

# AGENDA ITEM

**MARCH 54-132**

Lawyer Assistance Program  
Oversight Committee  
2006 Annual Report

**DATE:** December 13, 2007

**TO:** Members, Board of Governors  
Members, Board Committee on Member Oversight

**FROM:** John Shale, Chair, Lawyer Assistance Program Oversight Committee  
Janis Thibault, Director, Lawyer Assistance Program  
Richard Carlton, Special Assistant, Lawyer Assistance Program

**SUBJECT:** Lawyer Assistance Program 2006 Annual Report

## EXECUTIVE SUMMARY

The Lawyer Assistance Program ("LAP") of the State Bar of California presents the LAP 2006 Annual Report, pursuant to Senate Bill 479, due on March 1<sup>st</sup>. The Report is being printed and bound. The Report will be distributed to you at the meeting. Board members with questions or concerns may contact Janis Thibault, 916-564-5184 or [janis.thibault@calbar.ca.gov](mailto:janis.thibault@calbar.ca.gov)

## BACKGROUND

The LAP is premised on early identification of attorneys suffering from substance abuse or mental illness. The program assists the Bar to protect the public, the courts, and the legal profession by offering education and rehabilitative programs to State Bar members. The program also works in conjunction with the State Bar Court Alternative Discipline Program to offer an alternative to traditional disciplinary sanctions. Section 6238 of SB 479 directs the Oversight Committee of the LAP to report to the Board of Governors and to the Legislature not later than March 1, 2003, and annually thereafter, on the implementation and operation of the program.

## HIGHLIGHTS FROM THE REPORT

The LAP provided effective early intervention and made great progress toward meeting the goals of the Oversight Committee's Long-Range Strategic Plan during 2006. One clear sign of the program's success is a growing proportion of new participants who are self-referred without pending disciplinary charges. During 2006, the majority of new LAP participants were not involved in disciplinary proceedings when they contacted the program. This demonstrates clearly that the goal of early intervention is being achieved. Another sign of the success of the program is that the vast majority of disciplined attorneys who participate in the LAP are now honoring their obligations to their clients and to the profession. Maintaining a positive trend that began two years ago, restitution is being paid; ethics education is being completed; and most important, there has been virtually no recidivism to date.

The program has grown steadily since inception. A total of 774 attorneys received assistance from the program during 2006, twelve percent more than the prior year. At the end of 2006, there were 362 attorneys actively participating in the program, an increase of twenty-four (24) percent over the number of participants at the end of 2005.

**FISCAL IMPACT**

None

**BOARD BOOK/ADMINISTRATIVE MANUAL IMPACT**

There is no impact on the Board Book/Administrative Manual

**PROPOSED RESOLUTIONS**

Should the Board Committee on Member Oversight concur with the Lawyer Assistance Program 2006 Annual Report, it would be in order to approve the following resolution:

**RESOLVED**, that the Board Committee on Member Oversight recommends that the Board of Governors receive the Lawyer Assistance Program 2006 Annual Report and thanks staff for its submission, in the form attached to these minutes and made a part hereof.

Should the Board concur with the recommendation of the Board Committee on Member Oversight, it would be appropriate to adopt the following resolution:

**RESOLVED**, that upon the recommendation of the Board Committee on Member Oversight, the Board of Governors receives the Lawyer Assistance Program 2006 Annual Report and thanks staff for its submission, in the form attached to these minutes and made a part hereof.