

# LAWYERS ASSISTANCE PROGRAM, INC.

## LOUISIANA STATE BAR ASSOCIATION COMMITTEE ON ALCOHOL AND DRUG ABUSE

ANNUAL REPORT: January 1 – December 31, 2013

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### MISSION STATEMENT

The Lawyers Assistance Program, Inc. (LAP) is a 501(c)(3) non-profit corporation that serves the public, the Bar and the profession by assisting, on a confidential basis, lawyers and judges whose professional impairment may stem from alcohol, drug abuse or mental illness.

LAP is first and foremost an absolutely confidential method of providing life-saving help to an impaired lawyer or judge. By statute and by Supreme Court Rule, any information received by the LAP director or LSBA Alcohol and Drug Abuse Committee member is confidential.

Mental health issues within the legal profession continue to rise across the nation and Depression and suicides have become epidemic. Alcoholism, Addiction, Burnout and other stress-related impairments are increasing.

Conservative, current statistics demonstrate that upward of six thousand (6,000) Louisiana lawyers and judges suffer from some measurable form of Depression (30% rate in the profession) and four thousand (4,000) Louisiana lawyers and judges suffer from some form of substance abuse or dependency (20% rate in the profession). These rates are triple and double that of the general population. Thousands of our professional peers are suffering and need help.

LAP is meeting the challenge to provide increasingly effective mental health assistance to the Louisiana legal profession. LAP is truly comprehensive and offers assistance with all mental health issues.

The mission for 2014 is two-fold: 1) secure significant increased, permanent funding that will allow LAP to produce and provide higher-quality educational tools to reduce stigmas and increase the profession's utilization of LAP's free and confidential help; and 2) design and offer increasingly sophisticated and effective assistance and recovery tools to facilitate high-quality assessment and treatment, and provide direct support to high-quality recovery efforts.

## 2013 MARKED CONTINUED INCREASES IN CONFIDENTIAL LAP ACTIVITY

In 2013, LAP initiated first-time efforts to track the demand for its services and harvest basic statistics as to the traffic LAP processes from various sources. In the fullness of time, LAP will fine-tune its efforts so as to better identify and serve the various segments of the profession that reach out to LAP. LAP experienced the following communications traffic and open file workload in 2013:

### Incoming Telephone Calls

In May of 2013, LAP began to track the frequency and source of incoming telephone calls. In the last nine months of 2013, LAP fielded a total of 1,273 incoming calls, averaging roughly 140 calls per month. A monthly high of 220 incoming calls occurred in the month of August. LAP conservatively estimates that it fielded between 1,700 and 1,800 incoming telephone calls in 2013.

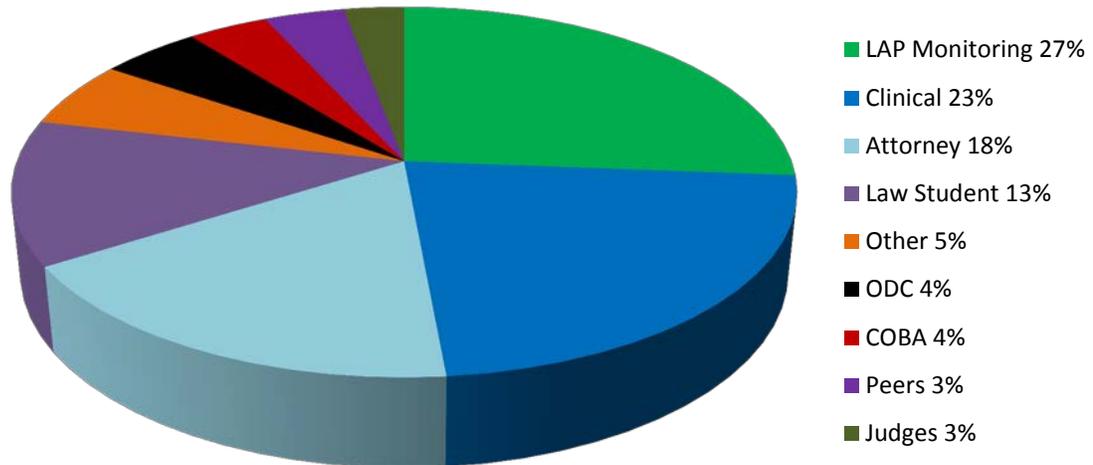
### Incoming Email Correspondence

In much greater numbers than phone calls, LAP's internet provider data records demonstrate that LAP received and processed 16,933 incoming emails in 2013. This is in addition to daily correspondence physically received in the mail.

### Sources of Inbound Electronic Communications to LAP

Telephone calls and emails received by LAP emanate from a myriad of sources including, but not limited to, these main categories: 1) persons seeking confidential help for themselves, a family member or peer; 2) bar applicants seeking LAP information or interacting with LAP through referral for evaluation by the Supreme Court's Committee on Bar Admissions ("COBA"); 3) lawyers seeking LAP information or interacting with LAP through referral for evaluation by the Office of the Disciplinary Counsel ("ODC"); 4) treatment centers, doctors, and mental health professionals evaluating, assessing, or treating persons referred by LAP; 5) lawyers, conditionally admitted lawyers, and bar applicants conducting business as part of being formally monitored under contract with LAP; 6) drug screening program doctors and managers, and specimen collection centers; 7) COBA and ODC referrals, LAP monitoring compliance inquires, and the scheduling of hearings, etc. The following chart depicts the percentages of LAP traffic by each category.

## Sources of LAP Communications Traffic 2013



### LAP's Daily Active Case Load

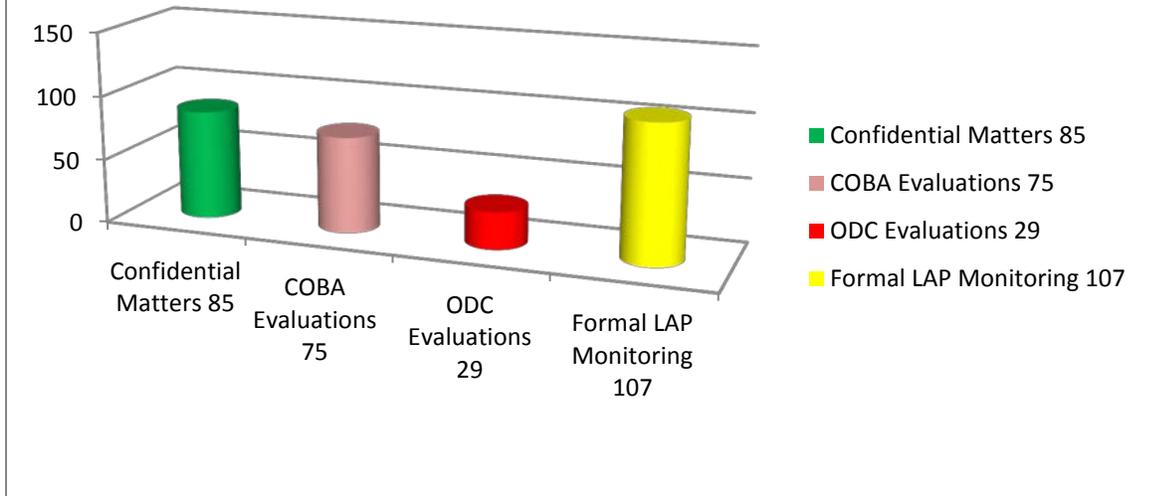
A snapshot of LAP's case load on December 31, 2013 included an inventory of active assistance and evaluation files, and an additional inventory of active LAP Recovery Agreement monitoring files, as follows:

- 1) 85 confidential self-help assistance and evaluation matters, 75 COBA evaluation referral matters, and 29 ODC evaluation referral matters for a total of 189 open assistance and evaluation matters; plus
- 2) 107 active Recovery Monitoring contract files.

As such, LAP's open case load on December 31, 2013 was 296.

A fair average of the day-to-day Active File Load at LAP in 2013 was approximately 300 open files at all times. The chart below indicates the categories of open files on December 31, 2013.

## December 31, 2013, Open Files by Category

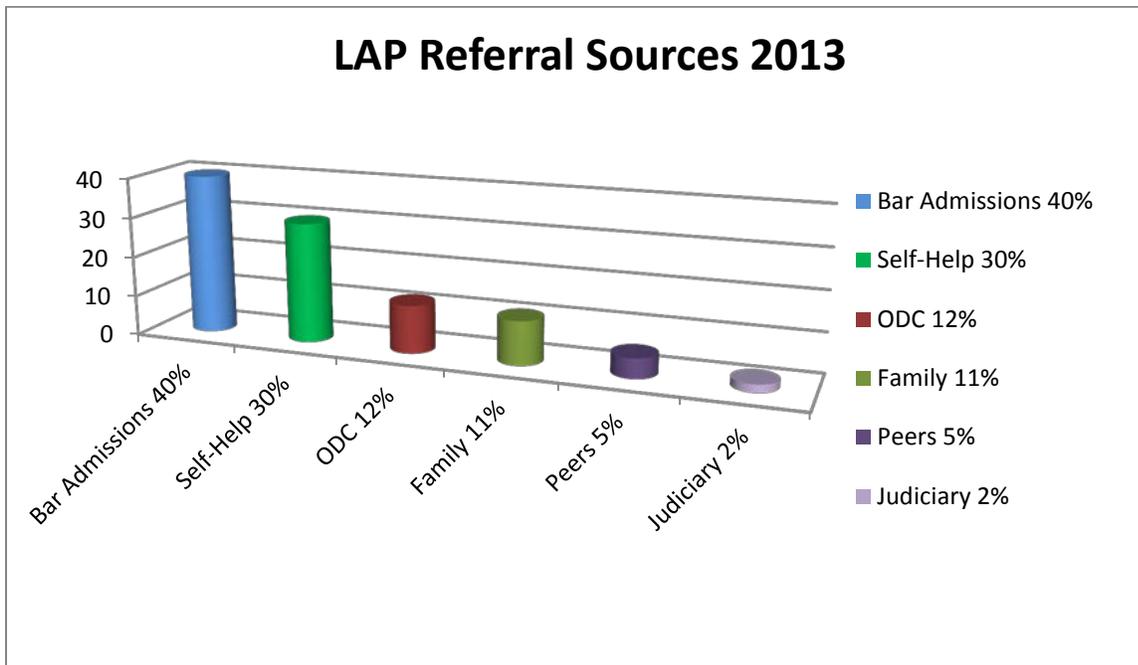


Of course, the daily average does not indicate the total number of matters processed each year. **LAP currently services 400 to 500 open matters per year.**

### Sources of LAP Cases in 2013

Total referral sources of new matters at LAP in 2013 were as follows: Judiciary: 2%; Law Firms: 5%; Self-Help: 30%; Family Members: 11%; ODC: 12%; and Bar Admissions: 40%.

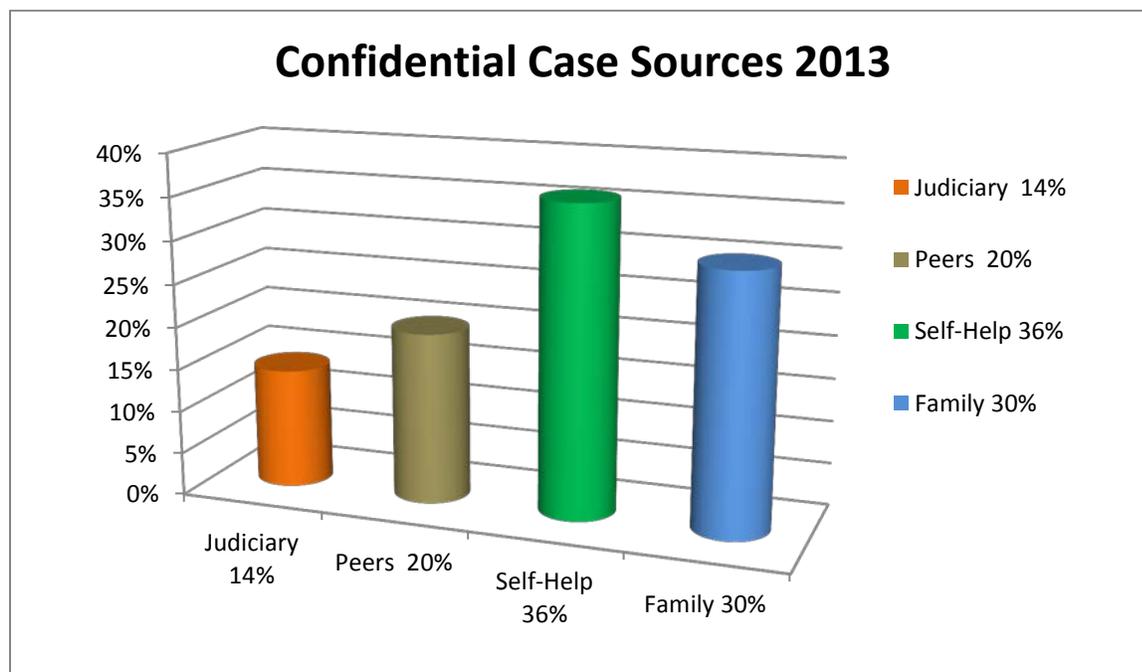
## LAP Referral Sources 2013



LAP continues to successfully promote early self-help so that, hopefully, an impaired person in the profession obtains confidential help from LAP before their illness progresses to the point that it results in unethical conduct that causes the person to behave unethically, harm the public, and run afoul of the ODC. By so doing, the person, the profession and the public are all served.

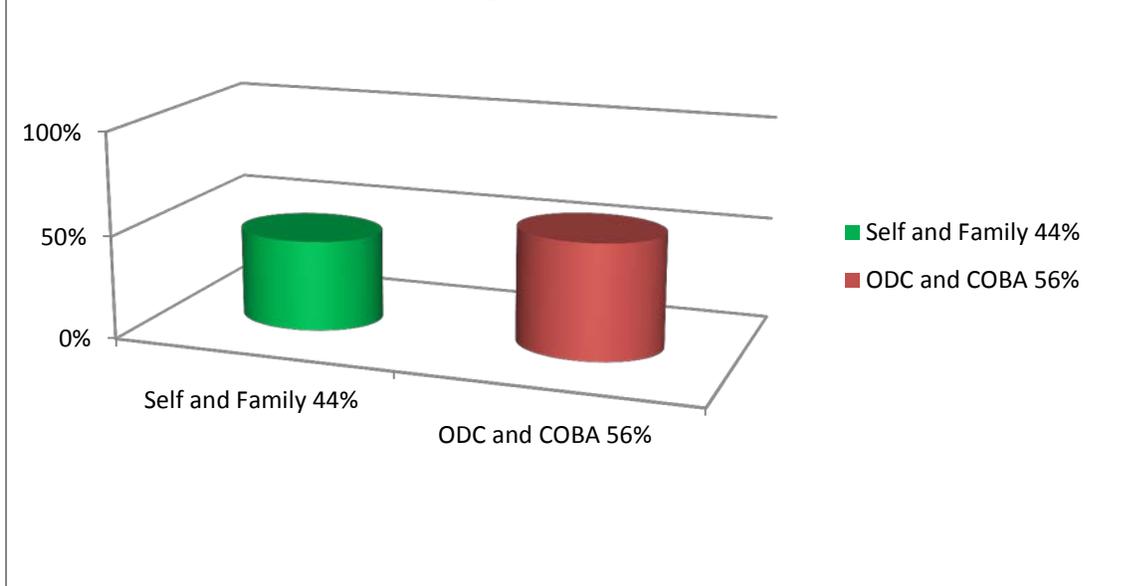
Confidential inquiries to LAP are continuing to increase and remain high. LAP continues to focus effort upon building trust in its confidential services. In all instances, only the person who contacts LAP can waive confidentiality.

In 2013, LAP cases not involving ODC or COBA referrals at any point originated primarily from four major, totally confidential sources: 1) persons proactively reaching out to LAP on their own for self-help at 36%; 2) concerned family members seeking confidential help for a loved one at 30%; 3) concerned peers in the legal profession at 20%; and 4) judges concerned about behavior exhibited by a legal professional appearing before them at 14%.



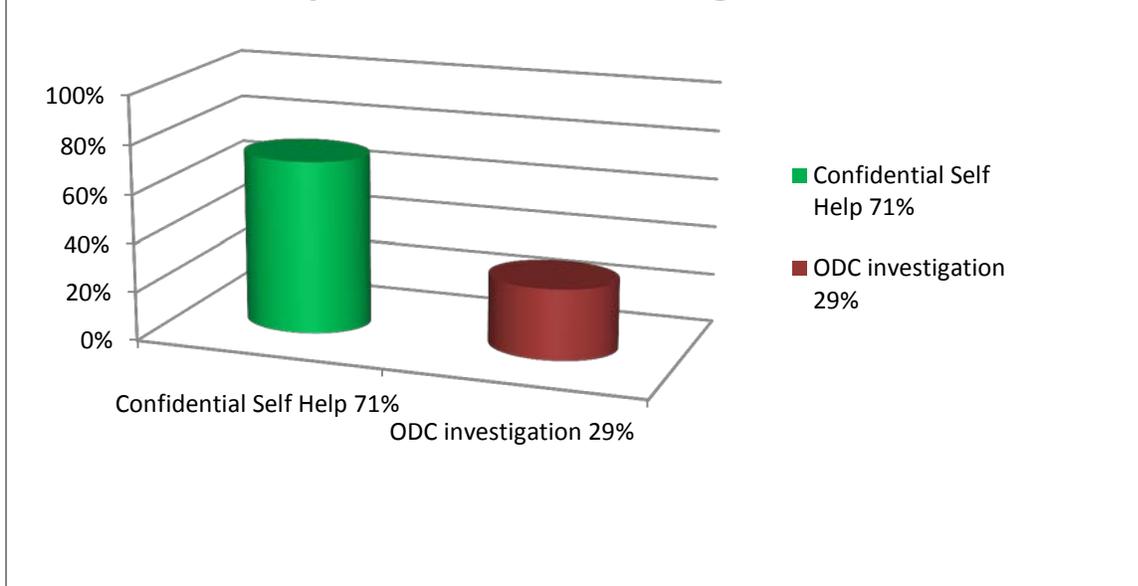
As seen in the chart below, when grouping the main categories of confidential self-help and family-referral cases into one unit and comparing it to ODC and COBA referrals also as a single unit, self and family referrals comprised 48% and ODC and COBA referrals comprised 52%.

## Self and Family versus ODC and COBA



As to the vital LAP category of early confidential self-help, LAP continued to make progress in 2013. LAP matters involving an impaired individual who proactively reached out for help and came to LAP without any looming unethical conduct issues and no past, present, or future threat of ODC investigation were at 71% compared to ODC investigation cases at 29%.

## Self Help versus ODC Investigation Referral



LAP continues to make every effort to maintain and hopefully improve its now higher ratio of confidential self-help versus ODC referrals each year, and in 2013 LAP yet again achieved new

levels of success and assisted a greater ratio of impaired lawyers and judges in complete confidence than ever before.

## **FREE DEPRESSION RECOVERY GROUPS AND SUICIDE PREVENTION**

Rates of depression in the legal profession continue to remain extremely high. According to a Johns Hopkins study, lawyers rank number one in depression when compared to 104 other professions.

For many, depression starts in law school. The January 20, 2014, CNN article entitled “Why are lawyers killing themselves” cites Dr. Andy Benjamin of the University of Washington whose study of law students determined that an estimated 40% suffer from depression (four times that of the general population).

Estimates of the depression rate in the legal profession as a whole continue to hover at epidemic levels of 30% to 36%. And with such heightened levels of depression, suicide risks are significantly increased. South Carolina experienced six lawyer suicides in an eighteen month period in 2007-2008 and Kentucky suffered an astounding fifteen lawyer suicides in 2010 alone.

Louisiana is not immune. Each year we also experience suicides in our legal profession. Often, these deaths go unreported. Most of these tragedies become known to Louisiana’s LAP through discrete and confidential reports. Public comment is not appropriate. Stigmas remain high and families are, very understandably, reticent to publicly announce that a loved one has committed suicide. As such, the true and shocking severity of the problem here in Louisiana remains out of public view.

In 2013 LAP continued to focus great effort and industry on undertaking new actions not only to raise awareness about the epidemic of depression in our profession, but to develop and offer LAP-facilitated tools and solutions that aid in the profession’s fight against depression. Also, in the last year, LAP has instituted new and direct actions to help reduce the number of suicides we suffer.

### **LAPs New Focus on Depression**

As to the epidemic of depression, Free LAP Depression Recovery Groups are now available in Shreveport, Baton Rouge, and New Orleans. These professionally-moderated groups are absolutely confidential and participation does not create any medical records. All stigmas and barriers to entry have been removed: there is no obligation incurred by participants other than the simple promise of adhering to strict confidentiality and group decorum. They do not even have to give their name.

It has long been established that participation in a quality support group can significantly increase a person’s chances of long-term recovery in most cases. Group participation renders a demonstrable increase in coping skills that develop more quickly in a group setting.

Also, group participation is particularly advantageous in depression cases because depression is a disease that is rooted in isolation. Group participation can be instrumental in helping the depressed individual break through their isolation, begin to share experiences and learn from other's experiences, and also become valuable participants in a fellowship that generates hope and trust.

All three groups are experiencing success. Now, through LAP, depressed members of the profession can obtain free and totally discrete clinical support for their depression in a matter of days and not have to wait weeks or months for an appointment, etc. In the future, LAP hopes to receive increased funding that will support additional Depression Recovery Groups around the state and, in equal importance, fund truly effective effort to promote the professions' use of those groups.

### LAP's New Focus on Suicide Prevention

All employees at LAP are now certified "suicide prevention gatekeepers" via training through the QPR Institute, an educational organization dedicated to preventing suicide.

The QPR program has developed a plan of action to save lives and, just like "CPR" (cardio pulmonary resuscitation) is an acronym for the emergency action undertaken to try and save a heart attack victim until professional help arrives, the "QPR" acronym stands for Question, Persuade, and Refer: a series of immediate action steps that can actually prevent some suicides.

QPR teaches the individual to listen carefully for warning signs and then ask the right questions to identify whether there may be a suicide risk. If a risk presents, the QPR-trained individual will be prepared to take immediate and effective steps toward encouraging the individual to accept help. The person can then be referred to effective professional help.

In addition to all LAP employees now being certified in QPR, LAP's full-time Clinical Director, Leah Rosa, MHS, NCC, LPC, has become certified to actually train and certify others in QPR.

LAP encourages Louisiana's legal professionals to contact LAP and participate in QPR training so as to becoming QPR certified gatekeepers and increase the fabric of suicide prevention support within our professional ranks.

### LAP's Success in Preventing Suicides

While it is important to acknowledge and address the severity of the suicide tragedies we continue to suffer in our profession, it is equally important to recognize that there are *stunning success stories* at LAP. Suicides are in fact prevented through LAP each year.

Here is a short excerpt from thank you note to LAP's Director from a person who reached out to LAP and literally avoided suicide:

**"Dear Buddy,**

**Thank you for taking time with me and ultimately saving my life. You and your staff were ever so helpful and patient with me in my time of need."**

Each year, LAP assists numerous persons in severe distress and many tragedies are in fact averted. The key to increasing those success stories is supporting LAP and its volunteers on the LSBA Committee on Alcohol and Drug Abuse in their ongoing efforts to raise awareness and successfully encourage more people to reach out to LAP and take full advantage of its comprehensive confidential life-saving assistance.

## **ALCOHOLISM AND ADDICTION CHALLENGES**

LAP's heightened 2013 focus on fighting depression and suicides should not be misconstrued as an indication that alcoholism and addiction issues have become a low priority at LAP. On the contrary, LAP continues to witness greater and greater numbers of cases coming to LAP for help with substance use disorders.

An estimated four thousand Louisiana lawyers and judges are currently impaired by alcoholism and/or addiction and in need of LAP's assistance. Encouraging them to admit a problem and reach out before a crisis occurs, however, is extremely difficult due the strong component of denial found in those suffering from these diseases.

The latest and most alarming development in recent years is the astounding increase in addiction to Opioid prescription pain medications. Opioids are a synthetic form of Opiates (heroin), and Hydrocodone, Oxycodone, and other drugs in the family of Opioid prescription pain drugs are especially addictive.

According to addiction science experts, prescription pain medications (Opioids) are now the 4th most abused of all mood-altering substances, falling only behind tobacco, alcohol and marijuana.

Prescription medications are now the leading cause of accidental death for persons ages 18-34. Between 1997 and 2005 Oxycodone users have increased by 750% growing from 4 million to over 30 million.

Between 1999 and 2002, the number of Opioid poisonings (overdoses) on death certificates increased 91.2%, while heroin poisonings increased 12.4% and cocaine poisonings increased 22.8%. In 2007, Opioid poisonings were the second leading cause of injury and death, (motor vehicle accidents were number one).

Many prescription Opioid users build up a tolerance to their prescriptions over time and are not able to obtain enough of the drug through legal prescription channels to maintain their desired level of pharmacological effect. In order to avoid particularly nasty withdrawal symptoms, persons begin to buy Opioids illegally off the street or even turn directly to the Opiate drug Heroin in order to satisfy their pain medication addiction and avoid painful withdrawal.

Predictably, LAP is seeing more and more of these prescription pain medication Opioid addiction cases within the legal profession. Opioid impairment-related cases referred by COBA and ODC are becoming more commonplace at LAP.

LAP continues to interact on a daily basis with leading treatment experts and facilities in the industry that specialize in treating impaired professionals so as to assure that those coming to LAP for any type of addiction are referred to the best professional resources available.

## LAP INTERVENTIONS

In an ongoing effort to reach out to those who are suffering from alcoholism and/or addiction, in 2013, LAP conducted several interventions, all of which resulted in the impaired person successfully being referred to a LAP-approved facility for an appropriate assessment and indicated treatment.

Many of these interventions take place in the face of a crisis and on a moment's notice: LAP puts all other matters on hold and takes action. Some interventions are conducted at LAP's offices and others take place in the town or city where the person in difficulty is located.

All imaginable permutations and combinations of concerned individuals and entities in the legal profession called upon LAP in 2013 for support and intervention help: law firms, family members, peers, judges, clients, and by people simply concerned about the wellbeing of a lawyer or judge.

If circumstances warrant, LAP also facilitates referrals to independent, profession intervention service providers that meet LAP's professional standards.

Again, while it is important to acknowledge and address the severity of alcoholism and addiction in the legal profession, it is also very important to recognize that there are wonderful success stories at LAP wherein families, law firms, and individuals receive complete support from LAP, often beginning with an intervention.

The following Thank You Note to the LAP Director in 2013 is indicative of the type of success that is often achieved in these confidential LAP-facilitated intervention cases:

**“Dear Buddy,**

**I can’t begin to thank you for everything you’ve done to help our family. LAP was an unexpected blessing as a resource through this process of intervention and treatment. I don’t know how I could have gotten through this without you and Leah. My family will be forever grateful and our family will be better from this experience no matter what happens in the future. We are stronger, smarter, and safer. You, Leah, and LAP made all of that happen. Y’all will always be in my prayers. I can’t thank you enough except to say we have hope now because of you.”**

And while there are never any guarantees in cases of alcoholism and addiction, and failure or relapse is always a threat, it is nonetheless true that in the vast majority of LAP cases, wherein the person surrenders and successfully completes LAP-approved treatment, the “miracle of recovery” takes hold and the person’s life is restored.

### **OTHER CASES OF LAP REACHING OUT TO THOSE WHO SUFFER**

Some matters that come to LAP are not emergencies, nor indicative of a situation in need of immediate action. Sometimes it is just a matter of LAP being there for someone who feels lost, alone and forgotten as a result of their misfortune in becoming beset with a mental health condition.

Central to overcoming and managing most every mental health challenge is finding a way to overcome the pain of feeling isolated and perhaps even the agony of being cast out by peers and loved ones. Not everyone suffering from mental health issues is lucky enough to have the healthy support of family and friends.

LAP is not only here to devise LAP-approved plans of action in times of crises. LAP is also here to simply offer to others a genuine fellowship of spirit and hope that is so critical to recovery. Whenever LAP hears of a lawyer or judge who is alone and has no moral support in mental health recovery, LAP reaches out when possible to offer help and encouragement. It can make a huge difference in the person’s outlook and success.

Here is a Thank You Note the LAP Director received in just such a case:

**“Dear Buddy,**

**I have never met you, but you made me feel like we are old friends. Your phone call is the best thing that has happened to me in a long time. I have great respect for you and the Lawyers Assistance Program. You have shown me more compassion than members of my family. With God’s help and my psychologist, I hope I can survive. With people like you, attorneys who have alcohol or drug abuse or mental problems can have someone to talk to who will listen and provide help and advice. God Bless You and people like you.”**

As lawyers bearing up over the years to the rough and tumble practice of law, we often lose touch with the incredible power of “opening up” personally and being completely vulnerable while sharing openly with another person. It requires trust in the goodwill of others and that is sometimes very hard for lawyers and judges. If the person suffering opens up to LAP, however, the power of fellowship and hope can render extraordinary recovery results.

## **LAP ANNUAL FREE CLE IN LAFAYETTE, LA**

The Annual Lawyers Assistance Program LSBA Committee on Alcohol and Drug Abuse Free CLE was held in Lafayette, Louisiana, April 12-13, 2013. 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) “Compassion Fatigue in the Legal Profession” by Joseph E. “Buddy” Stockwell III, Executive Director of LAP; 3) “Maintaining Professional Boundaries” by Dr. Philp Hemphill; and 4) “From the Crack House to the State House” by Florida State Representative Darryl Rouson.

## **LAP RECOVERY AGREEMENT MONITOR TRAINING**

Brand new in 2013, LAP provided statewide in-depth Monitor Training Seminars to better prepare and educate its volunteer Monitors who meet on a monthly basis with persons participating under a LAP Recovery Agreement. The Seminars were conducted in Shreveport, Lafayette, and New Orleans on October 28, 29 and 31, 2013 and the presenters included Buddy Stockwell and Leah Rosa for LAP and Dr. Barry Lubin, Medical Review Officer, with Affinity Drug testing.

In-depth Monitor training was provided on the following topics: 1) requirements for participants entering LAP monitoring; 2) referral sources of participants being monitored; 3) self-help, ODC and COBA referral processes; 3) understanding substance use disorder diagnoses under the new DSM 5; 4) determining and reporting non-compliance; 5) recent developments in law and jurisprudence; and 6) drug screening polices, protocol and challenges.

## **LAP SPEAKING ENGAGEMENTS AND CLE PRESENTATIONS**

More often than not, a person confidentially reaching out to LAP has decided to do so after hearing a live presentation by LAP. Sometimes the call does not come immediately and the person may wait months or even years to call, but often the conversation begins with “I heard you speak and I think I might need some assistance from LAP.”

As such, one of the most effective and proven tools in building trust in the profession and encouraging its members to reach out to LAP is through public speaking engagements. LAP

routinely receives Thank You Notes from around the state expressing appreciation for LAP's presentations. Below is a sampling of feedback to the LAP Director from various sources:

1) From a newly admitted lawyer:

**"I'd like to thank you for your encouraging words at the CLE I attended. As a new attorney, I am aware that finding a work/life balance will be a lifelong battle. I've often feared that this career cannot co-exist with marriage and family. With your words, though, I am now resolved to make my personal life, and my happiness, a priority."**

2) From a seasoned lawyer:

**"Thank you for an insightful and useful CLE. All too often we go to CLE's and do not get much out of them. I was wholly unaware of the of the growing depression and substance abuse problems in the legal profession. I appreciate you speaking so frankly and honestly and I hope the information I received will help me be on guard against depression and other issues that may creep up on me in the legal profession."**

3) From a Continuing Legal Education program producer:

**"Please accept my HUGE appreciation for all your hard work and talent at our recent program. I have received an outpouring of positive feedback. Your wisdom and thought-filled comments to the audience were amazing and really helped them gain some insight and understanding about LAP."**

In 2013 the LAP Director conducted the following Public Speaking Presentations:

01/19/13	LSBA Mid-Year House of Delegates
01/25/13	LSBA Ethics School, NOLA
02/15/13	LSBA Solo and Small Firms, NOLA
02/21/13	LSBA Depression Seminar, NOLA
02/27/13	Wex Malone Inns of Court, Baton Rouge
03/07/13	AFCCLA Seminar, NOLA
03/08/13	Family Law Panel, NOLA
03/13/13	LSU Law Orientation, Baton Rouge
03/13/13	Southern Law Orientation, Baton Rouge
03/13/13	LSBA Free CLE, Monroe
03/13/13	LSBA Free CLE, Shreveport
04/02/13	Southern Law School professionalism, Baton Rouge
04/03/13	Tulane Law School Wellness Panel, NOLA
04/09/13	Inns of Court, Shreveport
04/13/13	Annual LAP Seminar, Lafayette
05/03/13	LSBA Board of Governors, Point Clear, AL
05/10/13	LSBA Free CLE, Covington

05/17/13	LSBA Free CLE, Lake Charles
06/02/13	LSBA Summer School for Judges, Destin, FL
06/07/13	LSBA Summer School for Lawyers, Destin, FL
06/13/13	LSU Law professionalism, Baton Rouge
06/14/13	AFCCLA Annual Seminar, NOLA
06/21/13	LSBA Ethics School, NOLA
07/19/13	Baton Rouge Bar Sizzling Summer CLE
08/09/13	Domestic Relations Seminar, NOLA
08/21/13	Family Court CLE, Covington
08/23/13	LSBA Board of Governors, NOLA
09/20/13	Lake Charles Bar Association
10/24/13	LSBA Disability Panel, NOLA
10/25/13	Security Title CLE, Baton Rouge
10/28/13	Shreveport Bar Association Free CLE
12/05/13	NOLA Federal Bar Young Lawyers
12/11/13	Louis Martinet CLE, NOLA
12/11/13	LSBA CLE by the Hour, NOLA
12/13/13	LSBA Summer School Revisited, NOLA
12/16/13	Baton Rouge Bar CLE by the Hour
12/17/13	LSBA Quality of Life CLE, NOLA
12/18/13	Ethics on the North Shore CLE, Covington

Also, Craig Caesar, Chairman of LAP’s Executive Committee, conducted these presentations:

04/24/13	LSBA’s Ethics CLE in NOLA
10/09/13	LSBA Federal Court Wellness Panel

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

The LAP Director and LAP Clinical Director attended the 2013 ABA National Conference of Lawyers Assistance Programs Annual Seminar in San Diego, California. Presentations included: “Sane Lawyering”; “The Law Student Client”; “Identifying and Treating PTSD”; “Codependency”; “The Movement of Grace”; “Decline of Cognitive Ability in Aging Colleagues”; “Diversity in the Treatment of Lawyers; and, “Spirituality in the treatment of Lawyers.”

### **AMERICAN PSYCHIATRIC ASSOCIATION’S NEW DSM 5 TRAINING.**

LAP’s Executive Director and Clinical Director both attended a seminar in Baton Rouge on the American Psychiatric Association’s new Diagnostic and Statistical Manual of Mental Health Disorders, Fifth Edition (DSM-5). This new version of the DSM is the first major revision of the DSM in 30 years.

Most relevant to LAP, COBA, ODC and the legal profession's understanding in general of substance abuse, the old, familiar diagnoses of "substance abuse" and "substance dependency" have been discontinued entirely.

Now, all substance-related diagnoses are placed into the overarching category of "substance use disorders" and designated therein as either "mild", "moderate", or "severe" based upon the number of general criteria met.

This change is beneficial because it eliminates any foundation upon which to continue the common misperception by some that "substance abuse" is not serious or reflective of a problem that requires serious attention.

The new DSM 5 nomenclature now clearly sets out that all substance-related diagnoses in the DSM 5 are disorders and occur in the same class but simply present on a continuum as to the severity of the disorder. This eliminates the illegitimate temptation under the old system for lawyers to try and wholly distinguish substance abuse from other, more-serious substance use disorders. Now, every substance use disorder diagnosis is accurately labeled a true mental health disorder and there will be no more ambiguity.

Other DSM 5 substance use disorder change that is of interest to lawyers is the elimination of the criteria of "recurrent substance-related legal problems." Other criteria have been adjusted to include such social consequences within broader language.

This change is also beneficial and aids lawyers in accepting a diagnosis. Under the old DSM IV, lawyers and law students routinely expended misplaced effort on trying to distinguish the old criteria of "recurrent legal problems" by the outcome of conviction, not arrest. The new DSM 5 eliminates that argument by eliminating the term "legal" from its criterion.

Also, the old chemical dependency markers of "tolerance" and "withdrawal" now simply appear as equally weighted criteria with all other eleven.

After gauging all the facts in a case against the eleven criteria for Substance Use Disorders in the new DSM 5, a score of 2-3 indicates a *Mild* disorder; 4-5 indicates a *Moderate* disorder; and 6 or more indicates a *Severe* disorder.

## **TREATMENT CENTER RELATIONS AND INSPECTIONS**

LAP maintains inspections of facilities and personally visits treatment facilities to verify current suitability for LAP referral. LAP does not publish a list of treatment centers or providers because the industry is dynamic and treatment that was great last year, month, or week may have experienced a problem or change that now renders it unsuitable for LAP-approval.

During 2013 the LAP Director and LAP Clinical Director personally inspected the following treatment facilities:

- 1) Ridgeview Institute, Atlanta, GA
- 2) Talbot Health Services, Atlanta, GA
- 3) Bradford Health Services, Warrior, AL
- 4) Phoenix House, Tuscaloosa, AL
- 5) Bridge House, New Orleans, LA

## **JUDGES ASSISTANCE COMMITTEE**

In 2013, the “Judges Assistance Committee” continues to make headway while being led by the Committee Chairman, the Honorable Benjamin Jones, 4<sup>th</sup> Judicial District Court, Monroe, La.

At the 2013 Summer School in Destin, Florida, Judge Jones, on behalf of the Judges Assistance Committee, hosted a presentation by the LAP Director entitled “Keeping Legal Minds Intact: Compassion Fatigue in the Judiciary.” The program was well received.

LAP remains committed to serving the Judiciary and supporting the Judges Assistance Committee. Several judges have already received intervention education training through LAP and in 2013 LAP provided direct assistance, including successful intervention facilitation, to judges reaching out for help, either for themselves or for a colleague.

## **LOUISIANA SUPREME COURT’S COMMITTEE ON BAR ADMISSIONS (“COBA”)**

LAP continues to conduct independent evaluations and recovery monitoring for the Louisiana Supreme Court’s COBA. By facilitating LAP-approved independent evaluations, LAP assists COBA in its efforts to determine whether or not a student with past alcohol/drug or mental health issues is currently fit to practice law.

Depending on the diagnosis, and after the completion of any necessary clinical intervention or treatment, COBA may require successful LAP monitoring prior to recommending conditional admission.

Pursuant to recent revisions of Supreme Court Rule XVII, LAP’s role has now been expanded to include evaluations in all mental health cases, not just potential substance abuse cases. Moreover, pursuant to the Rule, LAP’s role in monitoring conditionally admitted Lawyers includes cases involving “substance abuse, physical, mental, or emotional disability or instability.”

As such, LAP’s role in the conditional admission process has been greatly expanded from that of only substance abuse cases to now render service to COBA in all mental health cases.

In addition to providing services to COBA, LAP continues to provide expert testimony to the Louisiana Disciplinary Board (“LADB”) for the Supreme Court’s consideration in disciplinary matters. LAP testifies regarding participants’ compliance under LAP monitoring agreements and

provides expert opinion on the quality of participants' LAP recovery efforts from the mental health conditions at issue.

## LOUISIANA STATE BAR ASSOCIATION ("LSBA")

In 2013, the *Louisiana Bar Journal* published a LAP column in each issue. Articles include topics such as what LAP is and what it does, the 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.

The *Bar Journal* also produced high quality advertisements to raise awareness about depression and LAP's available services.

Several other states have taken notice of LAP articles and advertisements in the *Bar Journal* and they have republished them in their states' periodicals.

The LSBA also continues to produce a Bar Admissions Education Program in all the law schools. The LAP Director participates with a LSBA officer, Respondent Counsel, and Chief Disciplinary Counsel to inform law students about the challenges they face in the legal profession, not only as to being admitted but also maintaining mental health under the pressures of practicing law. This program was presented the ABA Standing Committee on Professionalism E. Smythe Gambrell Professionalism Award.

The LAP website, currently located within the LSBA'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. LAP is currently finishing construction of an independent website with an eye toward keeping 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. Also, tools and resources for LAP Monitoring participants will be added to LAP's online services.

Each year the LAP Director participates personally in scores of LSBA CLE programs across the state and LAP strives to provide high-quality presentations that help contribute to the LSBA's ongoing success in providing excellent legal education services to the Louisiana legal profession.

LAP is extremely grateful for the LSBA Board of Governors' ongoing, zealous support of LAP. The financial and marketing support provided by the LSBA is critical to LAP's operation and effectiveness.

## THE OFFICE OF THE DISCIPLINARY COUNSEL (“ODC”)

Referrals from the ODC cover a wide range of issues. No longer limited to alcohol and addiction issues, LAP fields all mental health issues referrals coming to bear in disciplinary investigation 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 alleged unethical conduct being investigated.

LAP also provides full services to ODC investigation referrals including LAP-approved screening and evaluations, formal monitoring agreements, random drug screening, and quarterly compliance reports to ODC as required by the ODC.

During formal disciplinary proceedings, all parties depend heavily on LAP’s expertise in obtaining reliable diagnoses, facilitating high-quality treatment or therapy as indicated, 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 the ODC.

In addition to the referral of formal ODC matters to LAP, the ODC continues to place a significant number of informal calls each year to LAP in order to simply voice a confidential concern for a fellow member of the profession who appears to be in distress. Many of those private calls result in confidential LAP help being rendered to an impaired lawyer without any ODC involvement whatsoever.

## SOLACE PROGRAM

Each year LAP receives direct referrals from the “SOLACE” program which the Louisiana State Bar Association/Louisiana Bar Foundation’s Community Action Committee reaches out in meaningful and compassionate ways to judges, lawyers, court personnel, paralegals, legal secretaries and their families who experience deaths or other catastrophic illnesses, sickness or injury.

SOLACE’s volunteer support can range from simply sending the family a card signed by local and state leaders to providing the family with meals, needed support, assistance with grocery shopping or child care, or other similar services.

Fourteen volunteer SOLACE coordinators are serving around the state to rally local support for those in need of help from their community. The Honorable, Jay C. Zainey, U.S District Court, Eastern District of Louisiana serves as the main contact for SOLACE and maintains a listserv to broadcast calls for help to the whole group. LAP is included on the listserv.

In the course of fielding calls for community support, SOLACE occasionally receives a call involving a person in crisis with drugs, alcohol, depression or even demonstrating suicidal ideations. SOLACE confidentially refers these cases to LAP. LAP then confidentially assists the person appearing to be in need of mental health care, clinical intervention, and LAP support.

Judge Zainey has requested that LAP provide SOLACE with informational updates about LAP to be published regularly within its information network so as to keep its volunteers apprised of LAP's services and availability.

At present, LAP literally does not have the staff to launch additional marketing efforts. In the fullness of time, however, LAP hopes to increase its staff and be able to, among other things, zealously support SOLACE's outstanding efforts and maximize the synergy that will result by both LAP and SOLACE working together to raise awareness as to the services offered by each.

In the meantime, SOLACE is already confidentially referring mental health and substance abuse cases to LAP and, literally, in some of those cases the person's life is saved as a result.

### **AGING AND DEMENTIA IN THE LEGAL PROFESSION: A COMING *TSUNAMI***

A brand new, major challenge on the horizon for Louisiana's LAP (and all sister LAPs across the nation) will be the design and implementation of new programs to address aging and dementia in the legal profession. The Baby Boomer generation is now reaching retirement age and the issue of aging in the legal profession is coming our way in huge proportions.

Often referred to as the *Senior Tsunami*, an unprecedented number of lawyers and judges are at the threshold of retirement. Very difficult questions loom large. How will we determine when an aging member of our profession is no longer competent and poses a threat to the public and profession such that the lawyer should retire? How can we respectfully help the impaired lawyer let go and decide to retire in dignity before clients are harmed and the ODC is involved, etc.?

This new and highly specialized area of LAP assistance will require the pioneering of special programs tailored to objectively determine the cognitive ability in our aging legal peers and also the design of "soft" interventions to be conducted so as to respectfully encourage retirement for aging lawyers who are no longer functioning at a cognitive level required to safely practice law.

The ODC has articulated that LAP's confidential role should be primary in this new mission on the horizon. All concerned agree that LAP's confidential support should be maximized to reduce the number of cases of client complaints caused by aging lawyers and dementia. All are in agreement that, if at all possible, the end of an otherwise brilliant legal career should not be punctuated by an ODC investigation.

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

In order to position Louisiana's LAP for successful and stable long-term growth, LAP moved its offices to 1405 W. Causeway Approach in Mandeville and LAP now has the office space to add professional staff.

With a commitment from the LSBA for an increase in funding in 2012, LAP was able to hire a full-time Clinical Director, Leah Rosa, MHS, NCC, LPC, in April of 2013. She has obtained certifications as a Board Certified Professional Counselor, Certified Rehabilitation Counselor, Nationally Certified Counselor and also a Licensed Professional Counselor both in Louisiana and Texas.

Ms. Rosa's experience also includes adolescent and adult treatment of substance use disorders as the Program Director for an Intensive Outpatient Program for substance-dependent clients. Ms. Rosa provides a wide range of expert clinical oversight to LAP's operations.

Now with a staff of three people (Executive Director, Clinical Director, and Administrative Assistant), Louisiana's LAP is still over-pressed but remains focused on expanding its professional staff and increasing its capabilities to meet increasing demand for LAP's services.

Other states with comprehensive, full-service LAPs and similar numbers of licensed attorneys operate with a full-time professional staff of four to six. Louisiana's LAP is still in serious need of expansion and the demand for LAP's services continues to outstrip LAP's resources.

## **FUNDING THE FUTURE OF THE LAWYERS ASSISTANCE PROGRAM, INC**

LAP continues to face serious funding challenges. LAP can never fully develop without a significant increase in permanent funding to attract career-minded high-quality professional staff in numbers necessary to fully carry out LAP's responsibilities and meet the daunting mental health challenges our profession faces both now and in the future.

LAP's services have become germane to the regulation the practice of law in both COBA and ODC cases involving mental health and fitness to practice issues. LAP's individual, confidential services to the profession also unquestionably improve the quality of legal services available to the State of Louisiana.

The responsibility placed upon LAP by the profession, the expectation that LAP continue to design and deliver excellent services, and the increased challenges LAP will face in the future, all warrant the profession's full financial support of LAP.

In late 2012, the LSBA responded to LAP's immediate funding crisis by increasing its annual contribution to LAP by \$100,000 for a total of \$150,000. The Supreme Court also increased its contribution by \$30,000. These additional funds, gratefully received by LAP, have been critically important to LAP's addition of a professional staff member and LAP's short-term survival.

Also, the LSBA added LAP to the list of entities in the voluntary donation “check off” forms that are mailed out at various times of the year by the LSBA. Those donations from individuals are greatly appreciated but only generated approximately \$8,000 in 2013.

The LSBA’s and Supreme Court’s increased contributions to LAP funding at this critical time is immensely appreciated, but LAP still cannot meet its long-term goals without increased permanent funding.

As such, LAP continues to respectfully request that all entities in our profession work together to zealously support the institution of strong and permanent funding for LAP. It is LAP’s ongoing pledge that no greater good can be done for the profession for such a modest financial demand upon its members.

## **SUMMARY**

2013 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, Inc. and the LSBA 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 save lives and protect the public.

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