

Lawyers ASSISTANCE

By Dr. Angela White-Bazile, Esq.

PERCEPTION VS. REALITY: THE TRUTH ABOUT JLAP

*I can see clearly now the rain is gone
I can see all obstacles in my way
Gone are the dark clouds that had me blind
It's gonna be a bright (bright)
Bright (bright) sunny day . . .¹*

S tating that practicing law may sometimes be stressful is an understatement. Competition, long hours, high expectations and chronic stress can wear down even the most competent and energetic lawyer. As lawyers, we create bright sunny days for others. We are problem solvers in demanding and, at times, aggressive environments. Yet, what happens when we are the ones with a problem? We know that we cannot control everything in life, but we do have control over ourselves and how we react to roadblocks, rough patches, stormy days, challenges and distractions.

What do you tell yourself when nothing seems to be going right? How do you encourage yourself that tomorrow is a new day full of new opportunities and possibilities, or do you allow your thoughts and fears to consume or overwhelm you? How do you cope daily? What are your self-care habits? Is there someone you can be open with or reach out to for encouragement who will not diminish or ignore what you are going through?

In recent years, the topic of well-being in the legal profession was introduced on a national level to encourage creating healthy work environments and local and regional support networks to work in tandem with lawyer assistance programs. According to the American Bar Association, collectively, we must “recognize that substance use and mental health problems represent a significant challenge for the legal profession and acknowledge that more can and should be done to improve the health and well-being of lawyers.”² No longer should you feel the



J·L·A·P
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*Your call is absolutely
confidential as a matter of law.*

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need to hide behind a figurative mask because the Judges and Lawyers Assistance Program (JLAP) does exactly what our name implies — assist judges, lawyers and law students in being stronger, wiser and better by addressing professional and personal issues and barriers to success.

Naturally, when you read or hear about lawyer complaints (such as, after a lawyer fails to communicate with clients, fails to complete transactions, misses deadlines or court appearances, fails to refund unearned fees or fails to reconcile a client trust account), you tend to see only what is directly in front of you or reported to the Office of Disciplinary Counsel (ODC) instead of looking deeper, beyond what is visible. If you change the way you look at things, the things you look at change.

In impairment cases, what is seen is often only the tip of the iceberg. However, the tip is a small part of a much larger situation or complex problem that remains hidden. Most of the iceberg is submerged, making it difficult to know the magnitude of what lies below the surface. Therefore, what is perceived is not an accurate depiction. Yet, our perception influences how we understand and respond.

No one is immune to chemical dependency or abuse, mental, emotional or physical health issues, and ignoring an issue does not make it go away. When you see a colleague struggling, do you intervene, or do you think “that’s not my

problem?” But for a personal support system, we are all at risk. Research shows that lawyers suffer from substance abuse at twice the rate of the general population and depression at three times the rate of the general population. Since the onset of the COVID-19 pandemic, substance use disorders, anxiety, depression and addictions have only increased.

When a judge, lawyer or law student is referred to JLAP, what is not initially seen is that a person may be struggling with anxiety, depression, stress, burnout, alcohol use, prescription and illicit drug use, compulsive behaviors, bipolar disorder and suicidal ideations.

JLAP addresses these deep-rooted, unresolved issues because our purpose is to save lives, families and careers. We protect the safety and welfare of the public while supporting the integrity of judges, lawyers, law students and the legal community.

JLAP is a 501(c)(3) non-profit corporation that serves the public, the Bar and the profession by assisting, on a completely confidential basis, judges, lawyers and law students whose professional impairment may stem from substance use disorders or other serious mental health issues. Professional impairment occurs when something interferes with the ability to practice competently, sometimes in a manner that can be unethical. Types of impairment include managing sleep with substances, frequent use of or self-medicating with alcohol or drugs, addictions of any kind, unresolved grief, eating disorders, mental health concerns, trauma and compassion fatigue.

Individuals can voluntarily contact JLAP or be referred by the Judiciary Commission, Committee on Bar Admissions, ODC or their employer. In 2020-21, we opened 130 new files. Of those new files, 85 (65%) were voluntary, and the remaining were referrals. As a

specialized and structured professionals' program, we strive to provide comprehensive and effective mental health assistance to the Louisiana legal community and family members. JLAP's comprehensive services include assessments, information and referrals, interventions, consultations, education, recovery monitoring and lawyer support groups. We are recognized nationally as a leading program, and we continue to generate unprecedented 95% no-relapse success rates on average.

JLAP seeks to develop creative programs and events to reduce the stigma associated with addiction, severe depression, anxiety, burnout and suicide among lawyers and law students. We educate law students at orientation and Law Student Mental Health Day/Week through raising awareness about substance abuse or dependency and physical and mental health conditions that could lead to impairment. We participate in bar association functions and CLE presentations to help judges and lawyers find solutions for substance use and mental health issues and provide valuable tools, techniques and tips for dealing with stress and maintaining a healthy lifestyle. JLAP presentations in 2021 focused on the necessity of self-care while adjusting to the new norm of a remote world. JLAP also maintains a database of diverse professionals familiar with the challenges judges, lawyers and law students face. Additionally, JLAP publishes an article in every issue of the *Louisiana Bar Journal* thoroughly explaining ways to improve lawyer mental health and decrease substance abuse.

JLAP is a resource to serve and support you. You are not alone. Do not allow an addiction or mental health problem to dominate your life and threaten your career. Early intervention is key. There is always someone who will listen and help you in your time of need. JLAP's life-saving services are available to all judges, lawyers, law students, bar applicants, legal professionals and family members. You should never feel afraid or ashamed for needing help. Asking for help is a sign of strength, not weakness. Know that JLAP is, first and foremost, a confidential method of providing life-saving support. We want you to reach out to JLAP *before* an unethical or disciplinary matter arises.

JLAP is an independent nonprofit pri-



marily funded by the Louisiana State Bar Association, its sole member entity. As JLAP's sole member, the LSBA oversees JLAP's budget and some aspects of its governance. JLAP does not police, report or discipline. JLAP does not release any information to any disciplinary entity or other third party unless/until specifically authorized to do so by our client. The identity of any judge, lawyer, lawstudent or family member who requests assistance for themselves or others remains confidential in compliance with La. R.S. § 37:221³ and Louisiana Supreme Court Rule 19.⁴

We have discretely assisted hundreds of Louisiana judges, lawyers and law students to address and overcome challenges to engaging successfully in their professional and personal lives. We are here to help with any issue that may negatively impact the ability to practice. If you need help or if a colleague needs help, do not wait. Willingly reach out to JLAP. Support is available, and your overall health should be a priority. Let's stop sacrificing our health and happiness and erase the stigma surrounding mental health and addiction while normalizing dialogue about the challenges so many of us face regularly.

To learn more or seek help with mental health issues, substance use disorders, other addictions, and general health and well-being issues, contact our professional clinical staff at JLAP at (985)778-0571, email jlap@louisianajlap.com, or visit our website www.louisianajlap.com.

We are a strictly confidential Safe Haven of Healing enthusiastically walking alongside you to a *bright (bright) sunshiny day*.⁵

FOOTNOTES

1. Johnny Nash, "I Can See Clearly Now," on *I Can See Clearly Now* (Epic Records 1972).

2. "Well-Being in the Legal Profession," American Bar Association, www.americanbar.org/groups/lawyer_assistance/well-being-in-the-legal-profession/.

3. § 37:221. Bar Committee on Alcohol and Drug Abuse; Judges and Lawyers Assistance Program; privilege, confidentiality and immunity:

B. Privilege and confidentiality.

(1) Any information, report, or record, whether written or oral, that the Committee on Alcohol and Drug Abuse of the Louisiana State Bar Association, the Judges and Lawyers Assistance Program, Inc., or any member, or employee, or agent of either generates, receives, gathers, or maintains is confidential and privileged. No member of the Committee on Alcohol and Drug Abuse, or agent, or employee of the Judges and Lawyers Assistance Program, Inc., may disclose that information, report, or record without written approval of the subject judge, lawyer, law student, or other member of the legal profession. No person shall be required to disclose, by way of testimony or otherwise, privileged information or to produce, under subpoena, any records, documentary evidence, opinions, or decisions relating to such privileged information:

(a) In connection with any civil or criminal case or proceeding.

(b) By way of any discovery procedure.

4. Rule XIX. Rules for Lawyer Disciplinary Enforcement, Section 16. Access to Disciplinary Information:

J. Duty of Officials and Employees of the Agency. All officials and employees of the agency in a proceeding under these rules shall conduct themselves so as to maintain the confidentiality mandated by this rule.

5. Nash, *supra* note 1.

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