

Report of the North Carolina State Bar Lawyer Assistance Program

October 1, 2008 – September 30, 2009

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 30th 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 575 cases.

Since 2000, the LAP has assisted over 1,696 lawyers, or approximately 8.6% 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, 55% involved psychological or mental health disorders, and 45% involved substance abuse or chemical addiction. The LAP handled 9 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 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 data collection has been completed. Dr. Darcy Siebert, formerly of Florida State University, now at Rutgers, is in the process of analyzing the data. She expects survey results data will be available in early 2010 and 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. 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 came 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.

Details of the North Carolina Lawyer Assistance Program October 1, 2008– September 30, 2009

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:

- NC Association of Police Attorney's – Shell Island, NC – October 6, 2008
- 24th Judicial Bar – Little Switzerland, NC – October 10, 2008
- Mecklenburg County Bar – Charlotte, NC – October 15, 2008
- Gaston County Volunteer Lawyer Program – Gastonia, NC – October 17, 2008
- Chief Justice on Professionalism – Wadesboro, NC – October 17, 2008
- K&L Gates – Charlotte, NC – November 6, 2008
- Lawyers Mutual Practical Risk Management – Asheville, NC – November 7, 2008
- Mecklenburg County Bar – Charlotte, NC – November 14, 2008
- NCCU – Durham, NC – November 17, 2008
- Elon College – Greensboro, NC – November 17, 2008
- 18th Airborne-Ft. Bragg AFB – Fayetteville, NC – November 18, 2008
- Disability Advocacy Section of NC Academy of Trial Lawyers – Winston Salem, NC – November 21, 2008
- Lawyers Mutual Practical Risk Management – Wilkesboro, NC – December 5, 2008
- Mecklenburg County Bar – Charlotte, NC – December 12, 2008
- Lawyers Mutual Practical Risk Management – Charlotte, NC – December 19, 2008
- Lawyers Mutual Practical Risk Management – Fayetteville, NC - January 9, 2009

- Legal Support Staff of Winston Salem Ethics Seminar - January 16, 2009
- Women's Attorney Association Forsyth County – January 21, 2009
- Lawyers Mutual Practical Risk Management – Greensboro, NC - January 23, 2009
- NC Advocates for Justice – Greensboro, NC January 30, 2009
- NC Advocates for Justice Headquarters, Raleigh, NC – February 6, 2009
- Lawyers Mutual Practical Risk Management – Chapel Hill, NC – February 20, 2009
- 2009 Corporate Counsel Section Seminar – Pinehurst, NC February 20, 2009
- Lawyers Mutual Risk Management, Greensboro, NC – February 23, 2009
- Lawyers Mutual Practical Risk Management – Wilmington, NC – March 13, 2009
- District 29A McDowell, Rutherford – March 20, 2009
- Duke University School of Law, Student Affairs – Durham, NC – March 25, 2009
- North Carolina Central University Law School – Raleigh, NC - April 1, 2009
- Federal Public Defender – Mental Health & Substance Abuse – May 15, 2009
- District 19 (Rowan), Salisbury, NC – May 22, 2009
- NC Advocates for Justice – Sunset Beach, NC – June 22, 2009
- Lenoir County Bar - Kinston, NC – August 14, 2009
- Lawyers Mutual Practical Risk Management, Statesville, NC – August 20, 2009
- Mecklenburg County Bar – Charlotte, NC – August 21, 2009
- NC Association of Black Lawyers , Raleigh, NC – August 29, 2009
- Judicial District Bar 7, Wilson, NC – September 18, 2009
- NC Administrative Office of the Courts, Raleigh, NC – September 25, 2009

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 720 LAP flyers/brochures were distributed in the presentations made this past year with 325 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, 2009, there were 136 PALS Volunteers and 97 FRIENDS Volunteers.

Training

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

ABA Annual CoLAP Conference was held in Little Rock, Arkansas, October 21-24, 2008.

The 29th Annual PALS Meeting and Workshop was held November 7-9, 2008 at the Holiday Inn Sunspree, Wrightsville Beach, North Carolina. Chief Justice Sarah Parker was in attendance. Guest speakers included Dr. Melissa Warner and Kristi and Todd Webb.

Upcoming Events for 2010

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

The 30th Annual PALS Conference and Workshop will be held November 7-9, 2009 at the Broyhill Inn & Conference Center, Boone, 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

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 915 active case files closed. Of these closed cases, 518 were for addiction issues, and 397 for mental health. Of files closed this past year, for addiction cases, there is a success rate of 86%, and for the mental health a success rate of 83%.

The LAP is currently handling 575 files. There are 259 PALS and 316 FRIENDS files.

PALS Referrals:

Another Lawyer	69
Bar Staff	12
Self	94
Physician	1
Local Bar	1
Judge	15
Grievance	11
Friend/Non Lawyer	5
Firm	17
Family	13
DHC	2
DA	2
Board of Law Examiners	9
Bar Examiner	1
EAP	0
Investigators/SCA	0
Another LAP	2
Therapist	2
Unknown	3

FRIENDS Referrals:

Another Lawyer	64
Bar Staff	27
Self	171
Physician	1
Local Bar	2
Judge	6
Grievance	14
Friend/Non Lawyer	6
Firm	11
Family	3
DHC	4
DA	0
Board of Law Examiners	0
Bar Examiner	1
EAP	1
Investigators/SCA	2
Another LAP	2
Therapist	1
Unknown	0

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 staff during the year: Don Carroll, Director; Ed Ward, Assistant Director; Towanda Garner, Piedmont Coordinator.

During the year the LAP saw the retirement of senior administrative assistant Betty Whitley. Joan Renken has replaced Betty in the Raleigh LAP office.

Applications and use of the LAP's confidential data base were upgraded during 2009.

LAP Board Meetings Scheduled For 2010

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 2010 schedule for the Council is listed below:

January 19-22, 2010	Marriott Raleigh City Center, Raleigh
April 20-23, 2010	Marriott Raleigh City Center, Raleigh
July 20-23, 2010	Carolina Hotel, Pinehurst, NC