

Regarding JLAP, survey says ...

Last year the Judges & Lawyers Assistance Program (JLAP) distributed a survey to judges, lawyers and law students of Indiana. This article will highlight the results of that survey.

First, we want to thank the Indiana Commission for Continuing Legal Education, the Judicial Technology & Automation Commission, the Judicial Center, the Indiana State, Indianapolis, Evansville, Allen County, Lake County and Marion County bar associations, and everyone else who helped us design and distribute the JLAP survey. Most importantly, we want to thank the judges, lawyers and law students who took the time to complete the survey. Many of you took the time to write detailed comments as well, and we are most appreciative.

We designed the survey to assist us in our strategic planning process. During a retreat last year we realized that we were only guessing at how well we had marketed JLAP's services, the concerns of our lawyers and judges, and the perceptions that most members of the legal community had of JLAP. We realized that as staff members and JLAP committee members we may lose sight of just what the "average" judge, lawyer or law student knows about JLAP. We hoped to gain a better understanding of how far information about JLAP had penetrated the legal community. We hoped to learn what our customers (members of the legal community) were concerned about. And we hoped to learn what marketing methods were most effective and efficient for JLAP. The survey was published in *Res Gestae* and on the JLAP Web site, and mailed to every member of the Indiana bar.

What follows is a discussion of what we learned. We were pleased that very little in the results

surprised us. More often, the strength of the responses told us that we needed to put even more resources into areas that we had already targeted for attention.

Utilization of services and barriers to accessing services

What we found most encouraging about the survey was that 92 percent of those surveyed said that they would take an active role in referring a colleague to JLAP. Reasons provided by the 8 percent for not referring a colleague included primarily concerns about confidentiality or anonymity. We expected the concern over confidentiality regarding the "client attorney." We were a little surprised by the degree of concern over confidentiality for the attorney calling to report an attorney with a problem or attempting to help an impaired attorney. We do have lawyers who call to report that someone else has a problem but stress that they cannot be involved in any efforts to reach out to the attorney due to existing work or social relationships. We honor those requests for anonymity. However, in the vast majority of cases, the third-party caller has already told the "client attorney" that he or she intends to contact JLAP, or, after we talk, the caller agrees to go talk to the "client attorney" directly. Thus, we did not realize the degree of concern among attorney callers. The good news is that our Program Guidelines for JLAP specifically state in Section 5(b)(2)(i) that "[t]he identity of the referral source shall remain confidential unless the referral source instructs otherwise." We always have and always will respect a caller's request to remain anonymous.

It is clear from the survey results that the primary barrier to attorneys seeking assistance from

JLAP is still concern over confidentiality. This was not a surprise to us. This concern is the reason that JLAP is not located in the Hyatt in downtown Indianapolis with the other Supreme Court agencies. This is the reason we are not on the state telephone system. And this is why we accept anonymous calls from potential clients and third-party callers alike. In the beginning, we considered locating JLAP in a strip mall on the outskirts of Indianapolis with some kind of generic sign out front that did not identify our name or what we did. In the end, however, we decided that we had to balance the concerns over confidentiality with convenience; that members of the legal profession needed convenient access to our office; and that we did not want to perpetuate the stigma about seeking assistance. We wanted to promote the belief that seeking assistance for personal problems from stress or career dissatisfaction to substance abuse and depression shows good judgment and strength. We thought hiding our services in a strip mall with a sign saying only "Office" would reinforce the idea that seeking help is something to hide and something for which one should be ashamed. Concern about confidentiality is still the primary barrier for members of the profession seeking JLAP's assistance. We welcome any and all ideas to help us reduce this concern.

The survey did highlight a second barrier to clients seeking services or third-party callers seeking assistance for a colleague. A significant number of respondents said that they were not sure when a referral was appropriate. We think we can remedy that issue by increasing both the number of volunteer trainings we provide around the

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state and the number of brief informational programs about JLAP that we provide for all members of our profession. In addition, we will continue to remind members of our profession that they can always call us anonymously and talk over a situation before making a referral.

We also found it encouraging that approximately one-third of the attorneys responding to the survey had tried to help a colleague with a substance abuse or mental health problem in the past. That is consistent with the experiences of JLAP staff and volunteers. Most lawyers are eager to assist a colleague. Oftentimes they are unaware of a problem or feel helpless regarding how to help. When asked directly to help, especially when given direction as to how to be helpful, they leap into action.

Outreach to judges

At our retreat we had identified the need to increase our outreach to judges. First, we wanted to make sure that judges realize that JLAP is a confidential resource available to them. Judges often have even more concern than lawyers about seeking assistance for personal problems in their own communities. One thing JLAP can do is to connect judges to resources outside their own communities.

Making services available to judges is not just a concern in Indiana, but is a concern for lawyers assistance programs nationwide. In early May, I attended a national strategic planning session regarding judicial outreach sponsored by the American Bar Association's Commission on Lawyer Assistance Programs. By participating in this national initiative I hope to guarantee that we at JLAP are doing all that we can to provide assistance to our judges.

We also wanted to increase judicial awareness of JLAP because judges can help us connect with the lawyers in need of our assistance. We were pleased to see that 79 percent of the survey participants said that local judges should take a more active role in referring lawyers to JLAP. Judges know lots of lawyers, and they are in a unique position to observe lawyers over time and notice changes that may be too gradual for those closest to the lawyer to notice. Lawyers also listen to judges, particularly the ones they practice in front of on a regular basis. Thus, judges are helpful in both identifying lawyers in need of assistance and in motivating them to seek or accept the assistance they need.

Marketing JLAP

We learned that the largest number of survey participants learned about JLAP during a CLE presentation (25 percent). Out of the 16 categories, the next largest categories for how participants learned about JLAP were *Res Gestae* (23 percent), a JLAP brochure (16 percent), and *The Indiana Lawyer* (6 percent). Together, these four categories comprised 70 percent of the responses. What does this mean for JLAP? First, it confirms that CLE presentations are an effective way to "market" JLAP's services. We will continue to do CLE presentations and may draft knowledgeable JLAP volunteers into doing CLE presentations more frequently in order to expand the number of presentations we can do each year.

The second thing we learned is that print media is a good marketing tool, specifically *Res Gestae*, *The Indiana Lawyer* and our own JLAP brochures. What we learned is that

we have been under-utilizing these opportunities. CLE presentations are effective, but they require a fairly large output of resources by JLAP. These print publications offer the opportunity to obtain a high level of visibility with far less expenditure of resources. We will be working with *Res Gestae* and *The Indiana Lawyer* to increase our visibility in both of these publications, and we will increase the availability of our own brochures. It is hoped that these efforts will assist the legal community in understanding what JLAP does and when to make a referral.

In summary, the survey confirmed that we are moving in the right direction but that we simply need to do more. We need to publish more articles, advertisements and brochures about JLAP. We need to do more speaking and provide more trainings. We need to do more to reach out to judges, and we need to continue to protect the confidentiality of our clients and the anonymity of those who seek to help a colleague.

This summary has hit the major highlights from the survey. If you would like to view the results of the survey, you may do so at www.in.gov/judiciary/ijlap.

For more information about the Indiana Judges & Lawyers Assistance Program, call 317/833-0370 or, toll free, 866/428-JLAP (5527). ☺

Judges and Lawyers Assistance Program

Summary of 2005 Survey Results

1

In what part of Indiana do you primarily practice law?

Central	336
Northwest	151
Northeast	78
Southwest	69
Southeast	59
TOTAL	693

2

What is the size of the organization in which you practice?

Small practice (10 or less)	192
Government or institution	150
Solo practice	136
Medium practice (75 or less)	93
Large practice (more than 75)	83
In-house corporation	17
Other	11
TOTAL	682

3

How would you describe your practice?

General practice	207
Litigation	170
Criminal	59
Estate	50
Corporate	44
Other	41
In-house	22
Government / Judiciary	20
Family / Juvenile	9
TOTAL	622

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How many years have you practiced law?

25 to 35	185
15 to 25	153
5 to 15	152
Less than 5	123
More than 35	81
TOTAL	694

5

Where did you learn of the Indiana Judges and Lawyers Assistance Program?

A CLE presentation	172	A friend who has received services	19
Res Gestae	158	Another attorney	14
A JLAP brochure	110	The Board of Law Examiners	12
The Indiana Lawyer	42	The Disciplinary Commission	10
Other	38	This Survey	10
Law School	33	The internet	8
A Bar Association	30	Referral from a judge	4
JLAP Volunteer/Member/Staff	29	My own attorney	2
TOTAL			691

Judges and Lawyers Assistance Program Summary of 2005 Survey Results

6

What concerns would you have in seeking help personally for substance abuse problems or mental health issues (select all that apply)?

Potential loss of reputation or business	380
Loss of license	288
Practice continuation issues	243
Malpractice concerns	197
No concerns	192
Other	31
Confidentiality / Privacy	19
TOTAL	1350

7

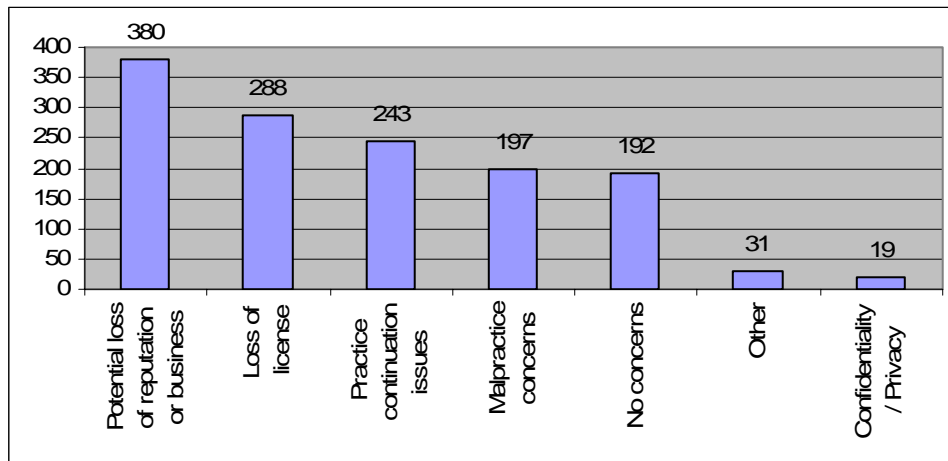
Have you ever tried to assist another attorney who was in need of substance abuse treatment or mental health treatment?

No	483
Yes	207
TOTAL	690

If Yes, how did you attempt to assist?

Referred to or contacted JLAP or similar organization	71
Encouraged professional help	58
Confrontation / Intervention	27
Conversation	17
Other	14
Assisted with workload	11
TOTAL	198

CHART: TABLE 6 (Above Left)



8

Would you personally attempt to take an active role in referring a fellow lawyer to JLAP?

Yes	629
No	55
TOTAL	684

Judges and Lawyers Assistance Program Summary of 2005 Survey Results

9

What assurances would make you more likely to refer a fellow lawyer to some type of assistance, either in-patient or outpatient?

Anonymity / Confidentiality	257
Other	60
Protection for license and job	40
Satisfied / would refer	34
That help will be swift & competent	10
TOTAL	401

Note: Respondents are not only concerned about confidentiality for the attorneys they refer to JLAP; they are also concerned that their own names will be confidential, in some cases from the attorneys they've referred/reported.

CHART: TABLE 9 (Above)

