



JUDGES AND LAWYERS ASSISTANCE PROGRAM, INC.

RELEASES PERFORMANCE AUDIT

July 22 – October 26, 2015

By Mark C. Surprenant

Over the past five years, the Judges and Lawyers Assistance Program, Inc. (JLAP) has conducted an enthusiastic educational and networking campaign to promote its life-saving *confidential* services in an effort to grow the program. Many important, positive milestones have been reached in recent years, including, but not limited to:

- ▶ Significantly increasing JLAP's budget to expand its professional staff and programming and to broaden its expertise to render assistance with all mental health issues, such as depression and burnout, not just alcohol and drug addiction issues;

- ▶ Improving its programming quality on all fronts and specifically improving clients' long-term success rates by implementing appropriate professionals' programming criteria in clients' evaluation, assessment and treatment facilitation;

- ▶ Through outreach and education, significantly increasing the ratio of legal professionals utilizing JLAP's confidential services early in the process of impairment and before unethical conduct, discipline or harm to the public is involved;

- ▶ Restructuring JLAP's corporate governance so as to ensure that confidentiality is always sacrosanct, while concurrently providing necessary fiscal and fiduciary oversight at the board of directors' level;

- ▶ Modifying the program's name from the Lawyers Assistance Program (LAP) to the Judges and Lawyers Assistance Program (JLAP) so as to acknowledge formally that JLAP's full services are delivered to the judiciary, and broadening mission language to include all mental health issues; and

- ▶ Amending La. R.S 37:221 to formalize the new JLAP and its broader mission.

The Need for a Performance Audit

To ensure that JLAP continues along a solid path to excellence, JLAP took the initiative to commission a comprehensive Performance Audit to obtain feedback and expert advice on its operations and what steps it should take at this juncture to strive for the highest level of quality in professionals' programming. JLAP (and formerly as LAP since 1992) has never before commissioned an internal performance audit.

JLAP's Board of Directors, Operations Committee and professional staff, in conjunction with various members of the legal community, worked together to identify and assemble an unprecedented, exceptional Expert Audit Team comprised of leaders from both the legal professionals' program and medical professionals' program spheres. The resulting audit effort was described by the team as one of the most comprehensive professionals' programming performance audits ever conducted anywhere in the nation. The four-person team included:

- ▶ a Brooklyn, NY, judge who is the immediate past chair of the American Bar Association's Commission on Lawyers Assistance Programs (ABA CoLAP);

- ▶ a state LAP director from Michigan who operates a well-developed Broad Brush Lawyers Assistance Program and who is both a lawyer and a licensed mental health care professional;

- ▶ a psychiatrist MD who is the associate medical director of a large professionals' program in Florida and also the former director of the Louisiana Physicians' Health Program; and

- ▶ an addiction medicine expert and MD who is one of the pioneers in the field of addiction medicine in the United States, a former director of the Washington State Physicians' Health Program and the past president of the Federation of State Physicians' Health Programs (FSPHP).

JLAP was uncompromising in its goal to retain a team of leading, objective national experts to examine the program in detail and provide expert guidance on how JLAP can provide the highest level of programming excellence to Louisiana's legal profession.

About the Performance Audit

The JLAP Performance Audit was conducted over the course of a three-month period (July 22 to Oct. 26, 2015). The Expert Audit Team initiated its efforts on site in Louisiana at JLAP's offices in Mandeville and at the Adams and Reese, L.L.P., law offices in New Orleans.

For several days, the Expert Audit Team conducted personal interviews with an extremely broad and diverse population of entities and individuals who interact directly with JLAP. All segments of feedback about JLAP, from the most positive to the most negative known, were actively solicited in full force and carefully considered by the Expert Audit Team.

The mission was to assess thoroughly JLAP's current operations and: 1) establish its current level of effectiveness compared to other professionals' programs in the nation; 2) review the appropriateness of its operating protocols and clinical criteria for making evaluation, treatment and monitoring recommendations; 3) identify challenges and define barriers to progress that can be addressed to help move the program forward; and 4) fashion appropriate recommendations that may help guide JLAP to the very highest level of programming and services.

Audit Results

The written report, *Louisiana Judges & Lawyers Assistance Program Performance Audit, July 22- October 26, 2015, New Orleans, LA*, contains 88 pages of information, including, among other things: 1) JLAP's specific performance statistics; 2) broader commentaries about professionals' programming criteria and challenges in general; 3) anonymous surveys of JLAP's actual clients and services providers; 4) educational information about the different types of Lawyers Assistance Programs in the nation and the specific types of services they may or may not provide depending on their structures; 5) differences in addressing substance use disorders versus other mental health issues; 6) a survey of different states' processing of conditional admission cases involving Bar applicants with past

clinical or conduct issues; and 7) specific recommendations to aid Louisiana's JLAP in its ongoing quest for excellence.

As to the results of the audit, JLAP is very encouraged by the Expert Audit Team's overarching opinion that: "*JLAP's overall operation unequivocally qualifies it as a top tier program.*"

Accordingly, the Audit Report underscores that JLAP has, in large measure, already achieved much if its mission to grow Louisiana's program into a fully-staffed, full-service, top-quality professionals' program.

A program's success can be measured in many ways, but there can perhaps be no more important statistic than whether or not the program's participants can expect to achieve reliable long-term recovery rates from diseases such as alcoholism and addiction.

It is of note that the Expert Audit Team established that, over the last five years, JLAP participants have enjoyed a 90 percent success rate in long-term recovery at the completion of JLAP's protocol for addressing alcoholism and drug addiction. As such, JLAP has one of the very highest long-term recovery rates to be found in any professionals' program anywhere.

The Expert Audit Team's findings are very reassuring. Louisiana's legal profession can be confident that successful long-term clinical outcomes and a return to fitness without relapse are by far the norm at JLAP rather than the exception.

But there also are challenges that have been identified by the Expert Audit Team and certain things can be done at JLAP to improve upon the program and make it even more effective.

The biggest challenges that JLAP will be focusing on in light of the Expert Audit Report are within the category of Public Relations.

The Expert Audit Team has determined that significant misperceptions about JLAP have developed over the last 20-plus years and especially within some quarters of the profession wherein LAP (and now JLAP) has been viewed primarily as an arm of the disciplinary counsel and sometimes as a punitive entity.

Much of this "arm of discipline" misperception stems from the fact that

JLAP has a very long history of being predominantly known within the profession for its monitoring of participants who have alcohol or drug problems and who are also entangled in public disciplinary matters.

For many years, the bulk of written information about JLAP has appeared only in court opinions and court orders regarding disciplinary and bar admissions matters, wherein JLAP's participation and monitoring are required by the court. Moreover, in the past, even JLAP's own publications were predominantly geared toward explaining what to expect at LAP/JLAP when a lawyer runs afoul of the disciplinary or bar admissions systems.

Conversely, over the last two decades, there has been comparatively very little promotion of JLAP's purely confidential services to the profession and how reaching out early to LAP/JLAP can confidentially, discretely and effectively resolve mental health and substance abuse issues and restore fitness to practice *before* any unethical or inappropriate conduct occurs.

As to the basis for JLAP's clinical recommendations, the Expert Audit Team conducted an extensive internal review of JLAP's clinical criteria and protocol for rendering clinical recommendations and, according to the experts, JLAP's services are very reasonable and in line with what is expected from a full-service professionals' program.

To begin to address any misperceptions about JLAP, to the extent that they exist, the Expert Audit Team recommends that JLAP embark upon an intense educational effort to the Louisiana State Bar Association, Office of the Disciplinary Counsel, Louisiana Supreme Court and its Committee on Bar Admissions, and the entire profession as a whole so as to fully explain professionals' programming and why rigorous clinical criteria for safety-sensitive occupations are necessary (and are restorative and certainly not punitive), and that JLAP renders appropriate clinical recommendations on a case-by-case basis.

JLAP has already substantially increased its educational efforts over the last several years, including launching its new and comprehensive website. Some progress has been made in the promotion of JLAP's confidential services. But much more has

to be done. Per the Expert Audit Team, it will take an "enormous" educational effort and quite some time to correct the past misperceptions about JLAP.

Publishing the JLAP Performance Audit Report and JLAP's Response

JLAP has now published both the full Audit Report and JLAP's official response on its website. Both documents are available for download at www.louisianajlap.com. On the JLAP homepage, hover on "About JLAP" and then select "JLAP Performance Audit." Or go directly to the Audit at: <http://louisianajlap.com/wp-content/uploads/2017/03/JLAPAudit2015.pdf>.

Summary

Louisiana's JLAP has now successfully completed one of the most arduous and comprehensive performance audits ever performed of a professionals' program.

JLAP is extremely thankful for all of the participation and support it received from all parts of the profession. Many people dedicated enormous amounts of time and effort to this project, including but not limited to, JLAP's professional and administrative staff, JLAP's Board of Directors and Operations Committee, JLAP's Special Audit Subcommittee, Louisiana Supreme Court justices and staff, Louisiana State Bar Association presidents and executive director, the chief disciplinary counsel of the Office of Disciplinary Counsel, ethics defense counsels, anonymous JLAP program participants, several sister state LAP programs, professionals track treatment centers and several mental health care professionals. Without the interest and dedicated participation of all of these individuals, the Performance Audit would not have been possible. JLAP is extremely grateful to all who contributed to the Performance Audit effort.

In the spirit of doing all it can to help support the development of effective, full-service professionals' programming across the nation and beyond, JLAP is very pleased to publish its Performance Audit Report for unlimited distribution.

Every program has its own unique set of challenges and must traverse its own landscape toward its own visions for success. Of course, Louisiana JLAP's experiences may or may not be of interest to other programs depending on their specific needs and circumstances.

Nonetheless, it is Louisiana JLAP's sincere hope that openly sharing the Performance Audit Report and JLAP Inc.'s response may be of some utility to others and in some way, large or small, be of assistance to sister states and their professionals' programs in their individual quests for robust funding and high-quality programming.

If you have any questions or would like additional information about the JLAP Performance Audit, email mark.surprenant@arlaw.com or JLAP's Executive Director Buddy Stockwell at buddy@louisianajlap.com.

Our Louisiana JLAP is now saving more lives and careers than ever before, and JLAP is providing professional clinical assistance with all types of mental health issues, not just alcohol and drug problems. If you or someone you know needs help, reach out immediately to JLAP. All calls to JLAP are privileged and confidential as a matter of law pursuant to La. R.S. 37:221 and Louisiana Supreme Court Rule XIX 16(j). Contact JLAP at (985)778-0571, email jlap@louisianajlap.com or visit the website at www.louisianajlap.com.

Editor's Note: *The LSBA encourages all of its members to review the JLAP Performance Audit on the JLAP website, <http://louisianajlap.com/about-us/jlap-audit-2015/>. The Louisiana Bar Journal also would like to acknowledge and thank Mark Surprenant for his continuing efforts with JLAP and its staff.*

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