

Report of the North Carolina State Bar Lawyer Assistance Program

October 1, 2007 – September 30, 2008

LAP Board

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Introduction

It has been a busy and productive year for the North Carolina Lawyer Assistance Program (“LAP”). The State Bar’s rule governing the Lawyer Assistance Program provides:

.0601 Purpose

The purpose of the Lawyer Assistance Program is to: (1) protect the public by assisting lawyers and judges who are professionally impaired by reason of substance abuse, addiction, or debilitating mental condition; (2) assist impaired lawyers and judges in recovery; and (3) educate lawyers and judges concerning the causes of and remedies for such impairment.

The LAP is fulfilling its mission. In its 29th year of operation, the LAP responded to numerous calls and had many personal interviews with lawyers, judges and law students. These contacts resulted in a current caseload as of the end of September of 456 cases.

Since 2000, the LAP has assisted over 1,585 lawyers, or approximately 8% of the Bar, The individuals we serve often include the Bar’s most disadvantaged and distressed members.

Of our current files, 57% were opened as a result of voluntary contacts by a lawyer, judge or law school student seeking assistance. The majority of the other files were opened after other members of the bar expressed concern to the LAP about an impaired lawyer. With respect to the cases that were opened, 57% involved psychological or mental health disorders, and 43% involved substance abuse or chemical addiction. We handled eight files which involved preadmission issues, which represents a decline from previous years. The decline in the LAP’s informal involvement in helping the Board of Law Examiners during the past year may reflect a heightened awareness of the substantive issue of conditional admission that has been a topic of discussion among The Board of Law Examiners and the State Bar leadership. We would expect these preadmission inquiries to increase as the number of law students taking the Bar continues to increase.

Last year the State Bar Council asked for there to be greater coordination between the Office of Counsel and the Lawyer Assistance Program in cases where the discovery or potential discovery of misappropriated client funds might lead to a suicide risk. As a result of this increased coordination, the LAP has been proactive in seeking out lawyers facing the likelihood of disbarment to give assistance to. The result of this outreach has been that in at least in two cases a very real potential possibility of suicide was averted.

The LAP has participated during the past year in a “Well Being in the Workplace” survey sponsored by the North Carolina Consortium of Professional Recovery Programs (“CPRP”). The CPRP survey is still in progress and is being administered by Dr. Darcy Siebert, a professor at Florida State University. Once survey results are made available, the information will be sent to the LAP along with an analysis of the kinds of mental health issues that affect our lawyers. This data should be very helpful in assisting the LAP to better meet the needs of the lawyers we serve.

The LAP internet site remains an important source of information about the LAP and how to contact the program. During the year, the site registered 5820 hits on the homepage. The website provides a listing of the members of the PALS Committee and the FRIENDS Committee, the two LAP peer group support committees, as well as information about depression and chemical addiction.

The LAP website also contains pages which provide a comprehensive list of resources and confidential self-tests for substance abuse and depression. In addition, the website provides information about the two annual training workshops for volunteers and a library of articles related to topics relevant to lawyer assistance.

As has been true over the years, the LAP network of volunteers and lawyer support groups provide a major part of the assistance given by the LAP to lawyers around the state. Without the extended volunteer network, it would be impossible for the LAP to be as effective as it has been during the past year. Staff and volunteer efforts have prevented or limited possible harm to the public in numerous instances. In cases where discipline is initially deferred, or the lawyer is operating under a stayed suspension, the LAP's intervention has offered the opportunity to identify and resolve the root problems out of which the discipline issue arose and furthered the Bar's mission of protecting the public.

Details of the North Carolina Lawyer Assistance Program October 1, 2007– September 30, 2008

The LAP provides assessment, referral, intervention, education, advocacy, and peer support services for all North Carolina lawyers and judges.

The LAP is designed to help lawyers find a way to address a wide range of health and personal issues, including, most commonly, alcohol/drug abuse, stress/burnout, depression, anxiety, and compulsive disorders of all kinds, including those involving food, sex, work, gambling, and the Internet.

All calls are strictly confidential.

Educational Outreach

The North Carolina Lawyer Assistance Program believes that intervention begins with educating all segments of the bench, bar and law schools about addiction, mental health issues, compulsive disorders and recovery from those conditions. The LAP efforts have continued this year through presentations at law schools, ethics CLE workshops and local and specialty bar association meetings.

LAP Presentations:

- Wake County Bar CLE – Raleigh, NC – October 2, 2007
- Mecklenburg County Bar – Charlotte, NC – October 12, 2007
- Chief District Judge Meeting – Asheville, NC – October 17, 2007
- Guardian Ad Litem Program – Charlotte, NC – November 2, 2007
- Durham County Bar Association – Durham, NC – November 13, 2007
- Bankruptcy Institute – Wilmington, NC – November 18, 2007
- Fidelity Trust – Bryson City, NC – November 30, 2007
- Mecklenburg County Bar – Charlotte, NC – December 6, 2007
- Brooks Pierce – Greensboro, NC – December 7, 2007
- Association Roundtable – Raleigh, NC – December 12, 2007
- NC Academy of Trial Lawyers – Raleigh, NC – December 19, 2007

- Wake Forest Law School – Winston Salem, NC – January 11, 2008
- Health Law Primer – Cary, NC – January 18, 2008
- Chicago Title Insurance – Gastonia, NC – February 5, 2008
- Chicago Title Insurance – Charlotte, NC – February 6, 2008
- Wake Women Attorneys – Raleigh, NC – February 14, 2008
- District 15B Bar Meeting – Chapel Hill, NC – February 15, 2008
- Chicago Title Insurance – Greenville, NC – February 19, 2008
- Business Law & Corporate Counsel – Pinehurst, NC – February 22, 2008
- Bar Center – Cary, NC – February 26, 2008
- North Carolina Paralegal Association – Concord, NC – March 28, 2008
- UNC Law School – Chapel Hill, NC – April 1, 2008
- Legal Aid of NC, RPT, NC – April 1, 2008
- American Immigration Lawyers Association – New Bern, NC – April 11, 2008
- Charlotte School of Law – Charlotte, NC – April 18, 2008
- Public Defender Conference (UNC) – Wrightsville Beach, NC – May 15, 2008
- District 24 Bar Meeting – Boone, NC – May 16, 2008
- Smith Moore – Greensboro, NC – June 6, 2008
- Lawyer Mutual – RTP, NC – September 5, 2008
- District 28 – Asheville, NC – September 19, 2008
- Lawyers Mutual Practice Risk Management – Greenville, NC – September 26, 2008

LAP Information Flyers/Brochures

- LAP (four-fold) flyer: North Carolina Lawyer Assistance Program
- PALS: Alcoholism and Other Chemical Addictions
- FRIENDS: Depression and Mental Health
- A Guide for North Carolina Judges: Dealing with an Impaired Lawyer
- Black Lawyers Association Leadership Urges Members Use of Lawyer Assistance Program
- Breaking the Silence – Lawyer Suicide
- A Chance to Serve
- Welcome to the Legal Profession
- Women Bar Leaders Encourage Use of Lawyer Assistance Program
- Impairment in the Legal Profession – A guide for New Bar Councilors and Local Bar Leaders

LAP flyers/brochures are included in new lawyer packages, volunteer packages, requests for information by prospective clients and in CLE programs. Approximately 2135 LAP flyers/brochures were distributed in the presentations made this past year with 300 Welcome Flyers/brochures distributed to new admittees.

The LAP book “A Lawyer’s Guide to Healing” has been distributed as part of the LAP outreach.

Articles

PALS and FRIENDS columns were submitted quarterly to the *Bar Journal*. Monthly articles were submitted to the *Campbell Law Observer* to develop awareness of the Lawyer Assistance Program and issues that may lead to impairment in lawyers.

Volunteer Development

Substantial efforts continue to be devoted to volunteer development. As of September 30, 2008, there were 132 PALS Volunteers and 93 FRIENDS Volunteers.

Training

FRIENDS 9th Annual Conference and Workshop was held on February 9, 2008 at the Pine Needles Lodge and Conference Center, Southern Pines, North Carolina. The 2008 conference was a joint program with BarCares and the Quality of Life Committee of the North Carolina Bar Association

ABA Annual CoLAP Conference was held in Nova Scotia, Canada, October 1 - 6, 2007.

The 28th Annual PALS Meeting and Workshop was held October 12-14, 2007 at the Broyhill Inn & Conference Center, Appalachian State University, Boone, North Carolina. Chief Justice Sarah Parker was in attendance. Guest speakers included John Ishee and Kristi and Todd Webb.

Upcoming Events for 2009

FRIENDS 10th Annual Conference will be held at Pine Needles Lodge & Conference Center, Southern Pines, North Carolina on February 9, 2009. This conference will be in conjunction with BarCares and the NC Bar Association Quality of Life Committee.

The 29th Annual PALS Conference and Workshop will be held November 7-9, 2008 at the Holiday Inn SunSpree, Wrightsville Beach, North Carolina.

Local Volunteer Meetings:

The Lawyer Assistance Program continues the development of local volunteer meetings to provide greater continuity and support in meeting the needs of lawyers new in recovery and allowing volunteers the chance to grow in their own recoveries. Local volunteer support meetings for PALS and FRIENDS are held in the following locations:

Raleigh Triangle FRIENDS Support Meeting
Every Monday at 6:30 p.m.

Charlotte PALS/FRIENDS Support Meeting
Every Monday at 5:00 p.m.

Beaufort, New Bern, Morehead FRIENDS/PALS Support Group
4th Wednesday Every Other Month

Wilmington FRIENDS Support Group
3rd Thursday of Every Month

Greensboro Triad FRIENDS Support Group
1st Friday Every Month

Greenville and Down East FRIENDS/PALS Support Group
2nd Thursday Every Month

Wilmington PALS Support Group
1st Wednesday Every Other Month

Greensboro Triad PALS Support Group
3rd Wednesday Every Month

Fayetteville/Sandhills PALS Support Group
1st Thursday Every Month

Raleigh Triangle PALS Support Group
2nd Friday Every Month

Charlotte PALS Support Group
3rd Friday Every Month

Asheville PALS/FRIENDS Support Group
3rd Thursday Every Month

Raleigh PALS/FRIENDS Dinner Group
1st Thursday Every Month at 6:30 p.m.

Winston-Salem PALS/FRIENDS Lunch Group
2nd Friday Every Month

Southern Pines PALS/FRIENDS Support Group
4th Tuesday Quarterly starting Jan 2005

Durham-Chapel Hill PALS/FRIENDS Group
1st Tuesday Every Month

Boone PALS/FRIENDS Group
4th Friday – Monthly

Volunteer Communication

The LAP sends out *The Intervenor*, a newsletter, to all PALS Volunteers three to four times a year to enhance communication among the volunteer network. Volunteers have contributed by writing articles for *The Intervenor* and by sharing personal stories in the *Campbell Law Observer (CLO)* and the *Bar Journal*.

Case Management

Case management has four different stages:

1. Investigation – Initial contact with the program begins the investigative phase. All efforts at this stage are directed to determining if the lawyer has a problem LAP can assist with, the nature of the problem, and if the client is willing to get assistance.
2. Treatment/Stabilization – This phase begins when a lawyer understands that he/she needs help and agrees to obtain assistance.
3. Monitoring/Aftercare – This begins when a lawyer has completed inpatient/outpatient treatment or initial therapy consultations and is stabilized in a recovery program. In this stage, the volunteer support is most active and helpful.
4. Inactive Status – A file is placed on inactive status when the active role of the LAP terminates. This may occur when the lawyer completes an initial two-year contract of monitoring and no longer needs a monitor, lawyer dies, moves out of state, is disbarred or no longer wants any assistance.

Case Management Statistics

Statistics about the program reflect the number of people getting help; they do not reflect the time it takes to deliver that assistance. A self-referral might be appropriate for a phone evaluation and be immediately directed to a treating counselor to meet his/her needs. On the other hand, a third-party initiated investigation may take weeks to complete and, even then, the file may be put on hold for months in order for there to be sufficient opportunity to ascertain if the lawyer truly needs assistance. Every effort is made not to interfere by offering assistance unless there is meaningful evidence suggesting that it is needed or the lawyer is actively seeking help. Even then, in the addictions area, assistance when offered is often initially refused, and the LAP may spend months building up trust so that assistance can be received when the lawyer finally becomes receptive. Like cases in law practice, the problem cases can often take tremendous amounts of time to move forward. Our approach is never to give up on offering help, but often that means waiting until a situation ripens. To be able to make client access to the LAP easier, the state of North Carolina is divided into three sections. Don Carroll handles cases in the western part of the state. Towanda Garner handles the piedmont section and Ed Ward the eastern part of the state. Any lawyer may seek the help of any member of the professional staff. The continued expansion and utilization of trained volunteers will remain a key component in our future ability to bring assistance to more lawyers who need it.

Outcome Data

The cases that have been coded as successfully handled are a broad category that emphasizes help to the lawyer. First and foremost, this includes cases where the client had a significant problem, entered into a recovery contract with the LAP and successfully completed the contract. In addition, it includes cases where there was informal assistance given and a positive result achieved for the lawyer. This category also includes (1) cases where an investigation was made, or the client contacted and offered assistance, with the result that it was determined that no further action was needed on the client's behalf; and (2) cases that were investigated, the investigation was inconclusive as to the need for assistance and the case was closed after two years when there did not appear any new information that help was needed. The success category does not include lawyers who died, went on disability status, were disbarred or moved out of state. Although these categories reflect elimination of potential harm to the public, they do not show that a lawyer was actually helped. We regard outcomes as unsuccessful where a contract was entered into and the client failed in his or her efforts to achieve recovery, where a

client went to treatment and left treatment and did not pursue recovery and cases where it was unsuitable for the LAP to provide assistance.

Since 2000, there have been 886 active case files closed. Of these, a successful outcome was obtained in 751 and an unsuccessful outcome occurred in 135, for a favorable success rate of 86%. Of these closed cases, 510 were for addiction issues, and 376 for mental health. For addiction cases, there is a success rate of 86%, and for the mental health a success rate of 84%.

The LAP is currently handling 459 files. There are 198 PALS and 261 FRIENDS files.

PALS Referrals:

Friend – Non-Lawyer - 4
Family- 10
DHC - 2
Bar Staff - 11
Another Lawyer - 50
Self - 67
Firm - 14
Judge – 11
DA – 1
Board of Law Examiners – 8
Bar Examiner - 1
Grievance – 10
Unknown – 6
Law School – 2
Local Bar – 1

FRIENDS Referrals:

Friend – Non-Lawyer - 3
Family - 3
DHC - 5
Bar Staff - 22
Another Lawyer - 49
Self - 137
Grievance - 17
Firm - 10
Another LAP - 2
Unknown - 4
Judge - 4
Local Bar - 2
EAP - 1
Investigators/SCA – 1
Law School - 1

Governance

Under the rules of the NC State Bar Council, the LAP is governed by a nine member Board. The NC State Bar Council appoints the members of the Lawyer Assistance Program Board in three different groups: Three councilors of the NC State Bar; three persons with experience and training in the fields of mental health, substance abuse and addiction; and three Bar members who currently serve as volunteers to the LAP. In order to avoid any perception that the LAP Program is not entirely separate from the disciplinary functions of the State Bar, no member of the Grievance Committee may serve on the LAP Board.

There have been two new additions to the LAP Board during this past year. These are Margaret J. McCreary, a Bar Councilor from Durham, and David W. Long, a Bar Councilor from Raleigh.

The current members of the LAP Board are: Mark W. Merritt, Chair and a councilor; Fred F. Williams, Vice-Chair, LAP and volunteer; Sheryl T. Friedrichs, volunteer; Paul A. Kohut, volunteer; David W. Long, councilor; Margaret J. McCreary, councilor; Burley B. Mitchell Jr.; Dr. Al Mooney, and Barbara Scarboro.

LAP Board Meetings Scheduled For 2008

The LAP Board meets quarterly during the time of the Council meetings except in the fall, when the LAP Board meets, if necessary, at the time of the Annual PALS Meeting and Workshop.

LAP Board meetings are usually scheduled for lunchtime on the Thursday of the week the Council meets. The 2009 schedule for the Council is listed below:

January 20-23, 2009	Marriott Raleigh City Center, Raleigh
April 21-24, 2009	Marriott Raleigh City Center, Raleigh
July 21-24, 2009	Carolina Hotel, Pinehurst, NC