

NC LAWYER ASSISTANCE PROGRAM

Presented by John H. Bennett & Susan McIntyre
LAP Volunteers



LAP Mission & Purpose

- The Lawyer Assistance Program (LAP) of the NC State Bar has the following three purposes:
 - to protect the public by assisting lawyers and judges who are professionally impaired by reason of substance abuse, addiction, or debilitating mental conditions;
 - to assist impaired lawyers and judges in recovery; and
 - to educate lawyers and judges concerning the causes and remedies for such impairments.

So what does that really mean?

- Assist
- Assess
- Educate
- Refer
- Support
- Clear up confusion regarding confidentiality, discipline and referral

LAP Origins

- Positive Action for Lawyers ("PALS") 1979
 - Lawyer alcoholism and substance abuse

- FRIENDS Program began in 1999 to deal with Mental Health and Emotional Issues

LAP Origins

- ...continued developments since 2000
 - Reporting rules changed
 - Mental Health CLE required (dramatically impacted referral base)

HOW does the LAP work?

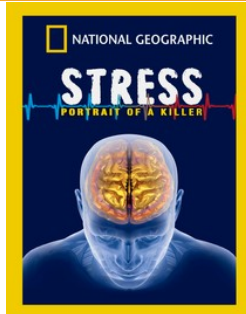
- **Confidentiality** – It starts with a lawyer trusting, (Rule 1.6 of the Revised Rules of Professional Conduct - attorney/client privilege)
- **Volunteers** - a lawyer helping another lawyer
- **Professionalism** - a lawyer caring about another lawyer

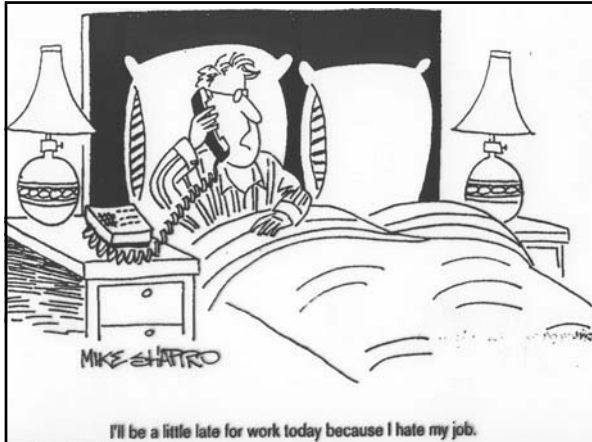
Some LAP Stats

- LAP has assisted approx 10% of lawyers in NC
- Over 600 open & active cases right now
- Depression and anxiety issues are currently eclipsing alcohol/drug issues
- Recovery Contracts
 - 85% success rate compared with 20-25% coming out of treatment
- Over 250 current volunteers
- 92% of LAP clients are either referred by self (51%) or co-workers, friends or family members (41%)

Trends – Stress: Portrait of a Killer

This 50-minute movie sheds wonderful insight into the propagation of physical and mental illness in today's society via the inner workings of the human stress response. Very relevant to the legal practice today. (available on NETFLIX)





Common Misconceptions

- What is visible to the general Bar population?
 - Example 1: Tom got drunk again and got disbarred.
 - Drinking is not an ethical violation.
 - Example 2: That lawyer is in the news again – Why won't the LAP help him?!
 - Health and wellness cannot be compelled.
- My colleague will be stigmatized if I refer.
 - No one will know your referred but you.
 - True volunteer example.

Common Misconceptions

- LAP is not the Secret Police
 - Example: State Bar Employee referral to LAP
- Grievance Deferral Process
 - Less than 8% (Rule change impact here)
 - Lawyer Smith receives a call from a LAP volunteer explaining who we are and ways in which we may be helpful or provide support and two days later a letter arrives from the grievance committee. These are altogether separate processes, but by happening within a short time window, they appear causally connected. They are not.

Test

- Does the LAP report lawyer identity or information to the state bar or discipline?
 NO.
- Doesn't the LAP deal only with alcoholism and substance abuse?
 NO.
- When the LAP works within discipline process, does the LAP provide the grievance committee details about a lawyer?
 NO.

Test

- When the LAP works within the discipline process, what does it report back to the grievance committee?
 Compliance or non-compliance with contract.
- Is PALS separate from LAP?
 NO.

Insanity: Doing the same thing over and over again, expecting different results.



NC LAP Contact Information

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