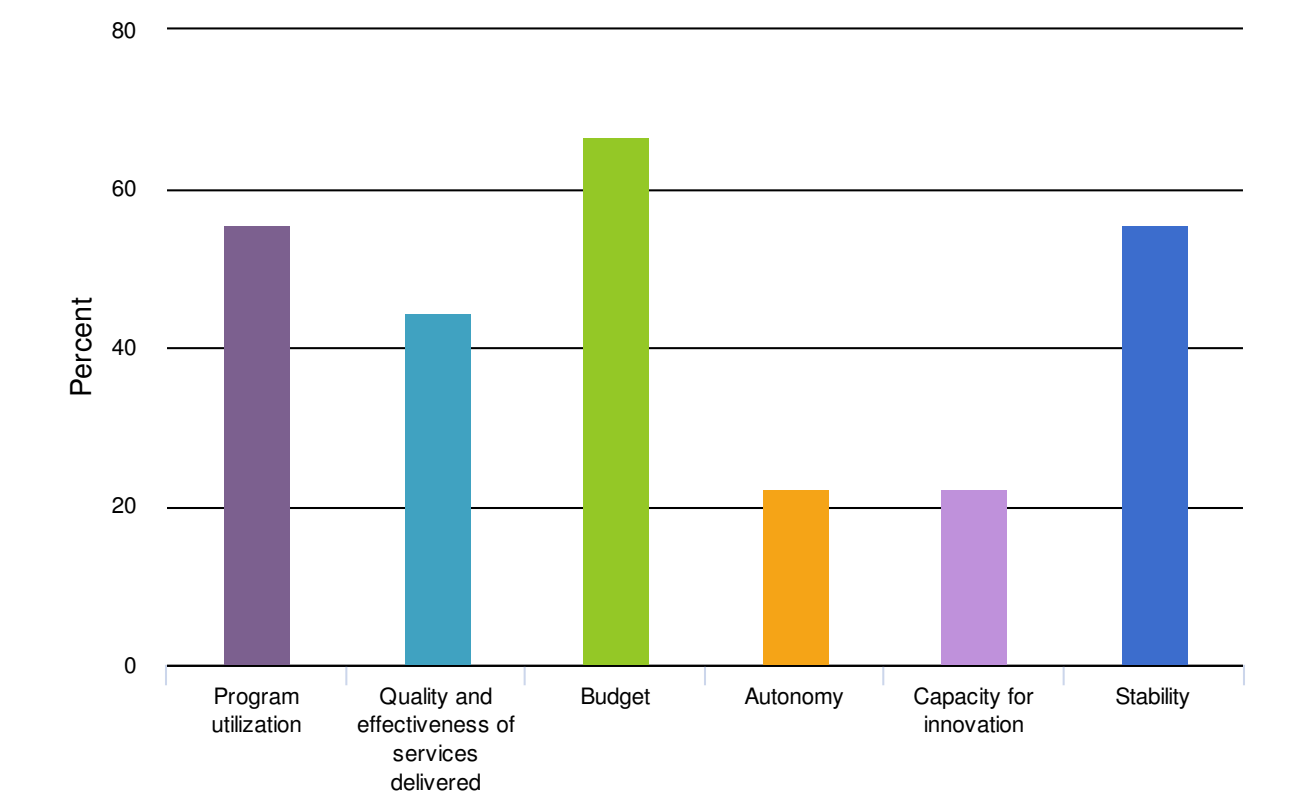
Value		Percent	Responses
Yes	<div><div></div></div>	30.6%	11
No	<div><div></div></div>	69.4%	25

Totals: 36

Statistics

Skipped	1
Total Responses	36

12. If you answered “Yes” to #11 above, please select the areas where you would expect to see an improvement if your program was restructured:



Value		Percent	Responses
Program utilization	<div><div></div><div></div></div>	55.6%	5
Quality and effectiveness of services delivered	<div><div></div><div></div></div>	44.4%	4
Budget	<div><div></div><div></div></div>	66.7%	6
Autonomy	<div><div></div><div></div></div>	22.2%	2
Capacity for innovation	<div><div></div><div></div></div>	22.2%	2
Stability	<div><div></div><div></div></div>	55.6%	5

Statistics

Skipped	19
Total Responses	9

13. Please share any additional comments or feedback you may have:



ResponseID	Response
1	Welcome back California!
4	Strategically, and as Executive Director, International EAP, trained and certified, organizational counseling and certified non-profit leadership - annually I look at where we have been, where we are, and where we want to be in future so that we meet our mission and goals
5	Hi Patrick, New York State is unlike any other state. We have four distinct Appellate Divisions, each with it's own Character & Fitness and Disciplinary Committees responsible for different areas of the state.. We also have 3 LAPS, at the State Bar, the City Bar and the Nassau County Bar. We try to work in a unified manner. We have the largest number of attorneys than any other state, the majority in the five boroughs of New York City. We each receive funds by grant from our court. The current grant expires March 2019 and we do not know if it will be renewed, although we are cautiously optimistic. We have never succeeded in obtaining a dedicated funding stream from our court system which is extremely frustrating. Each of the three Bar's that sponsor LAPS also contribute to the budgets, but it's getting harder for them to do so. We each work with a Bar Committee, but that relationship is different in each jurisdiction. I am happy to discuss with you. Eileen

ResponseID Response

6	Having the great program we have with support from our supreme court (all judges/magistrates including administrative law and municipal judges), regulation counsel, and the bar associations, I can't imagine being part of a bar association.
8	I believe that an independent organization can encourage voluntary participation by offering confidentiality and separation from Bar Associations and Courts that are perceived only as agents of discipline. Bar Discipline refers lawyers who have been grieved or arrested to our program for evaluation and recommendation. If monitoring is necessary we provide that for the Bar through the appropriate means. Non-compliance is reported and, if further discipline is needed, the Bar takes action, but our mission is to assist attorneys, judges and law students.
10	regardless of the structure, stigma and denial are the twin impediments to improving the lives of those lawyers in need.
11	Procedural challenge: There no term limits on one powerful committee.
13	We have a voluntary Bar Association. I believe lawyers have less confidentiality concerns because we are separate from the Court and discipline (which is part of the courts in our state, not the bar).
15	NC has BOTH a voluntary bar and a mandatory bar. LAP is housed within the mandatory bar. We are therefore well funded, stable, and super effective - able to focus solely on the mission. I see many 501 c3 LAPs struggle to find proper funding and deal with administrative issues like 401Ks and other things that we do not have to deal with. I think being housed at the State Bar is the best structure and the upside far outweighs the downside (i.e., the misperception that we are in kahoots with the discipline arm of the bar or are otherwise not confidential...but lawyers think that no matter where a LAP is housed).
16	Funding a LAP through direct assessment of members of the Bar as part of annual registration is the best means of assuring consistent funding free of political influence. States that employ this method assess attorneys from \$20 to \$45 annually.
18	I am very grateful for the strong support that our program receives from our state bar. We work hard to maintain a positive working relationship with the regulatory people, and we stress the importance of maintaining the integrity of our program through confidentiality.

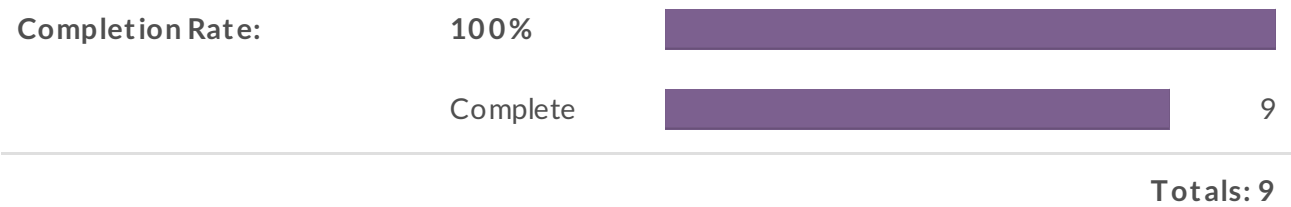
ResponseID Response

27	I think there are challenges with having the LAP be part of the Bar or Court system, primarily that clients might be afraid to use it for fear of a connection with the disciplinary arm of the Bar. But, there are challenges with being independent as well, primarily fundraising issues and less stability perhaps. There are pros and cons with both types of structures.
29	Get stable funding that is adequate to meet your needs for the next few years, and don't let it be in any way unstable. The worst situation possible is to have to request your budget every year. It is a distracting waste of time.
31	Thank you Patrick for all of your many contributions to the LAP world!
33	those matters above (in #12) need always be review and revised. restructuring would hurt most of those and at best might, in some cases, improve stability and budget.
37	Stable funding and consistency and confidentiality and a professional staff with lawyer/counselors has allowed us to thrive for over 30 years and to have high access to our program.

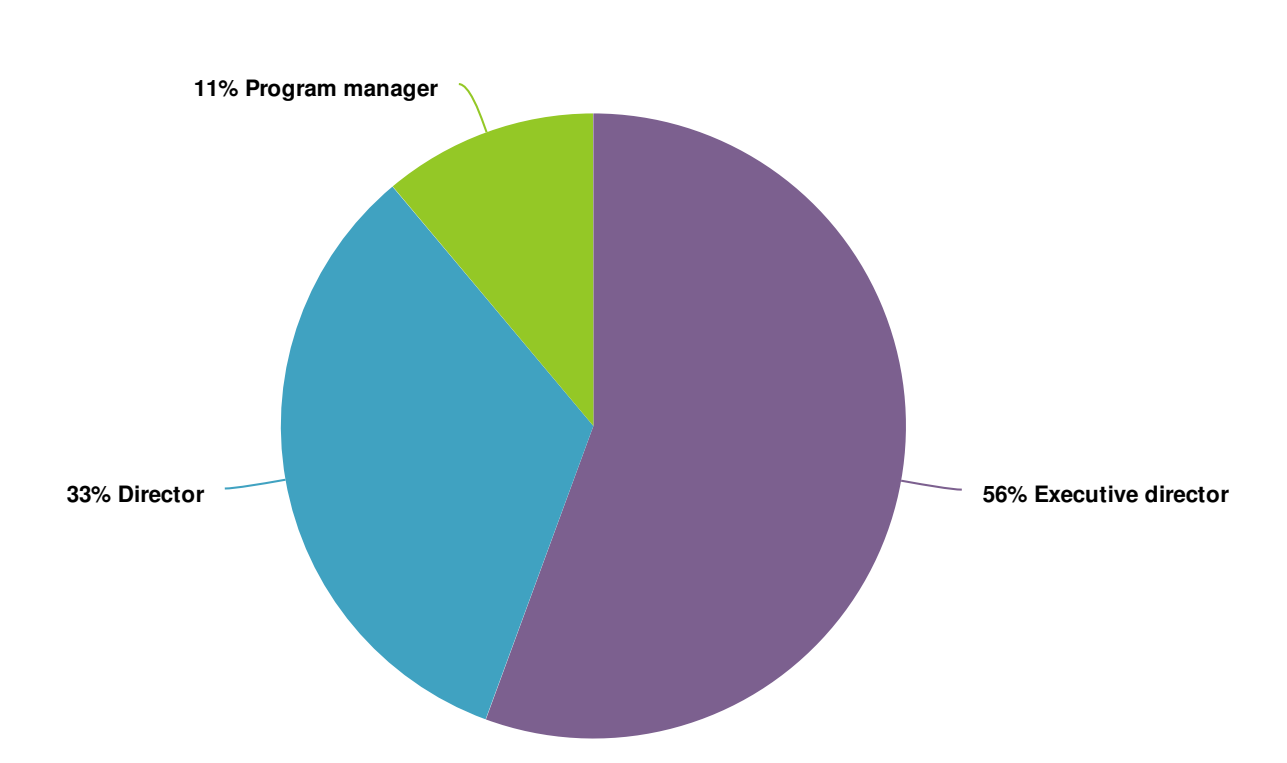
Report for 2018 State Bar of California National LAP Survey

*Similarly Situated Programs Only

Response Counts



1. What is your position with the LAP?



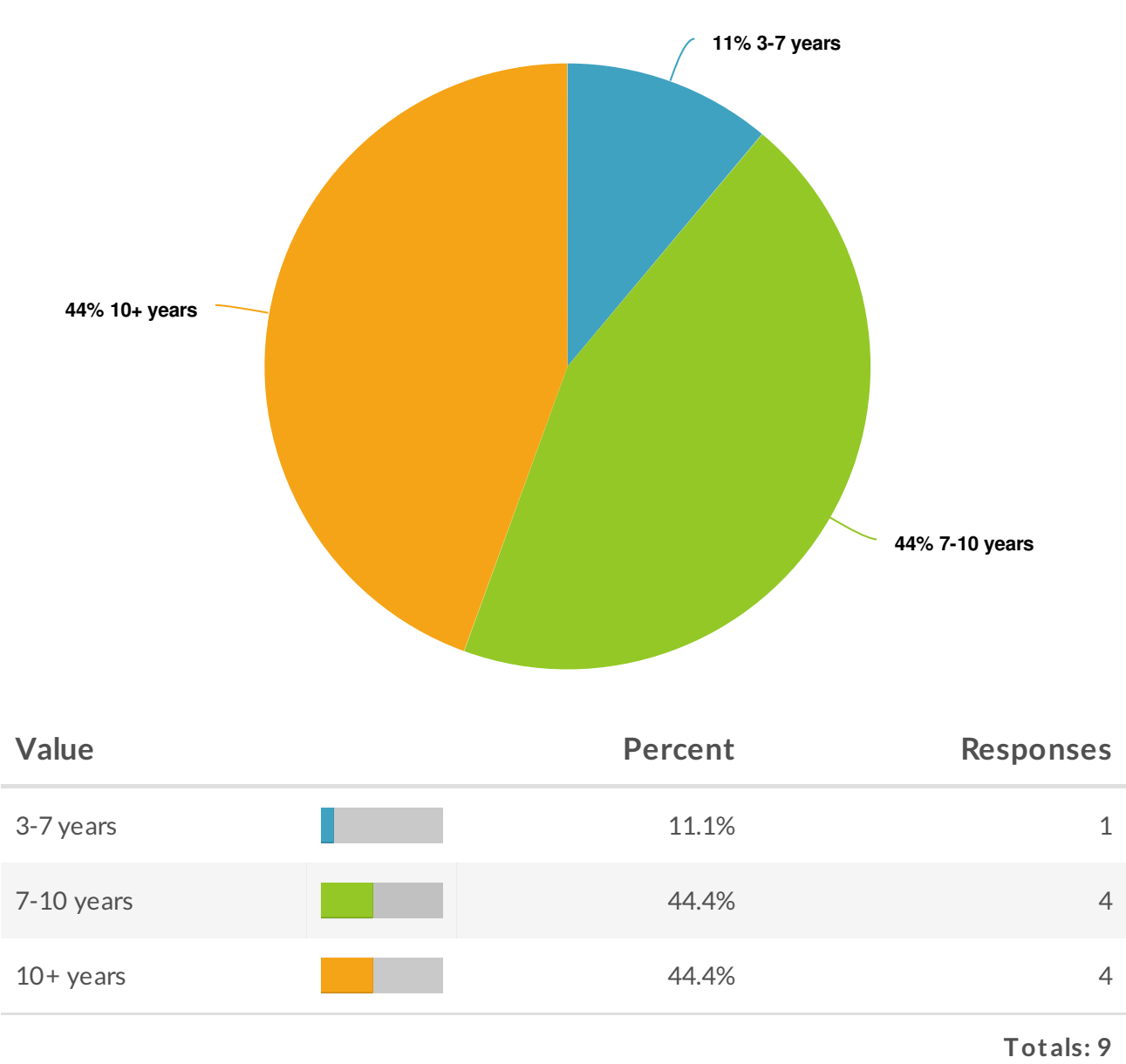
Value		Percent	Responses
Executive director	<div><div></div><div></div></div>	55.6%	5
Director	<div><div></div><div></div></div>	33.3%	3
Program manager	<div><div></div><div></div></div>	11.1%	1

Totals: 9

Statistics

Skipped	0
Total Responses	9

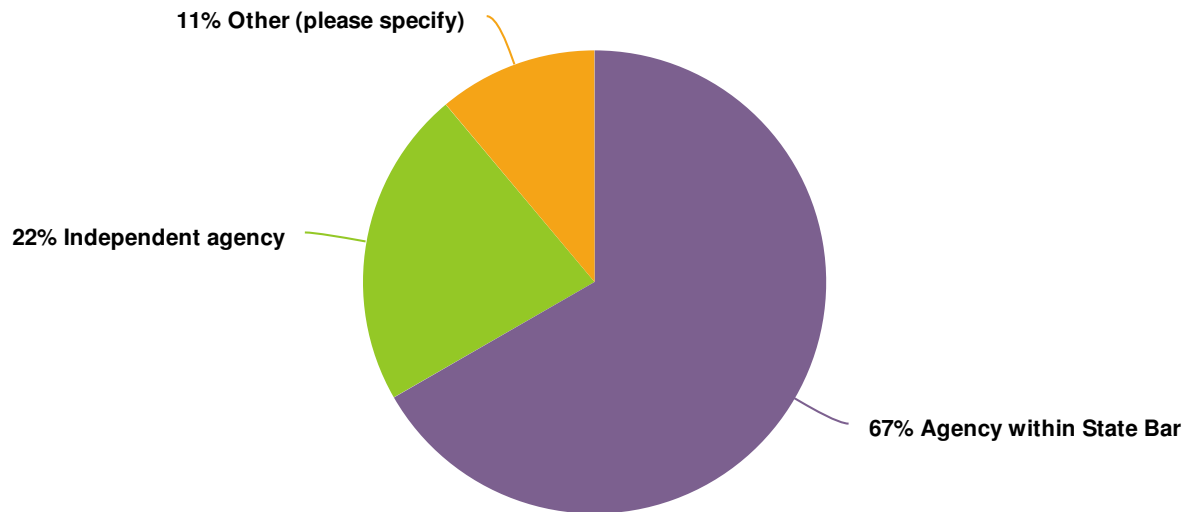
2. How many years have you been working in lawyer assistance?



Statistics

Min	3
Max	10
Sum	71.0
Average	7.9
StdDev	2.2
Skipped	0
Total Responses	9

3. How is your state's LAP organized and structured?



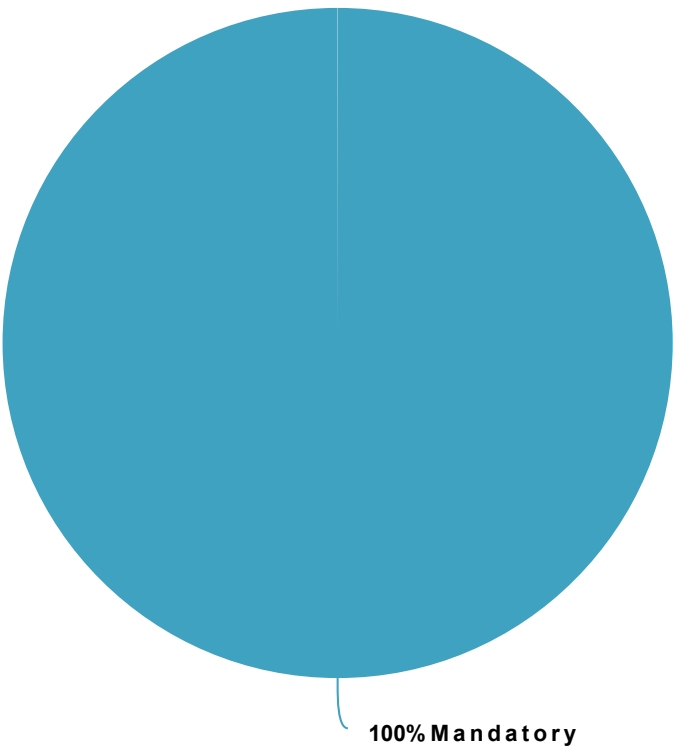
Value		Percent	Responses
Agency within State Bar	<div><div></div></div>	66.7%	6
Independent agency	<div><div></div></div>	22.2%	2
Other (please specify)	<div><div></div></div>	11.1%	1
			Totals: 9

Statistics

Skipped	0
Total Responses	10

Other (please specify)	Count
program of the self insurance of state bar but kept confidential from bar and the Professional Liability fund	1
Totals	1

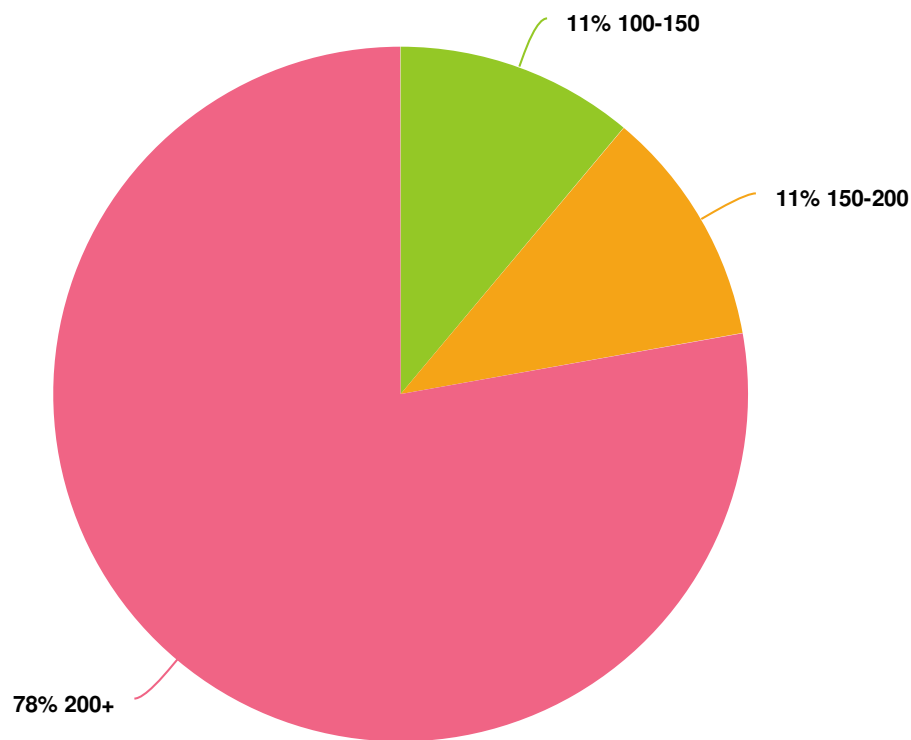
4. Does your state have a voluntary or mandatory bar association?



Value		Percent	Responses
Mandatory	<div></div>	100.0%	9
			Totals: 9

Statistics	
Skipped	0
Total Responses	9

5. How many clients, on average, does your LAP serve every year?



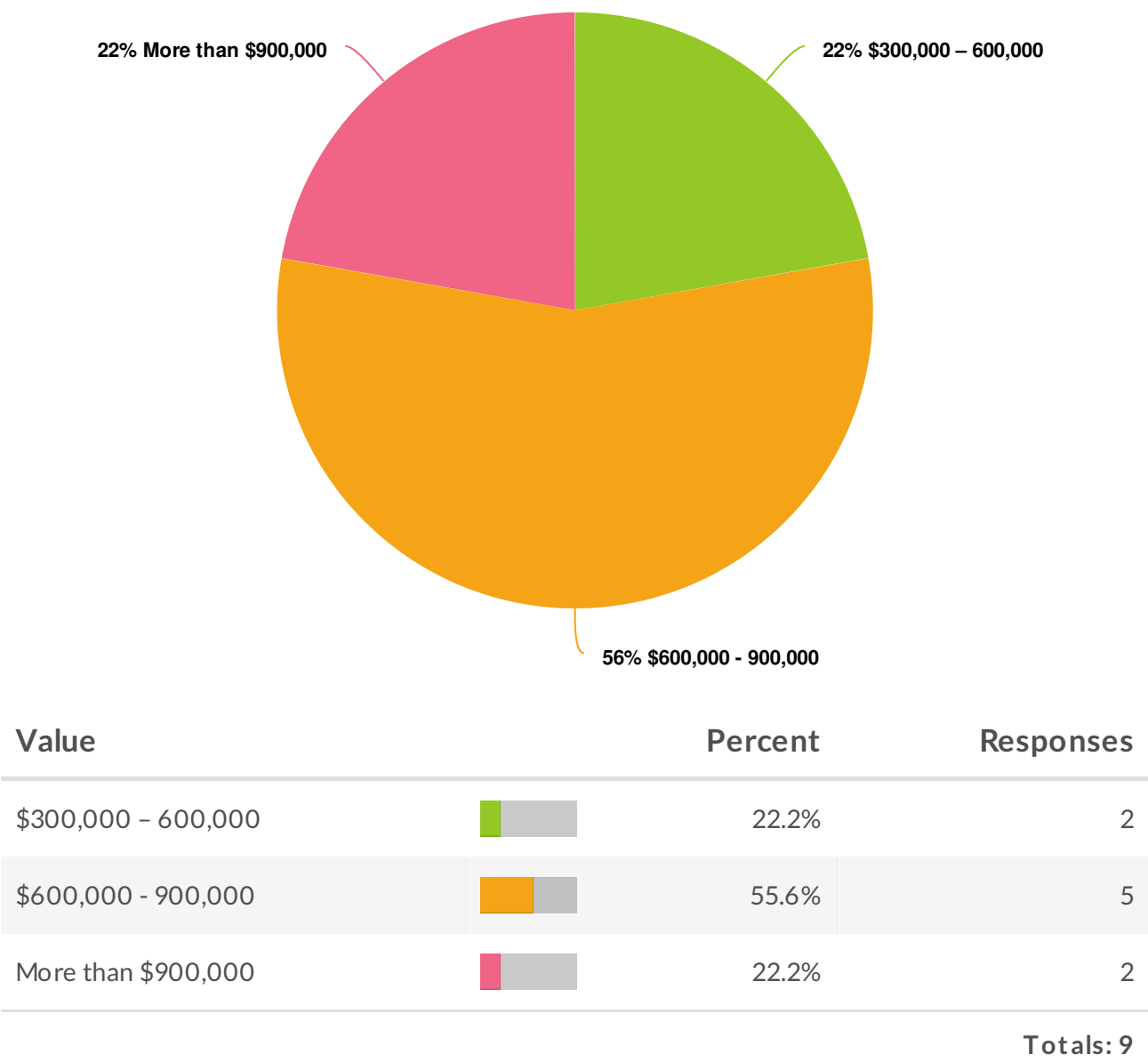
Value		Percent	Responses
100-150	<div><div></div></div>	11.1%	1
150-200	<div><div></div></div>	11.1%	1
200+	<div><div></div></div>	77.8%	7

Totals: 9

Statistics

Min	100
Max	200
Sum	1,650.0
Average	183.3
StdDev	33.3
Skipped	0
Total Responses	9

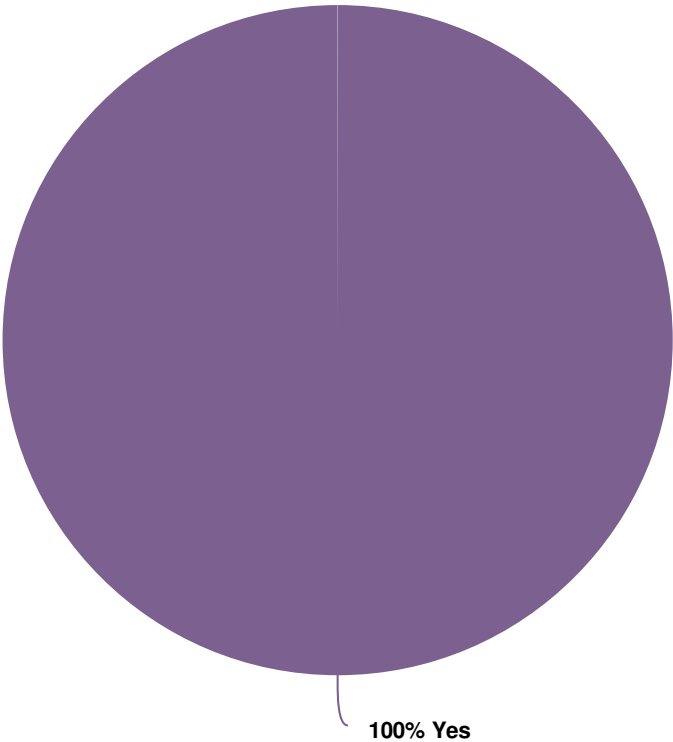
6. What is your LAP’s annual budget?



Statistics

Skipped	0
Total Responses	9

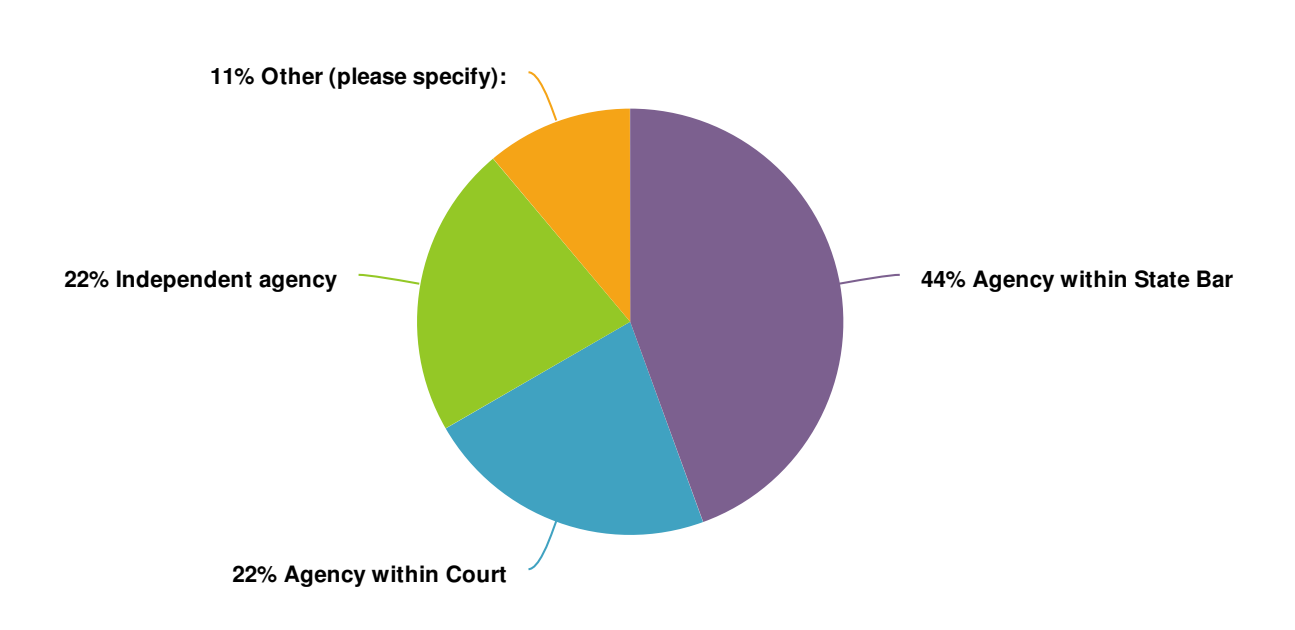
7. Has your experience working in lawyer assistance allowed you to form an opinion about which LAP structure (from those listed in #3) is the most advantageous and efficacious?



Value		Percent	Responses
Yes	<div></div>	100.0%	9
			Totals: 9

Statistics		
Skipped		0
Total Responses		9

8. If you answered "Yes" to #7 above, please indicate which LAP structure holds the most benefit in your opinion.



Value		Percent	Responses
Agency within State Bar	<div><div></div></div>	44.4%	4
Agency within Court	<div><div></div></div>	22.2%	2
Independent agency	<div><div></div></div>	22.2%	2
Other (please specify):	<div><div></div></div>	11.1%	1

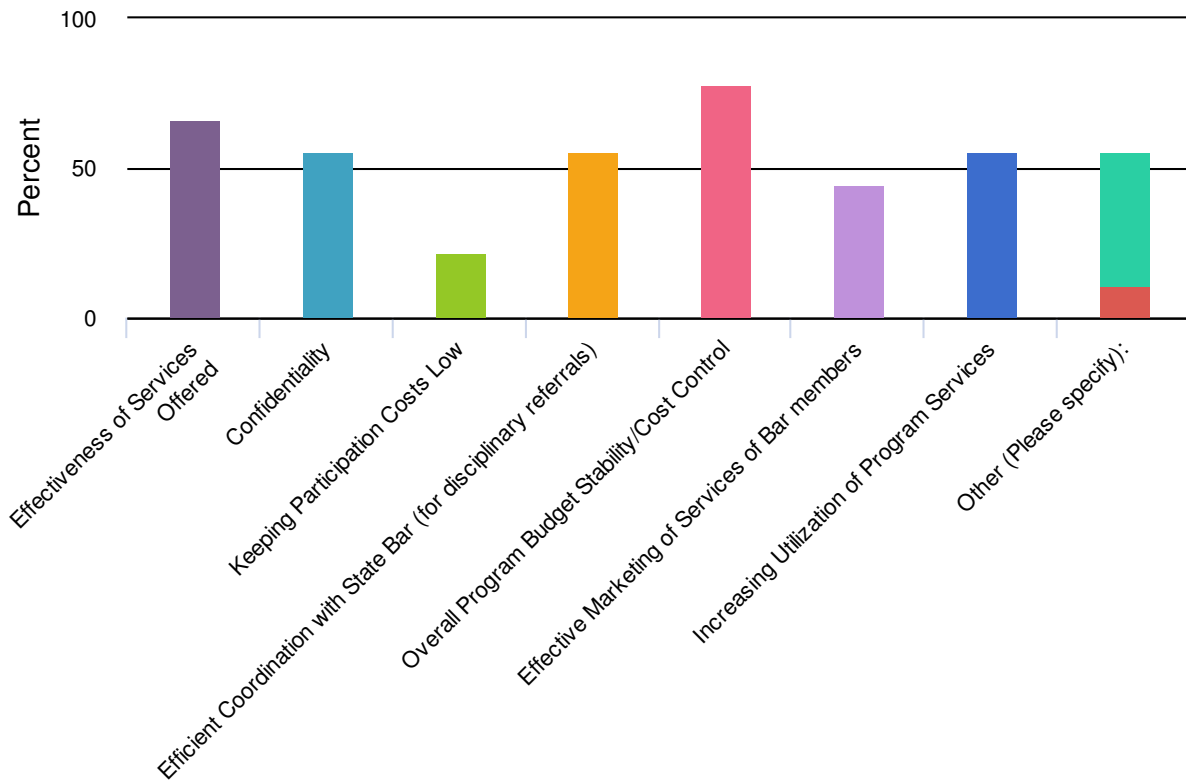
Totals: 9











Statistics

Skipped	0
---------	---

Total Responses	9
-----------------	---

9. Please select the top five reasons for your choice in #8.



Value		Percent	Responses
Effectiveness of Services Offered		66.7%	6
Confidentiality		55.6%	5
Keeping Participation Costs Low		22.2%	2
Efficient Coordination with State Bar (for disciplinary referrals)		55.6%	5
Overall Program Budget Stability/Cost Control		77.8%	7
Effective Marketing of Services of Bar members		44.4%	4
Increasing Utilization of Program Services		55.6%	5
Other (Please specify):		55.6%	5
Other (Please specify):		11.1%	1
Other (Please specify):		11.1%	1

Statistics

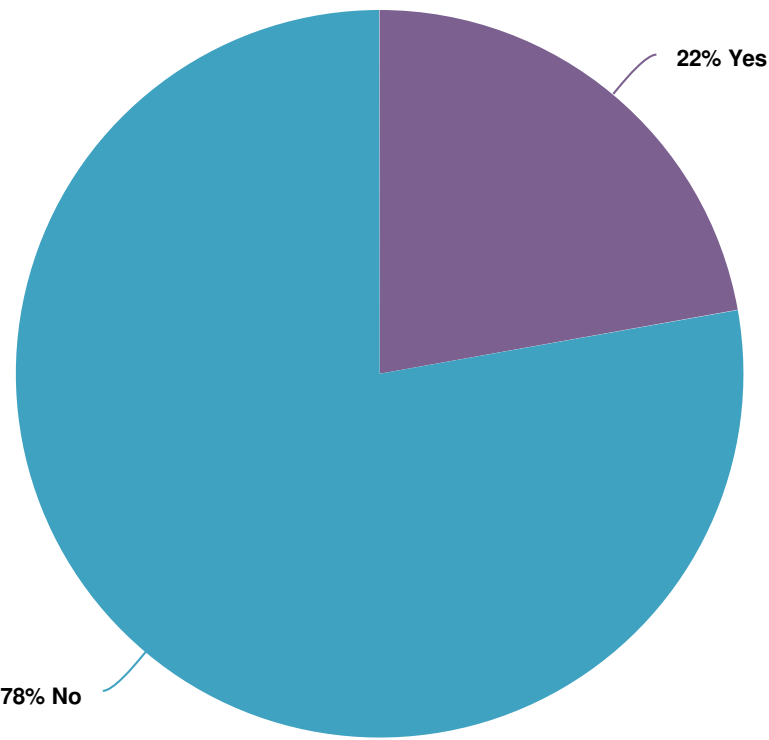
Skipped	0
Total Responses	9

Other (Please specify):	Count
Enhanced protection of the program	1
Must ensure confidentiality	1
No need to worry about 501c3 infrastructure - State Bar handles salary, retirement, health insurance, etc.	1
less bureaucracy	1
the well-being of lawyers and their profession is the responsibility of the State Bar	1
Totals	5

Other (Please specify):	Count
effective use of volunteers	1
Totals	1

Other (Please specify):	Count
reduce stigma; lawyers helping lawyers	1
Totals	1

10. Has the governing body of your LAP ever considered or evaluated the possibility of restructuring or reorganizing the program?



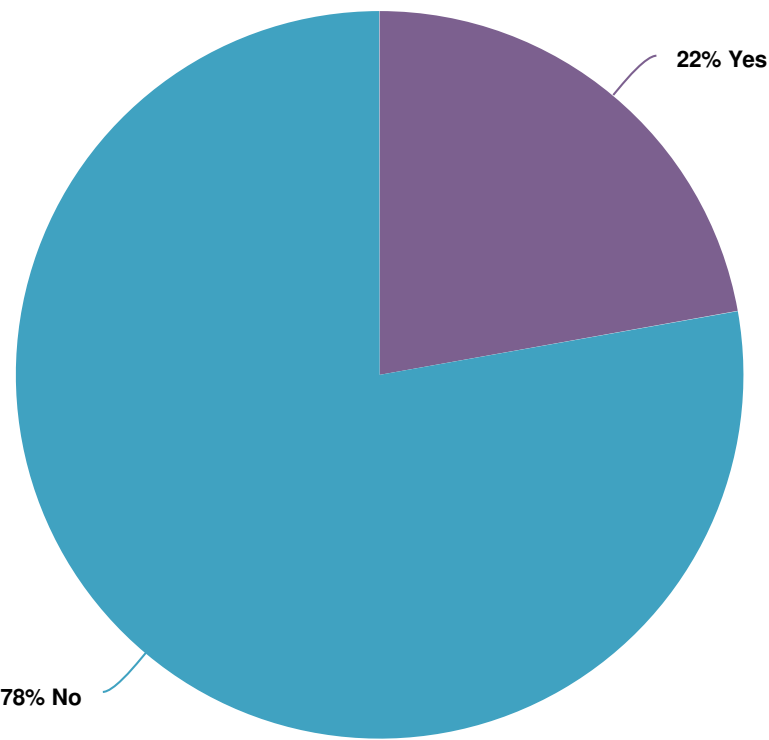
Value		Percent	Responses
Yes	<div><div></div></div>	22.2%	2
No	<div><div></div></div>	77.8%	7

Totals: 9

Statistics

Skipped	0
Total Responses	9

11. Are there organizational deficiencies or procedural challenges within your LAP that you feel could be addressed if your program was restructured or reorganized?

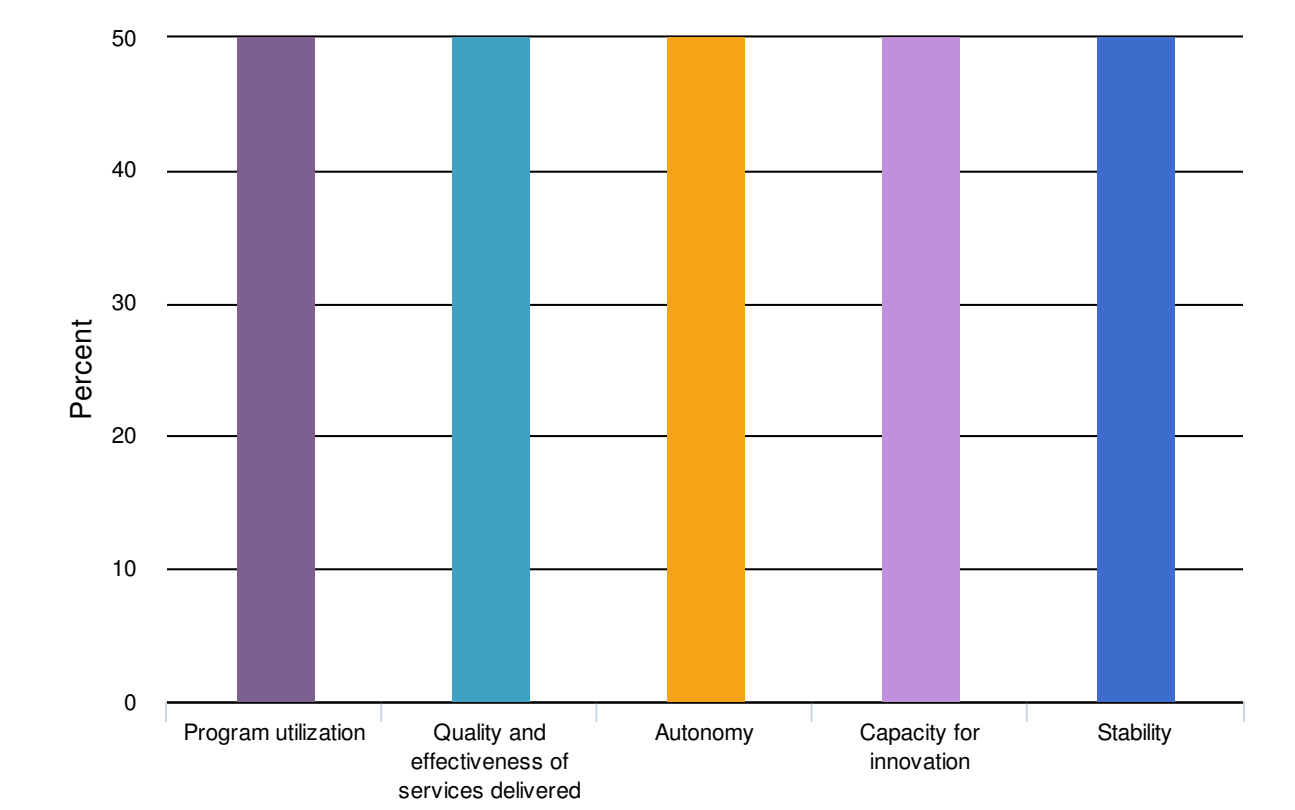


Value		Percent	Responses
Yes	<div><div></div></div>	22.2%	2
No	<div><div></div></div>	77.8%	7

Totals: 9

Statistics	
Skipped	0
Total Responses	9

12. If you answered “Yes” to #11 above, please select the areas where you would expect to see an improvement if your program was restructured:



Value		Percent	Responses
Program utilization	<div><div></div><div></div></div>	50.0%	1
Quality and effectiveness of services delivered	<div><div></div><div></div></div>	50.0%	1
Autonomy	<div><div></div><div></div></div>	50.0%	1
Capacity for innovation	<div><div></div><div></div></div>	50.0%	1
Stability	<div><div></div><div></div></div>	50.0%	1

Statistics

Skipped	5
Total Responses	2

13. Please share any additional comments or feedback you may have:

A word cloud visualization of survey feedback. The words are arranged in a circular pattern, with the largest words being 'discipline' and 'lawyers'. Other prominent words include 'funding', 'or', 'agents', 'access', 'action', 'administrative', 'attorneys', and 'associations'. Smaller words include 'assist', 'arrested', 'allowed', '401ks', '1', 'arm', '0', and '2'. The colors of the words vary, including shades of blue, purple, orange, green, and teal.


assist or arrested allowed
funding attorneys associations
401ks 1 arm
discipline 0 2
agents access action administrative
lawyers

ResponseID Response

- | | |
|----|--|
| 8 | I believe that an independent organization can encourage voluntary participation by offering confidentiality and separation from Bar Associations and Courts that are perceived only as agents of discipline. Bar Discipline refers lawyers who have been grieved or arrested to our program for evaluation and recommendation. If monitoring is necessary we provide that for the Bar through the appropriate means. Non-compliance is reported and, if further discipline is needed, the Bar takes action, but our mission is to assist attorneys, judges and law students. |
| 15 | NC has BOTH a voluntary bar and a mandatory bar. LAP is housed within the mandatory bar. We are therefore well funded, stable, and super effective - able to focus solely on the mission. I see many 501 c3 LAPs struggle to find proper funding and deal with administrative issues like 401Ks and other things that we do not have to deal with. I think being housed at the State Bar is the best structure and the upside far outweighs the downside (i.e., the misperception that we are in kahoots with the discipline arm of the bar or are otherwise not confidential...but lawyers think that no matter where a LAP is housed). |
| 18 | I am very grateful for the strong support that our program receives from our state bar. We work hard to maintain a positive working relationship with the regulatory people, and we stress the importance of maintaining the integrity of our program through confidentiality. |
| 33 | those matters above (in #12) need always be review and revised. restructuring would hurt most of those and at best might, in some cases, improve stability and budget. |
| 37 | Stable funding and consistency and confidentiality and a professional staff with lawyer/counselors has allowed us to thrive for over 30 years and to have high access to our program. |

Lawyer Assistance Program Survey

1. Do you believe that substance use and mental health distress are significant problems in the legal profession? (%)

Total		Gender		Years in Practice			
N = 1,252		Female	Male	1-10	11-20	21-30	>=31
Yes	 66.9	72.2	62.8	76.3	76.6	65.7	55.0
No	 7.5	4.5	9.8	4.3	4.6	10.7	10.9
Unsure	 25.6	23.4	27.4	19.3	18.8	23.6	34.2




2. Do you know friends, colleagues, or peers in the profession who struggle with alcohol or drugs? (%)

N = 1,249							
Yes	 46.1	46.7	46.4	48.7	49.4	48.6	41.5
No	 38.8	35.3	41.7	31.3	33.1	39.7	47.2
Unsure	 15.1	18.0	11.8	20.0	17.5	11.7	11.4

3. Do you know friends, colleagues, or peers in the profession who struggle with mental health problems? (%)

N = 1,252							
Yes	 45.9	57.2	37.6	58.9	55.2	38.9	33.8
No	 36.7	27.2	44.5	25.4	29.2	42.1	48.2
Unsure	 17.3	15.6	17.9	15.7	15.6	19.0	18.0

4. Do you feel that enough is being done to address substance abuse and mental health in the legal profession? (%)

		Gender		Years in Practice			
		Female	Male	1-10	11-20	21-30	>=31
N = 1,251							
Yes	 16.1	12.3	19.0	10.0	21.6	18.5	20.0
No	 36.1	40.4	32.5	45.5	37.9	32.4	28.6
Unsure	 47.9	47.3	48.5	44.5	40.5	49.1	51.5

5. Since entering the legal profession, have you ever felt concerned about your use of alcohol or drugs? (%)

N = 1,225							
Yes	 20.9	19.2	22.9	23.7	22.7	23.2	17.6
No	 79.1	80.9	77.1	76.3	77.3	76.9	82.4

6. Since entering the legal profession, have you ever felt concerned about your mental health? (%)

N = 1,219							
Yes	 32.9	40.8	29.7	46.3	41.2	32.1	22.1
No	 67.1	59.2	70.3	53.7	58.8	67.9	77.9

7. Did you seek some form of help for your concerns? (%)

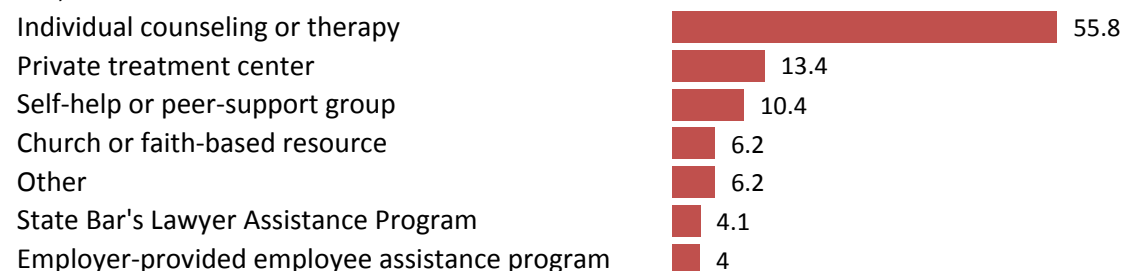
N = 482							
Yes	 63.3	65.7	60.6	52.2	66.7	69.4	75.2
No	 36.7	34.3	39.4	47.8	33.3	30.6	24.8

8. Did you use the State Bar's Lawyer Assistance Program? (%)

N = 302							
Yes	 10.9	8.5	12.9	98.8	84.0	84.5	87.2
No	 89.1	91.5	87.1	1.2	16.0	15.5	12.8

9. In the hypothetical event that you decided to seek help for alcohol or drug use problems or mental health issues, which of the following resources would you be most likely to use? (%)

N = 1,153



	Gender		Years in Practice			
	Female	Male	1-10	11-20	21-30	>=31
Individual counseling or therapy	66.4	49.5	65.3	59.1	48.8	51.5
Private treatment center	11.4	15.8	11.3	10.4	14.0	16.7
Self-help or peer-support group	8.3	11.0	9.3	11.7	13.0	8.7
Church or faith-based resource	4.5	6.9	6.3	5.2	6.1	7.0
Other	3.1	7.4	1.7	5.8	7.9	7.7
State Bar's Lawyer Assistance Program	2.6	5.2	3.3	3.3	2.8	5.2
Employer-provided employee assistance program	3.8	4.2	2.7	4.6	7.4	3.2

10. Are you aware of the confidential services of the State Bar's Lawyer Assistance Program for lawyers concerned with their alcohol or drug use or their mental health? (%)

N = 1,157

Yes	50.4	45.5	53.8	33.7	52.0	54.5	60.7
No	49.6	54.5	46.2	66.3	48.1	45.5	39.3

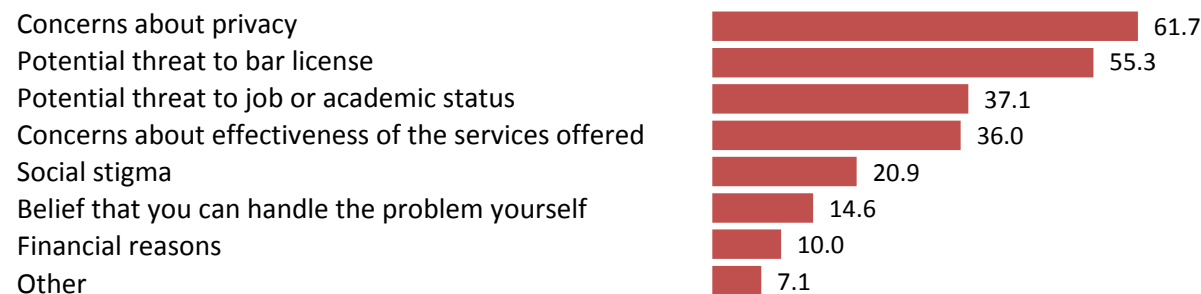
11. In the hypothetical event that you did need help for a substance use or mental health problem, would you seek assistance from the State Bar's Lawyer Assistance Program? (%)

N = 1,156

Yes	21.3	21.3	23.4	25.0	20.8	22.3	18.9
No	28.2	25.3	27.7	20.7	25.3	29.8	32.8
Unsure	50.5	53.4	48.9	54.3	53.9	47.9	48.4

12. Which of the following factors would discourage you from seeking help from the State Bar's Lawyer Assistance Program, or from referring someone else to the Program? (Select up to three) (%)

N = 903







	Gender		Years in Practice			
	Female	Male	1-10	11-20	21-30	>=31
Concerns about privacy	71.8	54.8	69.8	60.7	61.7	55.6
Potential threat to bar license	57.4	51.4	68.9	56.6	55.1	44.7
Potential threat to job or academic status	41.7	34.7	55.6	35.2	38.9	24.5
Concerns about effectiveness of the services offered	39.3	35.3	34.7	41.8	34.7	36.0
Social stigma	19.8	21.9	32.9	18.9	15.6	17.1
Belief that you can handle the problem yourself	10.5	18.0	19.6	9.8	12.0	14.9
Financial reasons	11.4	9.5	16.0	11.5	10.2	6.2
Other	5.1	8.9	3.6	7.4	6.0	9.9

13. Would your view of these factors be different if the Lawyer Assistance Program was reorganized as an entity completely independent of the State Bar? (%)

N = 906

Yes	23.1	26.1	21.6	29.8	30.3	22.2	16.7
No	15	8.4	19.9	10.2	9.8	13.2	21.0
Maybe	35.2	35.7	34.1	31.6	33.6	35.9	37.4
Unsure	26.7	29.7	24.4	28.4	26.2	28.7	25.0

14. Would your view of these factors also discourage you from seeking help from other resources (for example, from a private counselor, self-help group or employee assistance program)? (%)

		Gender		Years in Practice			
		Female	Male	1-10	11-20	21-30	>=31
N = 904							
Yes	 8.8	7.8	9.7	15.6	10.7	8.4	4.4
No	 58.1	61.5	56.8	48.4	56.6	64.1	63.7
Maybe	 19.8	19.6	19.6	24.4	20.5	16.2	17.4
Unsure	 13.3	11.1	14.0	11.6	12.3	11.4	14.6

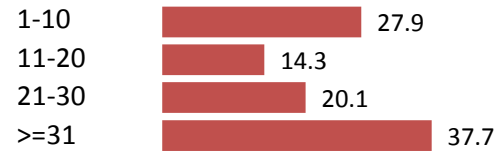
15. What type of information about mental health and substance use issues would you find the most useful or would you be interested in receiving? (Check all that apply) (%)

N = 1,011

Information about available resources...	<div><div></div></div> 64.6					
Self-help information...	<div><div></div></div> 51.8					
Info and statistics about the prevalence of mental health and substance use	<div><div></div></div> 33.0					
Screening tools	<div><div></div></div> 32.1					
Other	<div><div></div></div> 8.4					
Information about available resources...		69.9	61.7	70.0	67.3	63.4
Self-help information...		53.0	52.2	61.1	59.9	46.1
Info and statistics about the prevalence of mental health and substance use		36.4	32.0	41.9	32.7	31.4
Screening tools		34.5	31.3	38.9	36.1	30.9
Other		6.5	8.4	1.9	8.2	13.1

16. Years in practice (%)

N = 1,076



17. Gender (%)

N = 1,117

