



# The State Bar *of California*

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## **OPEN SESSION AGENDA ITEM 50-5 MARCH 2019**

**DATE:** March 15, 2019

**TO:** Members, Board of Trustees

**FROM:** Michelle Harmon, Program Supervisor, Lawyer Assistance Program

**SUBJECT:** Receipt and Filing of Legislatively Mandated Lawyer Assistance Program Oversight Committee Report

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### **EXECUTIVE SUMMARY**

Business and Professions Code section 6238 requires the Lawyer Assistance Program (LAP) Oversight Committee to report to the Board of Trustees and the Legislature each year on the implementation and operation of the LAP. Attached is the 2018 Lawyer Assistance Program Annual Report submitted to the Legislature on March 1, 2019 in compliance with this requirement.

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### **BACKGROUND**

Business and Professions Code section 6238 requires the Lawyer Assistance Program (LAP) Oversight Committee to report to the Board of Trustees and the Legislature by March 1 of each year on the implementation and operation of the LAP. The report must include "information concerning the number of cases accepted, denied, or terminated with compliance or noncompliance, and annual expenditures related to the program."

### **DISCUSSION**

The 2018 Lawyer Assistance Program Annual Report provides an overview of the program's activities in 2018. During 2018, the Lawyer Assistance Program maintained the momentum begun in 2017 to improve the program operation and design. The groundwork for 2018 accomplishments was laid in 2017 by the Lawyer Assistance Program Oversight Committee's development of a Strategic Plan, along with established plans to implement recommendations from consultant Patrick Krill and the National Center for State Courts. The LAP made great strides in implementing the recommendations, including improving LAP's focus on the

“customer” experience, expanding outreach and educational programming, and creating performance goals to enable continued evaluation of the impact of the LAP. The report contains a narrative description of key activities in these areas to improve the program, as well as a summary activities undertaken to implement the LAP Strategic Plan and the recommendations from outside consultants.

Key data points reported include:

- The number of new intakes continued to rise in 2018. There were 148 new intakes in 2018 which is an increase from the 143 and 134 new participant intake numbers for 2017 and 2016, respectively.
- In 2018, the LAP closed 144 cases. While the reasons for case closure varied. Forty-one percent of individuals who left LAP in 2017 did so because they met their stated program goals.
- The large majority (73%) of new LAP participants in 2018 presented with a substance use disorder: 49% came to the LAP with solely a substance use disorder (SUD) and 24% have both a mental health (MH) and a substance use disorder. Only 23% of participants in the LAP enrolled exclusively for mental health issues, while 4% did not identify an issue at intake.

## **FISCAL/PERSONNEL IMPACT**

None

## **RULE AMENDMENTS**

None

## **BOARD BOOK AMENDMENTS**

None

## **STRATEGIC PLAN GOALS & OBJECTIVES**

Goal: 5. Proactively inform and educate all stakeholders, but particularly the public, about the State Bar’s responsibilities, initiatives, and resources.

## **RECOMMENDATIONS**

**It is recommended that the Board of Trustees approve the following resolution:**

**RESOLVED**, that the Board of Trustees receive and file the 2018 Lawyer Assistance Program Annual Report.

## **ATTACHMENT(S) LIST**

- A. 2018 Lawyer Assistance Program Annual Report



# The State Bar of California

180 Howard Street, San Francisco, CA 94105

## ATTACHMENT A: 2018 Lawyer Assistance Program Annual Report

**Title of Report:** The State Bar of California Lawyer Assistance Program 2018 Annual Report  
**Statutory Citation:** Business and Professions Code section 6238  
**Date of Report:** March 1, 2019

The State Bar of California has submitted a report to the Legislature in accordance with Business and Professions Code section 6238, which directs the Oversight Committee of the Lawyer Assistance Program (LAP) to submit a report each year to the Board of Trustees and the Legislature on the operation of the LAP, including key program statistics.

The following summary of the report is submitted in accordance with the requirements of Government Code section 9795.

The highlights of 2018 accomplishments include the following: improving LAP's focus on the "customer" experience, expanding our outreach and educational programming, and creating performance goals to continue evaluating the impact of the LAP. Additionally, looking at the overall design of the program, in 2018 the State Bar Board of Trustees conducted a thorough review of the LAP Oversight Committee pursuant to recommendations of the 2017 Governance in the Public Interest Task Force. The result of this review will lead to significant procedural and structural changes that will further the evolution of the Lawyer Assistance Program in 2019.

During 2018:

- 148 new participants came in to the Program;
- The total number of LAP participants was 276;
- Of the 144 cases closed, 41% were closed with participants meeting their stated program goals, 16% were not admitted, and there was only one case terminated due to noncompliance; and
- The reasons for participating in LAP remained heavily weighted to substance use issues; with 49% of participants entering to address a substance use disorder, 23% for a mental health issue, and 24% seeking support for both.

The full report is available for download on the State Bar's website at:

<http://www.calbar.ca.gov/About-Us/Reports>. A printed copy of the report may be obtained by calling 213-765-1190.



# The State Bar *of California*

## **The State Bar of California Lawyer Assistance Program 2018 Annual Report**

**Statutory Citation: Business and Professions Code Section 6238**

**March 1, 2019**

## INTRODUCTION

Business and Professions Code §6238 requires the Lawyer Assistance Program (LAP) Oversight Committee to report to the Board of Trustees and the Legislature each year on the implementation and operation of the LAP. The report must include “information concerning the number of cases accepted, denied, or terminated with compliance or noncompliance, and annual expenditures related to the program.” This report builds on information reported in last year’s annual report, including a discussion of the status of efforts to implement the LAP Strategic Plan, recommendations from expert Patrick Krill, and recommendations from the National Center of State Courts related to workforce planning<sup>1</sup>. To avoid repetition, less detail behind those plans is incorporated in this year’s report than in last year’s annual report.<sup>2</sup>

## AN OVERVIEW OF 2018 ACTIVITIES

During 2018, the Lawyer Assistance Program maintained the momentum begun in 2017 to improve the program operation and design. The groundwork for 2018 accomplishments was laid in 2017 by the Lawyer Assistance Program Oversight Committee’s development of a Strategic Plan, along with established plans to implement recommendations from consultant Patrick Krill and the National Center for State Courts. The LAP made great strides in implementing the recommendations, including improving LAP’s focus on the “customer” experience, expanding outreach and educational programming, and creating performance goals to enable continued evaluation of the impact of the LAP.

Highlights of that progress follow, and a chart summarizing all of the Krill recommendations, the strategic plan requirements, and the NCSC recommendations, along with the Bar’s progress in implementing those recommendations, is attached as Appendix 1.

### Customer Focus

Prior to 2018, the LAP relied on an Evaluation Committee composed of a physician, a clinician and an attorney in recovery (or some subset of this group) to evaluate if someone is eligible for LAP, to determine continued participation in or termination from the program, and to establish the terms of participation in LAP. Due, in short, to observations that the Evaluation Committee process was intimidating for participants

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<sup>1</sup> [National Center of State Courts Workforce Planning Report](#)

<sup>2</sup> [The State Bar of California Lawyer Assistance Program 2017 Annual Report](#)

and inefficient, both Patrick Krill and the NCSC recommended eliminating or restricting the use of Evaluation Committees. Effective March 2018, the Evaluation Committee process was replaced by a process of case consultation wherein the LAP clinicians who interact with the participants on a regular basis are responsible for acceptance into LAP, termination of LAP participation, and all other decisions previously made by the Evaluation Committees. This new model was found to be equally effective as the Evaluation Committees, but more efficient and flexible. Feedback from participants indicates that the new process is less intimidating and burdensome than the Evaluation Committee process.

Further movement toward a customer-centric model is evidenced by the relocation of the LAP office into space near, but no longer in, the State Bar building. The move was motivated in part by concern expressed by participants and potential participants that they could encounter staff from the State Bar's discipline system in attending meetings with LAP or that their confidentiality would otherwise be compromised. A survey of California attorneys (see "Evaluating the Work of LAP", below) also revealed a reluctance to seek help from an office within the State Bar due to concerns about privacy. LAP participants may be experiencing feelings of shame and/or fear at admitting their struggles with substance use or mental health issues. It was perceived that having the LAP in a separate building would reduce the anxiety of meeting with LAP staff and foster greater openness.

Two additional initiatives that improved the "customer" experience and accessibility of LAP in 2018 were the securing of funding for the Transition Assistance Services (TAS) and expanding the eligibility for financial assistance. TAS offers two free individual counseling sessions and two free career-counseling sessions to attorneys, law students and Bar applicants. The Transition Assistance Service is an important tool to help individuals address situational issues that are impacting them and/or their careers and also serves as an introduction to the services available through the LAP. Prior to 2018, TAS was funded out of the State Bar's General Fund. Due to budgetary constraints, General Fund support could not continue in 2018. In March, 2018 the Oversight Committee approved the use of LAP funds for this program, and the services became available once again.

With regard to eligibility for financial assistance, the LAP amended State Bar rules which had limited the availability of the Bar's financial assistance program to active or inactive lawyers, excluding law students, bar applicants, or others. The Rule change was adopted by the Board of Trustees in November 2018, making the program more accessible to participants with limited financial resources.

## Evaluating the Work of LAP

In an effort to understand and improve participant satisfaction and program efficacy, and to create clearly defined goals and targets, the LAP has implemented new data collection practices. This has included the creation of a participant satisfaction survey that is distributed to all participants on a quarterly basis, the quarterly use of a brief symptom inventory measuring participant progress and program efficacy, surveying of California attorneys, and setting targets for outreach and program growth.

The new quarterly satisfaction survey allows participants to voluntarily provide feedback on many aspects of the LAP, including on the staff, Group Facilitators, outreach and specific program requirements. A target was set that 80% of participants responding to the quarterly satisfaction survey will report they agree or strongly agree with the following statements: “The information and services provided by LAP effectively and appropriately address my goals”, and, “Overall I am satisfied with my LAP experience.” In the last quarter of 2018, LAP exceeded both of those targets. During that survey administration, 91% of responders agreed or strongly agreed with the first statement above, and 88% agreed or strongly agreed with the second.

To gain a better understanding of the needs of lawyers, a statewide survey was distributed to 25,000 randomly selected licensees in June of 2018. The questions asked about attorneys’ perception of mental health and substance use disorders as problems in the legal profession, if more should be done to address those issues, what resources they are most likely to use if they have a problem, reasons they may not use the LAP, and what information they would find useful to receive from LAP. Results from this survey continue to inform decision-making. For example, the relatively low number of “yes” responses to the question, “... would you seek assistance from the State Bar’s Lawyer Assistance Program” and the high number that selected “concerns about privacy” as discouraging help-seeking from LAP was used by the Board of Trustees in its decision-making about the appropriateness of keeping the LAP housed at the State Bar, as explained in the “Program Design” section below.

Performance metrics that were set for the upcoming year include: increase intakes by 10% by the end of 2019; respond to 100% of requests for presentations within two business days by the end of the first quarter of 2019 (which is being met at the time of this writing); and complete 20 law school presentations and 10 Bar Association / law firm presentations in 2019 to better inform attorneys about the prevalence of substance use and mental health disorders in the attorney community, signs that someone might be suffering from such problems, and the services LAP can offer. Information about 2018 presentations can be found in “Outreach and Education”, below.

## Outreach and Education

In the 2017 annual report, it was noted that at the end of 2017 the LAP created, and began to recruit for, a new full time staff position to be dedicated to outreach and education. In an important move toward meeting the Strategic Plan goals for outreach and education, a new LAP staff member was hired to fill this role in June of 2018. The position is allowing the LAP to address the goals of identifying the members of the legal community that are most at risk, and disseminating educational content about substance use and mental health disorders. Since research has shown that the rate of problematic substance use is the highest among attorneys in the first 10 years of practice<sup>3</sup>, the law student population was targeted for the first outreach efforts. Although the goal was to conduct tailored presentations at 8 law schools in the last five months of 2018, LAP was able to present at 10 schools in order to raise awareness of problematic substance use and mental health issues, reduce stigma, promote healthy lifestyle choices and provide information about services available through LAP. A similar number of presentations were also made to attorney groups such as large firms and Bar Association meetings as outreach began to pursue those groups as well.

Another goal was to target outreach to newly admitted lawyers by including wellness and self-care materials in the mandated 10 hours of CLE requirements for newly admitted lawyers. A 1.5 hour interactive online course on competency (mental health and problematic substance use issues) was launched in February, 2018. We are also considering the possibility of developing an online MCLE course for all attorneys to expand the audience of this important education topic.

## Program Design

Additionally, in 2018 the State Bar Board of Trustees conducted a thorough review of the LAP and the Oversight Committee as part of its governance review of all subentities, conducted pursuant to recommendations of the 2017 Governance in the Public Interest Task Force. The result of this review will lead to significant procedural and structural changes that will further the evolution of the Lawyer Assistance Program in 2019. The Task Force recommended that the Board of Trustees (Board) first focus on the question of whether “LAP is appropriately situated within the State Bar.” The question dovetails with the State Bar Strategic Plan goal #1: Successfully transition to the “new State Bar” – an agency focused on public protection, regulating the legal profession, and promoting access to justice.

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<sup>3</sup> Krill, Patrick R. JD, LL.M.; Johnson, Ryan MA; Albert, Linda MSSW, *The Prevalence of Substance Use and Other Mental Health Concerns Among American Attorneys*, J Addict Med, 2016;10: at 46.



Although the exact number of attorneys in California who might benefit from LAP services is unknown, the literature on problematic substance use in the attorney population suggests that the LAP is under-utilized. Surveys of State Bar licensees indicate that reluctance to use the LAP stems from concerns about confidentiality between LAP and the State Bar as well as doubts about the effectiveness of a State Bar-affiliated program. With this concern in mind, the Board considered three options for the LAP: a) to continue housing the program at the State Bar for a period of time for continued evaluation; b) to have the State Bar continue to operate the LAP but only for those “mandatory” participants who are referred by moral character or by the State Bar discipline system, while separating off all other “voluntary” participants; or c) to transfer all LAP functions outside the State Bar.

At its November, 2018 meeting, the Board of Trustees determined that the most appropriate course of action was option “b”. This option will support the program and the lawyers who need it, and consistent with the Bar’s public protection mission, will focus the LAP on the cases coming through the disciplinary system and the moral character referrals. When developing the LAP’s new, discipline-focused role at the Bar, in 2019 the Bar will examine redesigning the program as a variation on the drug court or mental health court model.

At the same time that the new discipline-focused program is developed, the State Bar will be planning to transfer the function of managing self-referrals (or “voluntary” participants) to a third-party entity. The underutilization of the LAP, and the survey results identifying continued concerns about confidentiality, convinced the Board of Trustees that the Bar was not going to be able to provide the support necessary to meet the needs of this population. Regardless of the amount of outreach conducted, those attorneys needing support for mental health or substance use problems were not going to turn to the State Bar. The most effective solution was to have another provider responsible for these services. Another entity will be well positioned to address the concerns of attorneys and applicants who are hesitant to seek help from the State Bar.

The funding for the new third-party program will be provided from current LAP revenues. A fee splitting arrangement will be developed as well as reporting mechanisms to ensure that funds are utilized effectively. The practicalities of identifying the entity to assume this function, and the method for that assumption, while seamlessly integrating the new discipline model will guide the work of the Lawyer Assistance Program throughout 2019.

## 2018 CASELOAD AND PROGRAM DATA

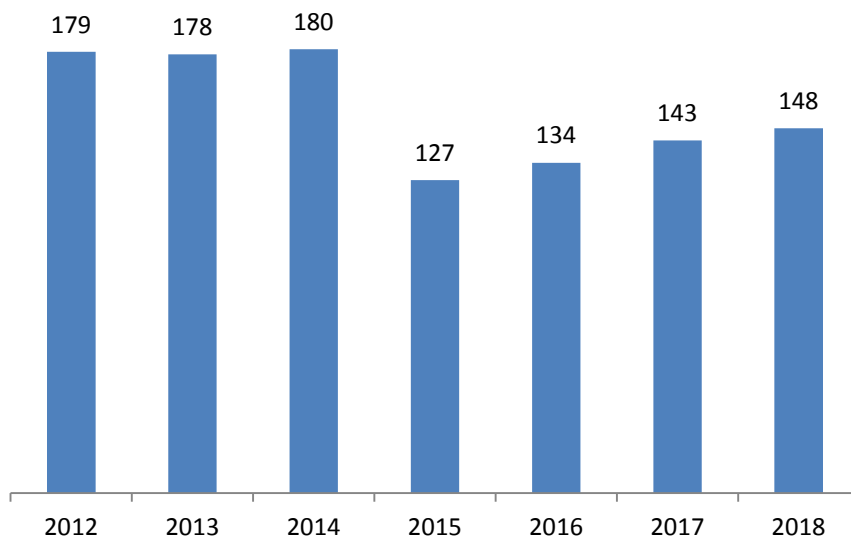
The following is a snapshot, by the numbers, of the work of LAP for 2018.

### LAP Caseloads

#### *New Cases*

The number of new intakes continued to rise in 2018. There were 148 new intakes in 2018 which is an increase from the 143 and 134 new participant intake numbers for 2017 and 2016, respectively. The total number of applicants and licensees who participated in LAP in 2018, combining new enrollees and continuing participants, totaled 276.

### LAP Intakes: 2012 - 2018



#### *Case Closures*

In 2018, the LAP closed 144 cases. The reasons for case closure varied. Forty-one percent of individuals who left LAP in 2017 did so because they met their stated program goals.

Program goals may be met in several ways. In some cases, a Bar applicant with a record of alcohol-related arrests may be referred to the LAP while their moral character application is placed in abeyance. During the period of abeyance, the LAP staff monitor and document the applicants' recovery work. When the applicants have successfully demonstrated compliance with this requirement the applicants are considered to have

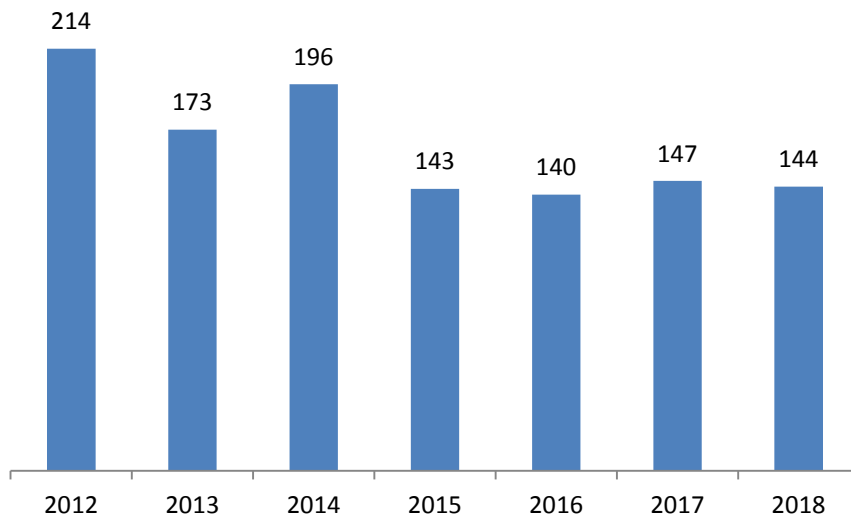
met their program goals. Participants who enroll in the Support LAP have no time requirement attached to their program participation and they are able to determine when they have received sufficient Support services.

Participants are also considered to have met program goals if they enroll in, and complete, the Orientation and Assessment phase of LAP, which includes an assessment by a licensed clinician, referral to external resources and treatment providers, and up to four sessions in a LAP-facilitated support group. Additionally, those participants who meet the program's criteria for Successful Completion (which includes a minimum of three years of continuous sobriety or mental health stability) are included in this category.

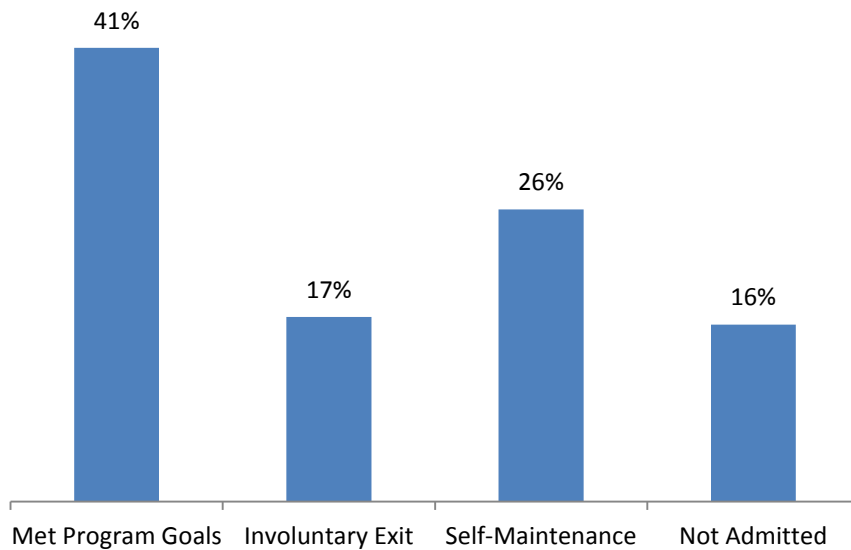
Seventeen percent of case closures were considered to be an "Involuntary Exit" by the participant. This category includes those who may have discontinued contact without expressing a reason, disagreed with program recommendations and thus chose to end their relationship with the program, moved out of state or are deceased. This category also includes participants who were terminated from the program for issues of noncompliance. In 2018, only one individual was terminated from LAP.

Individuals who expressed a plan to continue their support/recovery activities without LAP support are referred to as "self-maintenance." Twenty-six percent of case closures fell into the "self-maintenance" category. Finally, 16% of closed cases did not meet the criteria for admission into the Monitored LAP.

#### **LAP Cases Closed: 2012 - 2018**



### Reason for LAP Case Closure - 2018



### *Referrals*

There are many ways that participants are referred to the Lawyer Assistance Program. As noted above, a State Bar applicant may be referred to the LAP while his or her moral character application is placed in abeyance<sup>4</sup> and some law students self-refer with the expectation that their LAP participation will demonstrate their dedication to a program of recovery when their moral character is under consideration.<sup>5</sup> Forty-one percent of LAP intakes in 2018 fell into this category.

Participants who were enrolled in the State Bar’s Alternative Discipline Program (ADP) comprised 7% of the intakes in 2018. Those who are involved in the standard discipline process through the State Bar Court (SBC) made up 14% of intakes. The 14% who fall in to the “other” category are generally enrolling for LAP’s professional monitoring to provide documentation of recovery to another state’s LAP, licensing board, or the California State Bar’s Office of Probation.

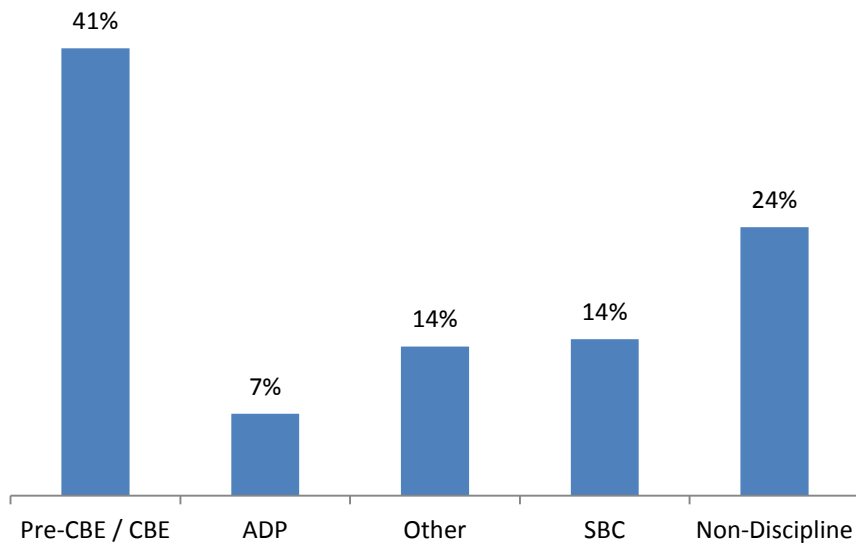
Twenty-four percent of intakes in 2018 were “non-discipline”. The people in this category report enrolling in LAP for the unique support provided by mental health professionals who specialize in working with attorneys. They may have learned about LAP from an attorney or employer, or after hearing about the program through MCLE or other outreach. This proportion of non-discipline enrollments in LAP increased significantly from last year when only 10% of intakes were non-discipline cases.

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<sup>4</sup> This population is captured in the Source of Referrals graph as “CBE.”

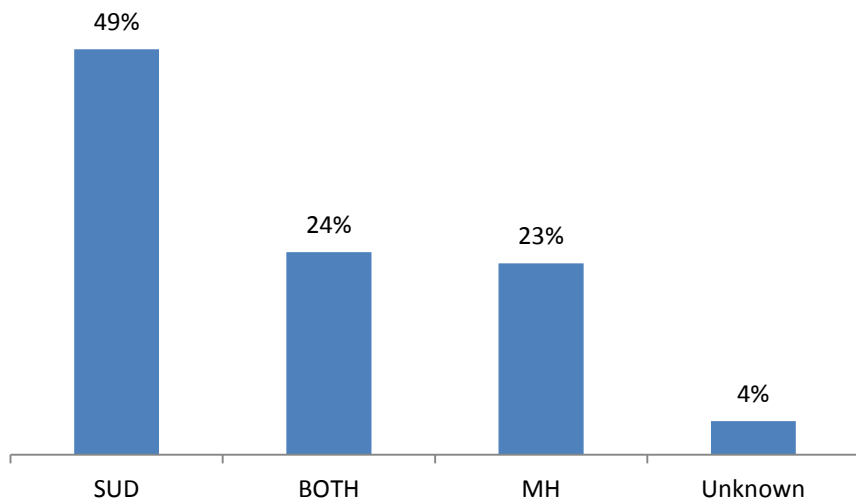
<sup>5</sup> This population is captured in the Source of Referrals graph as “Pre-CBE.”

### Source of LAP Referrals - 2018



A tally of the presenting issue at intake shows that the large majority (73%) of participants present with a substance use disorder: 49% came to the LAP with solely a substance use disorder (SUD) and 24% have both a mental health (MH) and a substance use disorder. Only 23% of participants in the LAP are enrolled exclusively for mental health issues, while 4% did not identify an issue at intake.

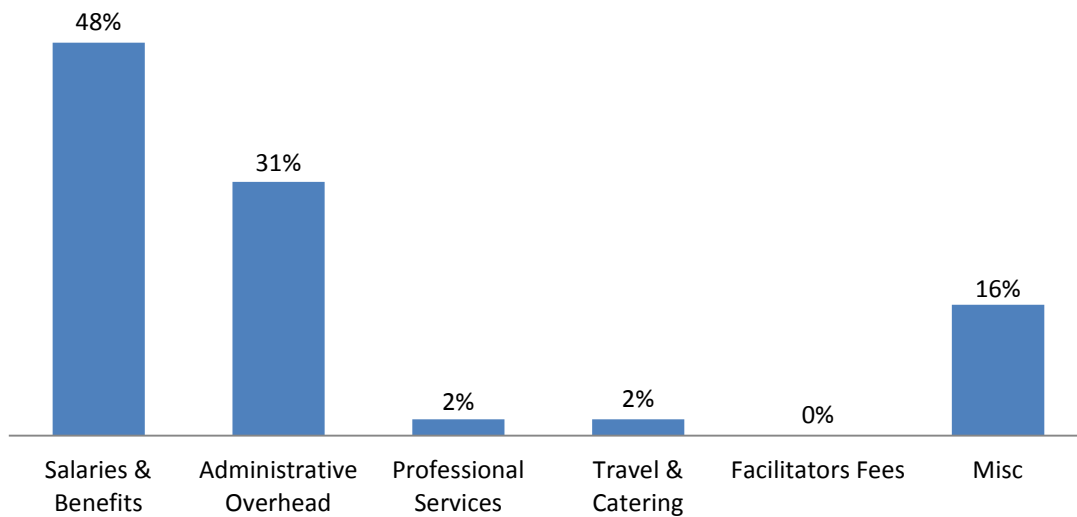
### Reason for LAP Participation - 2018



## 2018 EXPENDITURES

In 2018, LAP expenditures were approximately \$2.09 million. Total revenue received in 2018 was \$2.16 million. The ending fund balance is \$3.5 million. Salaries and benefits plus administrative overhead amounted to 79 percent of the expenditures. The expenditures for professional services, travel and catering, and facilitators' fees made up only 4 percent of the spending in 2018. This amount was down from 10 percent in 2017 in due to the elimination of the Evaluation Committees in 2018. The miscellaneous expenses include items such as telephone, office supplies, and postage. The increase in miscellaneous spending from 2 percent in 2017 to 16 percent in 2018 was attributable to the following: (1) expenses incurred related to moving the LAP suite to a new building separate from the main State Bar building in Los Angeles; and (2) a one-time \$250,000 transfer of funds from LAP to the Client Security Fund, pursuant to Business and Professions Code section 6140.9 (note that percentages may not total 100 due to rounding).

### LAP Expenditures 2018 - \$2.09 Million



Appendix 1

Summary of Implementation of Strategic Plan, Krill Recommendations, and Workforce Planning Recommendations			
Recommendation	Source	Solution/Progress	Target Timeframe and Status
1. Expand the Transition Assistance Services (short-term and career counselling services) by advertising and promoting the services.	Krill Report (8) LAP Strategic Plan	Restore funding for career counseling and individual counseling  Promote services <ul style="list-style-type: none"> <li>• New attorney MCLE</li> <li>• Flyer in oath packet</li> <li>• Presentations to CBE, OCTC, Law School Assembly</li> <li>• Presentations to law schools and firms</li> </ul>	March 20, 2018 – Completed  Ongoing
2. Update the intake form to be shorter and more streamlined. Eliminate redundancies and non-essential questions.	Krill Report (12) LAP Strategic Plan	Review intake forms of other LAPs  Review all forms to eliminate redundancies	2017 - Completed
3. Update clinical terminology on intake assessment and other documents. Ensure internal consistency. (For example, replace outdated references to "substance abuse/dependence" and 5 Axis formulation.)	Krill Report (12)	Review and amend all existing forms	2017 - Completed
4. Eliminate the Evaluation Committee.	Krill Report (9-10) LAP Strategic Plan NCSC Report (38-39)	Develop replacement process; develop Rules proposal  Develop Rules proposal; circulate for public comment; adopt revised Rules Update policy & operations manual, forms and website to reflect change	Pilot process implemented March 2018  November 2018 - Completed May, 2018 – Completed

Appendix 1

Recommendation	Source	Solution/Progress	Target Timeframe and Status
5. Update the policy manual.	LAP Strategic Plan	Confirm existing policies and procedures and compile into a single document.	September, 2018 – Completed (further revisions pending separation of "voluntary" LAP)
6. Use data to evaluate the LAP.	Krill Report (6-7) LAP Strategic Plan NCSC Report (39)	Define data points to collect and collection / review periods. Consider whether to collect the following data points: calls to LAP hotline, sources of referral, client satisfaction, client progress, program utilization rate, participant outcomes, indicators of successful completion. Set clear goals/targets based on data collection.	March 2018 – Completed (some data collection would require upgrades to cms)  December, 2018 – Completed
7. Gain a better understanding of the needs of lawyers. Work to eliminate the stigma associated with addiction and mental health problems in the legal profession.	LAP Strategic Plan Krill Report (6)	Conduct a survey of CA attorneys.     Research how other LAPs are working to reduce stigma.	June, 2018 – Survey Completed. Results continue to inform decision-making    September 15, 2018 –Completed (input from other states presented to LAP OC)
8. Targeted outreach to those concerned with issues related to aging or cognitive decline.	LAP Strategic Plan	Develop content for presentation and outreach materials on topic of aging, mental health and cognitive impairment (1) Presented on topic in ABA webinar “Competency and Cognitive Decline in the Legal Profession: Ethical Pitfalls Encountered by Lawyers with Diminished Capacity” on July 26, 2018	July, 2018 – Completed



Appendix 1

Recommendation	Source	Solution/Progress	Target Timeframe and Status
		(2) Presented “Dealing with Lawyers with Cognitive Decline” to National Organization of Bar Counsel on January 24, 2019 Updated LAP web page Develop a list of contacts at local bars. Obtained demographic data of licensee age by county to assist in selection of bar associations to contact for presentations and other forms of outreach.	Completed In process
9. Targeted outreach to solo practitioners, especially those in outlying rural areas who cannot easily attend facilitated groups.	Krill Report (11)	Bar-wide implementation of survey to get data on practice size and type in progress. When complete, will develop contact list of solo practitioners for targeted outreach.  Use social media to reach reach other solo practitioners who may not have completed the survey or self-identified. Outreach to Solo and Small Firms section Explore possibility of revising MCLE module for new attorneys to be applicable for / available to all attorneys.	Launched January, 2019. Will be able to obtain limited information as early as March, 2019.  After completion of review of survey data Not yet started In process
10. Targeted outreach to law students.	LAP Strategic Plan	Advocate for statutory change to expand LAP to law students. Develop a list of contacts at ABA, California accredited and registered law schools. Set goal to deliver presentations to 6 law schools by end of 2018. Work with the California Young Lawyers Association to provide outreach to law students.	January, 2018 – Completed 2017 – Completed  Completed – 10 presentations Not yet started
11. Targeted outreach to newly admitted lawyers.	LAP Strategic Plan	Include wellness and self-care materials in the mandated 10 hours of CLE requirements for newly admitted lawyers.	March, 2018 – Completed

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Recommendation	Source	Solution/Progress	Target Timeframe and Status
		Work with CYLA to train young lawyers to conduct outreach and education on wellness. Tailor educational and training content to this audience, along with the appropriate medium for content delivery.	Not yet started  Completed
12. Become a consumer-focused agency, placing greater emphasis on customer service, performance, and accountability. This should include a greater utilization of technology.	Krill Report (5)	Include participant satisfaction survey in new participant quarterly reporting paperwork	Completed. Data collection will be ongoing.
13. Update the case management system, and move manual processes to automated actions.	NCSC Report (38)	LAPIS system-wide update - including a reminder function that will flag cases with approached or elapsed deadlines.	Not yet started
14. Create a unique website for LAP.	Krill Report (8)	Work with Bar communications office to maximize options from improving information on State Bar website. Stand alone website not appropriate.	Ongoing
15. Integrate technological advances in behavioral health.	Krill Report (5, 8) LAP Strategic Plan	Include brief screenings for presence and severity of addiction, mental health, or cognitive impairment issues on LAP website/webpage to help individuals understand whether problems warrant additional evaluation.  Research feasibility of using existing apps (one recently approved by the FDA?) and other technological solutions for providing services. Consider integration of technology such as interactive websites, secure patient/client portals, and video conferencing.	Completed  Not yet started  In process
16. Disseminate information about substance abuse and mental health in the legal profession.	Krill Report (8)	Work with Bar communications office to increase social media presence and create a more interactive website that will regularly disseminate articles of interest and other resources.  Provide in-person seminars/MCLE	Not yet started  Ongoing

Appendix 1

Recommendation	Source	Solution/Progress	Target Timeframe and Status
17. Offer additional drug and alcohol testing options.	Krill Report (11)	Research the cost, availability, and reliability of other testing methods at FirstSource. <ul style="list-style-type: none"> <li>Conducted and concluded research. Existing testing methods were determined to be the best options based on cost and reliability</li> <li>Will make greater use of PEth test for alcohol testing</li> </ul>	2018 – Completed
18. Separate the voluntary and disciplinary sections of the LAP into different offices. The voluntary section should be separated from the Bar.	Krill Report (5), LAP Strategic Plan, NCSC Report	Board action taken, after consideration of several options, to retain the disciplinary and moral character part of LAP, and have another entity handle "voluntary" LAP	In process
19. Voluntary LAP: Separately establish an office that handles the voluntary self-referral section of the LAP.	Krill Report (5) LAP Strategic Plan NCSC Report	Exploration of legislation to implement Board decision	In process
		Return to Board with recommendation for contracting out the delivery of these services or separating responsibility for the entire function from the Bar.	In process
20. Disciplinary side of LAP: Strengthen the relationship between the LAP and the State Bar Court, ADP, and OCTC.	Krill Report (5) LAP Strategic Plan NCSC Report	Meet with key stakeholders (SBC, OCTC, Probation) to clarify monitoring options, and identify attorneys in the discipline system that may benefit from LAP evaluation. Provide guidance and training to OCTC to assist attorneys and investigators in identifying signs of substance abuse, mental illness, and cognitive decline where these may be contributing factors to a discipline case.	Not yet started  Ongoing
21. Reassess delivery model to see whether it is feasible to contract out LAP services (i.e., program operations, participant oversight, and ongoing monitoring).	NCSC Report (35)	Superseded by Appendix I review and BOT decision	Superseded

Appendix 1

Recommendation	Source	Solution/Progress	Target Timeframe and Status
22. Develop relationships and unofficially collaborate with treatment providers. Develop and maintain approved list of treatment providers and vetted resources that are available.	Krill Report (10)	Develop identification and outreach strategy for LAP staff to engage with targeted group of treatment providers and mental health providers.	In process
23. Update program fees.	Krill Report (9) NCSC Report (39)	<p>Evaluate the fee structure for value, competitiveness, necessity, and appropriateness.</p> <p>Determine whether fees are a barrier to greater participant enrollment.</p> <p>Evaluate payment compliance.</p>	<p>Not yet started (Deferred pending Bar-wide ability-to-pay standards)</p> <p>Not yet started (Deferred pending Bar-wide ability-to-pay standards)</p> <p>Not yet started (Deferred pending Bar-wide ability-to-pay standards)</p>
24. Use well-being monitors.	Krill Report (12)	<p>Research well-being monitor programs in other states.</p> <p>Institute revised policy for productive use of well-being monitors</p>	<p>September, 2018 – Completed</p> <p>On hold pending further review of likely efficacy</p>