

# **Report of the North Carolina State Bar Lawyer Assistance Program**

**October 1, 2009 – September 30, 2010**

## **LAP Board**

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## **LAP Staff:**

**Don Carroll, Director**  
**Ed Ward, Assistant Director**  
**Towanda Garner, Piedmont Coordinator**  
**Buffy Holt**  
**Joan Renken**



## 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 31<sup>st</sup> 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 699 cases.

Since 2000, the LAP has assisted over 1,820 lawyers, or approximately 9.2% of the Bar. The individuals we serve often include the Bar’s most disadvantaged and distressed members.

Of our current files, 46% 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, 56% involved psychological or mental health disorders, and 44% involved substance abuse or chemical addiction. The LAP handled 13 files which involved preadmission issues referred by the Board of Law Examiners.

In 2007 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. The LAP has continued to be proactive in this context when it became aware of lawyers facing the likelihood of disbarment and offering assistance to the lawyer.

The LAP has participated in a “Well Being in the Workplace” survey sponsored by the North Carolina Consortium of Professional Recovery Programs (“CPRP”). The CPRP survey data collection was completed this past year. Professor Darcy Siebert, formerly of Florida State University, now at Rutgers, is in the process of analyzing the data. Professor Siebert made an initial presentation on the survey’s results to the Bar Council at its April 2010 meeting. Her first article on the survey results was published in the fall issue of the Bar Journal. Professor Siebert is working on additional articles that will be published in the Bar Journal in 2011. The survey data and Professor Siebert’s analysis will assist not only our LAP but other LAP programs around the country to address the needs of the lawyers we serve more effectively.

The LAP internet site remains an important source of information about the LAP and how to contact the program. 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. Many calls, especially from younger lawyers, come from lawyers who first consulted the website.

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.

During 2010, Don Carroll announced his intention to retire as LAP Director in January 2012. Under the leadership of LAP Chair Mark Merritt a LAP Committee has been set up to make recommendations to President Bonnie Weyher, President-Elect Tony DiSanti, Vice President Jim Fox and Executive Director Tom Lunsford, on the process of how best to maintain strong LAP staff leadership and excellence.

## **Details of the North Carolina Lawyer Assistance Program October 1, 2009– September 30, 2010**

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:**

- Investors Title, Raleigh, NC – October 9, 2009
- Wake County Trial Lawyers, Raleigh, NC – October 23, 2009
- Association Roundtable: Substance Abuse, Raleigh, NC – October 28, 2009
- Mecklenburg County Bar – Charlotte, NC – October 30, 2009
- George White Bar, Durham NC, - November 6, 2009
- Legal Aid of North Carolina, Winston-Salem, NC - December 4, 2009
- Winston Salem Bar Association, Winston Salem, NC – January 12, 2010
- AOC & AOG, Raleigh, NC – January 13, 2010
- Bar Leadership Institute, Greensboro, NC – January 15, 2010

- UNC Festival of Learning, Chapel Hill, NC – February 6, 2010
- Campbell University Roundtable, Raleigh, NC – February 11, 2010
- Halifax County Bar Association, Halifax, NC – February 17, 2010
- Orange County Bar Association, Carrboro, NC – February 19, 2010
- NCBA Business Law Section Annual Meeting, Pinehurst, NC – February 19, 2010
- NCBA Workers Compensation Seminar, Greensboro, NC – February 13, 2010
- NCBA Administrative Law Section, Raleigh, NC – March 4, 2010
- C/ABA/LAMP, Wilmington, NC – March 4, 2010
- Carolina Chapter American Immigration Lawyers, Greensboro, NC – March 12, 2010
- Campbell University Roundtable, Raleigh, NC – March 16, 2010
- Association of Police Attorneys, Asheville, NC – March 16, 2010
- District 3B Bar Meeting, New Bern, NC – March 19, 2010
- Federal Public Defender Middle District of NC – April 2, 2010
- George H. White Bar Association – April 7, 2010
- Guilford County Association of Black Lawyers – April 13, 2010
- District 13 Bar Meeting, Whiteville, NC – May 14, 2010
- District 19A Bar Meeting, Concord NC – June 11, 2010
- Advocates for Justice Annual Convention, Wilmington, NC June 19, 2010
- NC Conference of District Attorneys – June 21, 2010
- Academic Support Professionals, Elon School of Law – June 21 & June 22, 2010
- Bailey & Dixon Law Firm LLP – June 29, 2010
- District 23 Bar Meeting, Jefferson, NC – August 13, 2010
- NC Child Support Attorney Conference, Wilmington, NC – August 26, 2010
- Drug Treatment Court Conference, Raleigh, NC – August 31, 2010
- District 23 Bar Meeting, West Jefferson, NC – September 10, 2010
- Catawba Bar Association, Newton, NC – September 10, 2010
- Jacksonville Bar Association, Jacksonville, NC – September 17, 2010
- Mecklenburg Bar Association, Charlotte, NC – September 22, 2010

### LAP CLE Videos

In January 2010 a new LAP video entitled “Lawyer Risks & Resiliency” was provided to all Bar Councilors to be made available in their districts to fulfill the one hour every three years of substance abuse/mental health (ethics) CLE. The video has been shown over 27 times throughout the state.

- Raleigh, NC – January 22, 2010
- Raleigh, NC – February 8, 2010
- Greensboro, NC – February 11, 2010
- Raleigh, NC – February 12, 2010
- Raleigh, NC – February 12, 2010
- Greensboro, NC – February 17, 2010
- Greensboro, NC – February 18, 2010
- Greensboro, NC – February 19, 2010
- Brevard, NC – February 19, 2010
- Boone, NC – February 22, 2010
- Greensboro, NC – February 22, 2010
- Asheville, NC – February 22, 2010
- Charlotte, NC – February 23, 2010
- Statesville, NC – February 24, 2010

- Greensboro, NC – February 25, 2010
- Boone, NC – February 25, 2010
- Raleigh, NC – February 25, 2010
- Asheville, NC – February 26, 2010
- Washington, NC – March 3, 2010
- Raleigh, NC – March 9, 2010
- Danbury, NC – March 15, 2010
- Rutherfordton, NC – March 18, 2010
- Raleigh, NC – March 31, 2010
- Raleigh, NC – April 6, 2010
- Greensboro, NC – April 13, 2010
- Charlotte, NC – August 19, 2010
- Newton, NC – September 10, 2010

In January 2011 the LAP will have completed a video on the History of the North Carolina Lawyer Assistance Program. It will be shown to all new Bar Councilors and to all LAP volunteers. In addition, it will be available to be shown to Bar members generally. It will provide one hour of CLE credit for the substance abuse/mental health hour.

#### 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 1,525 LAP flyers/brochures were distributed in the presentations made this past year. Bar Councilors are encouraged to obtain any flyers/brochures that may be helpful to be distributed in their Districts.

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, 2010, there were 139 PALS Volunteers and 97 FRIENDS Volunteers.

## Training

ABA Annual CoLAP Conference was held in Phoenix, Arizona, October 6-9, 2009.

The 30<sup>th</sup> Annual PALS Meeting and Workshop was held November 6-8, 2009 at the Broyhill Inn & Conference Center, Boone, North Carolina. Chief Justice Sarah Parker was in attendance. Guest speakers included Dr. Omar Manejwala and Kristi Webb.

FRIENDS 11<sup>th</sup> Annual Conference was held at Pine Needles Lodge & Conference Center, Southern Pines, North Carolina on February 27, 2010. This conference was in conjunction with BarCares and the NC Bar Association Quality of Life Committee.

## Upcoming Events

The 31<sup>st</sup> Annual PALS Conference and Workshop will be held November 7-9, 2010 at the Holiday Inn Sunspree, Wrightsville Beach, North Carolina.

FRIENDS 13<sup>th</sup> Annual Conference will be held at Pine Needles Lodge & Conference Center, Southern Pines, North Carolina on February 26, 2011. This conference will be again be in conjunction with BarCares and the NC Bar Association Quality of Life Committee.

## 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  
4<sup>th</sup> Wednesday Every Other Month

Wilmington FRIENDS Support Group  
3<sup>rd</sup> Thursday of Every Month

Greensboro Triad FRIENDS Support Group  
1<sup>st</sup> Friday Every Month

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

Wilmington PALS Support Group  
1<sup>st</sup> Wednesday Every Other Month

Greensboro Triad PALS Support Group  
3<sup>rd</sup> Wednesday Every Month

Fayetteville/Sandhills PALS Support Group  
1<sup>st</sup> Thursday Every Month

Raleigh Triangle PALS Support Group  
2<sup>nd</sup> Friday Every Month

Charlotte PALS Support Group  
3<sup>rd</sup> Friday Every Month

Asheville PALS/FRIENDS Support Group  
3<sup>rd</sup> Thursday Every Month

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

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

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

Boone PALS/FRIENDS Group  
4<sup>th</sup> 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.



The LAP is currently handling 699 files. There are 307 PALS and 392 FRIENDS files.

**PALS Referrals:**

Another Lawyer	82
Bar Staff	13
Self	111
Physician	1
Local Bar	1
Judge	18
Grievance	12
Friend/Non Lawyer	5
Firm	17
Family	17
DHC	2
DA	3
Board of Law Examiners	13
Bar Examiner	1
EAP	0
Investigators/SCA	0
Another LAP	3
Therapist	3
Law School	1
Employee	0
Unknown	4

**FRIENDS Referrals:**

Another Lawyer	77
Bar Staff	37
Self	208
Physician	1
Local Bar	3
Judge	9
Grievance	16
Friend/Non Lawyer	6
Firm	13
Family	5
DHC	4
DA	0
Board of Law Examiners	0
Bar Examiner	1
EAP	1
Investigators/SCA	2
Another LAP	3
Therapist	1
Law School	0
Employee	2
Unknown	3

**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.

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, and Burley B. Mitchell Jr., Dr. Al Mooney, and Professor Barbara Scarboro, serving in the three expertise seats.

**Staff**

There were no changes in the LAP’s professional or support staff during the year: Don Carroll, Director; Ed Ward, Assistant Director; Towanda Garner, Piedmont Coordinator.

## **LAP Board Meetings Scheduled For 2011**

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 Wednesday of the week the Council meets. The 2011 schedule for the Council is listed below:

January 18-21, 2011	Marriott Raleigh City Center, Raleigh
April 19-22, 2011	Marriott Raleigh City Center, Raleigh
July 12-21, 2011	Carolina Hotel, Pinehurst, NC