

# LAWYERS ASSISTANCE PROGRAM, INC. LOUISIANA STATE BAR ASSOCIATION COMMITTEE ON ALCOHOL AND DRUG ABUSE

ANNUAL REPORT: January 1 – December 31, 2012

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## MISSION STATEMENT

The Lawyers Assistance Program, Inc. (LAP) serves the public, the Bar and the profession by assisting, on a confidential basis, lawyers or judges whose professional impairment may stem from alcohol, drug abuse or mental illness. LAP is first and foremost an absolutely confidential method of providing help to an impaired lawyer or judge. By statute and by Supreme Court rule, any information received by the LAP director or committee members must remain completely confidential.

Mental health issues within the legal profession continues to rise across the nation and depression and suicides have become epidemic. Louisiana's legal profession suffered several suicides in 2012.

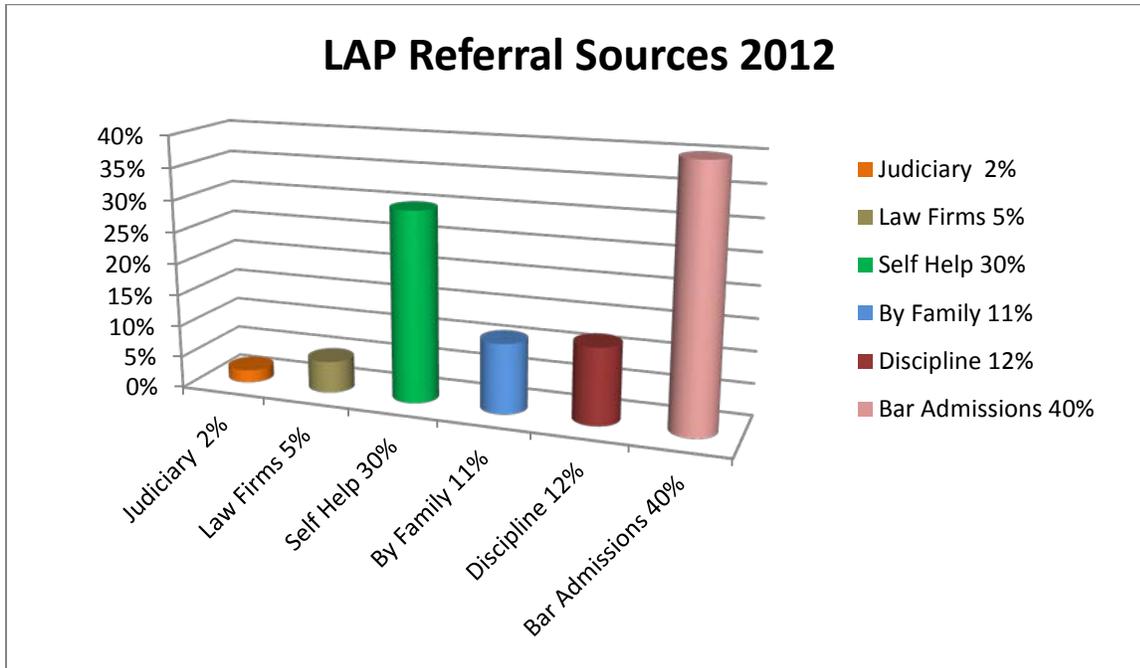
LAP is meeting the challenge to provide increasingly effective and diverse mental health care support to the Louisiana legal profession. LAP is truly "broad brush" and offers assistance with all mental health issues. In order to increase its ability to deliver high-quality reliable services, LAP now has a full-time professional Clinical Director on staff.

## ACTIVITY

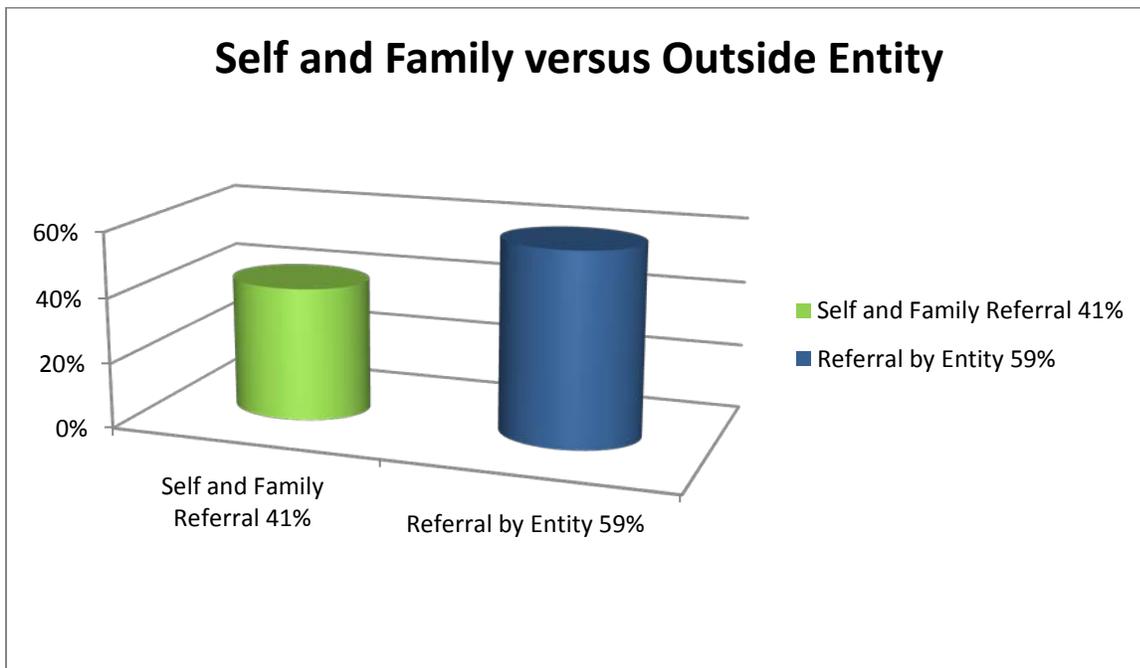
In 2012, LAP assisted 195 brand new contacts and referrals by facilitating evaluations and treatment, and thereafter providing LAP recovery support and ongoing monitoring as indicated. Throughout 2012, there were on average 120 active monitoring contracts for lawyers and law students. LAP also continued to service an additional 150 ongoing matters carrying over from 2011. All total, LAP serviced approximately 345 open matters in 2012.

Confidential inquiries to LAP are continuing to increase. Many calls result in a LAP referral of help to persons who wish to remain totally anonymous. LAP continues to focus effort on building trust in its promise of confidentiality. In all instances, only the person who contacts LAP can waive confidentiality. LAP continues to further its mission of encouraging early self-help before an illness progresses and results in behavior that runs afoul of discipline. By so doing, the person, the profession and the public are served.

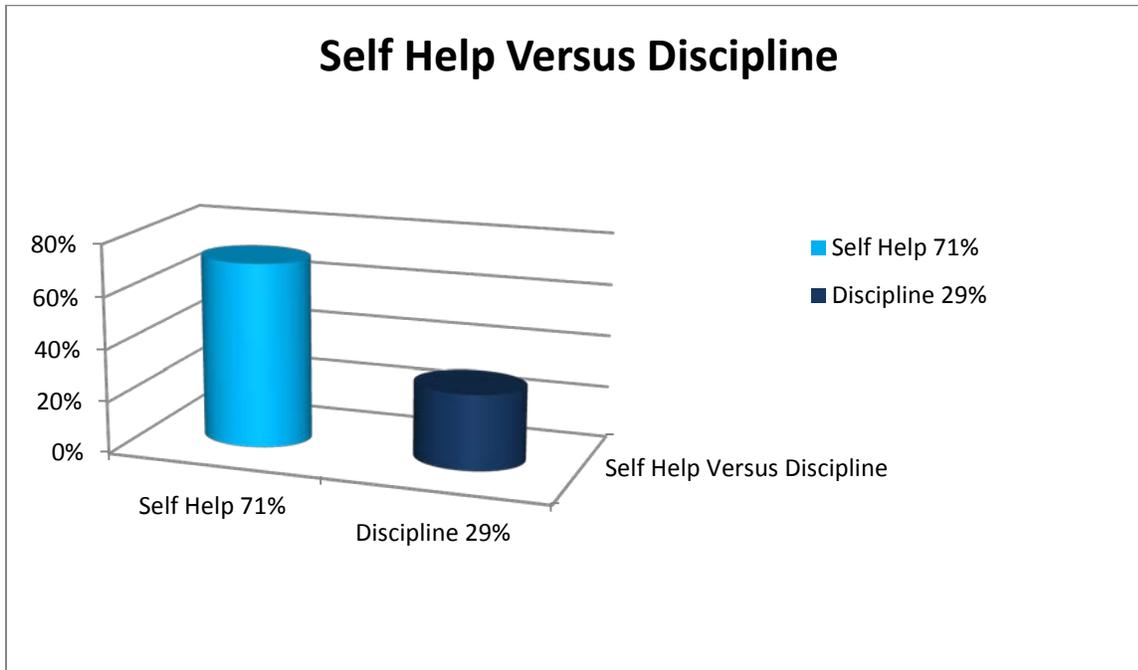
Referral sources of new formal matters to LAP in 2012 were as follows: Judiciary: 2%; Law Firms: 5%; Confidential Self Help: 30%; Family Members: 11%; Disciplinary System: 12%; and Bar Admissions: 40%.



In 2012, persons reaching out to LAP individually or through their family members comprised 41% of LAP referrals compared to 59% of all other LAP referrals coming from outside entities such as Discipline, Bar Admissions, and Law Firms.



As for the ratio of self-help, confidential matters coming to LAP before Discipline is involved, versus cases wherein the person has been referred to LAP by the Office of the Disciplinary Counsel as a result of an investigation of unethical conduct, private cases comprised 71% compared to Disciplinary matters in the amount of 29%.



LAP continues to improve ratios of confidential self-help over discipline each year. LAP achieved new levels of success in 2012 and assisted more impaired lawyers and judges than ever before.

### **ABA COMMISSION ON LAWYER ASSISTANCE PROGRAMS (CoLAP)**

The LAP Director currently serves on the American Bar Association Commission on Lawyer Assistance Programs (CoLAP) Work Life Balance Committee, and the Director attended the 2012 National Conference of Lawyers Assistance Programs Annual Seminar in Grand Rapids, Michigan.

Nationally renowned speakers conducted CoLAP presentations on the following topics: Assessment, Diagnosis and Treatment of Sex and Pornography Disorders in the New Media Frontier; Identifying and Assisting Lawyers and Judges with Cognitive Impairments; Addiction Treatment in the New Millennium, From Jail Cells to Brain Cells; Common Practices, Best Practices and Other Ideas from the Student Frontlines; Motivational Interviewing, The Science and Craft of Evidenced Based Practice; Reclaiming Your Authentic Self, Understanding Psychological Trauma and the Brain; and, Adaptive Intervention

## LAP ANNUAL FREE CLE

The Annual Lawyers Assistance Program LSBA Committee on Alcohol and Drug Abuse Free CLE was held in Lafayette, Louisiana, April 13-14, 2012. There were 79 lawyers and law students in attendance.

Presentations were made as follows: 1) "Ethics and Recent Developments" by Charles B. Plattsmier, Chief Disciplinary Counsel; 2) "The Purpose of LAP Monitoring" by Joseph E. "Buddy" Stockwell III, Executive Director of LAP; 3) "The Science of Addiction" by Dr. A. Kenison Roy of Addiction Recovery Resources; and 4) "Wellness in the Legal Profession" by Laura Davenport, JD, CSAC.

Also, the Honorable Douglas J. Saloom, Lafayette City Court Judge, addressed the attendees regarding the Judges' Assistance Committee efforts to reach out to judges and offer confidential help through LAP.

## LAP DIRECTOR SPEAKING ENGAGEMENTS

LAP Speaking Presentations across the state by the Executive Director in 2012:

01/17/12	Inns of Court Alexandria
01/20/12	LSBA Ethics School
01/21/12	LSBA Board of Governors Orientation
02/03/12	LADB Nat'l Conference New Orleans
02/03/12	CoLAP Presentation on Readmission
02/15/12	LSU Law Professionalism Class
02/16/12	Lafayette Inns of Court
02/23/12	LSBA Solo and Small Firms
02/27/12	Baton Rouge City Court
03/12/12	Loyola Law Students
03/14/12	Thibodaux Bar Association
03/15/12	Southern Law Students
03/15/12	LSU Law Students
03/22/12	Tulane Law Students
04/11/12	Lafayette CLE
04/21/12	Gulfport Lawyers Group
04/27/12	Lake Charles Bar Association
05/02/12	LADB free CLE Baton Rouge
05/04/12	LSAB Board of Governors
05/16/12	LADB free CLE Shreveport
06/05/12	CLE Summer School for Judges
06/08/12	Nuts & Bolts CLE

06/15/12	LSU Law Professionalism
06/22/12	LSBA Ethics School
07/13/12	Baton Rouge Bar Young Lawyers
07/20/12	LADB free CLE Lafayette
08/10/12	Domestic Relations Seminar
08/28/12	LADB Free CLE Alexandria
09/07/12	Healthcare Law CLE NOLA
09/18/12	LADB Free CLE, Kenner
09/21/12	Judges Assistance Committee
10/18/12	Kazakhstan Judges Open World
10/25/12	Organization of Bar Investigators
10/26/12	Fall Bench Bar Conference, DeRidder
11/17/12	Appellate Judges Education Institute
11/29/12	CLE LSU Recent Developments, Kenner
12/06/12	Federal Practice CLE Young Lawyers CLE NOLA
12/07/12	CLE LSU Recent Developments, NOLA
12/12/12	Shreveport Bar CLE

## **TREATMENT CENTER RELATIONS AND INSPECTIONS**

During 2012 the LAP Director personally inspected the following treatment facilities:

- 1) Cirque Lodge in Sundance, Utah;
- 2) Pine Grove in Hattiesburg, Mississippi;
- 3) St. Christopher's Wellness and Addiction in Baton Rouge, Louisiana
- 4) Hazelden in Maple Grove, Minnesota

## **EXPANSION OF LAP'S INFRASTRUCTURE AND PROFESSIONAL STAFF**

Louisiana's LAP must remain focused on expanding and increasing its capabilities in order to meet increasing demand for LAP's services. Compared to sister states with comparable full-service LAPs and serving similar numbers of legal professionals, Louisiana's program is still in very serious need of expansion as to staff and systems support.

In order to position Louisiana's LAP for successful and stable growth long-term, LAP moved its offices to 1405 W. Causeway Approach in Mandeville and LAP now has the office space to add personnel. Other states with full-service LAPs and similar numbers of licensed attorneys operate with full-time professional staff of four to six. To begin the process of adding first-rate staff, LAP hired a highly qualified legal secretary to serve as Administrative Assistant.

With a commitment from the Louisiana State Bar Association for an increase in funding in 2012, LAP was able to expand its office space, hire a very skilled Administrative Assistant and begin the search for a full-time Clinical Director. Lap has now hired a Licensed Professional Counselor and former Director of an Intensive Outpatient Program for alcoholism and addiction.

## **MARKETING AND LAP PARTICIPANT GROWTH**

In 2012, approximately 4,000 LAP brochures on alcoholism and depression were distributed across the state during speaking engagements by the LAP Director.

Voluntary contacts seeking confidential help, before unethical conduct and Discipline were involved, rose again in 2012, marking ongoing growth in confidential LAP participation and the promotion of LAP's primary mission of assisting impaired lawyers into treatment and recovery.

Direct feedback from LAP presentations in 2012 indicates that speaking efforts by the LAP Director and LSBA Committee on Alcohol and Drug Abuse volunteers, along with Bar Journal articles and LAP brochures continue to be effective tools in increasing the willingness of members of the profession to proactively and confidentially reach out to LAP for help prior to any involvement with Discipline.

## **AFFINITY DRUG TESTING AND UPDATES TO LAP's OPERATING SYSTEMS**

A new state of the art online drug screening service by Affinity eHealth was instituted at LAP in 2011. The service continues to provide increased dependability in the drug screening process and also provides increased convenience to LAP monitoring participants.

The new Affinity drug screening program continues to deliver a powerful level of hands-on reliability and significantly decreases the ability of any given LAP-monitored participant to use unauthorized substances without detection.

## **JUDGES ASSISTANCE COMMITTEE**

In 2012, the new "Judges Assistance Committee" continues to make headway in establishing this relatively new effort being led by the Committee Chairman, the Honorable Benjamin Jones, 4<sup>th</sup> Judicial District Court, Monroe, La.

At the 2012 Summer School in Destin, Florida, Judge Jones on behalf of the Judges Assistance Committee hosted a co-presentation by Mary Whitney of the Judiciary Commission and Buddy Stockwell of LAP. The presentation focused on mental impairment within the judiciary and the need to encourage judges to reach out confidentially to LAP either for themselves or for others they are concerned about.

LAP produced a second Intervention Training Session on September 21, 2012, held at the 19<sup>th</sup> JDC in Baton Rouge, Louisiana. The LAP Director, and also Mr. Bill Leary (LAP Director Emeritus), delivered the presentation. The session served to help educate volunteer judges about interventions and what might be done to approach impaired judges, even those who may not want help or who may be unwilling to admit problems.

The Judges Assistance Committee remains an important first-step toward encouraging judges to consider reaching out to fellow judges who may be impaired, or reach out themselves if impaired. LAP will continue to support this important mission.

## **LOUISIANA SUPREME COURT**

LAP continues to assist the Louisiana Supreme Court's Committee on Bar Admissions by facilitating LAP-approved independent evaluations so that it might be determined whether or not a student with past alcohol/drug or mental health issues is fit to practice law. Depending on the diagnosis, a student may be required to be monitored by LAP before and/or after being conditionally admitted and for a time determined by the Supreme Court. At any given time, on average, LAP maintains approximately one hundred open files regarding Bar Applicants and Conditionally Admitted lawyers.

Also, LAP provides expert testimony for the Louisiana Supreme Court's consideration in disciplinary matters, and LAP testifies regarding participants' compliance under LAP monitoring agreements and the quality of participants' recovery from mental health conditions at issue.

## **LOUISIANA STATE BAR ASSOCIATION**

In 2012, the Louisiana Bar Journal continued to publish a LAP column in each issue of the *Louisiana Bar Journal*. Articles include topics such as what LAP is and what it does, the brain diseases of alcoholism, addiction, depression, and mental illnesses that impair lawyers and judges. Moreover, articles discuss how to attenuate stigmas surrounding alcoholism, addiction and depression so as to encourage members of the legal profession to reach out early to LAP for confidential help.

At the 2012 Summer School in San Destin, Florida, the Louisiana State Bar Association President, Mr. James L. "Jimmy" Davidson, presented LAP's Executive Director, Buddy Stockwell, with the President's Award for Stockwell's exemplary service to the profession during the 2011-2012 year.

The Louisiana State Bar Association continues to produce a Bar Admissions Education Program in all the law schools. The LAP Director participates with a Louisiana State Bar Association officer, Respondent Counsel, and Chief Disciplinary Counsel. This program was presented the ABA Standing Committee on Professionalism E. Smythe Gambrell Professionalism Award.

The LAP website, located within the Louisiana State Bar Association's website ([www.lsba.org](http://www.lsba.org)) continues to be a viable source of requests for information and serves as a valuable resource for lawyers and judges seeking help. The LAP website is currently being reviewed with an eye toward a total overhaul in 2013 so as to upgrade the website to keep pace with new technology and increase LAP's capability to quickly incorporate updates and new information about addiction, depression, mental illness and treatment for conditions that impair lawyers and judges.

In the wake of the tragic death of one of its members due to depression, the LSBA Young Lawyers produced a “Laps for LAP” 5K run to raise proceeds to help LAP raise awareness and help those suffering from depression. The race took place in Lake Charles, Louisiana, and generated \$2,235 for LAP.

The Louisiana State Bar Association continues to identify and zealously support new avenues to make LAP more available and approachable to the profession. For the first time, new bar membership identification cards will include LAP’s toll free number so that LAP’s confidential help is always at hand and one phone call away for all members of the profession.

## **THE OFFICE OF THE DISCIPLINARY COUNSEL**

LAP continues to provide the Office of the Disciplinary Counsel with reliable and dependable LAP-approved independent evaluations and treatment referrals as necessary. LAP Recovery Agreements and monitoring services are provided as applicable thereafter.

Referrals from the Office of the Disciplinary Counsel cover a wide range of issues. No longer limited to alcohol and addiction issues, LAP fields all referrals from the Office of The Disciplinary Counsel on all mental health issues coming to bear in disciplinary matters, including but not limited to depression, anxiety, burnout, bipolar disorder, anger management, and any other mental health issue that may have been a contributing factor or cause in fact of behavior that has caused concern and may warrant clinical attention.

In addition to formal matters involving the investigation of allegations of unethical conduct that may be rooted in mental health issues, LAP also receives a significant number of informal calls each year from the Office of Disciplinary Counsel simply voicing confidential concern for a member of the profession and not as any part of any formal investigation.

At any given time, LAP maintains over one hundred open, formal Office of Disciplinary Counsel files and provides full services to participants including LAP-approved screening and evaluations monitoring, random drug screening, and quarterly compliance reports to ODC as indicated.

During formal disciplinary proceedings, all parties depend heavily on LAP’s expertise in obtaining reliable diagnoses, facilitating high-quality treatment or therapy, and documenting long-term success (or failure) in recovery.

It is paramount to keep LAP’s mandate of confidentiality under La. R.S. 37:221 at the forefront when discussing LAP’s involvement in disciplinary matters. **LAP never refers participants to Discipline.** Even when Discipline refers a person to LAP, all contact with LAP remains strictly confidential unless the person executes a release. **Only the attorney in trouble can waive confidentiality** and allow LAP to communicate with Discipline.

## FUNDING THE FUTURE OF THE LAWYERS ASSISTANCE PROGRAM

LAP is poised for continuation of the success it experienced in 2012, especially in the most-critical area of confidentially assisting impaired lawyers and judges early on. Statistics from the Office of the Disciplinary Counsel demonstrate that upwards of 50% (some estimate as high as 70%) of disciplinary complaints include some component of alcoholism, drug addiction, depression or other mental impairment that, if treated earlier, could have reduced or prevented harm to the public and likely obviated the need for disciplinary involvement.

Both the Office of the Disciplinary Counsel and the Louisiana Client Assistance Foundation continue to formally recognize that LAP is crucial to the health of the profession and the protection of the public. Both entities contend that a better-funded LAP is necessary to help lessen disciplinary complaints and also claims against the Foundation's fund.

In 2012 and in response to LAP's articulation of a serious and immediate need for additional funding, the Louisiana State Bar Association's Board of Governors zealously supported LAP's mission to secure funding increases. President, John H. Musser IV, appointed a Special Committee led by President-Elect, Richard K. Leefe, to secure additional LAP funding.

In direct response to the new Committee's request, LAP produced and submitted its "Funding the Future of LAP" report seeking the Louisiana State Bar Association's open support for an Annual Dues Assessment dedicated specifically to LAP. The report was submitted to Mr. Leefe, the Chief Disciplinary Counsel, and the Chief Justice of the Louisiana Supreme Court.

The Louisiana State Bar Association immediately responded to LAP's funding emergency by increasing the Bar Association's annual contribution to LAP by \$100,000. These funds have been critically important to LAP's very survival in the face of ever-increasing demand.

Moreover, through direct efforts by the Louisiana State Bar Association's leadership, LAP has now been added to the list of entities in the donation "check off" forms that are mailed out at various times of the year by the Louisiana State Bar Association encouraging contributions to important non-profit entities such as the Bar Foundation, Access to Justice, and Center for Law and Civic Education. LAP will also be added to the Donations section of the annual dues assessment invoice.

LAP services a population of 22,000 members of the Bar. It is also important to note that LAP also provides services to all family members of those in our profession. As such, LAP services a very large population that is not limited to just the Bar. Add in 1,000 new law students each year and LAP is an entity that must continue to grow to meet the many challenges it faces.

The Louisiana State Bar Association's significant increase in LAP funding at this critical time is immensely appreciated and truly indispensable to LAP until such time that permanent funding can be achieved.

LAP continues to encourage all persons and entities to support the institution of a modest, annual dues assessment of \$20 to \$25 dollars per year dedicated specifically to LAP so as to provide full, stable support necessary to allow LAP to realize stable growth and meet, in full measure, its mission of saving lives in the legal profession and protecting the public.

## THE MIRACLE OF RECOVERY

Now shifting the focus away from LAP's statistics and instead turning toward the personal stories of individual people LAP assists, it is true that, within each person suffering, there exists a genuine possibility of hope and recovery. Many in our profession suffer from mental health illnesses that will, if left untreated, literally take away everything they have including their careers, families, and lives. In order to share a private view into the miracle of recovery and illustrate the important role LAP often provides in helping individuals, an article is attached hereto. The article was published in the *Louisiana Bar Journal* and it is a powerful testament to the miracle of recovery and the value of LAP's support. ("**Exhibit A**")

## SUMMARY

2012 marked another very successful year of upgrades and improvements at the Lawyers Assistance Program that reflect the program's ongoing commitment to excellence in providing the highest quality assistance and monitoring services to impaired individuals and family members in Louisiana's legal profession.

The Lawyers Assistance Program and the Louisiana State Bar Association's Committee on Alcohol and Drug Abuse remain dedicated to the growth and development of Louisiana's LAP so as to continually increase its effectiveness and ability to literally save lives.

## Recipients of this report:

Hon. Bernette J. Johnson, Chief Justice, Louisiana Supreme Court  
Hon. Marcus R. Clark, Louisiana Supreme Court  
Hon. Greg G. Guidry, Louisiana Supreme Court  
Hon. Jefferson D. Hughes, Louisiana Supreme Court  
Hon. Jeanette Theriot Knoll, Louisiana Supreme Court  
Hon. Jeffery P. Victory, Louisiana Supreme Court  
Hon. John L. Wiemer, Louisiana Supreme Court  
Hon. James L. Dennis  
Hon. Harry T. Lemmon  
Hon. Benjamin Jones, 4<sup>th</sup> Judicial District Court  
Mr. Richard K. Leefe, President, LSBA  
Mr. Joseph L. Shea, Jr., President-Elect, LSBA  
Mr. John H. Musser IV, Immediate President, LSBA  
Mr. James J. Davidson III, Past President, LSBA  
Mr. Michael A. Patterson, Past President, LSBA  
Ms. Kim M. Boyle, Past President, LSBA  
Hon. Elizabeth Erny Foote, Past President, LSBA  
Mr. Stephen Guy deLaup, Past President, LSBA  
Ms. Marta- Ann Schnabel, Past President, LSBA  
Mr. Francis X. Neuner, Jr., Past President, LSBA  
Mr. Michael McKay, Past President, LSBA  
Mr. Wayne J. Lee, Past President, LSBA  
Mr. Larry Feldman, Jr., Past President, LSBA  
Mr. Michael H. Rubin, Past President, LSBA  
Mr. E. Phelps Gay, Past President, LSBA  
Mr. Robert E. Guillory, Jr., Past President, LSBA  
Mr. Patrick S. Ottinger, Past President, LSBA  
Mr. David F. Bienvenu, Past President, LSBA  
Mr. Charles S. Weems III, Past President, LSBA  
Hon. Jay C. Zainey, Past President, LSBA  
Mr. Ben R. Hanchey, Past President, LSBA  
Mr. Harry S. Hardin III, Past President, LSBA  
Hon. Eldon E. Fallon, Past President, LSBA  
Mr. Carrick B. Inabnett, Vice President, LSBA  
Mr. Mark A. Cunningham, LSBA Treasurer  
Ms. Loretta Larsen, LSBA Executive Director  
Mr. Timothy F. Averill, Louisiana Supreme Court  
Ms. Cheri Cotogno Grodsky, Practice Assistance Counsel  
Mr. Charles B. Plattsmier, Office of Disciplinary Counsel  
LAP Executive Committee  
LSBA Board of Governors

EXHIBIT A

Personal Story of an Individual's  
LAP-Assisted Recovery

LAP Article in June/July 2013  
*Louisiana Bar Journal*