



THE
STATE BAR
OF CALIFORNIA

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Title of Report: The Lawyer Assistance Program State Bar of California 2016 Annual Report
Statutory Citation: Business and Professions Code Section 6238
Date of Report: March 1, 2017

The State Bar of California has submitted a report to the Legislature in accordance with Business and Professions Code Section 6238. Business and Professions Code Section 6238 directs the Oversight Committee of the Lawyer Assistance Program (LAP) of the State Bar of California to submit a report to the Board of Trustees and the Legislature on the operation of the LAP. In full, Business and Professions Code 6238 reads:

The committee shall report to the Board of Trustees and to the Legislature not later than March 1, 2003, and annually thereafter, on the implementation and operation of the program. The report shall include, but is not limited to, information concerning the number of cases accepted, denied, or terminated with compliance or noncompliance, and annual expenditures related to the program.

The report that follows is submitted in accordance with this statute. In compliance with Government Code 9795, the contents of the report are summarized below:

- During 2016, the Oversight Committee of the LAP received recommendations from the National Center for State Courts under a mandate to conduct a Workforce Planning study;
- Out of 15 recommendations related to the LAP contained in the Workforce Planning report, thirteen were implemented fully or in part by December 31, 2016;
- One of the most time consuming of the recommendations – the creation of a strategic plan for the LAP – will be completed shortly after the delivery of this report. A draft of that strategic plan is attached to this report as Appendix B;
- During 2016:
 - LAP case managers conducted 134 Intakes, an increase of seven over 2015;
 - Of 134 Intakes conducted, half of the referrals came from applicants to the Bar and students preparing to apply to the Bar;
 - The active caseload of LAP case managers at the end of the year was 127;
 - Of the 127 program participants, 40 percent were in the program exclusively for an issue related to chemical dependency while 24 percent were in the program exclusively for an issue related to mental health. The remaining 36 percent of program participants had a dual-diagnosis;
 - 137 cases were closed, a decrease of six compared to 2015;
 - Of the 137 cases closed, a plurality (43%) were closed with participants meeting the program goals;

The full report is available for download on the State Bar's web site at:

<http://www.calbar.ca.gov/AboutUs/Reports.aspx>

THE LAWYER ASSISTANCE PROGRAM

STATE BAR OF CALIFORNIA
2016 ANNUAL REPORT



THE STATE BAR OF CALIFORNIA
MARCH 1, 2017

Message from the Chair of the Lawyer Assistance Program Oversight Committee

The Lawyer Assistance Program (LAP) was established by statute in 2001 expressly ¹“to identify and rehabilitate attorneys with impairment due to abuse of drugs or alcohol, or due to mental illness, affecting competency so that attorneys so afflicted may be treated and returned to the practice of law in a manner that will not endanger the public health and safety.”

In recent years the composition of attorneys who are assessed and referred to services through the LAP has changed from what it was when the program was first established. Increasingly, LAP case managers are working with a younger clientele including law students and recent graduates referred to the LAP by the Committee of Bar Examiners.

These changes in the population served by the LAP are consistent with research on the incidence of substance abuse in the legal profession. In 2016 one of the largest studies ever conducted on the prevalence of substance abuse among attorneys found that attorneys are at a higher risk than the general population for substance-abuse disorders as well as for stress, depression and anxiety. Moreover, these challenges were more pronounced among younger attorneys – 30 years of age or younger – than among their older peers.²

Recognizing the continued importance of the LAP, the Oversight Committee devoted a substantial amount of its time in 2016 to re-assessing the efficacy of the LAP, re-thinking its goals, and aligning the work of the LAP Oversight Committee with those goals. The culmination of that reassessment, a new, three-year strategic plan, is attached to this report.

The LAP Oversight Committee is confident that with the renewed focus of the California State Bar’s Board of Trustees on public protection, the LAP is poised to play an important, supportive role in preventing attorney misconduct due to substance abuse and mental illness and, where possible, supporting the rehabilitation of attorneys who may be safely returned to the practice of law.

Stewart Hsieh, JD

Chair, LAP Oversight Committee

¹ Business and Professions Code 6230.

² “The Prevalence of Substance Use and Other Mental Health Concerns among American Attorneys,” Patrick R. Krill, Ryan Johnson, Linda Albert. *Journal of Addiction Medicine*, February 2016 - Volume 10 - Issue 1 - p 46–52

**Lawyer Assistance Program Annual Report
2016 Annual Report
March 1, 2017**

An Overview of 2016

2016 was a year of transition for the Bar and the LAP was no exception. In compliance with the mandate in Business and Professions Code section 6140.16, the Bar contracted with the National Center for State Courts (NCSC) in December, 2015, to conduct a Workforce Planning study. During the early months of 2016 the NCSC conducted a thorough review of the Bar’s discipline system, documenting current business processes and workflow, and reviewing staffing levels, organizational structure and quantitative metrics of the Bar’s discipline system.

In its report, submitted to the Legislature on May 15, 2016, the NCSC made recommendations regarding the organizational structure of the Bar’s discipline system, including recommendations regarding staffing, program design, and operational processes with the goal of improving the efficiency and effectiveness of the Bar’s discipline system.

Despite the relatively small size of the LAP within the Bar’s discipline system, almost 20 percent of the recommendations included in the final report on Workforce Planning related to LAP. As of December 31, 2016, thirteen of the 15 recommendations had been implemented either wholly or in part. (Appendix A of this report provides details of the recommendations.)



As documented in the Workforce Planning Report, in recent years enrollment in the LAP declined sharply and the number of attorneys completing the program was a fraction of the total number enrolled. Even those summary observations regarding the program’s utilization and efficacy were problematic due to inconsistent data tracking and unclear definitions related to operations.

To address the declining participation in the LAP and questions regarding the efficacy of the program, the NCSC recommended that the LAP Oversight Committee engage in a strategic planning process. State Bar staff worked closely with members of the LAP Oversight Committee beginning in June to formulate a strategic plan. The planning process involved:

- Weekly conference calls with a subcommittee of the Oversight Committee to begin drafting the strategic plan;
- A public meeting of the full Oversight Committee to hear testimony from stakeholders. In addition to receiving testimony from respondents' counsel, members of the Other Bar, and treatment providers, the Bar invited nationally recognized experts to present findings related to substance abuse in the legal community and the efficacy of treatment models such as drug courts. Representatives of OCTC and the State Bar Court also attended to hear the presentations and provide input.;
- Oversight Committee meetings in September, November and December to review strategic plan language and consider alternatives.³

While the work to finalize a new Strategic Plan for the LAP delayed implementation of some of the recommendations, it was possible nonetheless to begin work in areas where the direction was relatively clear. For example, to address the challenge of low enrollment in the LAP, Bar staff initiated conversations with representatives of the State Bar Court, OCTC, and respondent's counsel to discuss alternative case management paths.

With the goal of improving public protection by identifying attorneys with substance abuse and mental health challenges early and directing them to treatment, a proposal is now being drafted to require a clinical assessment of all attorneys who come to the attention of OCTC as a result of a criminal conviction involving the use of a controlled substance.

And, on a parallel track, executive management of the State Bar began taking action on recommendations that were not dependent on the strategic planning process. In October, the position of Director over the LAP was eliminated and, shortly after that, the position was repurposed to create a single Director position over both LAP and the Office of Probation. In February, 2017, a supervisory Case Manager position was created and hired to improve the coordination of the work of case managers.

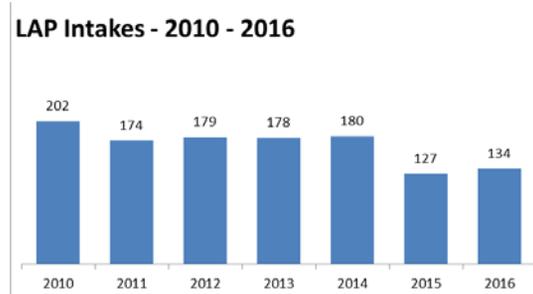
With the State Bar's Board of Trustees engaged in on-going work to both define the Bar's public protection mission and to align the Bar's resources with that mission, the new strategic plan will provide guidance to the Oversight Committee for continuing to improve the work of the LAP.

³ A detailed accounting of the recommendations contained in the Workforce Planning report are attached as Appendix A; the final, draft Strategic Plan for the LAP is attached as Appendix B.

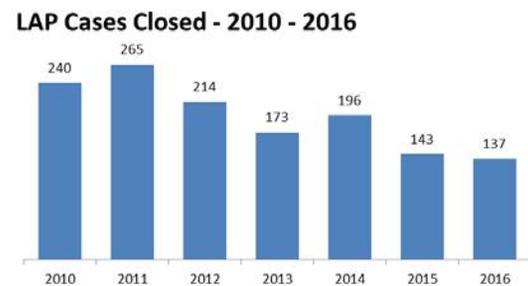
2016 Program Activity

LAP Caseloads

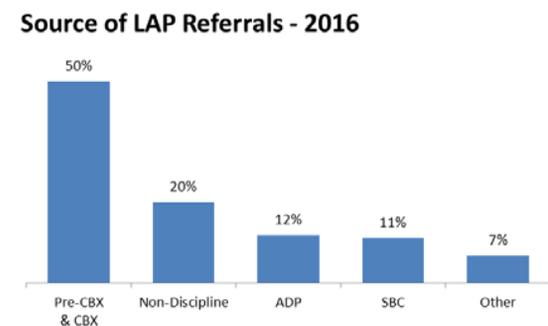
The number of intakes conducted by LAP case managers in 2016 rose slightly from 2015 – an increase of seven cases from 127 to 134. Despite the increase, the number of intakes remained well below the program’s capacity.



During the same period, the number of cases closed by LAP case managers fell slightly to its lowest level in the last seven years.

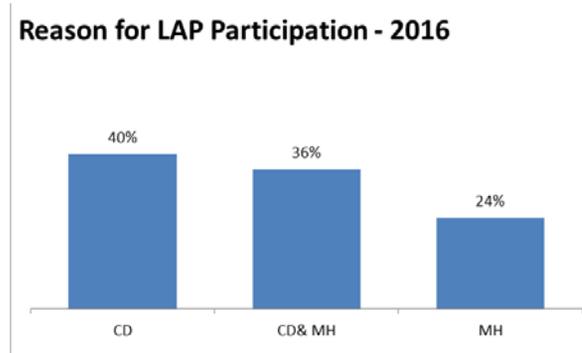


As noted above, in recent years, referrals to the LAP have grown from the Committee of Bar Examiners (CBX) and even students who have not yet applied to become members of the Bar (Pre-CBX). In 2016, one half of the 134 cases that went to LAP intake came from these two sources. Only 23 percent of the cases came through the discipline system (from the Alternative Discipline Program (ADP) or State Bar Court (SBC)).



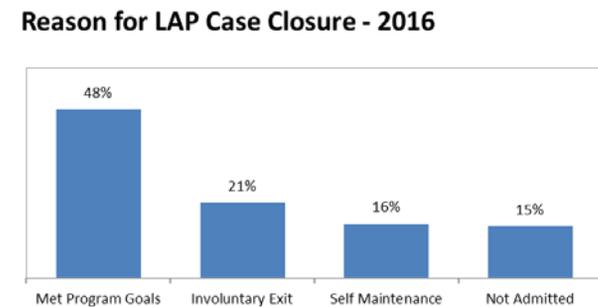
LAP Case Inventory

At the end of 2016, the inventory of active cases being managed by LAP case managers stood at 127. A plurality of the 127 participants in the program (40 percent) are there exclusively for Chemical Dependence (CD) while 24 percent of the participants are there exclusively for Mental Health (MH) issues. The remaining 36 percent of participants are in the LAP for both Chemical Dependence and Mental Health issues.



Looking at the reasons that people left the LAP in 2016, the figure below provides a preliminary re-grouping of the “reason” codes found in the LAP case management system. These are preliminary because a more thorough evaluation of the data in the system is needed and is anticipated in the LAP strategic plan. In the meantime, the figure below groups together a number of codes with slightly different meaning depending on whether the program participant was referred by the State Bar Court, the Committee of Bar Examiners, or reached out to the LAP on their own initiative prior to applying to the Bar.⁴

A plurality (43%) of the cases closed in 2016 were closed with participants meeting the program goals. Those reasons for closure included participants whose applications had been placed in abeyance by the Committee of Bar Examiners and had the abeyance lifted; participants who were voluntarily in the LAP support program and completed; as well as a small number of program participants who completed the orientation and assessment.



⁴ Note that figure showing the Reasons for LAP Case Closure excludes two participants who died during calendar year 2016. The remaining number of cases closed represented in the figure, then, is 135.

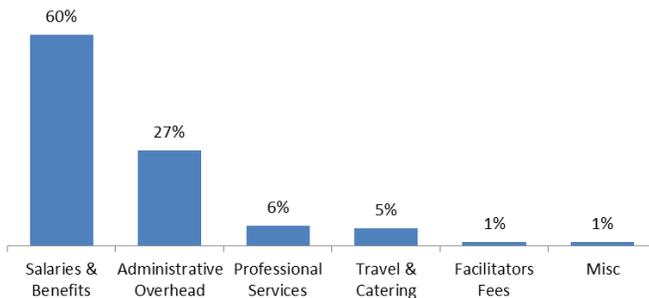
Participants who are categorized as “Involuntary Exit” include cases in which the program participant discontinued contact with the LAP, those who were terminated by the LAP Evaluation Committee, those who disagreed with the LAP assessment, and those who indicated that they could not afford to participate in the LAP.

The Self-Maintenance category consists of participants who left the LAP with an understanding that they would continue treatment of some kind outside of the LAP – 12-step programs, for example. Finally, the Not Admitted category consists of people who were assessed but were not diagnosed with either a mental health or chemical dependence issue.

LAP Expenditures

In 2016 LAP expenditures were slightly over \$1.5 million, 87 percent of which consisted of salaries and benefits plus administrative overhead (facilities, human resources, information technology and other administrative services that support the Bar’s programs). The remaining expenditures for the LAP were devoted to professional services, travel and catering (meetings of the Oversight Committee and Evaluation Committee both require travel and catering for the volunteer members of these bodies, with facilitators fees and miscellaneous expenses making up the remaining part of LAP expenditures).

LAP Expenditures 2016 - \$1.54 Million



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Details of Workforce Planning Recommendations

Recommendation	Detail	Status
<p>1. The Bar should engage in a strategic planning process for the LAP to determine whether LAP is to be reactive, responsive, and corrective to issues faced, or proactive, by advertising services and sponsoring workshops and orientations about attorneys' stress, addiction, and mental health issues. This planning process should include an assessment of the current monitoring approach undertaken by the program, which is more administrative than clinical. Lastly, a determination regarding the target client population for the program is needed.</p>	<p>The Draft Strategic Plan (attached as Appendix B) identifies two main prongs of activity for the LAP: 1) education and outreach focused on law students, young attorneys and those at the end of their careers and; 2) program evaluation and ongoing program improvement using evidence-based models for the treatment of attorneys with substance abuse and mental health issues.</p> <p>Full implementation pending the adoption of the LAP strategic plan in March, 2017.</p>	<p>Substantially Implemented</p>
<p>2. Once program purpose is established, reassess delivery model to include analysis of feasibility of contracting out LAP services. This would entail determining which functions should go to one or more contracted providers for program operations, participant oversight, ongoing monitoring, and reporting to a designated Bar manager. It would also require clear definition of which administrative and support tasks would remain within the Bar, if any. If clear performance expectations are embedded in a contract, it may make it easier for the Bar to hold contracted staff to a performance standard. A full risk assessment and review needs to occur, coupled with a cost-benefit analysis, and determination to what degree Bar executive leaders will be able to oversee work of one or more LAP contractors.</p>	<p>Discussions on the delivery model took place at several Oversight Committee meetings, including the public meeting to hear testimony from stakeholders. These discussions will inform the development of an operational plan that will need to be created after the finalization of the strategic plan.</p> <p>Full implementation pending the adoption of the LAP strategic plan in March, 2017.</p>	<p>Partially implemented</p>
<p>3. As a general matter, the NCSC recommends better coordination between LAP and the Office of Probation (OP), including:</p>		
<p>3A. To improve coordination, NCSC recommends that the Bar create a supervisor over LAP and a supervisor over the OP while creating a manager position that supervises both OP and LAP.</p>	<p>Director appointed over both LAP and OP in October 2016. Supervising Case Manager position created and filled in February, 2017.</p>	<p>Implemented</p>
<p>3B. Align the work of the Office of Probation and LAP drawing on the fact that both entities deal with the supervision of attorneys who are required to comply with certain conditions imposed by the State Bar Court.</p>	<p>Organizational changes implemented with joint responsibilities over the OP and LAP assigned to a single Director. More work still needs to be done to integrate the work of the OP and LAP.</p>	<p>Partially Implemented</p>

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Recommendation	Detail	Status
4. Adjust staffing based on caseload requirements.		
4A. Application of drug court staffing standards suggests that the recommended range for a Case Manager caseload is 45 to 50 cases. These caseload levels can be achieved by reducing one Case Manager position. In lieu of elimination, however, this position should be converted to a Case Manager Supervisor. The Supervisor position should be based in Los Angeles.	Full implementation pending the finalization of classification & compensation study.	Partially Implemented
4B. The size of the program does not warrant both a Supervisor and a Director; the Director position should be eliminated or re-purposed accordingly.	Former director over LAP given notice in August and terminated in October. Position was repurposed shortly after consistent with recommendation 3B.	Implemented
4C. In addition, one Case Manager position should be redeployed to San Francisco to address delays in serving clients in the Northern part of the state.	Caseloads in the LAP have fallen and there may not currently be sufficient workload to justify the implementation of this recommendation. Ongoing evaluation of workload will be needed to determine when sufficient caseload exists in Northern California to support a full-time case manager in San Francisco.	On Hold
5. Identify what within LAP is clinical and what is monitoring, ensuring that Case Managers perform clinical, as opposed to monitoring, activities wherever possible. If the program design does not require the current level of clinical staffing, transition away from a requirement that all Case Management staff hold clinical degrees.	Strategic plan includes a major component devoted to the on-going evaluation of program efficacy. This will be monitored by the LAP Oversight Committee on an ongoing basis. Full implementation pending the adoption of the LAP strategic plan in March 2017 . (See Appendix B LAP Draft Strategic Plan)	Partially implemented
6. LAP should evaluate the differences in monitoring actions required for cases in various phases, and	A working group comprised of representatives from the State Bar Court, OCTC, and	Partially

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Recommendation	Detail	Status
<p>consider establishing differentiated monitoring practices. A three tiered program is specifically recommended as follows:</p> <p>A Expedited LAP (or “LAP light”) – a simplified and expedited program to provide information and resources for those applicants with less risk. Include initial intake and personal meeting, and referral for self-directed support, with no ongoing staff interaction. Key objective of this track: simple information provision.</p> <p>B Modified LAP – a program to provide information, resources and support activities (e.g., group meetings, program referrals) with minimal LAP oversight. Key objective of this track: summary oversight.</p> <p>C Monitored LAP – a program to provide the full array of LAP support and monitored functions to include ongoing group participation, testing and reporting. Key objective of this track: structured oversight and accountability by the participant. For Modified and Monitored LAP, the duration of time in the program should be identified based on assessed needs; a blanket participation period of three years should be discontinued."</p>	<p>Respondents’ counsel has met on three occasions to explore case management tracks, specifically to determine whether more faithful adherence to a Drug Court model would improve outcomes for attorneys who have substance abuse and / or mental health problems. In addition, this group is evaluating the question of sanctions for first-time DUIs and improving the capacity of OCTC to identify attorneys with these problems.</p> <p>Full implementation pending the adoption of the LAP strategic plan in March 2017.</p> <p><i>(See Appendix B LAP Draft Strategic Plan)</i></p>	Implemented
<p>7. Combine processes and forms for LAP intake, interviews, and program plans. Move manual process to automated actions. Program administrative and clerical support functions should be evaluated to determine which are best conducted by the Case Managers, which are best conducted by the Program Coordinator, and which are best conducted by the Administrative Assistant.</p>	<p>A review of clerical and clinical duties was done with staff to eliminate duplicative work. Specific process reevaluation is part of the strategic plan regarding program design and development. In addition, planning for increased reporting is currently being developed and should be implementing mid next year.</p>	Partially Implemented
<p>8. In addition, technological solutions are needed. For example, a quality assurance report should be developed in LAPIS in which cases with approaching or elapsed deadlines are automatically flagged for action by the Case Manager."</p>		Pending Implementation of New Case Management System
<p>9. A thorough review should be conducted of the use of the Evaluation Committee, to determine if it is needed as a review entity, or whether it can be eliminated, including:</p>	<p>Discussions about the Evaluation Committee took place at several Oversight Committee meetings and the draft Strategic Plan includes</p>	Partially implemented

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Recommendation	Detail	Status
<ul style="list-style-type: none"> •Assessment of whether the time and preparation activity required to support it justifies its use and demonstrates a return on investment for program operations; •To what degree it performs a role of review and monitoring support for program participants; •The need to have the Committee provide a level of gravity and seriousness to approval for program participation; •The degree to which it is following clear policies and objectives; and •The level to which the Evaluation Committee has any direct ownership or responsibility for participant outcomes. 	<p>a major component devoted to the on-going evaluation of program efficacy.</p> <p>Although the Oversight Committee expressed general support for the Evaluation Committee model, it also recommended that the use of the Committee be evaluated along with the overall review of program delivery.</p> <p>Full implementation pending the adoption of the LAP strategic plan in March, 2017.</p> <p align="center"><i>(See Appendix B LAP Draft Strategic Plan)</i></p>	
<p>10. Data on the number of Evaluation Committee meetings held and the number of cases heard at each meeting should be tabulated and published along with the number of cases with sufficient information for program conclusion and the number of cases in which the Evaluation Committee requested or required further action by a) the program participant, b) the Case Manager, or c) some other requested follow up.</p>	<p>Full implementation pending the adoption of the LAP strategic plan in March 2017.</p>	<p align="center">Partially Implemented</p>
<p>11. Data Collection and Reporting.</p> <p>11A. Specific case issues should be tracked, including the reasons for referral (substance, mental health, crisis), the numbers of incoming calls to the LAP phone lines, the sources of referral to LAP (voluntary-Bar member, voluntary-Bar applicants, SBC ordered, CBX referred) senior or elder lawyer needs, needs by active/inactive/suspended status, and the number of cases assigned to each case manager and to any contract case management staff, as well as any additional categories related to client needs identified by staff.</p>	<p>Preliminary evaluation of recidivism of Probationers conducted which includes subset of probationers who are enrolled in the Alternative Discipline Program (ADP) / LAP.</p> <p>Strategic plan includes a major component devoted to the on-going evaluation of program efficacy. This will be monitored by the LAP Oversight Committee on an ongoing basis.</p> <p align="center"><i>(See Appendix B LAP Draft Strategic Plan)</i></p>	<p align="center">Partially implemented</p>

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Recommendation	Detail	Status
<p>11B. Performance targets for task completion should be developed (e.g., case manager return call to applicant within one hour, conduct of face-to-face intake meeting within one week, referral to weekly support meeting with participant attendance within one week of intake meeting).</p> <p>11C. Information on outreach activities should be documented and published (e.g., presentations and briefings for parties external to the Bar) to include the number of events, the audiences, and the nature of inquiries and topics discussed."</p>		
<p>12. Improve payment compliance. Attentiveness to financial assistance program payment compliance should be increased through a quality assurance program to run reports on cases either coming due or with upcoming payment deadlines.</p>	<p>Analysis of LAP debt has been conducted concurrent with work that the Bar is doing to improve payment compliance on reimbursement to the Client Security Fund and Court-ordered obligations of respondents.</p> <p>The confidentiality of the LAP makes it impossible to treat this debt in the same manner as other debt obligations (for example, placing liens on property). Staff will continue to evaluate the options for recovery of debt owed to the Bar through the LAP.</p>	<p align="center">Partially Implemented</p>

APPENDIX B

THE LAWYER ASSISTANCE PROGRAM

STRATEGIC PLAN

FROM MARCH 2017 TO MARCH 2020



THE STATE BAR OF CALIFORNIA

EXPECTED ADOPTION MARCH 4, 2017

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STRATEGIC PLAN DEVELOPMENT

This Strategic Plan was developed and adopted by the Lawyer Assistance Program (LAP) Oversight Committee to guide the work of the LAP and ensure that the LAP functions as intended under Business and Professions Code 6230. The LAP was established “to identify and rehabilitate attorneys with impairment due to abuse of drugs or alcohol, or due to mental illness, affecting competency” and to see that “attorneys so afflicted may be treated and returned to the practice of law in a manner that will not endanger the public health and safety.”

Members of the Oversight Committee adopting this plan are:

Stewart Hsieh, J.D., Chair
Andy Besser
Robert Burchuk, M.D.
Kellie M. Condon, PH.D.
Justin Delacruz
Sara Ramirez Giroux
Jason Kletter, PH.D.
Tracy LeSage, J.D.
Terry Lewis
Philip M. Spiegel, MD
Judge Lawrence Terry
Sandy Wood

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VISION STATEMENT

The Lawyer Assistance Program (LAP) provides support to attorneys who are struggling with substance abuse and/or mental health issues. The LAP provides a range of services and levels of support that are tailored to the circumstances of each participant. The goal of the LAP is to protect the public through outreach and education about the dangers of substance abuse and mental illness in the legal community and rehabilitation of attorneys who struggle with these issues.

- LAP provides outreach services, training, and continuing legal education regarding substance abuse, stress, mental illness and dementia in the legal profession;
- LAP makes confidential referrals to counseling and free assessments for attorneys who are experiencing stress, mental illness or are struggling with substance abuse;
- LAP collaborates with the Office of the Chief Trial Counsel, State Bar Court, Office of Probation and others to monitor and support attorneys who participate in the LAP as a condition of their discipline;
- LAP works with the Office of Admissions at the State Bar to assist with the evaluation of applicants to the bar who have been referred to LAP as a condition of their moral character review.

OVERVIEW OF THE LAP

Introduced by Senator John Burton, the Attorney Diversion and Assistance Act (SB 479, 2001) became effective January 2002. The act added language to the Business and Professions Code (6230 et seq.) requiring the State Bar of California to create a program to assist attorneys with substance abuse and/or mental health issues. As a result of the legislation, the State Bar of California created the Lawyer Assistance Program (“LAP”). The State Bar collects \$10.00 from every active attorney, and \$5.00 from inactive attorneys, to operate the program. The statute requires that participants are responsible for all expenses related to treatment and recovery, but no member will be turned away due to lack of ability to pay.

LAP has three main components: transitional assistance service, support LAP and monitored LAP.

- Transitional assistance services provide attorneys with the opportunity to be referred to outside personal or career counselors. Participants can get two free sessions with counselors.
- Support LAP provides attorneys with orientation and assessment of their substance abuse and/or mental health issue. The assessment is completed by one of LAP’s licensed clinicians. Staff provides referrals to resources and the opportunity to participate in facilitated group sessions with other legal professionals.
- Monitored LAP is the most rigorous form of support offered by the LAP. In Monitored LAP, participants receive an assessment from a licensed clinician, similar to support LAP. In addition, the participant receives an evaluation plan recommending a course of treatment for the participant. Evaluation plans generally include recommendations for participation in other abstinence-based meetings, referrals for more detailed evaluations and random testing. Other requirements are incorporated into evaluation plans as appropriate, depending upon the participant’s situation. In order for attorneys to be involved in the State Bar Court’s Alternative Discipline Program, they must participate in Monitored LAP.

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THE PLAN

The Strategic Plan that follows is divided into two broad sections.

- Outreach and education focuses on disseminating information broadly to members of the legal community and their families and proactively identifying those members of the community that are most at risk for substance abuse and mental health issues by:
 - developing educational content about the risks of substance abuse and mental illness to attorneys and promoting healthy life-style choices;
 - ensuring the broadest possible dissemination of materials to the target audience including the families of attorneys;
 - raising awareness among these same audiences about the services available through the LAP and in the community.

- program design and effective intervention focuses on specific components of the LAP especially in those areas related to the discipline system:
 - Establishing and sustaining collaborative relationships with representatives of the Office of the Chief Trial Counsel, State Bar Court, and respondents' counsel to develop policy and procedures for effective case management and treatment of attorneys who come before the discipline system;
 - improving the identification of attorneys in the discipline system who would benefit from participation in the LAP and/or Alternative Discipline Program;
 - promoting legislation that would allow bar applicants to participate in the LAP;
 - tracking data and evaluating the impact of the LAP for purposes of reporting to the LAP Oversight Committee and for on-going program monitoring and improvement.

MONITORING THE PLAN

The Oversight Committee of the LAP views this plan as a living document. The Committee commits to:

- developing and tracking operational goals to advance the strategic goals articulated in the Plan;
- monitoring progress toward achieving these goals at its quarterly meetings;
- periodically modifying the plan as needed but no less than every three years to ensure that the LAP functions effectively and efficiently.

EDUCATION AND OUTREACH

Research on the prevalence of substance abuse in the legal community has shown that younger attorneys are especially at risk. In addition, mental health disorders, co-morbid disorders and issues related to aging or cognitive decline are likely to have a significant impact on the growing number of older attorneys practicing law in California.

An effective response to these challenges will require targeted outreach that includes educational materials tailored to specific audiences. Wherever feasible, outreach should include the families of attorneys and extend from law school through retirement preparation focusing on wellness and seeking to de-stigmatize those who suffer from addiction, mental illness, or other forms of cognitive impairment.

During the period that this strategic plan is in effect, the LAP Oversight Committee should focus its attention on the following goals related to Education and Outreach:

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- I. Determining the target audiences, content and types of outreach for education of the legal community regarding substance abuse, mental illness, and age-related cognitive impairment.
 - A. Working with the Committee of Bar Examiners on outreach to law students and their families with substance abuse as the primary focus:
 - 1. developing targets for the number of schools at which to give presentations, conducting other forms of outreach and seeking to institutionalize the delivery of information on substance abuse and mental illness as part of general wellness material that each school provides;
 - 2. developing lists of contacts at all law schools including ABA, CAL and unaccredited schools.
 - B. Working with local bar associations on outreach to members with the primary focus on mental health issues and cognitive impairment that affects elder attorneys:
 - 1. evaluating the demographic profiles of different regions of the state to develop targets for local bars at which to give presentations, conduct other forms of outreach and seek to institutionalize the awareness of mental health issues and substance abuse as part of general wellness materials that local bars provide;
 - 2. developing lists of contacts at local bars.
 - C. Developing guidelines and training for the Office of the Chief Trial Counsel to assist attorneys and investigators identify signs of substance abuse, mental illness and cognitive decline where these may be contributing factors to a discipline case.
 - D. Working with the Bar to ensure the inclusion of wellness / self-care materials in the recently mandated 10 hours of CLE requirements for newly admitted lawyers;
 - 1. Working with California Young Lawyers Association (CYLA) to establish a cadre of young lawyers who conduct outreach and education on wellness;
 - 2. Institutionalizing the relationship between the LAP and CYLA so that it is not disrupted by member turn-over in either organization;
- II. For each of the areas above, tailoring educational and training content to the target audience including assessment of the appropriate medium for content delivery – e.g., hard copies, online, mobile applications, videos, etc.
- III. Developing self-assessment tools targeted to the attorney populations most at risk for substance abuse and mental illness.
- IV. Evaluating the “brand” of the LAP and returning to the Oversight Committee with recommendations for ensuring that the connection of the LAP to the State Bar not become a deterrent to attorneys and their families who might otherwise seek assistance from the program.
 - A. Developing a strategy to collaborate with other volunteer organizations or individuals to provide outreach and support promoting the services of the LAP;

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- B. Conducting a marketing analysis to survey attorneys in various settings such as Law firms, large employers and small practices on what needs they have and the best way to disseminate information
- V. Collecting, evaluating and reporting to the Oversight Committee on key metrics of the outreach and education efforts.

PROGRAM DESIGN AND EFFECTIVE INTERVENTION

In recent years, enormous strides have been made in documenting and disseminating best practices in probation and drug courts for the monitoring and treatment of defendants struggling with substance abuse and mental illness. While the attorney discipline system is distinct from the superior courts where therapeutic courts have flourished, there are, nonetheless, important lessons that may be borrowed from the experience of therapeutic courts.

To begin, effective treatment of attorneys whose addiction or mental illness has brought them to the attention of the discipline system will require a *collaborative* approach. In addition, the LAP will benefit from paying close attention to the data on the program and utilizing that data to modify the program.

Specific aspects of the LAP related to Program Design and Effective Intervention on which the Oversight Committee should focus its attention during the period of this Strategic Plan include:

- I. Establishing a formal structure of on-going collaboration with the State Bar Court, Office of the Chief Trial Counsel, and respondents' counsel to clarify the treatment and monitoring modalities for attorneys who come before the discipline system.
 - A. Establishing a regular, formal schedule of meetings to be held no less than monthly to coordinate OCTC, SBC and LAP policy in a number of areas including:
 - 1. Identifying the types of discipline issues that should be assigned to LAP for evaluation;
 - 2. Developing a "response matrix" that specifies the incentives and sanctions to be used to ensure compliance with OCTC, SBC and LAP orders;
 - 3. Clarifying the respective roles of LAP, Probation, OCTC, and SBC in different types of cases and where each of these entities can best contribute to improving the likelihood of recovery and wellness.
 - B. Working with the other bar, treatment providers, community-based organizations, and others whose work may be complementary to that of the LAP.
 - C. Completing the integration of LAP with the Office of Probation to ensure that the evaluation and monitoring of probationers with substance abuse and mental health problems are tailored to meet the individual needs of Probationers and LAP participants.
 - D. Evaluating terms and conditions of probation and working with the State Bar Court to include probation conditions that address the substance abuse and mental health issues of attorneys on probation.

APPENDIX B

- II. Evaluating the various components of the LAP including:
 - A. Assessing the intake / evaluation process and associated instruments used by LAP case managers to determine whether an attorney has addiction, mental health, or cognitive impairment issue and the severity;
 - B. Reviewing current policy documents and updating / developing process-flow diagrams to clarify participant options, along with decision points and policies for case management;
 - C. Reviewing current policy, practice and the outcomes related to the work of the Evaluation Committee and determining whether there are cases that should be handled through a different modality of treatment / oversight;
 - D. Reviewing current policy, documentation and practices related to guidelines for handling reviews, relapse and termination and providing recommended updates as necessary;
 - E. Reviewing current policy, documentation and practices related to the utilization of facilitated groups, evaluating the efficacy of the facilitated group model and exploring whether county-certified treatment providers are viable alternatives.

- III. Integrating the various tools that are used by the LAP and the data collected by:
 - A. engaging in on-going assessment of the success of the program and improvement where applicable;
 - B. developing metrics that align with the mission of the LAP and tracking outcomes for participants in the program;
 - C. providing regular reports and recommendations to the Oversight Committee and LAP management regarding basic indicators of program utilization and program success.
 - D. determining appropriate and realistic indicators of “successful program completion” and using these to guide day-to-day management of the program and on-going program development by the LAP Oversight Committee.