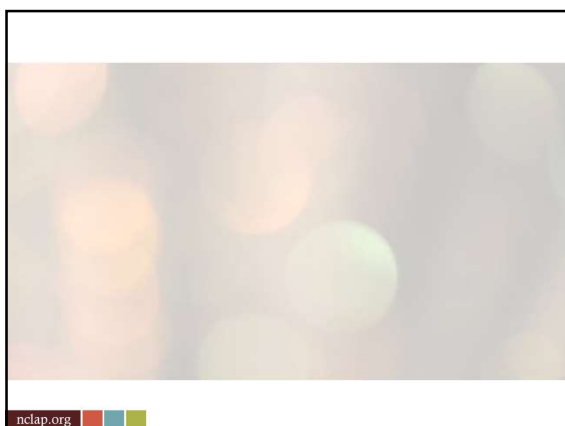


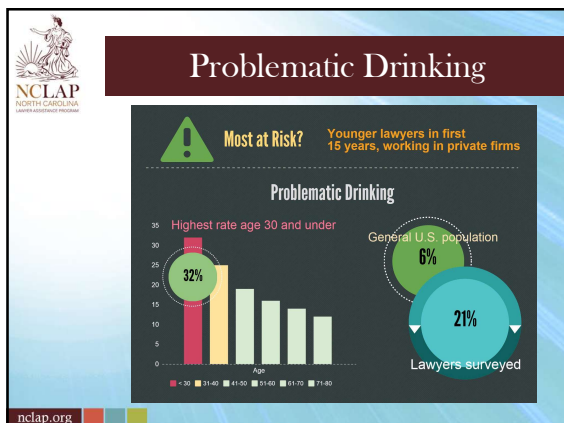
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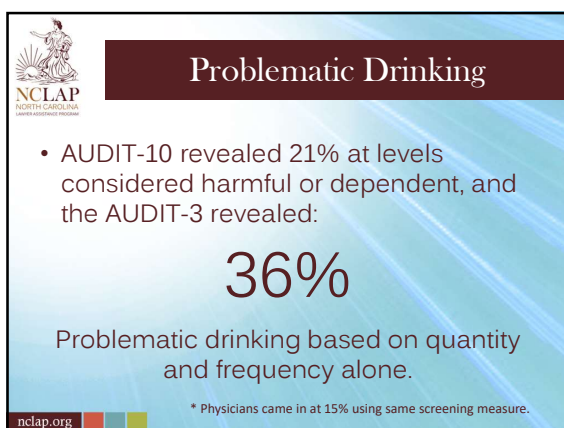
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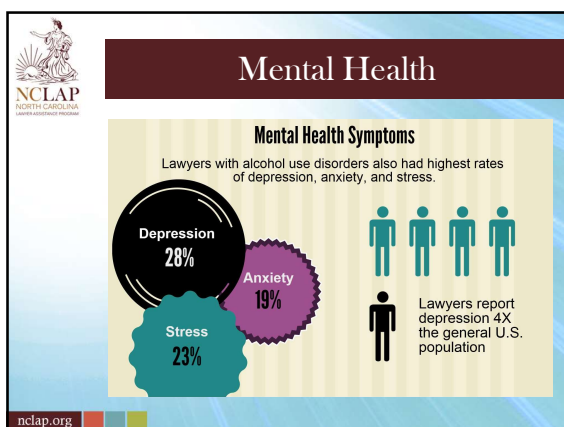
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Translation...

- We know what the statistics are, but what does that "look like on the ground?"
 - There are very identifiable signs, both personally and professionally, that something is wrong, if we are paying attention.

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Quick Look Signs - Personal

<h3>Relationship Problems</h3> <ul style="list-style-type: none"> • Complaints from clients • Problems with supervisors • Disagreements or inability to work with colleagues • Avoidance of others • Irritable, impatient • Angry outbursts, combative • Inconsistencies or discrepancies in describing events • Hostile attitude • Overreacts to criticism • Unpredictable, rapid mood swings • Non-responsive communication 	<h3>Personal Problems</h3> <ul style="list-style-type: none"> • Legal separation or divorce; custody issues • No family support • Children won't speak to them • Living outside financial means • Credit problems, judgments, tax liens, bankruptcy • Frequent illnesses or odd accidents • Arrests • Isolating from friends, family • Avoids social activities • Personal life very intertwined with practice • Handling their own legal problems • Chaotic personal life/lots of drama
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Quick Look Signs - Professional

<h3>Attendance Problems</h3> <ul style="list-style-type: none"> • Arrive late / leaving early • Taking "long lunches" • No return to work after lunch • Missing appointments • Unable to be located • Ill with vague ailments • Absent (especially Mon/Fri) • Frequent rest room breaks • Improbable excuses for absences • Last minute cancellations • Can't get a meeting with them 	<h3>Performance Problems</h3> <ul style="list-style-type: none"> • Missed deadlines • Decreased efficiency • Decreased performance after lunch • Inadequate follow through • Lack of attention • Poor judgment • Inability to concentrate • General difficulty with recall • Blaming or making excuses for poor performance • Erratic work patterns • Non responsive • Failure to show up in court
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Additional Professional Cues

- So depressed can't open mail – mail piling up
- Inability to see big picture
- Refuse to stop working because they need the money
- Paralyzed in decision making
- Knows what needs to happen but can't make it happen
- Personality change – not the lawyer you used to know


Trust your gut. If you suspect something is wrong, it probably is.

These signs are huge red flags.

Once the professional façade is cracked, it is the last domino to fall, not the first.

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Creating a Culture of Safety

- It is up to each of us to bring an attitude of acceptance and openness
- Notice your internal response if someone admits they have received help (example); examine our own attitudes
- Don't gossip – refer instead

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Creating a Culture of Safety

- State Gov. & other departments can put best practices into place
 - Internal designated LAP contact
 - Have a safe harbor policy (model policy in your materials)
 - Create an agenda item (15-20 minutes) – demonstrate it is important to leadership;
 - CLE; Sidebar
 - Authentic community; check in

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Lawyer at Your Workplace

- See guidance for law firms in packets...it applies to workplaces other than law firms
- Last clear chance agreements
- These conversations are never easy, but they are essential.

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Risk Management

- Establish Clear Policies
 - Alcohol and Drug/Mental Health Policy (model in packet)
 - Trust Account Policy
 - State Bar's Website has a Trust Account Handbook:
 - <https://www.ncbar.gov/media/283992/lawyer-trust-account-handbook.pdf>

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Why we don't act

- Worried about reputation of firm
- Human nature to avoid dealing with problems
- Time constraint to meet frequently, communicate with staff, monitor behavior

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Reasons to Act

- 2013 FEO 8 – Ethical Responsibility
 - Recognize and respond
- Authorized practice issues
- State Bar grievance process
- Rules of Professional Conduct require it
- Threat of malpractice
- Potential loss of malpractice coverage (private sector)
- Time spent now saves time and money in the long run
- Emotional wear and tear
- Financial issues / bankruptcy

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Fears & Misconceptions (LAP)

- LAP will report me to State Bar or my firm
- I will be disbarred/fired if I work w/ LAP
- Not really confidential (stigma)
 - My firm/someone, somewhere will find out
- LAP only deals with drinking problems
- LAP will make me tell my story at a CLE
- LAP will make me go to treatment

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Additional Resources

- CJCP – Chief Justice's Commission on Professionalism (for bad behavior unrelated to suspected impairment)
- State Gov't EAP resources
- BarCARES through the NCBA
 - See handout LAP/BarCARES working in harmony to see how these two programs dovetail

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Interventional Strategies

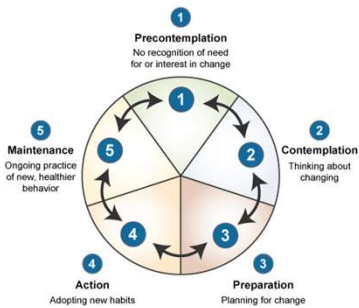
- Call LAP for guidance
- Factors we will consider
 - Relationship (friend, partner, opposing counsel)
 - History with the person
 - Leverage
- Variety of strategies available

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Psychological Stages of Change



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In Person Colleague

- Best to take 2 people who the lawyer respects and trusts
- Start by discussing concern and care, history and respect
- Give specific examples of troubling or questionable behavior
- Encourage person to be willing to take a look and explore what is happening

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In Person Colleague

- If you can get the person to call LAP in that moment with you, you can call and then step out and let the lawyer speak to one of our counselors privately.
- If not, keep the door open. Reiterate that you are available and willing to listen.
- When the lawyer reaches out to you, you may have to "walk the line" (i.e. be compassionate but don't enable).

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In Person Colleague

- Why LAP sends volunteers; the power of story; no one telling the lawyer what to do
- Do not define "success" too narrowly; planting seeds (examples)
- Do not underestimate the power of acknowledgment (of elephant in room)
- Carrot and stick approach goes further

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Take Aways

- We are one of the most at-risk professions
- There are meaningful steps each one of us can take to create a culture of safety in our firms and in our profession
- NC is a national leader in addressing these issues and you have a treasure trove of resources available (truly)

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Not a helpful approach...



...Whether for you or a colleague.






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Take Aways

- Interventions work
- You are in a unique position to help or get something on the radar so that others can help
- If you see something, say something – even if you simply make an anonymous call to LAP.

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Thank you!

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