

LOUISIANA STATE BAR ASSOCIATION COMMITTEE ON ALCOHOL AND DRUG ABUSE AND THE LAWYERS ASSISTANCE PROGRAM

ANNUAL REPORT: January 1 – December 31, 2011

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.

ACTIVITY

In 2011, LAP assisted 160 new referrals with evaluations/gambling addiction/mental illness/ domestic abuse/depression and chemical abuse and dependency. Throughout 2011, there were on average 115 open files for active monitoring contracts of lawyers and law students. In addition to active monitoring contracts, LAP maintained another 130 open files on average for the assessment, treatment, and recovery of persons seeking assistance from LAP (either directly or by referral from other entities) for a total of 245 open files on average.

Referral sources in 2011 were as follows: Law Firms: 7; Judiciary: 8; Confidential Self Report: 53; Family members: 4; Disciplinary System (Supreme Court Committee): 24; and Bar Admissions System (Supreme Court Committee): 64.

Mental health issues with lawyers continued to rise across the nation. Depression and suicides have become epidemic.

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 2011 National Conference of Lawyers Assistance Programs Annual Seminar in Tampa, Florida.

Nationally renowned speakers conducted CoLAP presentations on the following topics: Dealing with Disruptive Attorneys; Mitigating Compassion Fatigue for Legal Professionals; Diversity Outreach; Challenges to a Sustainable Career; Addiction and Bi-polar Disorder; Model Rule on Conditional Admission; Men and Women's Groups on Love and Sex Addiction; Overcoming the Stigma of Mental Illnesses; The Difference a LAP Can Make; and, Pain Management, Pain Medication and Addiction.

LAP ANNUAL TRAINING SEMINAR

The Annual Lawyers Assistance Program LSBA Committee on Alcohol and Drug Abuse Training Seminar was held in St. Francisville, Louisiana, on May 13th and 14th, 2011. There were 60 lawyers and law students in attendance. Presentations were made as follows: 1) "Ethics and Recent Developments" by Charles B. Plattsmier, Chief Disciplinary Counsel; 2) "Depression in the Legal Profession" by Joseph E. "Buddy" Stockwell III, Executive Director of LAP; 3) "Unmanageability" by John P. Patout LCSW; and, 4) "LAP Updates and Recent Developments" by Joseph E. "Buddy" Stockwell III, LAP Director, and William R. Leary, LAP Director Emeritus.

LAP DIRECTOR SPEAKING ENGAGEMENTS

During 2011, the LAP Director made presentations at the following programs:

01/28/11	LSBA Ethics School
02/23/11	Tulane Law Students
02/24/11	Loyola Law Students
02/24/11	LSBA Solo and Small Firms
03/15/11	Southern Law Students
03/15/11	LSU Law Students
03/29/11	Southern Law Night School
05/06/11	LSBA New Admittees
06/10/11	Nuts and Bolts CLE
06/23/11	LSU Law professionalism class
07/13/11	LADB Free CLE Southern Law
07/13/11	ODC training session
08/04/11	LADB Free CLE Lafayette
08/07/11	LADB Free CLE NOLA
09/09/11	Lafayette Bar Association NOLA CLE
10/20/11	Disability Summit

11/11/11	Judges Intervention Training
11/14/11	Security Title Real Estate CLE
12/06/11	Baton Rouge Bar CLE by the hour
12/09/11	Beyond Ethics CLE
12/13/11	LSBA Quality of Life CLE
12/14/11	Shreveport Bar Association CLE
12/16/11	Beyond Ethics Part 2 CLE
12/28/11	Lafayette Bar CLE
12/29/11	Baton Rouge Bar CLE by the hour

Also, Steven R. Thomas, Esq., a member of the Executive Committee of the LSBA Committee on Alcohol and Drug Abuse, made a presentation to the Louisiana Disciplinary Board Training Session on May 25, 2011.

TREATMENT CENTER RELATIONS AND INSPECTIONS

During 2011 the LAP Director personally inspected the following treatment facilities:

- 1) Bradford Health Services in Warrior, Alabama;
- 2) Palmetto Addiction Recovery Center in Rayville, Louisiana;
- 3) Addiction Recovery Resources in New Orleans, Louisiana; and,
- 4) CORE center for compulsive gambling in Shreveport, Louisiana

MARKETING AND LAP PARTICIPANT GROWTH

In 2011, the LAP Director and LAP's Administrative Assistant, Joanne Milburn, designed new brochures with LAP's new look and new product logo. Over 3,500 LAP brochures on alcoholism and depression were distributed across the state during speaking engagements by the LAP Director in 2011.

Voluntary contacts seeking confidential help, before unethical conduct and Discipline were involved, rose 115% in 2011, marking unprecedented growth in confidential LAP participation and the promotion of LAP's primary mission of assisting impaired lawyers into treatment and recovery.

Direct feedback from new, voluntary contacts in 2011 demonstrates that speaking efforts by the Director, new Bar Journal articles, and new LAP brochures helped augment LAP's ongoing efforts so as to significantly increase 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 provides increased dependability in the drug screening process and also increased convenience to participants.

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

JUDGES HELPING JUDGES

In 2011, Louisiana Supreme Court Chief Justice Catherine D. “Kitty” Kimball sanctioned, and Fourth Judicial District Judge Benjamin Jones now serves as Chairman of, the new “Judges Helping Judges” Committee.

The Committee’s efforts were initiated during a two hour presentation at the 2011 Summer School in Destin, Florida, wherein Judge Jones and William R. “Bill” Leary, LAP Director Emeritus, hosted nationally acclaimed experts who spoke to the judges in attendance.

Later in the year, at the request of Judge Jones, LAP produced an Intervention Training Session held at the Louisiana Supreme Court so as to help educate volunteer judges on the new Committee about interventions and what might be done to approach impaired judges who may not want help or who may be unwilling to admit problems. Eight volunteer judges attended the session.

Mr. Leary conducted an hour-long presentation on the intervention process, and the LAP Director made a presentation on LAP confidentiality and presented the Texas Lawyers Assistance Program film “Practicing in the Shadows” that focuses on depression in the legal profession.

The Judges Helping Judges Committee is an important first-step toward encouraging judges to consider reaching out to fellow judges who may be impaired, or reach out themselves if impaired.

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.

LOUISIANA STATE BAR ASSOCIATION

New in 2011, the Louisiana Bar Journal invited the LAP Director to provide a column in each issue of the Louisiana Bar Journal. Articles are now being published and will include topics covering what LAP is and what it does, the brain diseases of alcoholism, addiction, depression, and mental illnesses that impair lawyers and judges, and how to attenuate stigmas surrounding alcoholism, addiction and

depression so as to encourage members of the legal profession to reach out to LAP for confidential help before Discipline is involved.

The Louisiana Bar continues to produce a Bar Admissions Education Program in all the law schools. The LAP Director participates with a LSBA officer, representative from the Committee on Bar Admissions, Respondent Counsel, Chief Disciplinary Counsel and a member of the Bar Admissions Sub-Committee. This program informs the law students as to what information is needed to be included in the Character and Fitness section on the Application to the National Conference of Bar Examiners. This program was presented the ABA Standing Committee on Professionalism E. Smythe Gambrell Professionalism Award.

The LSBA/LAP web site continues to be a source of requests for information and valuable resource for lawyers and judges seeking help. This site was recently updated with more articles on depression and will continue to be updated so as to keep pace with new information about addiction, depression, mental illness and treatment for conditions that impair lawyers.

THE OFFICE OF THE DISCIPLINARY COUNSEL

LAP continues to provide LAP-approved independent evaluations and treatment referrals as necessary, and LAP Recovery Agreements and monitoring services as applicable thereafter, to referrals from the Office of the Disciplinary Counsel (ODC).

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

FUNDING THE FUTURE OF THE LAWYERS ASSISTANCE PROGRAM

LAP is poised for continuation of the exceptional growth it experienced in 2011 in the area of confidentially assisting impaired lawyers and judges early on and before the public is harmed by impairment-driven unethical conduct and/or before Discipline is involved.

Statistics from ODC demonstrate that upwards of 50% of disciplinary complaints include a component of alcoholism, drug addiction, depression or other impairment that, if treated early, could have prevented or reduced harm to the public and disciplinary complaints in those cases.

Both ODC and the Louisiana Client Assistance Foundation (LCAF) have now recognized that LAP is crucial to the health of the profession and the protection of the public, and both entities acknowledge that a better funded LAP can lessen both ODC complaints and claims against the LCAF. As such, LAP will continue to reach out to seek help and support from all potential funding sources so as to hopefully obtain the additional capital needed to expand LAP and meet the demand for services.

SUMMARY

2011 marked a year of upgrades and improvements that reflect the Lawyers Assistance Program's ongoing history of excellence in providing the highest quality assistance and monitoring to impaired individuals in our 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 the Lawyer Assistance Program so as to continually increase its effectiveness and ability to assist impaired individuals in the legal profession.

With kindest regards, I am

Sincerely,



J.E. "Buddy" Stockwell III
Executive Director



L · A · P
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JES/jfm

STATISTICAL DATA

January 1 – December 31, 2011

REFERRAL SOURCES:

Law firms and Judiciary	15
Self	53
Other attorneys, office staff, family members, etc.	4
Disciplinary System (Supreme Court Committee)	24
Admissions System (Supreme Court Committee)	64
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New Referrals in 2011	160

MONITORING SOURCES:

Office of the Disciplinary Counsel Monitoring	71
Committee on Bar Admissions-Character & Fitness Monitoring	24
Voluntary Monitoring	19
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Monitored in 2011*	114
(*This number varies throughout the year)	