

June, 2019 Update on Implementation of Strategic Plan, Krill Recommendations, and Workforce Planning Recommendations

1. Recommendation: Expand the Transition Assistance Services (short-term and career counselling services) by advertising and promoting the services.

Source: Krill Report (8), LAP Strategic Plan

Solution/Progress:

- A. Restore funding for TAS
- B. Promote services
 - New attorney MCLE
 - Flyer in oath packet
 - Presentations to: CBE, OCTC, Law School Assembly
 - Presentations to: law schools and firms

Target Timeframe and Status:

- A. March 20, 2018 – Completed
- B. Ongoing

2. Recommendation: Update the intake form to be shorter and more streamlined. Eliminate redundancies and non-essential questions.

Source: Krill Report (12), LAP Strategic Plan

Solution/Progress: Review intake forms of other LAPs.

- Responses from: FL, MI, IL
- Decision to eliminate due to large amount of redundancy with information in other documents

Target Timeframe and Status: 2017 - Completed

3. Recommendation: 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 (For example, replace outdated references to "substance abuse/dependence" and 5 Axis formulation.)

Source: Krill Report (12)

Solution/Progress: Review and amend all existing forms.

- All forms/documents reviewed & amended to be current with contemporary clinical terminology.

Target Timeframe and Status: 2017 - Completed

4. Recommendation: Eliminate the Evaluation Committee.

Source: Krill Report (9-10), LAP Strategic Plan, NCSC Workforce Planning Report (38-39), Appendix I, Krill Scope of Work App 2

Solution/Progress:

- A. Seek approval from Oversight Committee
 - (1) [Pilot program to replace EC](#)
 - (2) Propose changes to State Bar Rules – [RAD agenda item](#)
 - a) Public comment period ends September 8, 2018
 - b) Include agenda item for Rule change at November RAD meeting
- B. Update policy & operations manual, forms and website to reflect change

- (1) Policy & operations manual updated to include procedure for Clinical Review Team meetings
- (2) Forms updated to eliminate references to Evaluation Committee and replace with Clinical Review Team
- (3) Sr. Analyst working with Office of Communications to update website

Target Timeframe and Status:

- A.
 - (1) March 20, 2018 – Completed
 - (2) November 15, 2018 – Completed
- B.
 - (1) Drafted May, 2018 – Complete (see below item for policy manual projections)
 - (2) May, 2018 – Completed
 - (3) Ongoing

5. Recommendation: Update the policy manual.

Source: Michelle Harmon, LAP Strategic Plan

Solution/Progress:

- A. Confirm existing policies and procedures and compile into a single document.
- B. Review current policy, documentation, and practices:
 - (1) Guidelines for handling reviews, relapse, and termination
 - Included with development of Clinical Review process
 - (2) Utilization of facilitated groups
 - Although LAP groups are supportive/beneficial in most cases, will not be automatically recommended for all participants. Clinical Review will include consideration of appropriateness for LAP group vs. community support.

Target Timeframe and Status:

- A. September, 2018 – Completed (with notice: “This document is slated to be revised significantly however the revision is on hold pending the future direction of the Program.”)
- B. May, 2018 – Completed

6. Recommendation: Use data to evaluate the LAP.

Source: Krill Report (6-7), 2016 Annual Report (A-3-4), LAP Strategic Plan, NCSC Workforce Planning Report (39), Krill Scope of Work App 2

Solution/Progress:

- A. Define data points to collect.
 - (1) NCSC recommendation: referral issue, number of calls to LAP phone lines, sources of referral, needs by demographic and license status, number of cases per CRC
 - (2) Krill recommendation: Client progress and satisfaction including use of BSI and LAP group evaluation, and program utilization rate compared to other state LAPs (Illinois suggested)
 - (3) LAP Strategic Plan: participant outcomes, indicators of program utilization and program success, and indicators of “successful program completion”
 - (4) Statutory requirement: number of cases accepted, denied or terminated “with compliance or noncompliance”, and annual expenditures
- B. Define collection/review periods.

- (1) quarterly/annually
- C. Set clear goals/targets based on data collection. Targets set:
 - (1) Increase intakes by 10% by Q4 2019
 - (2) Respond to 100% of requests for presentations within 2 business days by Q1 2019
 - (3) Complete 20 law school presentations and 10 Bar Association/ law firm presentations in 2019
 - (4) 80% of participants responding to quarterly satisfaction survey report they agree or strongly agree with the following statements: “The information and services provided by LAP effectively and appropriately address my goals”; “Overall I am satisfied with my LAP experience.”

D. Eliminate double data entry

Target Timeframe and Status:

- A. March 22, 2018 – Completed
- B. March, 2018 – Completed
- C. December, 2018 – Completed
- D. Dependent on LAPIS upgrade – Not yet started

7. Recommendation: 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.

Source: LAP Strategic Plan, Krill Report (6)

Solution/Progress:

- A. Conduct a survey of CA attorneys.
 - June 2018 survey collected data on attorneys’ perception of MH & SUD as problems in legal profession, if more should be done to address issue, resources most likely to use if have a problem, reasons would not use LAP, & what info would be useful & interested in receiving
- B. Research how other LAPs are working to reduce stigma.
 - Email to CoLAP Directors on August 16, 2018. Responses from 15 states’ LAP Directors.
 - Compile Director responses and present to LAP OC (see chart at end of this document)

Target Timeframe and Status:

- A. June, 2018 – Completed. Survey results continue to inform decision-making (e.g. Action item 18 below was informed by the relatively low number of “yes” responses to the question, “... would you seek assistance from the State Bar’s Lawyer Assistance Program.” Item 18 was also informed by the high number that selected “concerns about privacy” as discouraging help-seeking from LAP. Responses to “what type of information about mental health and substance use issues would you find the most useful or would you be interested in receiving” informs action item 16 below.)
- B. September 15, 2018 – Completed

8. Recommendation: Targeted outreach: (1) Those concerned with issues related to aging or cognitive decline.

Source: LAP Strategic Plan

Solution/Progress:

- A. 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
 - (2) Presented “Dealing with Lawyers with Cognitive Decline” to National Organization of Bar Counsel on January 24, 2019
- B. [LAP Webpage](#) contains content: Concerned about a California lawyer who may be experiencing diminished capacity related to age or health problems? Check out this presentation by David Merrill, MD, PhD, or give us a call to discuss your concerns. Read the State Bar's Wellness Guide for Senior Lawyers and their Families, Friends and Colleagues.
- C. Evaluate demographic profiles to choose which bar associations to contact for presentations and other forms of outreach.
 - (1) Obtained demographic data of licensee age by county
- D. Develop a list of contacts at local bars.
 - (1) Obtained list of statewide Bar Associations with contacts
- E. Contact Bar Associations to indicate LAP’s availability to do presentations on these issues, prioritizing those counties with high percentages of active attorneys over age 65
 - (1) June, 2019 Update: Actively contacting Bar Associations and scheduling presentations

Target Timeframe and Status:

- A. July, 2018 – Completed
- B. Completed
- C. June, 2019 Update: Completed
- D. June, 2019 Update: Completed
- E. June, 2019 Update: Ongoing

9. Recommendation: Targeted outreach: (2) Solo practitioners, especially those in outlying rural areas who cannot easily attend facilitated groups.

Source: Krill Report (11), Krill Scope of Work App 2

Solution/Progress:

- A. Bar-wide implementation of requirement to report practice size and type in progress. When complete, can obtain information on solo practitioners in order to target outreach. (State Bar Strategic Plan Goal 2 Objective I). Along with targeted outreach to this population, will work with Communications to engage with social media to reach other solo practitioners who may not have completed the survey or self-identified
- B. Outreach to Solo and Small Firms section
 - June, 2019 Update: Social media outreach leading up to Solo & Small Firm Summit publicized LAP exhibition table at 2-day Summit
- C. Work with Patrick Krill to develop strategy, develop educational content and outreach materials.
 - Pursue making Krill MCLE for new attorneys applicable and available to all attorneys

- currently provide web-based “e-groups” to provide support to participants in outlying areas.

Target Timeframe and Status:

- A. Launched January, 2019. Will be able to obtain limited information as early as March, 2019. June, 2019 Update: Currently only aggregate data available. A rule change will be initiated this year to require reporting of firm size.
- B. June, 2019 Update: Ongoing
- C. December, 2018 – Began outreach to Bar Associations in rural areas to consult on how to best reach membership

10. Recommendation: Targeted outreach: (3) Law students.

Source: LAP Strategic Plan

Solution/Progress:

- A. Promote legislation that would [allow Bar applicants to participate in the LAP](#).
- B. Develop a list of contacts at ABA, California accredited, and registered law schools.
- C. Create targets for the number of law schools to give presentations
 - Goal of 8 law schools by end of 2018 (10 law school presentations given from August – December, 2018)
 - Developed interactive student wellness presentation
- D. Conduct other forms of outreach such as encouraging the inclusion of substance abuse and mental health materials in the general wellness material that the law schools provide.
 - Proactively distribute flyers to law schools that can be posted in law libraries, outside deans offices and included with general wellness materials.
- E. Work with the California Young Lawyers Association to provide outreach to law students.

Target Timeframe and Status:

- A. January, 2018 – Completed
- B. 2017 – Completed
- C. Completed – See #6. C. above
- D. February, 2019 – Completed (Flyers distributed to law schools where in-person presentations were conducted. Outreach and distribution of materials will be ongoing.)
- E. Not yet started – Deferred pending transition of “Voluntary” program to outside of the State Bar

11. Recommendation: Targeted outreach: (4) Newly admitted lawyers.

Source: LAP Strategic Plan

Solution/Progress:

- A. Include wellness and self-care materials in the mandated 10 hours of CLE requirements for newly admitted lawyers.
 - now available: 1.5 hour interactive online course on competency (substance abuse, mental health issues) by Patrick Krill
- B. Work with CYLA to train young lawyers to conduct outreach and education on wellness.

- C. Tailor educational and training content to this audience, along with the appropriate medium for content delivery.

- Develop interactive educational presentation

Target Timeframe and Status:

- A. March, 2018 – Completed
- B. Not yet started – Deferred pending determination of legislative action to support transition of “Voluntary” program to outside entity.
- C. Completed

12. Recommendation: Become a consumer-focused agency, placing greater emphasis on customer service, performance, and accountability. This should include a greater utilization of technology.

Source: Krill Report (5)

Solution/Progress: Include participant satisfaction survey in new participant quarterly reporting paperwork

- Drafted and expect to receive first surveys with quarterly paperwork due by October 10, 2018

Target Timeframe and Status:

Completed. Data collection will be ongoing. (See #6. C. above)

13. Recommendation: Update the case management system, and move manual processes to automated actions.

Source: 2016 Annual Report (A-3), NCSC Workforce Planning Report (38)

Solution/Progress: LAPIS system-wide update - including a reminder function that will flag cases with approached or elapsed deadlines.

- Include in IT project inventory

Target Timeframe and Status: Not yet started

14. Recommendation: Create a unique website for LAP.

Source: Krill Report (8)

Solution/Progress: Work with State Bar communications office to maximize options for improving information on State Bar website. Stand-alone website not appropriate.

- LAP initiated meeting with Communications and will continue to update and seek to improve LAP's page on State Bar website.

Target Timeframe and Status: Ongoing

15. Recommendation: Integrate technological advances in behavioral health.

Source: Krill Report (5, 8), LAP Strategic Plan

Solution/Progress:

- A. 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.
 - (1) [Webpage](#) contains links to info on aging attorneys and cognitive decline & 3 self-assessment tests: The Twenty Questions Of Alcohol/Drug Abuse, Anxiety Assessment & Depression Assessment

- B. Research feasibility of using existing apps (one recently approved by the FDA?) and other technological solutions for providing services. June, 2019 Update – research on existing apps revealed that the previously indicated FDA approved app is not appropriate for LAP use. However, several brief therapy apps were explored and will be piloted with appropriate participants.
- C. Consider integration of technology such as interactive websites, secure patient/client portals, and video conferencing.
 - (1) Current LAP processes don't permit portal for appointments or participant communication
 - (2) Work with Communications and IT to add a "contact us" button on LAP's webpage
 - (3) Video conferencing used for LAP e-groups for those unable to attend in-person group
 - (4) Since development of CRT process to replace ECs, teleconferencing has been used extensively to reduce physical travel

Target Timeframe and Status:

- A. Date unknown – Completed
- B. June, 2019 Update – Ongoing
- C. October, 2018 – In process

16. Recommendation: Disseminate information about substance abuse and mental health in the legal profession.

Source: Krill Report (8)

Solution/Progress:

- A. Work with the State Bar communications office to increase social media presence and create a more interactive website that will regularly disseminate articles of interest and other resources. June, 2019 Update – Office of Communications now disseminating LAP social media posts one to two times per week on LAP-related topics.
- B. Provide in-person seminars/MCLE
 - In-person seminars/MCLE presentations are on-going

Target Timeframe and Status:

- A. June, 2019 Update – Ongoing
- B. Ongoing

17. Recommendation: Offer additional drug and alcohol testing options.

Source: Krill Report (11)

Solution/Progress: Research the cost, availability, and reliability of other testing methods at FirstSource.

- Conducted and concluded research. Existing testing methods were determined to be the best options based on cost and reliability
- Will make greater use of PEth test for alcohol testing

Target Timeframe and Status: 2018 – Completed

18. Recommendation: Separate the voluntary and disciplinary sections of the LAP into different offices. The voluntary section should be separated from the Bar.

Source: Krill Report (5), Appendix I, LAP Strategic Plan, NCSC Workforce Planning Report, Krill Scope of Work App 2

Solution/Progress: Patrick Krill will include recommendations during Appendix I review:

- Interview Oversight Committee members.
- Facilitate discussions w/ State Bar Court, State Bar staff, and other stakeholders as appropriate; Attend and present at Oversight Committee and Board of Trustee meeting(s), as appropriate.
- Survey best practices and structure in other states.
- Interview LAP directors and state bar staff in other states as appropriate.
- Prepare and deliver any findings in written report format, clearly articulate pros/cons of various options, and analyze which course of action would be most consistent and congruent w/ current direction in which State Bar is moving, specifically a more regulatory-focused entity. Provide supporting rationale for recommendations along w/ the outlines of a draft implementation plan.

Target Timeframe and Status: August, 2018 – Completed

19. Recommendation: (1) Voluntary section: Separately establish an office that handles the voluntary self-referral section of the LAP.

Source: Krill Report (5, 12), Appendix I, LAP Strategic Plan, NCSC Workforce Planning Report, Krill Scope of Work App 3

Solution/Progress: Requires a legislative solution. See BPC 6232(b)(3) and (d).

Target Timeframe and Status: Defer until after completion of Appendix I review – September, 2018 – State Bar Board of Trustees voted to separate the “voluntary” self-referral portion of LAP from the State Bar.

June, 2019 Update: May, 2019 – State Bar Board of Trustees approved pursuing the option which would change the statute to reflect that the California Lawyers Association would have the obligation to provide the voluntary portion of LAP.

20. Recommendation: (2) Disciplinary section: Strengthen the relationship between the LAP and the State Bar Court, ADP, and OCTC.

Source: Krill Report (5), Appendix I, LAP Strategic Plan, NCSC Workforce Planning Report, Krill Scope of Work App 4

Solution/Progress:

- A. Schedule monthly formal meetings with stakeholders (SBC, OCTC, Probation) to clarify monitoring options, and identify attorneys in the discipline system that should be assigned to LAP for evaluation.
 - After Board action related to Appendix I Review, initial meeting will be scheduled and next steps/frequency of meetings will be determined.
- B. 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.
 - Provided MCLE to OCTC February 22, 2018
- C. NCSC recommends establishing a manager over LAP and Probation.

Target Timeframe and Status:

- A. Deferred pending decisions on how to address those with substance use and mental health issues in the State Bar discipline system

- B. Ongoing
- C. 2017 – Completed

21. Recommendation: Reassess delivery model to see whether it is feasible to contract out LAP services (i.e., program operations, participant oversight, and ongoing monitoring).

Source: 2016 Annual Report (A-1), NCSC Workforce Planning Report (35)

Solution/Progress:

- A. Complete Appendix I review & determine if LAP will remain housed within the State Bar
- B. If the LAP remains housed within the State Bar:
 - (1) Conduct full risk assessment, review, and cost-benefit analysis to determine whether specific services should be contracted. Clearly define what administrative and support tasks will remain w/in the State Bar. Determine whether county-certified treatment providers are viable alternatives to the facilitated group mode.
 - (2) Determine whether the State Bar will be able to oversee the work of LAP contractors. Clear performance expectations should be set to help with oversight of contractors. June, 2019 Update: The State Bar Board of Trustees opted not to contract out LAP, rather to assign responsibility to other entity (see #19, above).

Target Timeframe and Status:

- A. Completed
- B. June, 2019 Update: Completed.

22. Recommendation: Develop relationships and unofficially collaborate with treatment providers. Develop and maintain approved list of treatment providers and vetted resources that are available.

Source: Krill Report (10), Krill Scope of Work App 2

Solution/Progress: Propose identification and outreach strategy for LAP to engage with target group of treatment providers and mental health providers.

- Compile state-wide referral list. June, 2019 Update: Statewide list of currently used referrals has been compiled. Continuing to develop relationships and keeping list current will be ongoing.

Target Timeframe and Status: June, 2019 Update: Ongoing.

23. Recommendation: Update program fees.

Source: Krill Report (9), 2016 Annual Report (A-5), NCSC Workforce Planning Report (39)

Solution/Progress:

- A. Evaluate the fee structure for value, competitiveness, necessity, and appropriateness.
 - Will analyze change in financial assistance applications when eligibility is expanded (expect November, 2018).
- B. Determine whether fees are a barrier to greater participant enrollment.
- C. Evaluate payment compliance.
 - (1) Create a quality assurance program to run reports on cases either coming due or with upcoming payment deadlines.

Target Timeframe and Status:

- A. June, 2019 Update: Deferred pending Bar-wide ability to pay standards.

- B. June, 2019 Update: Deferred pending Bar-wide ability to pay standards.
- C. June, 2019 Update: Deferred pending Bar-wide ability to pay standards.

24. Recommendation: Use well-being monitors.

Source: Krill Report (12)

Solution/Progress:

- A. Research well-being monitor programs in other states.
 - Other states make extensive use of volunteers, but most often as peer support, rather than using a model like CA's well-being monitors. No knowledge of any other state requiring participant to choose their own monitor who has no training, and is not required to have any recovery experience.
- B. Institute revised policy for productive use of well-being monitors or similar re-named volunteer monitor
 - After review, it is apparent that productive use of volunteer monitors will require extensive organization, training and maintenance that will cover all areas of the state, which is beyond LAP's capacity at this time. Re-visit recommendation after LAP re-structuring.

Target Timeframe and Status:

- A. September, 2018 – Completed
- B. September, 2018 – On hold pending further review of likely efficacy

How LAPs reduce stigma	Number of responses
People in recovery tell their own stories (especially prominent lawyers and judges) and especially in person, or in published articles in newsletter/Journal	10
Video of Bar leaders talking about their experience with MH/SUD	2
Social media: post stories of celebrities or famous people and funny memes, re-tweet #NoStigmas	2
Send links to blogs and Voices of Recovery podcast series (with personal recovery stories)	1
“No Stigmas” t-shirts with the symbol and LAP website	1
Wellness seminars (some disagreement about whether focus on wellness does more harm than good)	1
Monthly column in Bar Journal	1