

AGENDA ITEM

131 JAN 11 LAP Proposed Program Changes

DATE: December 20, 2010

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

FROM: **Janis Thibault, Director, Lawyer Assistance Program**

SUBJECT: **Lawyer Assistance Program Proposed Program Changes**

EXECUTIVE SUMMARY

State Bar staff request authorization from the Member Oversight Committee and the Board of Governors to develop a plan for the implementation of a reduction in personnel sufficient to operate the LAP with funding at the statutory-minimum amount in a manner consistent with the State Bar Office of Finance and the Board's budget cycle, Human Resources and MOU requirements, LAP service levels and all associated costs and expenses related to that program budget reduction.

Board members with questions about the proposal may contact Janis Thibault at (916) 564-5184 (Janis.Thibault@calbar.ca.gov).

BACKGROUND

In support of State Bar's public protection mission, the Lawyer Assistance Program (LAP) was established by statute (Senate Bill 479, 2001) 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 or safety (Article 15, "Attorney Diversion and Assistance Act," B & P Code §§ 6230 – 6238)." Section 6140.9 further directs that moneys for the support of the program shall be paid in whole or part by a fee of ten dollars (\$10) per active member per year and a fee of five dollars (\$5) per inactive member per year. The fees directed by § 6140.9 in support of the LAP currently produce a revenue stream of approximately \$1.85 million.

For several years the Board of Governors has directed that insurance program revenues be added to the LAP Fund by the Office of Finance and, in light of this funding, staff positions were added to the LAP roster. In the absence of these funds, a staff reduction is necessary.

The Board approved a budget at the November 2010 meeting that includes \$2.5 million for LAP operations for 2011. This budgetary funding level supports 13 employees including a Program Director (executive staff), one grade ten Case Specialist (supervisor), eight grade nine Case Managers, one grade seven Program Coordinator, one grade six Administrative Assistant, and one contracted Special Assistant to the Director. The employees are spread geographically between offices in Los Angeles, San Francisco and Sacramento in order to provide statewide services.

Senator Ellen Corbett has requested that the Bureau of State Audits include the LAP as part of their statutory audit of the State Bar in 2011. That expected audit may inform staff as to appropriate staffing and programmatic changes within the LAP.

ISSUE

The Lawyer Assistance Program, at the direction of the Board of Governors and Executive Staff, will be operating at the statutory level by the end of 2011. In order to operate at the statutory level, a reduction of personnel is necessary. State Bar staff request authorization to implement a plan to reduce the staffing of the Lawyer Assistance Program (LAP) sufficient to reach the statutory minimum level of funding in a manner that is consistent with the State Bar Office of Finance and the Board's budget cycle, Human Resource requirements, current LAP services and all associated costs and expenses related to a program budget and staffing reduction.

CONCLUSION

State Bar staff request authorization from the Member Oversight Committee and the Board of Governors to develop a plan for the implementation of a reduction in personnel sufficient to operate the LAP with funding at the statutory-minimum amount in a manner consistent with the State Bar Office of Finance and the Board's budget cycle, Human Resources and MOU requirements, LAP service levels and all associated costs and expenses related to that program budget reduction.

DISCUSSION

None.

FISCAL / PERSONNEL IMPACT:

The anticipated budget-reduction plan would result in the elimination of positions within the LAP and a commensurate reduction in indirect costs for the program and a budget of roughly \$1.9 million in 2012.

RULE AMENDMENTS:

None.

BOARD BOOK IMPACT:

None.

RECOMMENDATION

Staff recommends that the Member Oversight Committee and the Board of Governors authorize staff to implement a reduction in personnel sufficient to operate the LAP with funding at the statutory-minimum amount in a manner consistent with the State Bar Office of Finance and the Board's budget cycle, Human Resources and MOU requirements, LAP service levels and all associated costs and expenses related to that program budget reduction.

PROPOSED BOARD COMMITTEE RESOLUTION:

Should the Member Oversight Committee agree with the above recommendation, the following resolution would be appropriate:

RESOLVED, that the Member Oversight Committee recommends that the Board authorize staff to plan and develop an LAP staffing model and program to provide services consistent with the statute and within the LAP statutory amount. The planning and development should be consistent with the Office of Finance's budget process, Human Resources and MOU requirements and all rules and regulations relating to State Bar employees.

PROPOSED BOARD RESOLUTION:

Should the Board concur with the Member Oversight Committee's recommendation, the following resolutions would be in order:

RESOLVED, that upon the recommendation of the Member Oversight Committee, the Board hereby authorizes staff to plan and develop an LAP staffing model and program to provide services consistent with the statute and within the LAP statutory amount. The planning and development should be consistent with the Office of Finance's budget process, Human Resources and MOU requirements and all rules and regulations relating to State Bar employees.