



NC LAP Annual Report

August 1, 2020 - July 31, 2021



NCLAP
NORTH CAROLINA
LAWYER ASSISTANCE PROGRAM

Protecting the public by
insuring the health and integrity
of the legal profession.



Message from the Executive Director



In last year's annual report, I explained how the Lawyer Assistance Program, both staff and volunteers, rose to the unique challenges of that unprecedented year. Groundhog Day references abound as 2021 has turned out to be an extended repeat of 2020. Despite attempts in late August/early September to return to in-person operations, with the rise of the Delta Covid-19 variant, NC LAP continues to operate virtually.

Despite our virtual status, LAP's caseload remains busy. We opened 165 new client files. We have been holding one-on-one counseling appointments and support groups via Zoom. We continue to give virtual CLE presentations and made 46 such presentations this year. We have even managed to participate in some law school orientations via Zoom. All operations remain fully functional and intact in this virtual format. Like everyone, however, we as a staff, and all our volunteers, are exhausted from all the digital interfacing.

But the discussion of Covid's impact does not end there. As more people contract Covid and die from it, we are seeing more grief and loss referrals. We are getting reports in from across the state of lawyers who contracted Covid and suddenly passed away, leaving everyone, colleagues, friends and family, bereft and scrambling to get things covered while stunned in anguish. There is tremendous sadness and collective trauma happening across the state; more so, collectively, than last year at this time, based upon the reports we are receiving. There are no easy answers. All we can do is support each other the best we can and learn how to better be present with the deeply bereaved.

Our volunteers remain stalwart in the face of all the present adversities. They continue to engage in volunteer activities virtually. One of our new initiatives relies heavily on our volunteers in this virtual environment. We are launching Sidebar: the Podcast. We have begun recording content, which consists primarily of interviews with LAP volunteers based on the stories they have submitted for the Journal and the e-Sidebar. This new podcast will give folks a new way to engage with our material and we already have 40 subscribers based on the trailer alone. To listen to the trailer, visit <https://www.nclap.org/podcast-sidebar/sidebar-trailer/>. Or look us up in your podcast player of choice. We are posted in all of them. Our volunteers keep it real and keep it fun. I thank them for their service and their fortitude.

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In June, the Texas Lawyer Assistance Program released a superb 28-minute video on depression and suicide prevention that is free for use and incorporation into longer programs. It can be viewed here: <https://youtu.be/Q0O3198ip0I>. We used that video as a springboard, creating a 60-minute suicide awareness and prevention CLE video. It can be viewed from our video library page (along with other CLE talks) here: <https://www.nclap.org/video-library/>.

Because we report numbers quarterly and annually, there is a misperception that LAP only touches a small population of the bar. Cumulatively, however, based on data beginning in the mid-1990s, we know that LAP has actively worked with +/- 15% of the NC bar (including judges) with less than .05% involved in any discipline or regulatory process. Despite the recent national focus on wholistic lawyer well-being, the trend continues that lawyers typically do not seek assistance in the early stages of any mental health issue. So, while LAP welcomes and works with folks at every stage and all along the continuum, LAP is uniquely positioned and experienced in working with those who are dealing with more severe issues that may be starting to interfere with their practices. LAP's work and its efficacy are largely hidden from view due to the strict confidential nature of the services provided. Thus, there is a real risk that the serious issues LAP deals with day-in and day-out and the vital regulatory purpose it serves will be minimized or overlooked.

If you have any questions about LAP, the services we provide, or the annual report, please do not hesitate to reach out to me.

Robynn Moraites

Lawyer Assistance Program Overview

History of NC LAP

The North Carolina Lawyer Assistance Program's ("NC LAP") roots began in 1979 with the assemblage of a group of lawyer volunteers who were themselves recovering alcoholics who saw the need to offer assistance to other lawyers suffering from addiction and alcoholism. The group was named the Positive Action for Lawyers ("PALS") committee. In 1994, the State Bar formally recognized the PALS Committee and incorporated PALS as part of the State Bar administration and infrastructure. In 1999, further recognizing the need for additional assistance for lawyers dealing with mental health issues not related to substance use disorder, the State Bar then formed the FRIENDS committee.

Today both programs have been merged into a single Lawyer Assistance Program. NC LAP currently has a staff consisting of a director, two clinicians, a field coordinator and 2 office administration and special projects personnel.

NC LAP has a Board consisting of three State Bar Councilors, three LAP volunteers, and three clinicians or experts in the field of mental health and addiction. NC LAP also has a steering committee of volunteers from around the state who assist in the execution of special initiatives. NC LAP is also part of the ABA's Commission on Lawyer Assistance Programs (CoLAP), a network of LAPs serving nearly all 50 states in the U.S.

LAP Services

- Assessment
- Referral
- Case Management
- Peer Support
- Intervention
- Facilitated Support Groups
- Educational Programs

Mission of NC LAP

NC LAP is a service of the North Carolina State Bar which provides free, confidential assistance to lawyers, judges, and law students in addressing substance use disorder, mental health issues and other stressors which impair or may impair an attorney's ability to effectively practice law. In sum, our mission is to:

1. Protect the public from impaired lawyers and judges;
2. Assist lawyers, judges, and law students with any issues that are or may be impairing;
3. Support the on-going recovery efforts of lawyers and judges
4. Educate the legal community about the issues of substance use disorder and mental health.

NC LAP Goals and Guiding Principles

NC LAP Program Goals:

- To respond to the referral and identification of legal professionals who may be impaired and need assistance;
- To assist NC LAP clients in their personal recovery from alcohol or drug problems, or mental health conditions;
- To educate the legal community on identification, assessment, referral, treatment and resources available to meet the needs of judges, lawyers, and law students;
- To provide a network of trained volunteers who are available to respond to the needs of NC LAP clients through a peer assistance model;
- To monitor and assist clients while they work to gain admission to practice law, rehabilitate and return to the practice of law or to a better quality of life;
- To establish and maintain a cooperative and on-going working relationship with the Superior and District Courts of North Carolina and their judges, the NC State Bar Office of Counsel, the CLE Board and other administrative offices of the NC State Bar, the Board of Law Examiners and the legal community at large.

NC LAP Guiding Principles:

- The program recognizes that the most effective way to protect the public is to insure the mental health and emotional integrity of the legal profession;
- The program recognizes that addiction, mental health issues and physical disabilities are treatable conditions and are not moral issues;
- The program is motivated by a humanitarian concern for the legal community and the public;
- The program also recognizes that accountability is key in treating many impairments;
- Impaired lawyers and judges are ethically obligated to seek assistance and to participate in services necessary to renew their full effectiveness;
- Lawyers and judges have a moral and ethical responsibility to recognize the signs and symptoms of a colleague who may be impaired and to assist the colleague in accessing appropriate services.

Lawyer Assistance Program Overview

How the Program Works

About 50% of calls to LAP are self-referrals from those who recognize they have a problem and ask for help. About 90% of these problems range from temporary conditions caused by grief, relationship issues, or work difficulties to ongoing struggles with anxiety and depression. About 10% of the self-referred clients are calling about alcoholism or addiction. Usually LAP clinicians do an assessment, in person wherever possible, or refer the individual to an outside professional for an assessment. LAP works with treatment programs throughout the country as well as with individual therapists, psychologists, and psychiatrists, and often makes referrals to these professionals. We can also arrange peer support with one of our trained LAP volunteers who has experienced a similar problem and successfully managed it and we invite the client to attend the local lawyer support group meeting.

For those clients who are not self-referred, about 40% of calls come from colleagues, judges, friends, and family members who are concerned about a lawyer, judge, or law student who may be showing signs of a mood disorder or a problem with substance use disorder. Of that 40%, about 90% of those calls are concerns about alcoholism or substance use disorder. Our clinician will offer suggestions on ways to express concern and motivate the individual to get help. Often, in the case of these referrals, the person making the referral prefers to remain anonymous and not participate further in the process. Sometimes, LAP will refer the caller to a professional interventionist or the LAP will assist in conducting either a formal or an informal intervention.

Confidentiality is the Cornerstone

All client interactions with LAP are held in strict confidence as are any referrals. The only time information is shared is when an individual signs a release and asks LAP to report on his or her behalf to another organization or individual. Confidentiality is guaranteed by Rule 1.6(c).

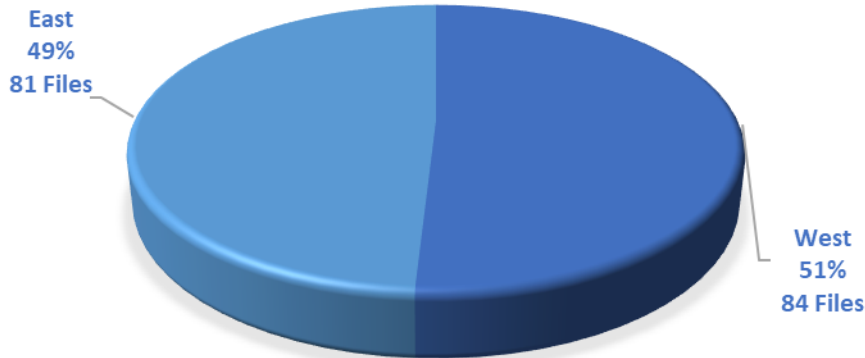
Intervention is a group process that, with respect and concern, helps an individual who may not realize he or she has a serious problem with alcohol or other drug use. The objective is to dismantle denial, stop family and friends from enabling the subject's behavior, and initiate change. For informal interventions without a professional interventionist, LAP uses a peer intervention model with two trained, experienced volunteers who are in recovery from the same issue. The LAP volunteers meet with the subject individual and share their experience with him or her. In the course of that meeting, they inform the individual about the services offered by LAP. Because recovery is an ongoing process, we also continue to work with individuals following treatment as part of an after-care plan.

Although we address serious mental health and addiction problems, we address and offer assistance for a range of issues within the category of general life problems. We encourage lawyers to seek assistance for less severe issues of stress, grief, or simply feeling overwhelmed. Everyone has problems at times and the confidential help available through LAP can prevent problems from becoming more severe.

Whatever the issue is that brings an individual to LAP for assistance, we offer peer support, on-going follow-up and case management services.

The Year in Review ~ Statistical Snapshot

165 NEW & REOPENED FILES BY REGION



New cases/files

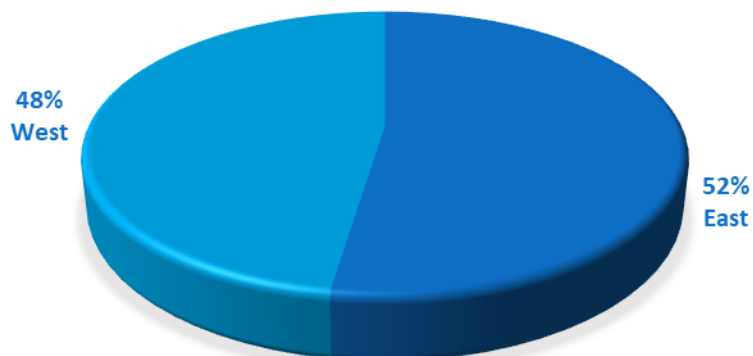
NC LAP is now in its 42nd year of operation. Despite operating virtually, we have had one of the busier years on record.

For the 2020-2021 reporting year we had 165 total files opened (141 new and 24 reopened), bringing the total number of open cases to 690. We closed 47 files resulting in a combined total of 643 open cases at year's end.

Many of the calls that do not result in the opening of a new file include situations where a lawyer or a judge calls seeking guidance for next best steps. For example:

- An older lawyer may need to wind down a practice and the judge or lawyer who is concerned does not know how to approach the individual or what to say. We coach them and eventually become directly involved if needed, but we typically do not open a file.
- A Bar Councilor, judge or lawyer may call to ask for guidance about a certain lawyer or situation without giving us the name of the lawyer at issue. We will often coach the caller through that situation and/or provide some referral resources.
- A lawyer has a child (ranging from teen to middle aged) who has an impairment requiring treatment and needs a referral for a treatment center or mental health provider.
- Lawyers sometimes call because they need treatment center recommendations for non-lawyer friends or clients who are impaired.
- Lawyers who have attended a CLE where we spoke and are seeking a recommendation for a good therapist in his or her local area, but where it is clear there is not a need for full LAP involvement or case management.

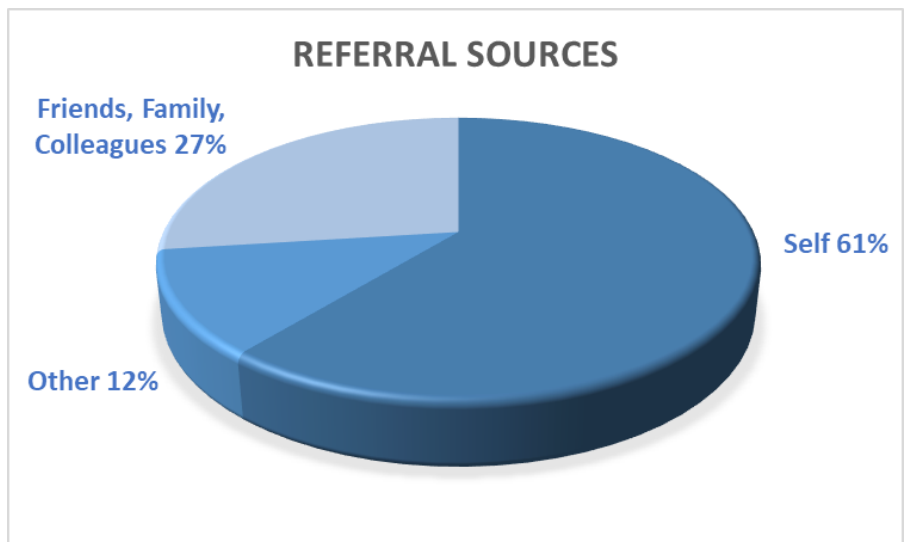
TOTAL CLIENTS BY REGION



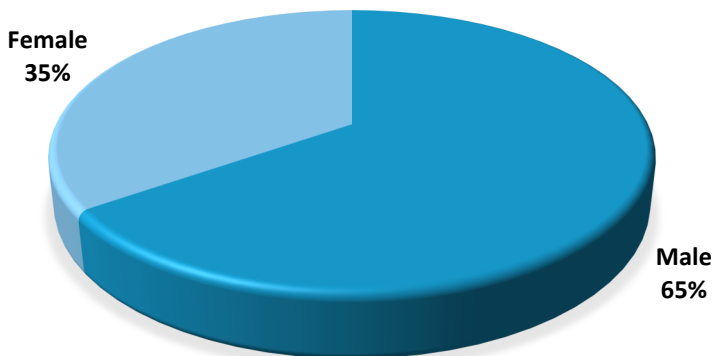
Referral Sources

The rate of self-referral to LAP increased to 61% this year, while 27% of LAP referrals came from colleagues, law firms, friends, family and judges who expressed concern about a lawyer or judge. The remaining 12% of referrals came from law schools, the board of law examiners, other LAPs, therapists, physicians, state bar staff, the grievance committee or the DHC.

Referred by	
Another LAP	2
Another Lawyer	113
Bar Staff	23
Board of Law Examiners	9
DA	1
DHC	3
Employee (his or hers)	1
Employer	4
Family	14
Firm (his or hers)	29
Friend, Non-lawyer	2
Grievance	9
Investigators/SCA	2
Judge	12
Law School	11
Other	4
Physician	2
Self	397
Therapist	5
Grand Total	643



GENDER

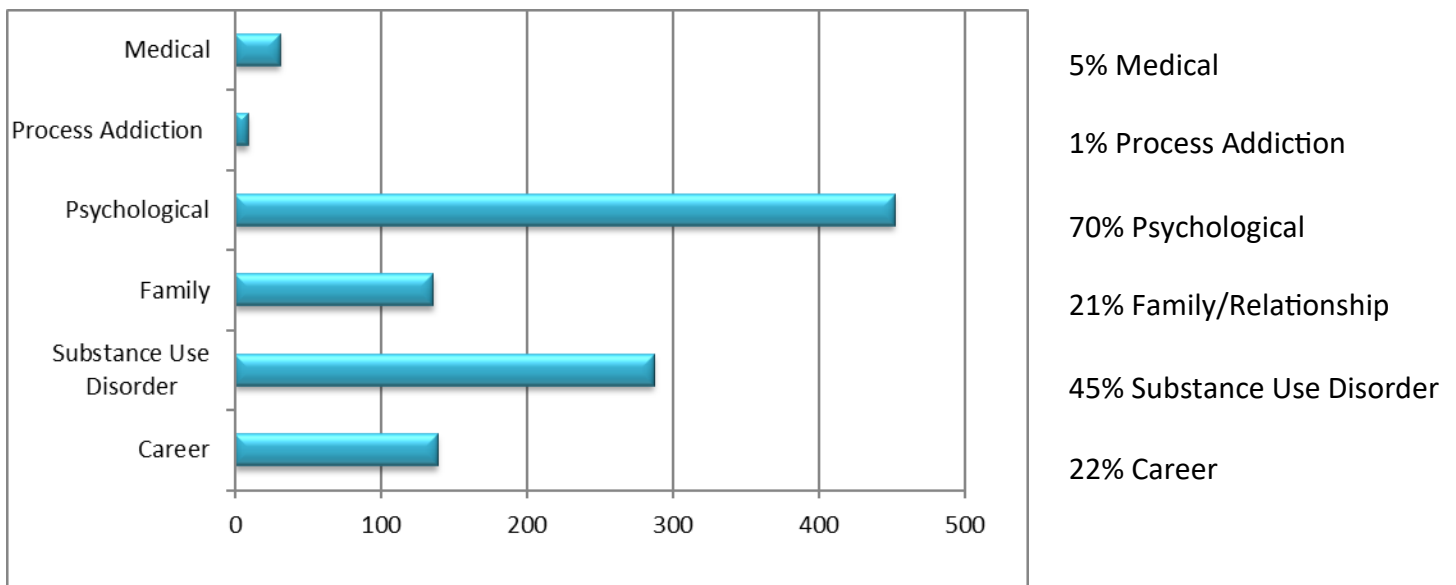


Gender

The gender breakdown for clients seeking services this year was 65% men and 35% women. This statistic stays generally consistent year after year, shifting only a percentage point or two.

Many clients exhibit problems in more than one category, so there is overlap in documenting the issues. We continue to see psychological problems more often than other issues and these frequently coexist with substance use disorders. Although lawyers rarely come to us with only career related issues, many describe their job-related concerns that exist along with depression, anxiety and problem drinking. The term “process addiction” refers to compulsive behaviors such as problem gambling, eating disorders, compulsive spending or sexual addiction including overuse of internet for sexual reasons. And more lawyers are turning to the LAP for assistance in dealing with spouses or children that are having serious mental health issues or substance use disorders.

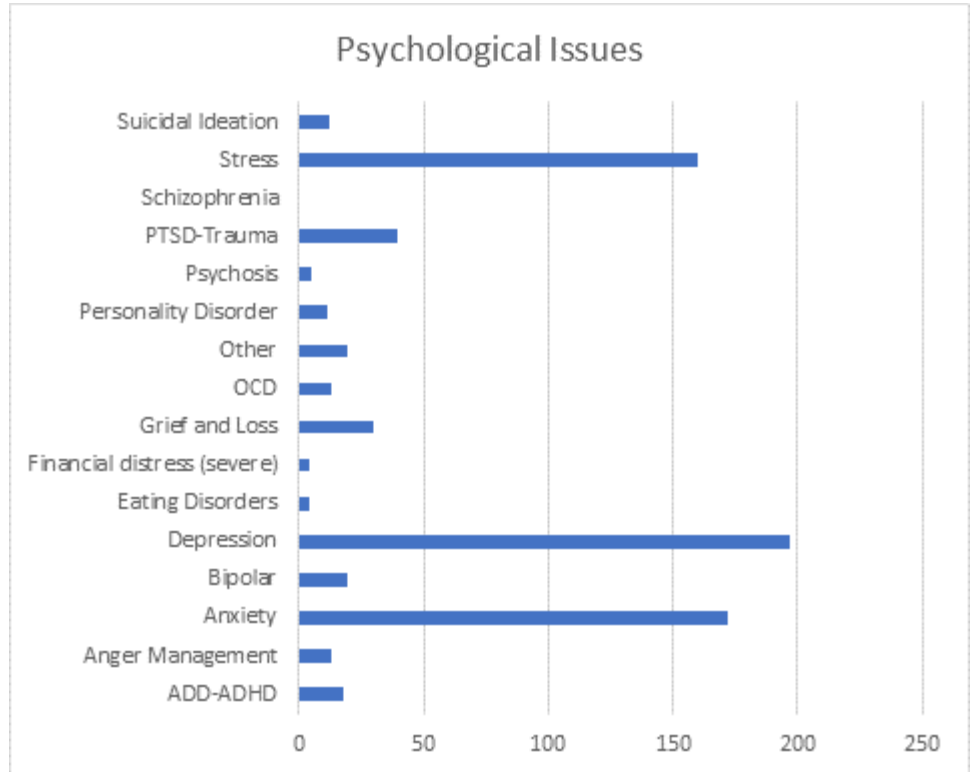
The table below shows the breakdown of the issues in real numbers and percentages*:



* Because lawyers often have more than one issue, these percentages do not equal 100%. Instead, they show the total percent of 643 clients that are dealing with a given issue.

Psychological Issues

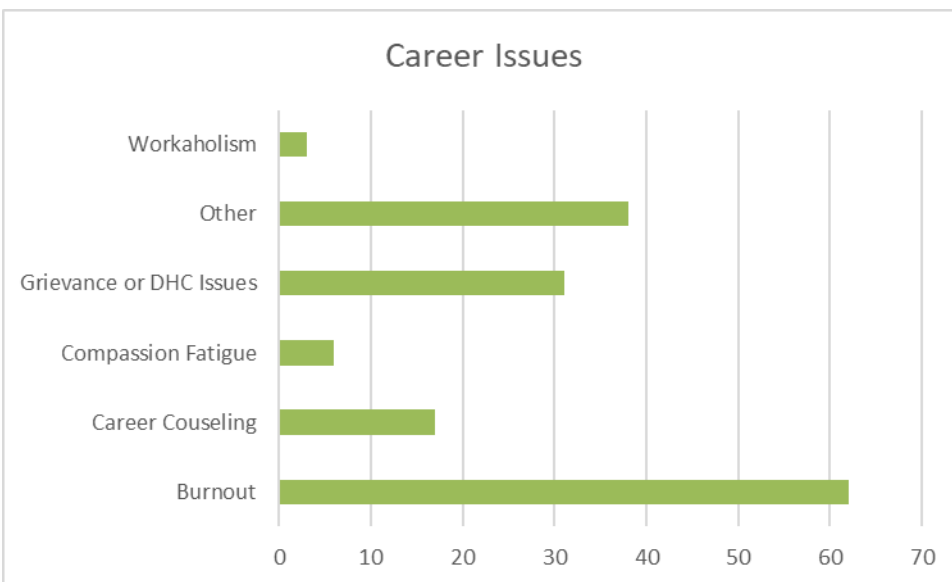
This year we assisted 452 lawyers and judges with psychological issues. The data indicates that lawyers struggling with psychological issues are often dealing with more than one single issue. Depression remains by far the single largest issue lawyers face today with severe anxiety and debilitating stress coming in second and third respectively. The culture and demands of the profession itself are the greatest factors causing these issues for most of the lawyers who are struggling with them (rather



than a genetic/biological cause). The Well-being in Law movement is trying to address the toxic culture issues by advocating for structural changes across the nation. In the meantime, behavioral changes will make the greatest impact as opposed to pharmacological interventions. Anti-depressants certainly have a place and can play a key role, but for lasting happiness and satisfaction in the profession, most lawyers will need to do additional work to move from surviving to thriving.

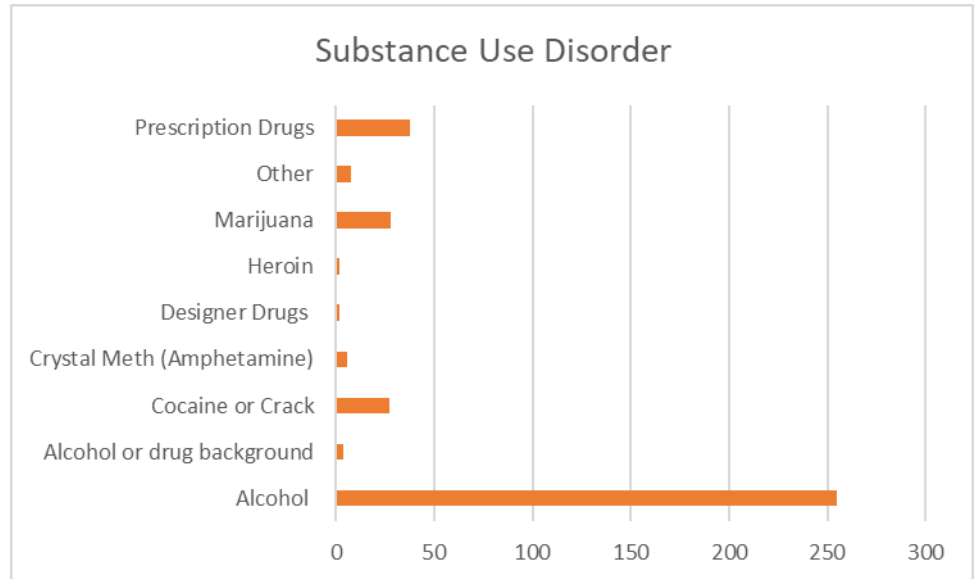
Career Issues

We assisted 139 lawyers and judges who were dealing with career issues. As stated above, a large percentage of the depression, anxiety and debilitating stress cases we see are caused by the profession itself. The specific issues related to their work in the profession are indicated in this graph.



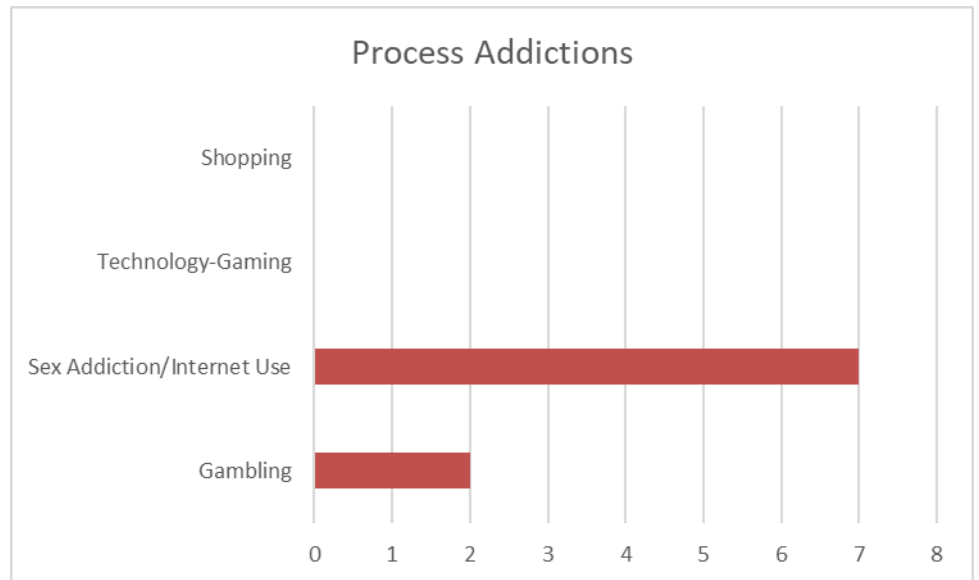
Alcohol and Drug Problems

We assisted 287 lawyers and judges with alcohol or drug problems. Alcohol abuse and dependency continue to be the single largest problem lawyers face when there is a substance use disorder present. Based on the ABA-Hazelden study, we know there are more lawyers with this problem than are involved with LAP.



Process Addictions

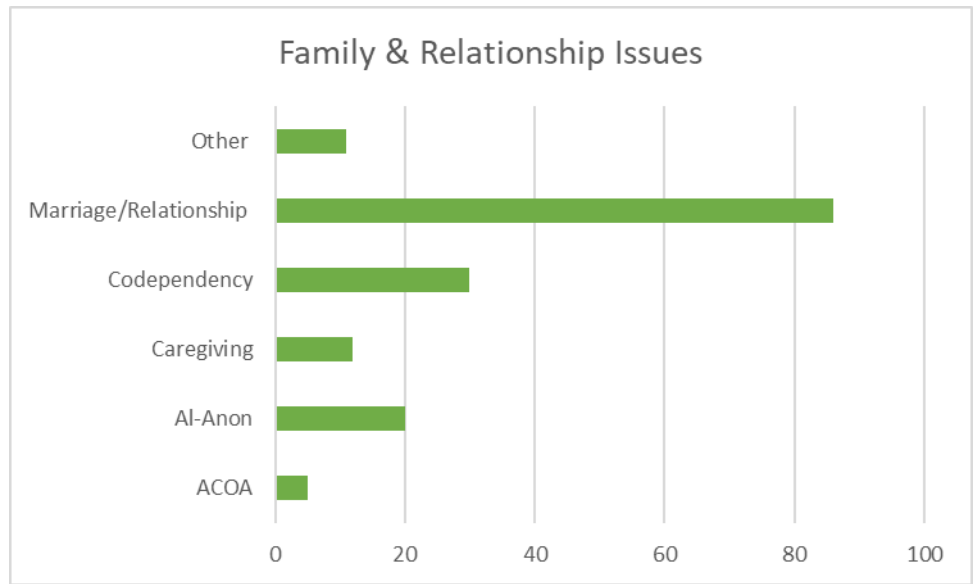
We assisted 9 lawyers and judges with process addictions. While the word addiction traditionally refers to dependency on alcohol and drugs, it also applies to compulsive behaviors, such as gambling, sex, work, shopping/spending, internet usage, or other technologically driven activities such as video gaming.



The suffering, losses, and devastating consequences stemming from process addictions are similar to those of substance use disorders. Process addictions follow a characteristic course with similar phases and stages. A process addiction follows a destructive process characterized by a recognizable set of signs and symptoms. It is also progressive in nature like a substance use disorder; left untreated, it will only continue to get worse over time. The highest percentage we are currently seeing involve use of sexual internet websites.

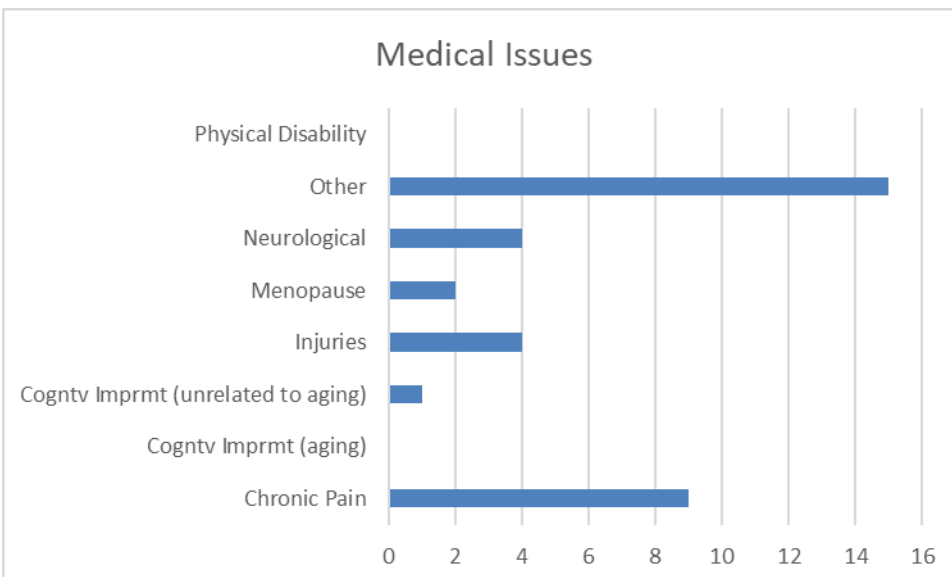
Family Issues

We assisted 136 lawyers and judges experiencing family issues. Some lawyers have been deeply affected emotionally and psychologically by the substance use disorder of a parent or a grandparent. The syndrome and symptoms associated with such a



scenario is “ACOA” which stands for Adult Child of an Alcoholic. We have lawyers who also seek our assistance because they have a spouse, partner or child who is having problems with alcohol or drugs (Al-Anon). The stress of having to be a primary caregiver for a disabled or chronically ill parent or spouse can also take a toll. A majority of our clients experience some form of marriage or relationship difficulty, but we only track those who have this issue as a primary issue.

Medical Issues



We assisted 31 lawyers and judges experiencing medical issues. Sometimes lawyers face a medical issue, physical disability or injury that is problematic enough that it affects the lawyer’s ability to practice. Often the issue warrants assistance with coping and management strategies as well as support for the on-going emotional strife of dealing with a medical issue.

Continuing Legal Education and Outreach

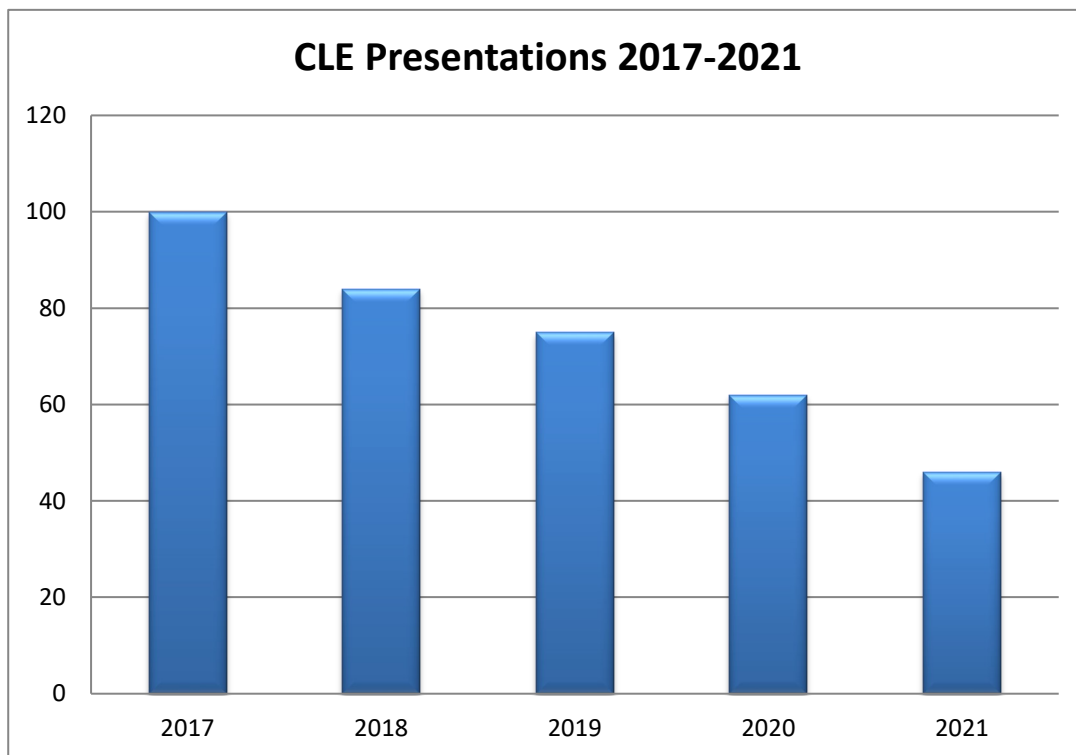
Minority Outreach Conference

Due to Covid-19, we did not hold this conference in 2021. We have booked a venue and speakers for February of 2022 and hope to move forward with an in-person event in 2022.

Substance Use Disorder and Mental Health CLE Presentations

Continuing legal education programs remain the single most effective outreach tool we have available. We receive at least one referral from almost every CLE talk we give. North Carolina is a leader in its CLE requirements and many states around the country are only beginning to add mental health topics as either an approved ethics hour or a mandatory stand alone hour.

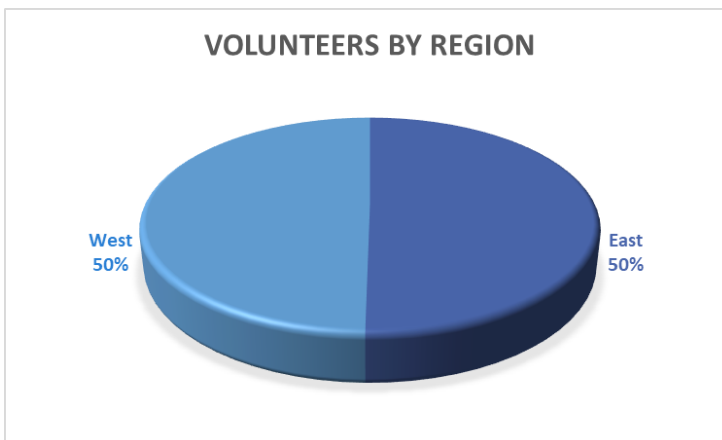
CLE around the state continue in a virtual format. We have no real way of tracking when a video is used from our website unless someone alerts us that they are going to use the video on demand feature. We can track live webinars, and we presented 46 live webinar CLE programs this year (see Appendix A).



Volunteers

LAP's Trained Volunteers Make a Difference

As I always emphasize, LAP volunteers are the core foundation of NC LAP. We could not accomplish a fraction of what we accomplish without their dedication and hard work on our behalf. They do any number of the following activities:



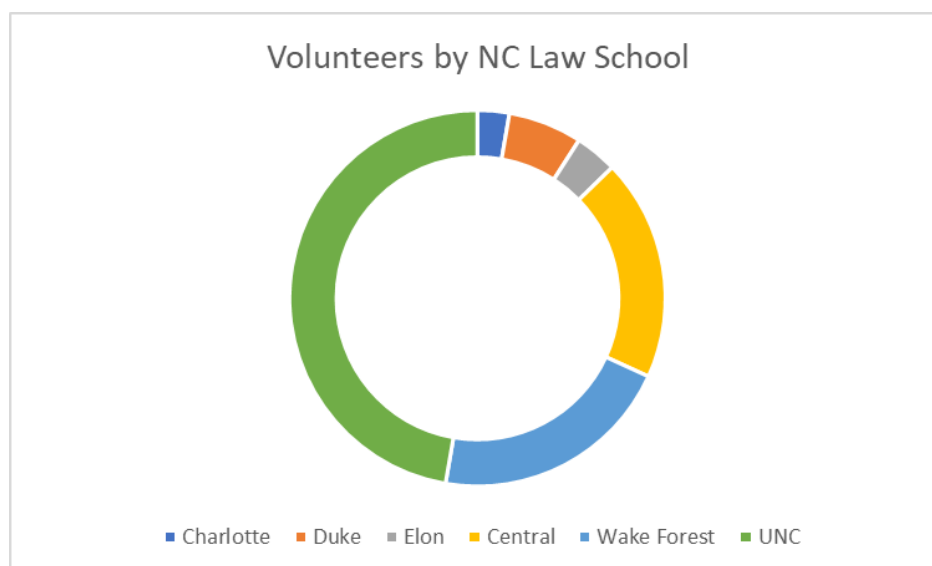
- Speak at CLE
- Visit lawyers who have been referred to LAP to explain the assistance the program can offer
- Attend local discussion/support groups
- Write articles for the Sidebar or the quarterly State Bar Journal or solicit articles
- As a new activity they can be interviewed for our Sidebar podcast
- Serve on leadership committees and boards that undertake specific initiatives to support the program

- Meet lawyers for coffee or lunch to mentor and introduce them to others
- Monitor lawyers who are on recovery contracts that require monitoring
- Secure speakers and workshop leaders for retreats

LAP has volunteer opportunities for attorneys and judges 1) who themselves are in recovery from alcohol or drug problems, depression, anxiety or other mental health issues, or 2) who have experienced a family member or friend who has suffered from these ailments and who learned how to effectively deal with that situation. We are trying to build our volunteer base on the family side.

LAP volunteers are not volunteers in the usual sense. All LAP volunteers receive formal and informal training from LAP staff. Volunteers are individually selected to be paired with clients based upon the facts and circumstances of their experience and that of the lawyer who is of concern. We currently have **183** active volunteers and our volunteer base is represented by the following NC law schools (some of our volunteers did not attend law school in NC).

NC Law School	Total
Campbell	13
Charlotte	3
Duke	7
Elon	4
Central	21
Wake Forest	23
UNC	52



LAP Steering Committee

The LAP Steering Committee is a volunteer leadership committee. It was formed in 2012 when the former PALS and FRIENDS subcommittees combined into one committee. LAP Steering Committee members are all active LAP volunteers from across the state and are appointed by the LAP Director. The Steering Committee is composed of 2 volunteers (a member and an alternate) from each of the LAP meetings across the state as well as 2 members at large from each region (West, Piedmont and East).



The LAP Steering Committee selects projects and initiatives that it deems important to the function or direction of the LAP. The LAP Steering Committee has had to pause due to Covid-19. Initiatives in the past have included:



- Ongoing operation of SIDEBAR, an electronic quarterly newsletter as an outreach tool. Subscriptions now total over 2,000 across the state and country.
- In continuation of the law school initiative, each law school was assigned a primary volunteer liaison as a key point of contact for students and staff. The relationships developed have allowed LAP Volunteers to hold office hours in 5 of the schools for 2 consecutive academic years. Office hours stopped due to COVID, but our work with law students did not.
- The April step study for 2021 was cancelled due to COVID-19.

The LAP Steering Committee continues to innovate and consider new ideas and directions. We look forward to its continued visionary process and success.

Training

- Due to COVID-19, the 41st Annual Conference and Volunteer Training for 2020 was cancelled. The Hotel Ballast in Wilmington allowed us to move our dates to November 5-7, 2021 and the plan at this time is to move forward with an in-person event.

Local Volunteer Meetings

The LAP continues the development of local volunteer meetings to provide greater continuity and support in meeting the needs of lawyers new in recovery and allowing volunteers the chance to grow in their own recoveries. Local volunteer support meetings are held in the following areas (contact the clinical coordinator in the area for more information as to time and location). All support groups have been moved to Zoom.

Asheville	Greensboro
Charlotte	Greenville
Durham-Chapel Hill	Raleigh
Fayetteville/Sandhills	Boone
Winston-Salem	Wilmington

LAP Board 2020-2021

Ted Edwards, Chair
Reid Acree
Shelli Buckner
Tim Carroll
Crawford Cleveland, Vice Chair
Gerald Collins
Mike McGuire
Paul Nagy
Eben Rawls



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LAWYER ASSISTANCE PROGRAM

Lanée Borsman rotated off the LAP Board having served two terms. Ted Edwards was appointed chair and Crawford Cleveland vice chair. Shelli Buckner and Tim Carroll were appointed to the LAP Board.

LAP Board Meetings Scheduled For 2021-2022

LAP Board meetings are held quarterly in January, April and July. Usually the meeting occurs during the third week on a Wednesday or Thursday at lunch time. The LAP Board will likely continue to meet by Zoom for the foreseeable future.

Appendix A—CLE

2020		
August		
8/11/2020	Elon Law School	Live webinar
8/12/2020	Wake County Bar Association	Live webinar
8/13/2020	NC Advocates for Justice (Death Penalty Seminar)	Pre-recorded
September		
9/3/2020	UNC School of Government (Chief District Court Judges)	Live webinar
9/16/2020	Duke Energy	Live webinar
9/17/2020	UNC Law School	Live webinar
9/18/2020	Court of Appeals & UNC School of Government	Live webinar
9/24/2020	Moore & Van Allen	Live webinar
9/24/2020	UNC School of Government (Child Welfare - DSS Attorneys)	Live webinar
October		
10/9/2020	NC Guardian ad Litem	Live webinar
10/14/2020	Smith Anderson	Live webinar
10/15/2020	NC Bar Bar Association	Live webinar
10/15/2020	Mecklenburg County Bar Association	Live webinar
10/15/2020	Wake County Bar Association	Live webinar
10/19/2020	UNC School of Government (Superior Court Judges Conference)	Live webinar
10/20/2020	NC Bar Association	Live webinar
10/20/2020	UNC School of Law	Live webinar
November		
11/10/2020	Investors Title (Fall Annual Gathering)	Live webinar
December		
12/3/2020	NC Bar Association (Constitutional Law Section)	Live webinar
12/3/2020	Greensboro Bar Association (Young Lawyers Section)	Live webinar
12/8/2020	Moore & Van Allen	Live webinar
12/10/2020	Attorneys Title	Video on demand
12/17/2020	Charlotte Estate Planners Group	Live webinar

Appendix A—CLE (continued)

2021		
January		
1/5/2021	A Southern Land Title Agency	Video
1/29/2021	NC Bar Association (Insurance Law Section)	Live webinar
February		
2/5/2021	NC Advocates for Justice (Employment Law Section)	Live webinar
2/5/2021	Cabarrus County Bar Association	Live webinar
2/15/2021	Chicago Title	Live webinar
2/20/2021	Wayne County Bar Association	Live webinar
2/26/2021	NC Bar Association (February Finale)	Live webinar
March		
3/11/2021	NC Bar Association (Dispute Resolution Section)	Live webinar
3/15/2021	UNC School of Government (AOC & Magistrates)	Live webinar
3/24/2021	UNC School of Government (Judges Conference)	Live webinar
April		
4/8/2021	Fidelity National Title	Live webinar
4/29/2021	Pitt County Bar Association	Live webinar
May		
5/5/2021	Pitt County Bar Association	Live webinar
5/6/2021	West Virginia JLAP	Live webinar
5/7/2021	Mecklenburg County Bar Association (Juvenile Law Section)	Live webinar
5/14/2021	NC Electric Cooperative	Live webinar
5/20/2021	Legal Aid of NC	Live webinar
June		
6/11/2021	UNC School of Law	Live webinar
6/16/2021	Mecklenburg County Bar Association (PNA)	Live webinar
6/16/2021	UNC School of Government (Judges Summer Conference)	Live webinar
July		
7/15/2021	Association of Corporate Counsel	Live webinar
7/23/2021	NC Bar Association (Estate Planning & Fiduciary Law Section)	Live webinar
7/29/2021	Dispute Resolution Commission	Live webinar