

NC LAP Annual Report August 1, 2017 - July 31, 2018



Protecting the public by insuring the health and integrity of the legal profession.



Message from the Executive Director



Your NC Lawyer Assistance Program (LAP) and its dedicated volunteers continue to make unprecedented in roads across the state, carrying a message of hope, recovery, and transformation of personal and professional lives. A riveting NY Times feature article about a big firm, Silicon Valley lawyer who died from a drug overdose created a unique opportunity for LAP. The article was widely circulated throughout North Carolina's largest law firms, resulting in the first-ever LAP presentation at a Risk Management Roundtable with managing partners and general counsel of a dozen large

firms. The presentation, held in September 2017, focused on strategies and policies firms can implement to catch issues before they blossom into malpractice claims, ethical violations, client harm or reputational damage. LAP was well received and has been invited into these firms to begin training partners, lawyers and staff on recognizing and addressing these issues. Lawyers Weekly featured an article about the September Roundtable, leading Lawyers Mutual Insurance to request LAP provide a similar presentation at a Managing Partners Summit hosted for their insureds in May 2018. LAP is now scheduled for in-house training with some of those firms as well. Given reports from LAP programs nationally, NC law firms are leading the nation in proactively adopting programs and instituting training to identify and address these issues.

Members of the LAP Steering Committee have been building relationships with the Deans of Students at each of our NC law schools for several years. As a result, and with the stewardship of LAP volunteer Tom Roman, LAP is scheduled to hold office hours this fall at UNC Chapel Hill, Wake Forest University, NC Central University and Elon University. LAP volunteers will be visiting schools and interfacing directly with students – also a first for LAP. We are all curious and excited to see the results of this engagement and based upon what we learn, how we might improve and modify our approach for the spring of 2019.

This year LAP partnered with Laura Mahr of Conscious Legal Minds. Beginning in February 2018, LAP began sponsoring mindfulness-based stress reduction CLEs across the state with Ms. Mahr as the CLE speaker. We worked with CLE sponsors like local district bars and legal organizations who were seeking innovative programming. The theme for the year was "Beginning a Conversation" about stress reduction and mindfulness techniques to improve the real-world, day-to-day lived experience of lawyers in practice. We have received overwhelmingly positive feedback.

LAP staff and volunteers gave 84 CLE presentations and LAP opened 167 files this year. Attendance at our Minority Outreach Conference soared. By moving to a new venue, we are now able to abandon the waitlist. We had just over 600 attorneys register this year, with 538 in attendance.

Towanda Garner left us just over a year ago. The on-going vacancy in the

Continued...

Piedmont region has been especially taxing on Cathy Killian and Nicki Ellington, LAP clinical staff. The difficulty we are having in finding a suitable replacement is that qualified counselors who have the clinical sophistication to work with lawyers as a client base are largely in private practice and do not wish to abandon the autonomy and freedom it affords. With the systematic defunding of the mental health systems at both state and federal levels over the past 30+ years, applicants who have worked primarily at institutions have not received the level of experience, training and supervision necessary to work with this clinically complex client population. Because our time and resources are already stretched thin, LAP staff (whether clinical or myself) are not able to supervise and train at the levels required to get an applicant up to speed who does not have enough baseline clinical experience. We are not giving up hope, and our frustrated search efforts highlight how fortunate we are to have Cathy and Nicki in our ranks and how much we miss Towanda.

I will end on a note of thanks to each and every LAP volunteer who contributed to our success this year. Whether by writing an article, speaking at a CLE, mentoring a lawyer, visiting a lawyer in distress, or any other contribution, both large and small – your combined and cumulative activities make a huge impact in the efficacy and visibility of our program. A special note of thanks to LAP volunteer Tom Roman, who has been assisting us in the office during the prolonged vacancy we have experienced while trying to find a suitable replacement for Towanda Garner. Our ability to hold office hours in the law schools this fall owes in no small measure to Tom's considerable passion, focus and coordination.

Robynn E. Moraites

HISTORY OF NC LAP

The North Carolina Lawyer Assistance Program's ("NC LAP") roots began in 1979 with the assemblage of a group of lawyer volunteers who were themselves recovering alcoholics who saw the need to offer assistance to other lawyers suffering from addiction and alcoholism. The group was named the Positive Action for Lawyers ("PALS") committee. In 1994, the State Bar formally recognized the PALS Committee and incorporated PALS as part of the State Bar administration and infrastructure. In 1999, further recognizing the need for additional assistance for lawyers dealing with mental health issues not related to substance abuse, the State Bar then formed the FRIENDS committee.

Today both programs have been merged into a single Lawyer Assistance Program. NC LAP currently has a staff consisting of a director, three clinicians and 2 office administration and special projects personnel.

NC LAP has a Board consisting of three State Bar Councilors, three LAP volunteers, and three clinicians or experts in the field of mental health and addiction. NC LAP also has a steering committee of volunteers from around the state who assist in the execution of special initiatives. NC LAP is also part of the ABA's Commission on Lawyer Assistance Programs (CoLAP), a network of LAPs serving nearly all 50 states in the U.S.

LAP SERVICES

- Assessment
- Referral
- Case Management
- Peer Support
- Intervention
- Facilitated Support Groups
- Educational Programs

MISSION OF NC LAP

NC LAP is a service of the North Carolina State Bar which provides free, confidential assistance to lawyers, judges, and law students in addressing substance abuse, mental health issues and other stressors which impair or may impair an attorney's ability to effectively practice law. In sum, our mission is to:

- 1. Protect the public from impaired lawyers and judges;
- 2. Assist lawyers, judges, and law students with any issues that are or may be impairing;
- 3. Support the on-going recovery efforts of lawyers and judges
- 4. Educate the legal community about the issues of substance abuse and mental health.

NC LAP GOALS AND GUIDING PRINCIPLES

NC LAP Program Goals:

- To respond to the referral and identification of legal professionals who may be impaired and need assistance;
- To assist NC LAP clients in their personal recovery from alcohol or drug problems, or mental health conditions;
- To educate the legal community on identification, assessment, referral, treatment and resources available to meet the needs of judges, lawyers, and law students;
- To provide a network of trained volunteers who are available to respond to the needs of NC LAP clients through a peer assistance model;
- To monitor and assist clients while they work to gain admission to practice law, rehabilitate and return to the practice of law or to a better quality of life;
- To establish and maintain a cooperative and on-going working relationship with the Superior and District Courts of North Carolina and their judges, the NC State Bar Office of Counsel, the CLE Board and other administrative offices of the NC State Bar, the Board of Law Examiners and the legal community at large.

NC LAP GUIDING PRINCIPLES:

- The program recognizes that the most effective way to protect the public is to insure the mental health and emotional integrity of the legal profession;
- The program recognizes that addiction, mental health issues and physical disabilities are treatable conditions and are not moral issues;
- The program is motivated by a humanitarian concern for the legal community and the public;
- The program also recognizes that accountability is key in treating many impairments;
- Impaired lawyers and judges are ethically obligated to seek assistance and to participate in services necessary to renew their full effectiveness;
- Lawyers and judges have a moral and ethical responsibility to recognize the signs and symptoms of a colleague who may be impaired and to assist the colleague in accessing appropriate services.

ANNUAL REPORT 2017-2018

How the Program Works

About 50% of calls to LAP are selfreferrals from those who recognize they have a problem and ask for help. About 90% of these problems range from temporary conditions caused by grief, relationship issues, or work difficulties to ongoing struggles with anxiety and depression. About 10% of the self-referred clients are calling about alcoholism or addiction. Usually LAP clinicians do an assessment, in person wherever possible, or refer the individual to an outside professional for an assessment. LAP works with treatment programs throughout the country as well as with individual therapists, psychologists, and psychiatrists, and often makes referrals to these professionals. We can also arrange peer support with one of our trained LAP volunteers who has experienced a similar problem and successfully managed it and we invite the client to attend the local lawyer support group meeting.

For those clients who are not selfreferred, about 40% of calls come from colleagues, judges, friends, and family members who are concerned about a lawyer, judge, or law student who may be showing signs of a mood disorder or a problem with substance abuse. Of that 40%, about 90% of those calls are concerns about alcoholism or substance abuse. Our clinician will offer suggestions on ways to express concern and motivate the individual to get help. Often, in the case of these referrals, the person making the referral prefers to remain anonymous and not participate further in the process. Sometimes, LAP will refer the caller to a professional interventionist or the LAP will assist in conducting either a formal or an informal intervention.

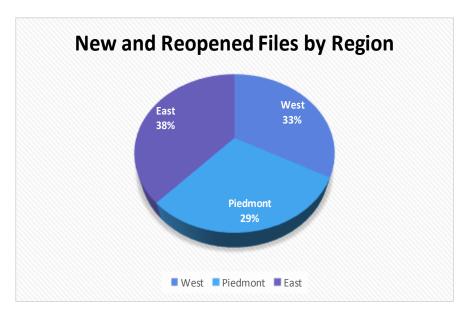
CONFIDENTIALITY IS THE CORNERSTONE

All client interactions with LAP are held in strict confidence as are any referrals. The only time information is shared is when an individual signs a release and asks LAP to report on his or her behalf to another organization or individual. Confidentiality is guaranteed by Rule 1.6(c).

Intervention is a group process that, with respect and concern, helps an individual who may not realize he or she has a serious problem with alcohol or other drug use. The objective is to dismantle denial, stop family and friends from enabling the subject's behavior, and initiate change. For informal interventions without a professional interventionist, LAP uses a peer intervention model with two trained, experienced volunteers who are in recovery from the same issue. The LAP volunteers meet with the subject individual and share their experience with him or her. In the course of that meeting, they inform the individual about the services offered by LAP. Because recovery is an ongoing process, we also continue to work with individuals following treatment as part of an aftercare plan.

Although we address serious mental health and addiction problems, we address and offer assistance for a range of issues within the category of general life problems. We encourage lawyers to seek assistance for less severe issues of stress, grief, or simply feeling overwhelmed. Everyone has problems at times and the confidential help available through LAP can prevent problems from becoming more severe.

Whatever the issue is that brings an individual to LAP for assistance, we offer peer support, on-going follow-up and case management services.

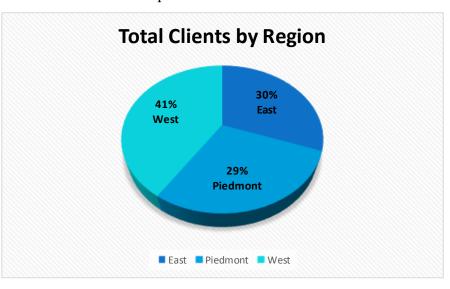


NEW CASES/FILES

Now in its 39th year of operation, NC LAP remains consistently busy. NC LAP typically fields anywhere from five to ten "new inquiry or concern" calls a week in each of its Charlotte and Raleigh offices, totaling approximately 600-800 telephone calls, from impaired attorneys, judges, or law students, or concerned family members, managing partners, and colleagues. Of these calls this year, 152 resulted in newly opened files, with 15 additional files reopened, bringing the total number of opened cases to 635. We closed 219 files resulting in a combined total of 635 open cases at year's end.

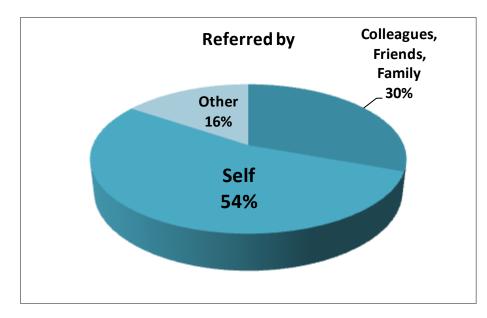
Many of the calls that do not result in the opening of a new file include situations where a lawyer or a judge calls seeking guidance for next best steps. For example:

- An older lawyer may need to wind down a practice and the judge or lawyer who is concerned does not
 know how to approach the individual or what to say. We coach them and eventually become directly
 involved if needed, but we typically do not open a file. We have typically refer the call to the NCBA
 Transitioning Lawyer Commission (TLC) on these cases, and we do not open a file.
- A Bar Councilor, judge or lawyer may call to ask for guidance about a certain lawyer or situation
 without giving us the name of the lawyer at issue. We will often coach the caller through that situation
 and/or provide some referral resources.
- A lawyer has a child (ranging from teen to middle aged) who has an impairment requiring treatment and needs a referral for a treatment center or mental health provider.
- Lawyers sometimes call because they need treatment center recommendations for non-lawyer friends or clients who are impaired.
- Lawyers who have attended a CLE where we spoke and are seeking a recommendation for a good therapist in his or her local area, but where it is clear there is not a need for full LAP involvement or case management.



REFERRAL SOURCES

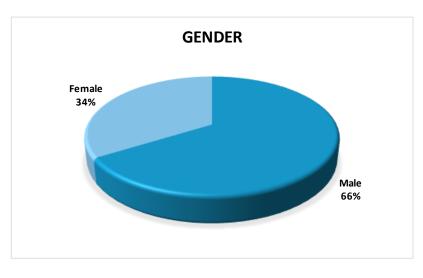
The rate of self-referral to LAP remained steady this year at 54% this year while 30% of LAP referrals came from colleagues, law firms, friends, family and judges who expressed concern about a lawyer or judge. The remaining 16% of referrals came from law schools, the board of law examiners, other LAPs, therapists, physicians, state bar staff, the grievance committee or the DHC. These percentages are holding steady and are very similar to those we saw last year.



Referred by:	Total
Another LAP	2
Another Lawyer	143
Bar Staff	26
Board of Law Examiners	11
DA	1
DHC	3
Family	13
Firm (his or hers)	25
Friend, Non-lawyer	6
Grievance	8
Investigators/SCA	1
Judge	19
Law School	13
Other	5
Physician	3
Self	348
Therapist	8
Grand Total	635

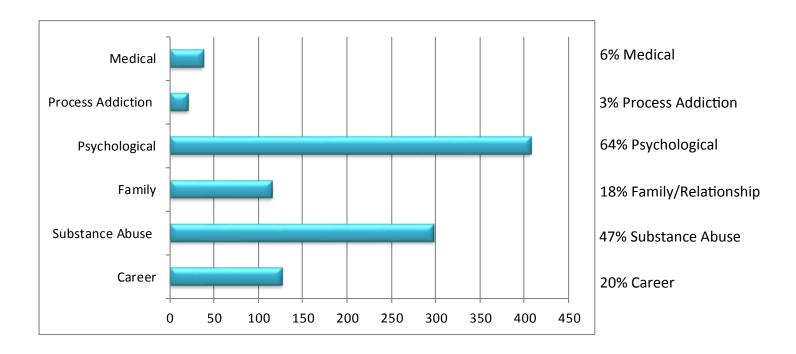
GENDER

The gender breakdown for clients seeking services this year was 66% men and 34% women, which is identical to last year. These percentages have held steady for several years.



Many clients exhibit problems in more than one category, so there is overlap in documenting the issues. We continue to see psychological problems more often than other issues and these frequently coexist with substance use disorders. Although lawyers rarely come to us with only career related issues, many describe their job-related concerns that exist along with depression, anxiety and problem drinking. The term "process addiction" refers to compulsive behaviors such as problem gambling, eating disorders, compulsive spending or sexual addiction including overuse of internet for sexual reasons. And more lawyers are turning to the LAP for assistance in dealing with spouses or children that are having serious mental health issues or substance use disorders.

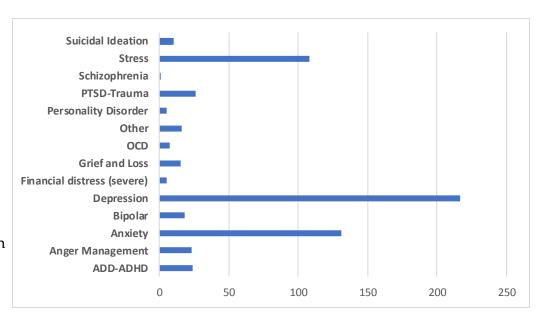
The table below shows the breakdown of the issues in real numbers and percentages*:



^{*} Because lawyers often have more than one issue, these percentages do not equal 100%. Instead, they show the total percent of 635 clients that are dealing with a given issue.

PSYCHOLOGICAL ISSUES

The data indicates that lawyers struggling with psychological issues are often dealing with more than one single issue. To illustrate, we show 408 lawyers dealing with psychological issues, yet we show a total of 606 issues identified overall in this category.



*Depression remains by far the single largest issue lawyers face today with severe anxiety and debilitating stress coming in tied for second. The culture and demands of the profession itself are the greatest factors causing these issues for most of the lawyers who are struggling with them (rather than a genetic/biological cause).

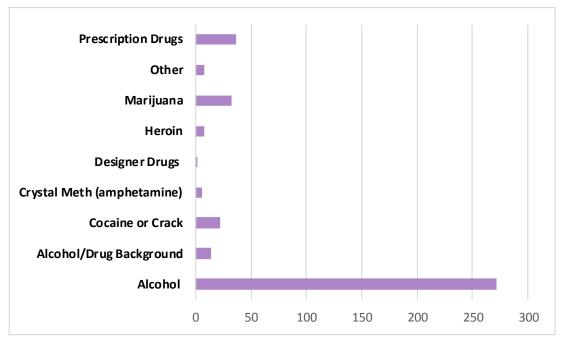
Workaholism Other Grievance or DHC Issues Compassion Fatigue Burnout 0 10 20 30 40 50

CAREER ISSUES

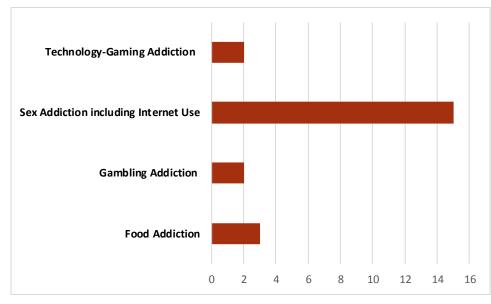
As stated above, a large percentage of the depression, anxiety and debilitating stress cases we see are caused by the profession itself. Sometimes a lawyer may seek out assistance based on what he or she can identify as a specific issue related to the profession as indicated in this graph.

ALCOHOL AND DRUG PROBLEMS

Alcohol abuse and dependency continue to be the single largest problem lawyers face when there is a substance use disorder present.



PROCESS ADDICTIONS

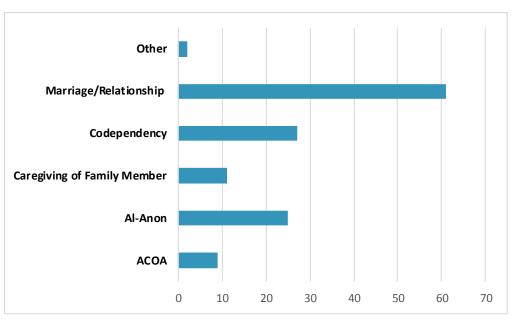


While the word addiction traditionally refers to dependency on alcohol and drugs, it also applies to compulsive behaviors, such as gambling, sex, work, eating, shopping/spending, internet usage, or other technologically driven activities such as video gaming. The suffering, losses, and devastating consequences stemming from process

addictions are similar to those of substance use disorders. Process addictions follow a characteristic course with similar phases and stages. A process addiction follows a destructive process characterized by a recognizable set of signs and symptoms. It is also progressive in nature like a substance use disorder; left untreated, it will only continue to get worse over time. The highest percentage we are currently seeing involve use of sexual internet websites.

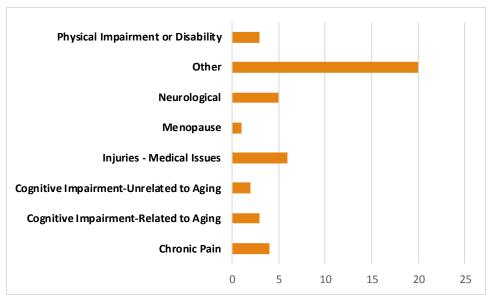
FAMILY ISSUES

Some lawyers have been deeply affected emotionally and psychologically by the substance abuse of a parent or a grandparent. The syndrome and symptoms associated with such a scenario is "ACOA" which stands for Adult Child of an Alcoholic. We have lawyers who also



seek our assistance because they have a spouse, partner or child who is having problems with alcohol or drugs (Al-Anon). The stress of having to be a primary caregiver for a disabled or chronically ill parent or spouse can also take a toll. A majority of our clients experience some form of marriage or relationship difficulty, but we only track those who have this issue as a primary issue.

MEDICAL ISSUES



Sometimes lawyers face a medical issue, physical disability or injury that is problematic enough that it affects the lawyer's ability to practice. Often the issue warrants assistance with coping and management strategies as well as support for the on-going emotional strife of dealing with a medical issue.

CONTINUING LEGAL EDUCATION AND OUTREACH

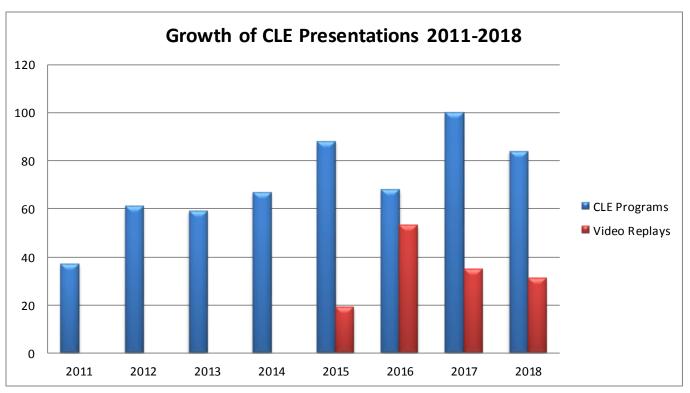
Continuing legal education programs remain the single most effective outreach tool we have available. We receive at least one referral from almost every CLE talk we give. North Carolina is a leader in its CLE requirements and many states around the country are only beginning to add mental health topics as either an approved ethics hour or a mandatory stand alone hour.

MINORITY OUTREACH CONFERENCE

The Minority Outreach Conference continues with great success. This year it was held at the Durham Convention Center. The conference's goal is to reach out to minority members of the bar. Historically, LAP has been underutilized by African American attorneys. The conference provides an opportunity to explore themes related to practice unique to African American attorneys and to dispel myths about the LAP. We had a record of 600 attorneys registered with 538 in actual attendance this year.

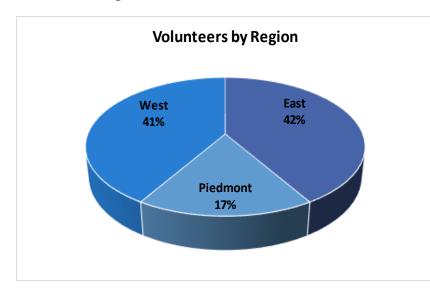
SUBSTANCE ABUSE AND MENTAL HEALTH CLE PRESENTATIONS

Due to short staffing, we have had to rely much more on our LAP volunteers for CLE this year. We presented at least 84 CLE programs this year (see Appendix A) with additional video replays. The graph below indicates the CLE presentations that were requested through our office directly and does not include any presentations made by our volunteers that may have not been reported to us. We are making an effort to track video replays as well but may not have captured all that occurred across the state this year.



LAP'S TRAINED VOLUNTEERS MAKE A DIFFERENCE

As I always emphasize, LAP volunteers are the core foundation of NC LAP. We could not accomplish a fraction of what we accomplish without their dedication and hard work on our behalf. They do any number of the following activities:



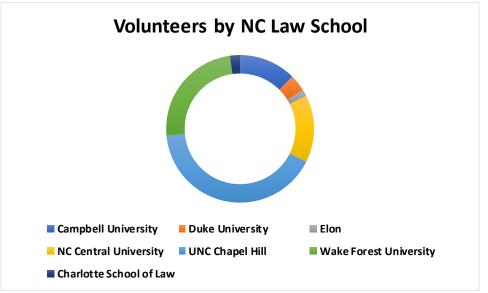
- Speak at CLE
- Visit lawyers who have been referred to LAP to explain the assistance the program can offer
- Attend local discussion/support groups
- Write articles for the Sidebar or the quarterly State Bar Journal or solicit articles
- Serve on leadership committees and boards that undertake specific initiatives to support the program
- Meet lawyers for coffee or lunch to mentor and introduce them to others
- Monitor lawyers who are on recovery contracts that require monitoring
- Secure speakers and workshop leaders for retreats

LAP has volunteer opportunities for attorneys and judges 1) who themselves are in recovery from alcohol or drug problems, depression, anxiety or other mental health issues, or 2) who have experienced a family member or friend who has suffered from these ailments and who learned how to effectively deal with that situation. We are trying to build our volunteer base on the family side.

LAP volunteers are not volunteers in the usual sense. All LAP volunteers receive formal and informal training from LAP staff. Volunteers are individually selected to be paired with clients based upon the facts and circumstances of their experience and that of the lawyer who is of concern. We currently have **208** active

volunteers and our volunteer base is represented by the following NC law schools (some of our volunteers did not attend law school in NC).

NC Law Schools	Total
Campbell University	17
Duke University	5
Elon	2
NC Central University	20
UNC Chapel Hill	56
Wake Forest University	33
Charlotte School of Law	3



LAP STEERING COMMITTEE

The LAP Steering Committee is a volunteer leadership committee. It was formed in 2012 when the former PALS and FRIENDS subcommittees combined into one committee. LAP Steering Committee members are all active LAP volunteers from across the state and are appointed by the LAP Director. The Steering Committee is composed of 2 volunteers (a member and an alternate) from each of the LAP meetings across the state as well as 2 members at large from each region (West, Piedmont and East).



The LAP Steering Committee selects projects and initiatives that it deems important to the function or direction of the LAP. The LAP Steering Committee has continued with these selected major initiatives this year:

 Ongoing operation of SIDEBAR, an electronic quarterly newsletter as an outreach tool. Subscriptions now total over 1,900 across the state,







- In continuation of the law school initiative, each law school was assigned a primary volunteer liaison as a key point of contact for students and staff. The relationships developed have allowed LAP Volunteers to hold office hours in 4 of the schools in the fall of 2018.
- Continuation of a 12-step study retreat weekend (not paid for by LAP, but self-supporting through paid registrations of participants) that was revived in 2013 and held this year at the Caraway Conference Center in Sophia, NC, again to rave reviews. The retreat was expanded this year to include a special track for codependency, depression, trauma and an Al-Anon family side focus. That went so well that the committee is going to offer it again next year.



The LAP Steering Committee continues to innovate and consider new ideas and directions. We look forward to its continued visionary process and success.

TRAINING

- The 38th Annual LAP Meeting and Workshop was held November 3-5, 2017 at the DoubleTree by Hilton Biltmore, in Asheville, North Carolina. Approximately 150 lawyer volunteers attended the event to receive on-going training. Justice Robin Hudson was in attendance and presented the Chief Justice's LAP Service Award.
- The 39th Annual LAP Meeting and Workshop will be held on October 26-28, 2018 at the Hilton Ballast, in Wilmington, NC. The hotel sustained minimal damage from Hurricane Florence, so the event will proceed as planned.

LOCAL VOLUNTEER MEETINGS

The LAP 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 are held in the following areas (contact the clinical coordinator in the area for more information as to time and location):

Asheville	Greensboro
Charlotte	Greenville
Durham-Chapel Hill	Raleigh
Fayetteville/Sandhills	Boone
Hickory	Wilmington
Morehead City	Winston-Salem

LAP BOARD 2017-2018

John Bowman, Chair Lanée Borsman, Vice Chair Reid Acree Chris Budnick Gerald Collins Ted Edwards Paul Nagy Connie Mele Eben Rawls





LAP BOARD MEETINGS SCHEDULED FOR 2017-2018

LAP Board meetings are usually scheduled for lunchtime on Wednesday or Thursday of the week the Bar Council meets except in October, when instead, the LAP Board meets at the Annual LAP Meeting and Conference held the first weekend in November (or the last weekend in October in 2018).

APPENDIX A-CLE

Date	CLE Sponsor	Location
8/2/2017	Caldwell County Bar	Lenoir
8/14/2017	NCBA	Charlotte
8/18/2017	NC Assoc of Women Attorneys - NCAWA Conference	Raleigh
8/18/2017	NC Assoc of Women Attorneys - NCAWA Conference	Raleigh
8/29/2017	NCBA	Cary
8/31/2017	Elon University School of Law	Greensboro
	NC Department of Health and Human Services	Charlotte
	Duke Energy	Charlotte
9/14/2017	Wake Women Attorneys	Raleigh
9/15/2017	District Bar Meeting (District 6)	Ahoskie
	Parker Poe	Charlotte
9/21/2017	Attorneys Title	Wilmington
	Catawba County Bar	Hickory
9/29/2017	30th Judicial Bar & co-sponsor EBCI	Cherokee
	NC Industrial Commission	Raleigh
10/5/2017	28th Judicial Bar	Asheville
10/6/2017	Raleigh Wake Paralegal Association (RWPA)	Raleigh
	UNC School of Government	Raleigh
	Investors Title	Chapel Hill
10/13/2017	Moore County Attorney's Office	Pinehurst
10/19/2017	Attorneys Title	Greensboro
10/20/2017	NCBA Annual Review	Cary
10/20/2017	Wake County Academy of Criminal Trial Lawyers	Raleigh
10/20/2017	Rockingham County Bar Association	Reidsville
	NC Advocates for Justice	Asheville
10/21/2017	NC Advocates for Justice	Asheville
10/23/2017	Campbell Law School	Raleigh
10/25/2017		Cary
11/1/2017	High Point Bar Association	High Point
11/2/2017	Federal Public Defenders Office	Wrightsville Beach
11/7/2017	Mecklenburg County Bar	Charlotte
11/7/2017	Wake Forest Law School	Winston Salem
11/13/2017	Forsyth County Bar Association	Winston Salem
11/15/2017	Attorneys Title	Hendersonville
11/16/2017	NC Advocates for Justice	Raleigh
11/16/2017	Attorneys Title	Waynesville
11/18/2017	NCBA	Cary
11/29/2017		Cary
12/1/2017	NCBA	Asheville
12/5/2017	Moore & Van Allen	Charlotte
12/14/2017	NCBA	Charlotte

APPENDIX A—CLE (CONTINUED)

h.a
Winston Salem
Raleigh
Pinehurst
Cary
Hendersonville
Winston Salem
Charlotte
Chapel Hill
Charlotte
Charlotte
Raleigh
Greensboro
Cary
Raleigh
Raleigh
Hallsboro
Raleigh
Morrisville
Mocksville
Wilson
Statesville
Raleigh
Raleigh
Charlotte
Southern Pines
Durham
Cary
Greensboro
Winston Salem
Sunset Beach
Raleigh
Raleigh
Winston Salem
Wilmington
Cary
Raleigh
Chapel Hill
Asheville
Wilmington
Wilmington
Charlotte
Cary
Concord