



## **Guidance for Law Firms**

You have invested a lot of time, money, and sweat equity in the ongoing operation and success of your law firm. We all know that good quality work is key, yet it remains only part of the equation. It is hard to overstate the value of a great reputation of not only your firm as a whole but also of the lawyers who work there.

When an attorney is impaired due to an issue like depression, bipolar disorder or substance abuse, the law firm begins to suffer the consequences. The costs can be as obscure as lost opportunity costs of clients taking future work to another firm or as concrete as a drop in billable hours and revenue, professional malpractice claims or discipline resulting from ethical violations. Lawyer impairment impacts both work quality and law firm reputation. In short, lawyer impairment affects your firm's bottom line.

And as any good business owner knows, the success of your firm has also depended upon your on-going investment in your lawyers. It is for this reason that most law firms contact the Lawyer Assistance Program. When a law firm's management team or managing partner becomes aware of an issue of impairment with an attorney within the firm – a long-time friend, a trusted colleague, and a valued member of the team – the almost universal response is to figure out a way to help the attorney and to keep him or her at the firm.

The biggest mistake most firms make is waiting too long to take action after an issue has come to their attention. Usually, because the attorney is so well liked and respected, the partners do not want to embarrass the attorney. They hope the issue will resolve itself without a conversation, much less an informal intervention which can feel like a confrontation or an accusation. But rarely does the issue go away or resolve itself. It almost always gets worse over time. In fact, by the time partners become aware of a situation, it means the lawyer's impairment is very far advanced. Lawyers are masters of maintaining a professional persona and image, regardless of what is happening behind the scenes. One of the last dominoes to fall is the all-is-well-lawyer façade. Law firms should read this sign as it is: a huge red flag that a lawyer is in real trouble.

The Lawyer Assistance Program has worked with law firms across the state, from large, multi-national firms, to small, closely-held firms. We educate partners about the nature of the impairment and associated issues and offer guidance about what to expect behaviorally and symptomatically if the impairment is not addressed. Sometimes law firms decide to require an impaired attorney to agree to enter into and comply with a "last clear chance" agreement – providing the attorney an opportunity to get the help he or she needs – as a condition of maintaining employment at the firm. NC LAP guides firms and partners through this process. If the lawyer is willing to accept help, NC LAP assists the lawyer and can put accountability tools in place to assure the law firm the lawyer is continuing to follow clinical recommendations and to address whatever issues he or she needs to address.

If you are concerned about a lawyer in your firm, please call us today. Your communication will remain confidential. Let us work with you so that together we can save a lawyer's life and livelihood.