

TITLE 3. PROGRAMS AND SERVICES

Adopted July 2007

DIVISION 2. CALIFORNIA LICENSEES

Chapter 5. Lawyer Assistance Program

(Formerly Chapter 6; renumbered effective November 4, 2011.)

Rule 3.240 Lawyer Assistance Program

The board has created the Lawyer Assistance Program ("LAP") to satisfy the requirements of Business and Professions Code Sections 6230 et seq..

Rule 3.240 adopted effective January 9, 2010; amended effective January 1, 2012; amended effective January 25, 2019.

Rule 3.241 Definitions

For purposes of this chapter, the following terms are defined as follows:

- (A) "Candidate for Admission" means an applicant who has applied for admission to the State Bar or a law student enrolled in law school who intends to seek admission to the State Bar.
- (B) "Clinical Review Team" includes all clinicians and clinical staff responsible for making LAP admissions determinations, LAP completion determinations, and other recommendations related to LAP participation.
- (C) "Committee" means the Lawyer Assistance Program Oversight Committee established pursuant to Business and Professions Code Section 6231.
- (D) "Eligible Participant" is an active, inactive, or former licensee of the State Bar or a Candidate for Admission to the State Bar.
- (E) "LAP" means the Lawyer Assistance Program, a component of the Attorney Diversion and Assistance Program established under Business and Professions Code Sections 6230 et seq.
- (F) "Monitored LAP" means the LAP program described in Rule 3.244.
- (G) "'Participation Agreement" means an agreement to participate in professional monitoring as demonstrated by signing a LAP monitoring plan and associated enrollment documents.
- (H) "Support Services LAP" means the LAP program described in Rule 3.245.

Rule 3.241 adopted effective January 9, 2010.

Rule 3.242 Lawyer Assistance Program Oversight Committee

- (A) The Committee is authorized to establish and implement criteria for LAP participation and completion, and to otherwise oversee LAP operation.
- (B) The board annually appoints a Committee chair and vice chair. To be eligible for appointment, a Committee member must have served on the Committee for at least one year and have at least one year remaining in their term. A member seeking appointment or reappointment must provide a written statement of qualifications in accordance with instructions of the current chair..

¹ Business & Professions Code § 6231.

² See State Bar Rules 6.60-6.65.

Rule 3.242 adopted effective January 9, 2010; amended effective November 16, 2018.

Rule 3.243 Confidentiality

Except as permitted by law or these rules, participant information provided to or obtained by LAP or any of its agents is confidential. A participant may waive confidentiality with respect to limited information specified in a waiver form provided by LAP by signing the form and returning it to LAP. .³

Rule 3.243 adopted effective January 9, 2010.

Rule 3.244 Monitored LAP

- (A) Monitored LAP is open to Eligible Participants who have a diagnosis recognized in the most recent update to the Diagnostic and Statistical Manual of Mental Disorders that affects competency and is treatable by treatment protocols that the Clinical Review Team determines can be monitored by LAP.
- (B) Monitored LAP shall include rehabilitation programming, activities, testing, support, and other monitoring designed, approved and overseen by the Clinical Review Team.
- (C) The Committee will establish minimum requirements for successful completion of Monitored LAP. The most current requirements will be provided to each participant upon enrollment.
- (D) Criteria for successful completion of LAP by a participant could include more than the minimum current requirements based on the judgment and recommendation of the Clinical Review Team.
- (E) A participant may be terminated from LAP if the Clinical Review Team determines that the participant has failed to satisfy the Participation Agreement.
- (F) Participation in Monitored LAP does not relieve a participant of any duty required by agreement or stipulation with the Office of Chief Trial Counsel, by court order, or any law relating to attorney conduct or discipline.

Rule 3.244 adopted effective January 9, 2010; amended effective January 1, 2018; amended effective January 25, 2019.

³ Business & Professions Code § 6234.

Rule 3.245 adopted effective January 9, 2010; amended effective January 25, 2019.

Rule 3.246 adopted effective January 9, 2010; amended effective November 16, 2018; amended effective January 25, 2019.

Rule 3.245 Support Services LAP

- (A) Support Services LAP is open to all Eligible Participants.

- (B) Support Services LAP shall provide confidential support, resources, and outreach to enable Eligible Participants to address behavioral health issues and substance use that may affect competency and to promote awareness of LAP.

Rule 3.247 adopted effective January 9, 2010; amended effective January 25, 2019.

Rule 3.248 adopted effective January 9, 2010; amended effective January 25, 2019. Rule 3.249 adopted effective January 9, 2010; amended effective November 16, 2018.

Rule 3.246 Costs and Fees

An Eligible Participant is responsible for all LAP-related expenses and may be charged a reasonable fee for administrative costs. Financial assistance is available to Eligible Participants as provided by these rules.

Rule 3.251 adopted effective January 9, 2010.

Rule 3.247 Financial Assistance

- (A) A participant of Monitored LAP may qualify for financial assistance in the form of a grant from the State Bar.
- (B) The Committee will establish eligibility criteria for financial assistance and periodically review it to determine if it requires updating and to ensure that the total grant amount does not compromise the financial needs of effectively administering LAP. Eligibility for financial assistance will be based solely on financial need.
- (C) The most current eligibility criteria will be publicly available on the State Bar website.
- (D) To be considered for a grant, the participant must submit a completed application provided by LAP and provide all requested information.
- (E) A participant who received financial assistance before the effective date of this rule is bound by the terms of any agreement applicable to that assistance.

Rule 3.252 adopted effective January 9, 2010; amended effective November 16, 2018; amended effective January 25, 2019.