

## INDIANA JUDGES AND LAWYERS ASSISTANCE PROGRAM

*Terry L. Harrell, Executive Director*

The Indiana Judges and Lawyers Assistance Program (“JLAP”) provides assistance to judges, lawyers, and law students who may experience physical or mental impairments that result from disease, chemical dependency, mental health problems, or age and that could impair their ability to practice in a competent and professional manner. The purpose of JLAP is to assist the impaired in recovery; to educate the bench and bar; and to reduce the potential harm caused by impairment to the individual, the public, the profession, and the legal system. All interactions and communications with JLAP are confidential under Admission & Discipline Rule 31, section 9, and Rule of Professional Conduct 8.3(d). With exception for homicidal or suicidal ideation, no information is ever released without the signed consent of the party involved.

The Supreme Court appoints the Judges and Lawyers Assistance Committee (“JLAP Committee”), composed of five judges, seven attorneys, one law student representative, and two members that can be from any of the three categories, to oversee JLAP. The 2010 Committee includes: John R. Vissing of Jeffersonville, Chair; Kimberly A. Jackson of Terre Haute, Vice-Chair; the Honorable Donald L. Daniel of Lafayette, Treasurer; Daniel G. McNamara of Fort Wayne, Secretary; David F. Hurley, Secretary Pro Tem; the Honorable Lorenzo Arredondo of Crown Point; the Honorable Carr L. Darden of Indianapolis; the Honorable David T. Ready of Mishawaka; the Honorable David A. Shaheed of Indianapolis; Tonya J. Bond of Indianapolis; Michele S. Bryant of Evansville; Edmond W. Foley of South Bend; Timothy O. Malloy of Highland; and Dean Gail G. Peshel of Notre Dame.

The JLAP staff consists of an Executive Director, two part-time Clinical Case Managers, a part-time Northern Indiana Liaison, and a part-time Office Manager. Indiana recently began licensing addictions counselors and Clinical Case Manager Timothy J. Sudrovec was one of the first 100 to become a licensed Clinical Addiction Counselor in Indiana. Our Northern Indiana Liaison, J. Frank Kimbrough, started working for JLAP in October of 2009. In addition to assisting individual members of the legal community Mr. Kimbrough is responsible for raising awareness of JLAP’s services and making sure that we are meeting the needs of the legal community in the northern third of the state.

It is important to recognize that this small core of committee members and staff could not offer a helping hand to members of our profession around the state without the efforts of almost 200 JLAP volunteers around the state. Our volunteers spend countless hours meeting with distressed lawyers, judges, or law students in their communities. They serve as a link between the person and whatever helping resources the person needs. The volunteer may serve as a mentor, a monitor, a source for information and resources, or simply a confidential sounding board. Volunteers receive training on how to support and motivate others, suicide prevention, and intervention. They are the backbone of JLAP, and both the JLAP Committee and the Supreme Court are grateful for their services.

### **Utilization**

This past fiscal year, JLAP logged 225 new calls for help, ranging from simple requests for information or referral, to requests for JLAP to coordinate a group intervention. JLAP had 75 calls for help with substance abuse issues, 66 calls for help related to mental health issues, three calls for assistance with physical impairment issues, ten calls for help related to career change or retirement issues, ten calls related to practice management issues, 34 calls for assistance regarding specific behavioral issues, ten calls concerning issues that fit no existing category, and seventeen calls with an unidentified impairment at the time of the initial call. (Although many cases contain multiple issues (e.g., depression and alcohol dependence), for statistical purposes JLAP uses the primary issue identified in the initial call for help). 71% percent of the calls were from or about attorneys, 25% were from or about law students or bar applicants and four percent were from or about judges.

A “call for help” becomes a “case” only when JLAP staff meet personally with a client and/or determine that there will be ongoing contact with the client or a third party (such as in the case of an intervention.) A simple call for a referral or a one-time consultation will not result in a case being opened.

As of June 30, 2010, JLAP had 227 active cases: 135 with addiction issues, 135 with mental health issues, 52 with dual diagnosis, fourteen with career change or retirement issues, and 21 with physical issues. (This totals 357 issues because many cases involve more than one issue. For example, it is not unusual for a JLAP client to be addressing depression, addiction, and career transition issues all at the same time.)

## **Monitoring**

JLAP offers monitoring as a service to provide accountability and supervision of those trying to develop a successful recovery program for mental health or addictions problems. A participant makes a choice to participate in the monitoring program and signs a written release of information giving JLAP permission to report on their progress to someone who is in a position to hold the participant accountable. The monitoring program benefits the individual by holding the individual accountable for adhering to his or her own recovery plan. It also protects the public. When an individual on a monitoring agreement fails to comply with his or her own recovery plan, JLAP must report that to the disciplinary or licensing organization, the employer, or the judge that is part of the monitoring agreement. That organization can then take appropriate action to protect the public.

JLAP has developed several different kinds of monitoring agreements to further this service. JLAP's most formalized monitoring agreements exist with the Disciplinary Commission, the Commission on Judicial Qualifications, and the State Board of Law Examiners. Participants sign a consent allowing JLAP to monitor their recovery program and make regular reports to the appropriate disciplinary or licensing body. Participants may also enter into less formal "interim monitoring agreements" with JLAP in anticipation of disciplinary action, reinstatement, or issues that might surface during the character and fitness component of the Bar application process. These agreements monitor the individual's recovery program but make no reports until and unless the participant releases JLAP to do so. JLAP has developed monitoring agreements where reports are made to an employer, local judge, colleague, or family member rather than a disciplinary or licensing agency. And, JLAP has also monitored some individuals on a purely voluntary basis. These individuals find that even though we do not report to a third party the accountability to JLAP helps them to stay on track with their own recovery plan. These situations would be more like working with a personal coach or some other form of personal accountability. In these latter types of agreements, the participant is generally in an earlier stage of impairment. JLAP views these agreements as an opportunity to intervene in the course of someone's addiction or mental health problems at an earlier point and limit the damage to that person's health, family, reputation and career. As of June 30, 2010, JLAP was monitoring 30 formal agreements, twelve interim agreements, and two completely voluntary agreements.

## **Strategic Planning**

JLAP's most significant accomplishment this past year was that we completed a comprehensive strategic planning process. The number of things JLAP "could" do is limitless, and therefore, we decided that we needed to set priorities and develop a method that guaranteed that our energies were directed toward those priorities. We developed a plan with six priorities:

- Assure that JLAP services are available statewide.
- Meet the special needs of law students.
- Meet the special needs of judges.
- Provide trainings for attorneys in the areas of suicide prevention, coping with economic challenges, and retirement planning.
- Maximize the efficiency of JLAP Committee members, staff and volunteers.
- Secure sufficient funding to meet these priorities.

We then developed an implementation plan that we call our "Scorecard." The Scorecard has specific objectives under each priority and specific tasks under each objective. Each task is placed on a timeline and assigned to specific staff or committee members. At our JLAP Committee meetings, we use the Scorecard to evaluate how well we are meeting our stated objectives and staying aligned with our priorities. We have already found that this system is more productive than our past system of assigning committee members to subcommittees to address general topics or issues.

## **JLAP Support Groups**

JLAP now offers six attorney support groups each month. The groups are open to judges, attorneys, and law students. There are monthly mental health and substance abuse support groups in Indianapolis and Merrillville. We also offer a monthly career transition group in Indianapolis and a general support group in Jeffersonville. If you think that your area has the need for an attorney support group and you would be willing to assist us in starting one please contact the JLAP office.

## Education and Prevention

JLAP staff and volunteers have continued efforts to educate judges, lawyers, and law students about the common impairments that members of the legal profession may encounter and what resources are available through JLAP and elsewhere to prevent and/or assist with these issues. Education is an integral part of JLAP's work and is a key to JLAP's efforts to reach those in need early, before disciplinary or licensing agencies are involved. Below is a list of JLAP's fiscal year 2010 presentations statewide:

- ABA Commission of Lawyer Assistance Programs National Conference
- Allen County Bar Association's Applied Professionalism Course
- Calumet Inns of Court
- Indiana Judicial Center New Judge Orientation
- Indiana Legislative Services Agency
- Indiana Public Defender Council
- Indiana State Bar Association Annual Meeting – Resiliency Presentation
- Indiana State Bar Association Women's Bench Bar Retreat
- Indiana State Bar Association's Young Lawyers Section and Indiana Continuing Legal Education Foundation Sponsored Applied Professionalism Course
- Indianapolis Bar Association's Applied Professionalism Course
- Indianapolis Bar Association's Leadership Series
- Johnson County Bar Association
- Lake County Bar Association's Applied Professionalism Course
- Law Schools
  - IU-Bloomington
    - Solo Practice Seminar
  - IU-Indianapolis
    - Orientation
    - Professional Responsibility Class
  - Notre Dame
    - JLAP for Law Students
  - Valparaiso University
    - Orientation
    - Professional Responsibility Class
- Marion County Public Defender and Prosecutors Offices

- Muncie Bar Association
- St. Joseph County Bar Association Applied Professionalism Course
- State Farm Insurance Company
- Women Lawyers Association

### **JLAP Activity at the State and National Level**

JLAP continues to collaborate with local bar associations, the Indiana State Bar Association (ISBA) and the American Bar Association (ABA). The Lake County Bar Association was instrumental in JLAP establishing attorney support groups in Lake County. Executive Director Terry L. Harrell served on the ISBA's Professional Legal Education, Admission and Development Section and the planning committee for the ISBA's Solo Small Firm Conference.

JLAP continues to become more involved in the national network of Lawyers Assistance Programs ("LAPs") coordinated by the ABA's Commission on Lawyers Assistance Programs ("CoLAP"). Throughout the past year, Ms. Harrell participated on the planning committee for the 2010 CoLAP Annual Conference, the CoLAP Judicial Assistance Initiative, the CoLAP Senior Lawyers Committee, and the Advisory Committee to CoLAP. She also served as the liaison to the American Bar Association's Standing Committee on Substance Abuse.

JLAP submitted a bid and Indianapolis was selected as the site for the CoLAP Annual Conference and the Annual Conference for the International Lawyers in Alcoholics Anonymous in October of 2010. One component of the selection criteria is whether the state has an active LAP to assist with the conferences. Seven JLAP Committee members attended the 2009 CoLAP Annual Conference in order to be better prepared to host the conference in Indianapolis. Please see the JLAP website at [www.in.gov/judiciary/ijlap](http://www.in.gov/judiciary/ijlap) for information about the 2010 conferences.