



# The State Bar *of California*

## **The Lawyer Assistance Program Strategic Plan**

**From March 2020 to March 2022  
Adopted December 15, 2020**

## STRATEGIC PLAN DEVELOPMENT

This Strategic Plan was developed and adopted by the Lawyer Assistance Program (LAP) Oversight Committee to guide the work of the LAP and ensure that the LAP functions as intended under Business and Professions Code section 6230. The LAP was established “to identify and rehabilitate attorneys with impairment due to abuse of drugs or alcohol, or due to mental illness, affecting competency” and to see 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.” This Strategic Plan was first adopted in 2017 and, after achieving many of the original goals, was amended and updated for adoption in 2020.

Members of the Oversight Committee adopting this plan are:

Justin Delacruz, JD, Chair  
Larry Chung, JD  
James Heiting, JD  
Tracy LeSage, JD  
Stephanie Patterson, DNP, JD  
Kelly Ranasinghe, JD  
Philip M. Spiegel, MD  
Martin Williams, PsyD

## VISION STATEMENT

The Lawyer Assistance Program (LAP) provides support to attorneys who are struggling with substance use and/or mental health issues. The LAP provides a range of services and levels of support that are tailored to the circumstances of each participant. The goal of the LAP is to protect the public through outreach and education to the legal community about the dangers of untreated substance use problems and unmanaged mental health problems to the practice of law and to facilitate the rehabilitation of attorneys who struggle with these issues.

- LAP provides outreach services, training, and continuing legal education regarding substance use and mental health problems in the legal profession;
- LAP makes confidential referrals to counseling and free assessments for attorneys who are experiencing stress, personal problems or are struggling with substance use;
- LAP collaborates with the Office of the Chief Trial Counsel, State Bar Court, Office of Case Management and Supervision - Probation and others to monitor and support attorneys who participate in the LAP as a condition of their discipline; and
- LAP works with the Office of Admissions at the State Bar to assist with the evaluation of applicants to the State Bar who have been referred to LAP as a condition of their moral character review.

## OVERVIEW OF THE LAP

Introduced by Senator John Burton, the Attorney Diversion and Assistance Act (SB 479, 2001) became effective January 2002. The act added language to the Business and Professions Code (6230 et seq.) requiring the State Bar of California to create a program to assist attorneys with substance use and/or mental health issues. As a result of the legislation, the State Bar of California created the Lawyer Assistance Program. With the exception of a fee holiday in 2020, the State Bar collects \$10.00<sup>1</sup> from every active attorney, and \$5.00 from inactive attorneys. The statute requires that participants are responsible for all expenses related to treatment and recovery, but no member will be denied admission due to lack of ability to pay. All services provided by the LAP are open to active, inactive, and former licensees of the State Bar and, as of January 2019, applicants who are in law school or have applied for admission to the State Bar.

LAP has three main components: Transition Assistance Services, Support LAP and Monitored LAP.

1. **Transition assistance services** provide attorneys and applicants with the opportunity to be referred for two free sessions with outside professional personal or career counselors.

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<sup>1</sup> Per statute the State Bar collects \$10.00 per active member but \$9.00 of that goes to operating the program and \$1.00 goes to The Other Bar.

2. **Support LAP** provides participants with an orientation to LAP and an assessment of their substance use and/or mental health problem. The assessment is completed by one of LAP's licensed clinicians. Staff provide referrals to resources and the opportunity to participate in facilitated group sessions with other legal professionals.
3. **Monitored LAP** is the most rigorous form of support offered by the LAP. In Monitored LAP, participants receive an assessment from a licensed clinician, similar to Support LAP. In addition, the clinician will create a Monitoring Plan based on information obtained during the assessment and appropriate for the participant's situation. The Monitoring Plan will recommend a course of treatment and support for the participant and will include recommendations such as: participation in LAP facilitated group sessions, other abstinence-based meetings, referrals for more detailed evaluations, individual therapy, medication management, inpatient or outpatient treatment programs, and random testing. In order for attorneys to be involved in the State Bar Court's Alternative Discipline Program, they must participate in Monitored LAP.

## THE PLAN

The Strategic Plan that follows is divided into two broad sections.

- "Outreach and Education" focuses on disseminating information broadly to members of the legal community and proactively identifying those members of the community that are most at risk for substance use problems and mental health issues by:
  - developing educational content about the risks of problematic substance use and untreated mental health problems and promoting healthy life-style choices;
  - ensuring the broadest possible dissemination of materials to the target audience; and
  - raising awareness among these same audiences about the services available through the LAP and in the community.
- "Program Design and Effective Intervention" focuses on specific components of the LAP especially in those areas related to the discipline system by:
  - Establishing and sustaining collaborative relationships with representatives of the Office of Chief Trial Counsel (OCTC), State Bar Court, and respondents' counsel to develop policy and procedures for effective case management and treatment of attorneys who come before the discipline system;
  - improving the identification of attorneys in the discipline system who would benefit from participation in the LAP and/or Alternative Discipline Program; and
  - tracking data and evaluating the impact of the LAP for purposes of reporting to the LAP Oversight Committee and for ongoing program monitoring and improvement.

## MONITORING THE PLAN

The LAP Oversight Committee views this plan as a living document. The committee commits to:

- developing and tracking operational goals to advance the strategic goals articulated in the Plan;
- monitoring progress toward achieving these goals at its quarterly meetings; and
- periodically modifying the plan as needed but no less than every three years to ensure that the LAP functions effectively and efficiently.

## OUTREACH AND EDUCATION

Research on the prevalence of substance use disorders in the legal community has shown that younger attorneys are especially at risk. In addition, mental health disorders, comorbid disorders and issues related to aging or cognitive decline are likely to have a significant impact on the growing number of older attorneys practicing law in California.

An effective response to these challenges will require targeted outreach that includes educational materials tailored to specific audiences. Outreach should extend from law school through retirement preparation focusing on wellness and seeking to destigmatize those who suffer from addiction, mental illness, or other forms of cognitive impairment and the intersectionality of these issues with other marginalized group experiences.

During the period that this strategic plan is in effect, the LAP Oversight Committee should focus its attention on the following goals related to Outreach and Education:

- I. Determining the target audiences, content and types of outreach for education of the legal community regarding substance use disorders, mental illness, and age-related cognitive impairment.
  - A. Working with the Office of Admissions on outreach to law students:
    1. Annually reassessing target goals for the number of schools at which to give presentations. Conducting other forms of outreach and seeking to institutionalize the delivery of information on problematic substance use and symptoms of mental health problems as part of general wellness materials that each school provides; and
    2. Annually updating lists of contacts at all California law schools.
  - B. Working with local bar associations and other attorney groups on outreach to members:
    1. Annually obtaining updated demographic profiles of different regions of the state to develop targets for local bars at which to give presentations. Conducting other forms of outreach and seeking to institutionalize the awareness of mental health issues and problematic substance use as part of general wellness materials that local bars provide;

2. Annually updating lists of contacts at local bars;
  3. Maintaining collaborations with individuals and other organizations (The Other Bar and CLA) to provide outreach and support promoting the services of the LAP; and
  4. Inviting The Other Bar to provide an annual update regarding use of funds provided by the State Bar and discussion of best ways to coordinate outreach efforts.
- C. Working with the State Bar’s discipline system and the ongoing Attorney Supervision and Assistance Redesign (ASAR) project to assist attorneys and investigators to identify signs of problematic substance use, mental illness and cognitive decline where these may be contributing factors in a discipline case.
1. Continuing to work with OCTC to receive reports of public discipline so that LAP can conduct outreach to help ensure that these attorneys are aware of the services they might be eligible for including career counseling.
- D. Cultivating the relationship between the LAP and the California Lawyers Association (CLA) so that all CLA members are aware of LAP services and that LAP is included in the CLA Wellness strategy and programs.
- II. Regularly updating educational and training content to ensure that the most accurate and up-to-date information is provided and makes use of appropriate and newer technology—e.g., webinars, videos, real-time polling, etc.
- A. Use technology to offer remote access seminars—especially for law students unable to attend presentations through their school, attorneys in rural areas, sole practitioners who may not be members of local bar associations, and other groups that traditionally have been difficult to reach.
  - B. Presentation updates will include new research about substance use and mental health issues as well as other topics of relevance such as stigma, bias, aging, and the intersectionality of these issues with other marginalized group experiences.
- III. Prioritizing the dissemination of existing self-assessment tools targeted to the attorney populations most at risk for problematic substance use and mental illness.
- IV. Continue working to ensure that the connection of the LAP to the State Bar not become a deterrent to attorneys who might otherwise seek assistance from the program.
- A. Continuing to review communications and outreach tools to ensure that the confidentiality of the LAP is emphasized.

- V. Collecting, evaluating and reporting to the Oversight Committee on key metrics of the outreach and education efforts.

## PROGRAM DESIGN AND EFFECTIVE INTERVENTION

In recent years, enormous strides have been made in documenting and disseminating best practices in probation and drug courts for the monitoring and treatment of defendants struggling with substance use disorders and mental illness. While the attorney discipline system is distinct from the superior courts where therapeutic courts have flourished, there are, nonetheless, important lessons that may be borrowed from the experience of therapeutic courts.

To begin, effective treatment of attorneys whose problematic substance use or mental health problems have brought them to the attention of the discipline system will require a *collaborative* approach. In addition, the LAP will benefit from paying close attention to the LAP data and utilizing that data to modify the program.

Specific aspects of the LAP related to Program Design and Effective Intervention on which the Oversight Committee should focus its attention during the period of this Strategic Plan include:

- I. Establishing a formal structure of ongoing collaboration with the State Bar Court, Office of the Chief Trial Counsel, and respondents' counsel to clarify the treatment and monitoring modalities for attorneys who come before the discipline system and continue to define and refine the separation of the "mandatory" portion of LAP from the "voluntary" portion.
  - A. Continuing to develop relationships with The Other Bar, treatment providers, community-based organizations, and others whose work may be complementary to that of the LAP.
  - B. Completing the integration of "mandatory" LAP with the Office Case Management and Supervision Probation to ensure that the evaluation and monitoring of probationers with substance use and mental health problems are tailored to meet the individual needs of Probationers and LAP participants.
  - C. Collaborating on the Attorney Supervision and Assistance Redesign project in those areas that require LAP expertise such as the development of a collaborative court and obtaining updates from LAP staff on the progress of the project as it relates to LAP issues.
- II. Evaluating the various components of the LAP including:
  - A. Creating a periodic review of the intake/assessment process to ensure that the process and associated instruments used by LAP clinicians remains effective and up to date.

- B. Producing a new policy and operations manual that includes developing process-flow diagrams to clarify participant options, along with decision points and policies for case management. The new manual will also include policy related to the new Clinical Review Team process that has fully replaced Evaluation Committees, and guidelines for handling reviews, relapse and termination;
- C. Recognizing that LAP's facilitated support/monitoring groups are a significant strength of the program, continuing to review current group policies and practices related to the utilization and efficacy of LAP groups.
  - 1. Discussing potential/demonstrated benefits of LAP Groups in a virtual format and continued use of virtual LAP Groups in the future even after mandated physical distancing recommendations.

III. Integrating the various tools that are used by the LAP and the data collected by:

- A. Oversight Committee reviewing the quarterly satisfaction survey results with specific attention to two metrics: 80 percent 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"; and "Overall I am satisfied with my LAP experience."
- B. Reevaluating appropriate and realistic indicators of "successful program completion" and "level of insight" and using these to guide day-to-day management of the program and ongoing program development by the LAP Oversight Committee.
- C. Developing metrics that accurately reflect outcomes for participants in the program with the understanding that a designation of "successful completion" of LAP is only one of many ways to reflect benefit gained from LAP participation.
- D. Providing regular reports and recommendations to the Oversight Committee and LAP management regarding basic indicators of program utilization and program success.