



Confidential Assistance for Judges

The Lawyer Assistance Program (LAP) assists judges and provides free, confidential assistance for any issues that are impairing or could lead to impairment. The LAP has a judicial committee of volunteers who have encountered and overcome some of the most common problems judges face.

Judges at Particular Risk

Of all professionals, lawyers are at the greatest risk for anxiety, depression, alcoholism, drug addiction, compulsive behaviors, and suicide. As many as one in four are affected. Of course, judges sometimes face these same problems. A judge's problems and distress, however, are more likely to go unnoticed and untreated because of the very nature of a judge's role in the legal system:

- The sheer volume of distressing material judges encounter.
- Judges work in isolation, unable to debrief distressing material.
- Colleagues may be hesitant to express concern because judges hold positions of power.
- Judges may be reluctant to seek help because they fear that asking for help will negatively impact status and reputation.

Whether you need to call the LAP for yourself or to refer a colleague, all communications are completely confidential.

Mental Health Issues

Anxiety and depression often go hand-in-

hand. These conditions can occur independently or may be part of more complex conditions such as compassion fatigue or secondary trauma. All of these conditions can be incapacitating and can develop so gradually that a judge is often unaware of the cumulative effect on his or her mood, habits, and lifestyle. Each condition is highly treatable, especially in the early stages. Asking for help, however, runs counter to our legal training and instincts. Most judges enter the profession to help others and believe they themselves should not need help. The good news is that all it takes is a phone call.

Alcohol and Other Substances

Often a judge will become depressed and self-medicate the depression with alcohol. Alcohol is a central nervous system depressant, but acts like a stimulant in the first hour or two of consumption. On the other hand, many alcoholic judges who have not had depression report that their drinking started normally at social events and increased slowly over time. There is no perfect picture of the alcoholic or addicted judge. It may be surprising to learn that he or she is usually a high achiever engaged in philanthropic endeavors, garnering the respect of peers and the larger community. The LAP understands the critical importance of a judge maintaining his or her reputation and confidentiality. The LAP knows the best treatment options available, guides judges through this entire process, and provides ongoing support at every stage.



Confidentiality

All communications with the LAP are **strictly confidential** and subject to the attorney-client privilege. If you call to seek help for yourself, your inquiry is confidential. If you call as the spouse, child, law partner, or friend of a lawyer whom you suspect may need help, your communication is also treated confidentially and is never relayed without your permission to the lawyer for whom you are seeking help. The LAP has a committee of trained lawyer volunteers who have personally overcome these issues and are committed to helping other lawyers overcome them. If you call a LAP volunteer, your communication is also treated as confidential.

The LAP is completely separate from the disciplinary arm of the State Bar. If you disclose to LAP staff or to a LAP volunteer any misconduct or ethical violations, it is confidential and cannot be disclosed. See Rules 1.6(c) and 8.3(c) of the Rules of Professional Conduct and 2001 FEO 5. The LAP works because it provides an opportunity for a lawyer to get **safe, free, confidential** help before the consequences of any impairment become irreversible.

LAP recognizes alcoholism, addiction, and mental illness as diseases, not moral failures. The only stigma attached to these illnesses is the refusal to seek or accept help.

www.NCLAP.org

FREE • SAFE • CONFIDENTIAL

info@nclap.org

*Know the signs. Make the call.
You could save a lawyer's life.*



Assisting Impaired Attorneys

As a judge, you are in a key position to know if a lawyer is impaired. If a lawyer is consistently exhibiting unusual or inappropriate conduct in your court, there is a 99% chance he or she is impaired. Lawyers protect their professional persona until they no longer can. So if you suspect something is amiss due to behavior you are observing in court, then you are probably right: there is usually a pretty serious underlying cause that needs immediate attention.

Every aspect of an addicted or depressed attorney's life is affected. When there are problems at work or home, with health or finances, or when there is police involvement, chances are the attorney is suffering from a medically-based illness that can be successfully treated.

The Lawyer Assistance Program (LAP) mission is to confidentially help lawyers with any form of impairment—from stress management to addiction. Referring a lawyer to the LAP before a problem escalates is the most effective way that you can help the lawyer and protect the public. A referral to the LAP is not a referral to the discipline arm of the State Bar and will not result in any communication by the LAP to the State Bar concerning the lawyer.

Ways to Help an Impaired Lawyer

1. Call Robynn Moraites, the LAP director, and talk with her about what you have observed. She can help form a game plan about how to best assist the lawyer.

2. Call the lawyer up to the bench at an

appropriate point, tell the lawyer you're concerned about whatever the specific conduct is, and ask the lawyer to contact the LAP, and then let you know that he or she has done that.

3. Tell the lawyer to contact the LAP, have an evaluation, and sign a release so that the LAP can let you know whether or not the lawyer has followed through.

4. With certain types of persistent conduct, it might be appropriate for you to meet in chambers with the LAP Director and, perhaps at her discretion another LAP volunteer, to talk with the lawyer. Normally you would simply be the convener of this meeting and would excuse yourself after it had started so that the lawyer's confidentiality privilege would be maintained.

5. If the lawyer's conduct is egregious it is certainly appropriate to find that the lawyer is in contempt of court and request that, if the lawyer wishes to purge the contempt, this can be done by meeting with the LAP and following through with the LAP's recommendations for assistance. Again, in this case, the lawyer would need to sign a release so that you can be informed of the lawyer's compliance or non-compliance.

Unless you require the lawyer to sign a LAP release, because of its confidentiality rules the LAP is unable to let you know whether the lawyer is following through and getting help. What this means is that if the LAP has not been able to report back to you, you should take whatever next steps, in your judgment, are appropriate if the troubling conduct continues, even after you have tried to affect a LAP intervention.

Warning Signs

- Missing court; late to court
- Missing filing deadlines
- Nodding off or "spacing out" in court
- Looking disheveled
- Complaints – a high volume of "jail mail"
- Irritable, impatient, or angry outbursts
- Inconsistencies in describing events
- Overreacting to concern or criticism
- Unpredictable, rapid mood swings
- Lack of attention
- Poor judgment
- Inability to concentrate
- Difficulty remembering details
- Making excuses for poor performance
- Erratic work patterns
- Isolation and avoidance of others
- Non-responsive communication

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