



The State Bar *of California*

Lawyer Assistance Program 2022 Annual Report **As Required by Business and Professions Code section 6238**

March 1, 2023

INTRODUCTION

Business and Professions Code section 6238 requires the Oversight Committee of the Lawyer Assistance Program (LAP) 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.”

AN OVERVIEW OF 2022 ACTIVITIES

In the summer of 2022, the LAP was reorganized into two specialized components. The Monitoring LAP remains in the Office of Professional Support and Client Protection and offers traditional professional monitoring services to those who are referred by the State Bar’s discipline system or the Office of Admissions. The Support Services LAP is now housed in the Office of Professional Competence and conducts the outreach and education for LAP.

The State Bar’s five-year strategic plan developed in 2022 for years 2022-2027 includes a goal of protecting the public by regulating the legal profession. One strategy for doing so is to focus efforts of some State Bar offices, not just on admitting attorneys and regulating them but by bringing a consumer focus that, among other things, includes proactive and preventative regulation. To that end, Support Services LAP began developing a structure to offer new support services which will begin in 2023. These services will focus on overall attorney and law student wellness along with prevention of common problems faced by those in the legal profession. Some of these services will include an expanded attorney resources section of the State Bar website, and new attorney education on behavioral health issues and other topics such as competency and practice management.

OVERSIGHT COMMITTEE

The program’s oversight committee oversees the operation of the Lawyer Assistance Program as necessary to establish policies, practices, and procedures to support the program goal of offering education and rehabilitative programs to attorneys, former attorneys, State Bar applicants, and law students suffering from substance use and mental health disorders.

At the conclusion of 2022, the committee determined to focus future efforts on examining costs related to the program’s services and requirements as well as how to best define successful completion of the program. That examination may lead to changes in the program structure and resources in the coming years.

OUTREACH AND EDUCATION

The LAP offers free, one-hour presentations for law schools, law firms, bar associations, government agencies, and other organizations. These interactive presentations address mental health and substance use disorders among legal professionals, educate the audience on how to recognize common signs and symptoms of these disorders in themselves or a colleague, and

provide information on how to intervene and access resources. The program presents strategies for ongoing wellness and an overview of the LAP and its services. In addition to being free of charge, the presentations to attorneys satisfy the State Bar's Minimum Continuing Legal Education (MCLE) requirement on competence issues. The LAP, in conjunction with the State Bar's Office of Communications publicizes information about these sessions using Facebook, LinkedIn, Instagram, and Twitter.

During 2022, the LAP provided 89 presentations, including 8 at law schools. In addition, the LAP hosted a law student program and "State Bar Day" for law students, attended by students from 69 different law schools. State Bar Day included presentations from the LAP, OCTC, Office of Admissions, and Office of Attorney Regulation and Consumer Resources. These programs covered areas particularly important to law students, such as dispelling myths about mental health, tools to determine if you have a substance use problem, and wellness and self-care strategies, as well as how mental health and substance use issues can impact entry into the profession and an attorney's license once practicing.

EFFECTIVE INTERVENTION

To understand and improve participant satisfaction, the LAP administers a satisfaction survey that is distributed quarterly to all participants. The survey allows participants to voluntarily provide feedback on many aspects of the LAP, including staff, group facilitators, outreach, and specific program requirements. In each quarter of 2022, between 86 and 94 percent of participants reported that the information and services provided by LAP effectively and appropriately addressed their goals and that they were satisfied with their LAP experience. In addition, the program utilizes specific feedback received from the surveys to assess and improve the program.

To gain a more detailed understanding of the LAP participant population and potentially develop more targeted resources, for the first time LAP began distributing a demographic survey in 2022. This voluntary survey is being distributed at intake and solicits data on participant characteristics such as: age, race and ethnicity, gender, licensure status, participation in the State Bar discipline system, and area of practice. We expect to include this data in the 2023 report.

2022 CASELOAD AND PROGRAM DATA

The following charts provide a snapshot of the work of the LAP for 2022.

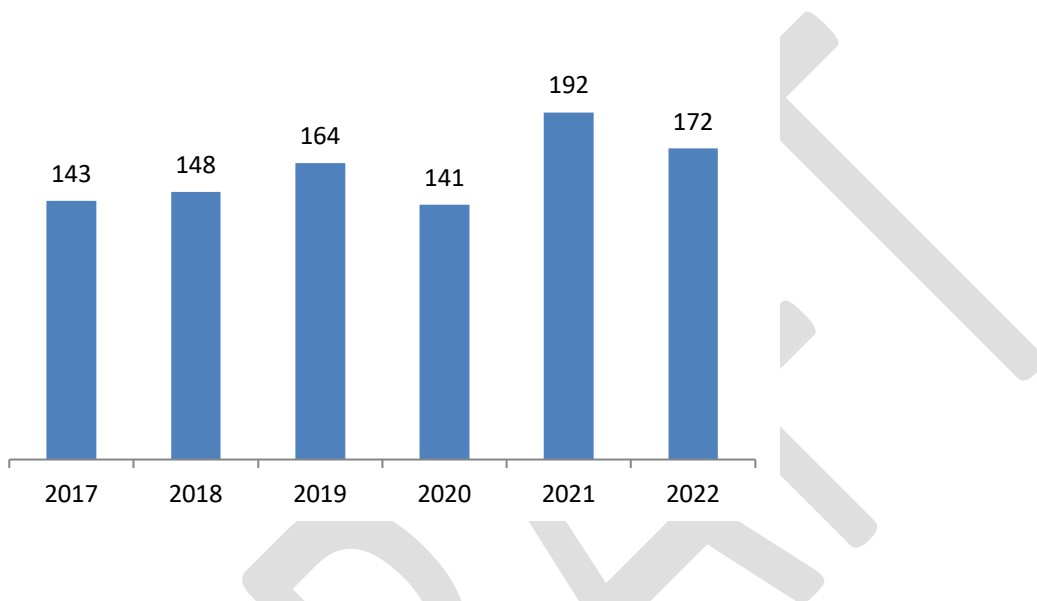
LAP CASELOADS

New Cases

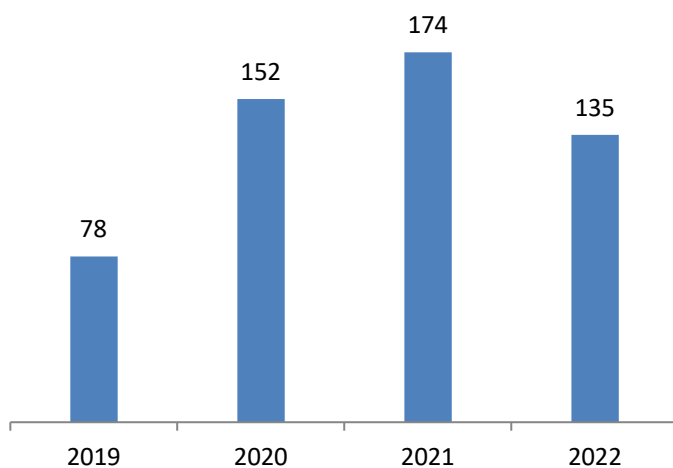
Enrollment in LAP both for support and for professional monitoring decreased in 2022 which is attributed to a stabilization in the numbers after the late-COVID surge in 2021. The number of new LAP intakes in 2022 totaled 172. The Transition Assistance Service (TAS) is the part of LAP (now Support Services LAP) that administers the brief counseling sessions. Attorneys, law

students, and State Bar applicants are eligible for two free individual therapy sessions and two free career counselling sessions. The TAS numbers decreased 24 percent in 2022, from 178 individuals accessing the service in 2021 to 135 users in 2022. In 2022, the TAS users included 45 individuals who utilized the personal counseling sessions, 72 who utilized the career counseling sessions, and 18 who utilized both types of sessions.

LAP Intakes: 2017–2022



Transition Assistance Service Usage: 2019–2022



Reasons for Participation

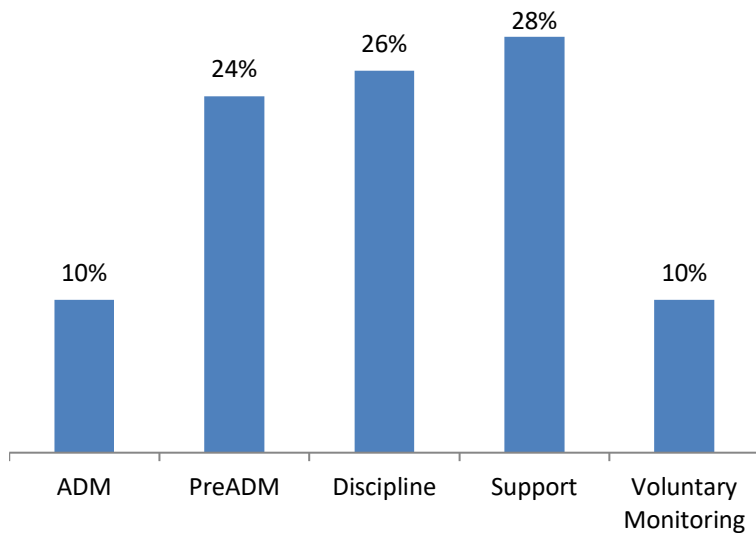
There are many reasons why participants enroll in the LAP. A State Bar applicant with a record of alcohol-related arrests may be referred to the LAP by the Office of Admissions while their moral character application is placed in abeyance. During the period of abeyance, LAP staff monitor and document the applicant's recovery work. This population is captured in the Reasons for Participation chart as "ADM." Ten percent of intakes in 2022 were referrals from the Office of Admissions. Some law students and State Bar applicants (who may anticipate the Office of Admissions to have later concerns about alcohol- or drug-related arrests) self-refer. This population is captured in the Reasons for Participation chart as "Pre-ADM." Twenty-four percent of intakes were in this category.

Participants who are involved in the State Bar's discipline process made up 26 percent of intakes. These individuals were either referred to the LAP by respondent's counsel, State Bar Court judges or the California Supreme Court imposing discipline, or Trial Counsel. Admission to the LAP is a prerequisite to qualify for the State Bar's Alternative Discipline Program (ADP) therefore, many respondents enroll in the LAP with the intention of applying to the ADP at a later date. A small number of this group participate in order to satisfy a condition of their State Bar Probation requirements.

The 28 percent of intakes in the "Support" category represent those enrolling in the LAP for the unique support provided by mental health professionals who specialize in working with attorneys. They may have learned about the LAP through LAP's outreach or the MCLE program, or from a colleague or an employer. These participants are not monitored; therefore they are free to avail themselves of the aspects of LAP they find the most helpful in a confidential environment.

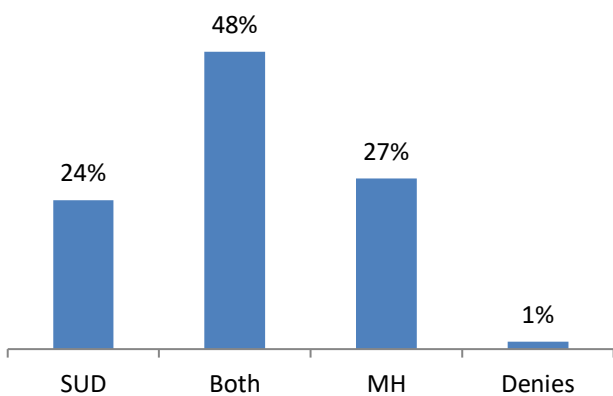
The 10 percent who fall into the "Voluntary Monitoring" category are generally enrolling for the LAP's professional monitoring to provide documentation of recovery to another state's LAP, licensing board, or for their own accountability.

Reasons for Participation: 2022



A tally of the presenting issues at intake shows that almost half (48 percent) of participants presented with concerns about both a substance use and a mental health problem. Twenty-four percent of participants presented with symptoms of a substance use disorder (SUD) and 27 percent enrolled for solely mental health (MH) concerns. One percent enrolled in the LAP because they were compelled to do so by another entity, but they denied having any substance use or mental health concerns.

Presenting Problems: 2022



Case Closures

In 2022, the LAP closed 165 cases, 98 of which were opened in 2022, with the rest opened in prior years. The reasons for case closure varied. Forty-two percent of the individuals who left the LAP in 2022 did so because they met their stated program goals.

Depending on the conditions of enrollment, program goals may be met in several ways. 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 the

category “Met Program Goals.” There were 11 individuals who successfully completed LAP in 2022.

Also, as noted above, a State Bar applicant may participate in the LAP for the duration of an abeyance period (the length of which is set by the Office of Admissions or Committee of Bar Examiners) to determine fitness for admission to the practice of law. When the applicant has successfully demonstrated compliance with the LAP requirement—fully participated for the time required to take responsibility for their actions, have sufficient time for rehabilitation, or for other reason for which they were directed to participate in the LAP—the applicant is considered to have met their program goals. Fourteen applicants met their program goals by completing this abeyance. Participants who enroll in the Support LAP¹ have no time requirement attached to their program participation, and they are able to determine when they have received sufficient support services. Twenty-five people met their program goals and accordingly withdrew from their Support LAP program in 2022.

Similarly, participants who withdraw from LAP after completing the Alternative Discipline Program requirement are considered to have successfully met their program goals. Eight people withdrew from LAP in 2022 for this reason.

Those who choose to participate only in the Orientation and Assessment are also considered to have met program goals if they complete the Orientation and Assessment phase of the 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. Twelve individuals completed the Orientation and Assessment in 2022.

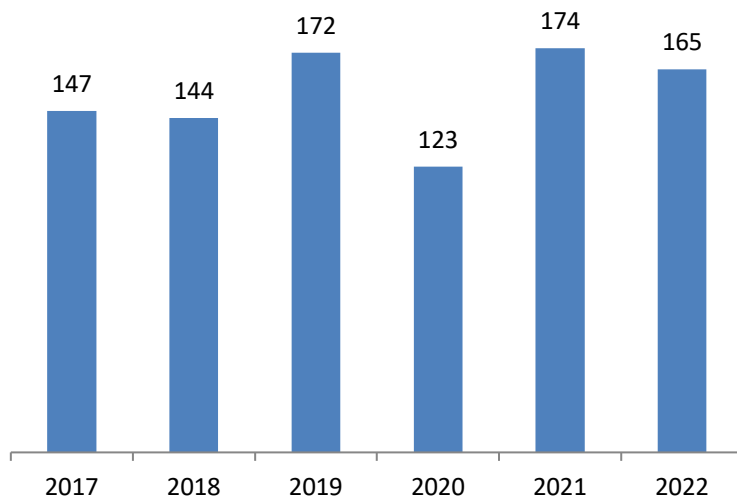
In summary, the areas of Successful Completion, completion of the Admissions abeyance, Support LAP participation, ADP completion, and completion of the Orientation and Assessment, are all included in the Met Program Goals category, and represent 42 percent of all case closures.

Twenty-nine percent of case closures in 2022 were categorized as “Discontinued.” This category includes those who may have discontinued contact without expressing a reason, cited financial reasons, or are deceased.

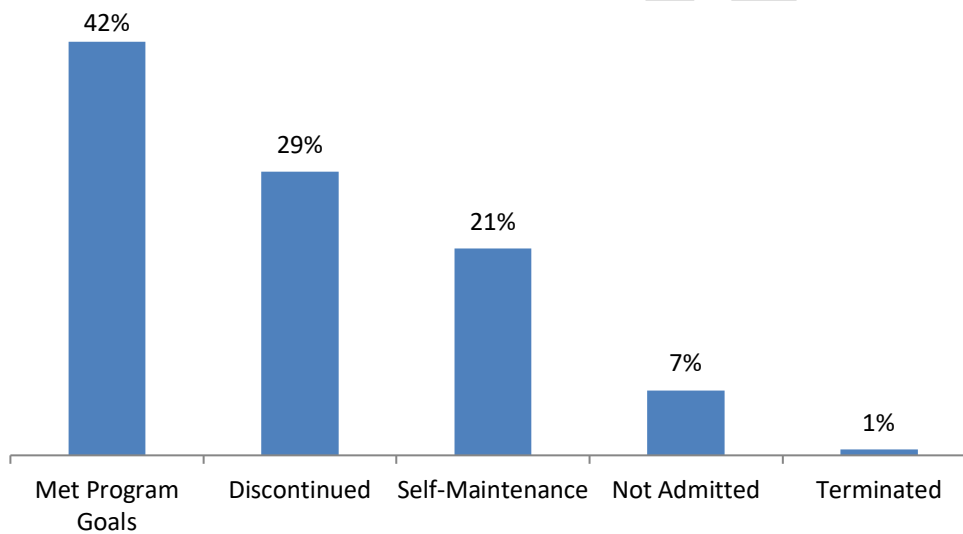
Individuals who expressed a plan to continue their recovery activities without LAP monitoring are referred to as “self-maintenance.” The majority of these individuals were being voluntarily monitored or it was determined that they would not be enrolling in the Alternative Discipline Program. Twenty-one percent of case closures fell into the self-maintenance category. Seven percent of closed cases were closed because they did not meet the criteria for admission into the Monitored LAP. Finally, only one participant was terminated for issues of noncompliance in 2022.

¹ Support LAP participants receive the same assessment, recommendations, and support as those enrolled in Monitored LAP; however, the LAP does not monitor their compliance with the recommendations.

LAP Cases Closed: 2017–2022



Reason for LAP Case Closure: 2022



2022 EXPENDITURES

[PLACEHOLDER]²

² The financial information is approximate pending final year end audit

LAP Expenditures 2022: \$X.XX Million

CONCLUSION

The LAP continues to work to increase its outreach and to provide supportive and professional monitoring services for the legal community.

DRAFT