



# Missouri Lawyers' Assistance Program

## Annual Report

# 2008

Prepared by:

Jim Brady, Director  
Michele Fritchey, Administrative Assistant



# CONTENTS

---

---

<b>MOLAP.....</b>	<b>3-5</b>
• Description and Purpose	
• History	
• Services	
• Access	
• Confidentiality	
• Staff	
<b>PROGRAM DIRECTOR’S REPORT.....</b>	<b>6-8</b>
• Introduction	
• Initiatives	
• Presentations	
• Program Utilization	
• Utilization Charts	
• Staff Trainings Attended	
<b>UTILIZATION REPORTS/CHARTS.....</b>	<b>9-13</b>
<b>DISCUSSION .....</b>	<b>14-15</b>
<b>ANCILLARY SERVICES.....</b>	<b>16</b>
• Disciplinary Authorities	
• Board of Law Examiners	
<b>APPENDIX.....</b>	<b>17</b>
• Mission Statement.....	<b>18</b>
• Vision.....	<b>19</b>
• Services Plan 2009/Goals.....	<b>21-23</b>
• MOLAP Services Plan – 2008 Results.....	<b>20-22</b>
• MOLAP Services Plan – 2009.....	<b>23-25</b>

---

---

**DESCRIPTION AND PURPOSE**

The Missouri Lawyers' Assistance Program (**MOLAP**) is a professional, confidential counseling program. It serves lawyers, judges, law students and their families. MOLAP addresses depression, substance abuse, marriage and family issues, or any other personal problems which impair professional or personal well-being.

Since some untreated problems become impairments leading to ethical and professional violations, **MOLAP** is also intended to protect clients and the reputation of the legal profession.

**HISTORY**

Volunteer peer assistance has been provided for impaired lawyers in Missouri since 1977. The MOLAP Program was introduced by the Missouri Bar in 1991. Initially out-placed, MOLAP in its existing form and structure began in 1996. MOLAP continues to work closely with peer volunteers, the Lawyers Assistance Committee of The Missouri Bar and the Intervention Committee of the Missouri Supreme Court in providing assistance.

## SERVICES

- Unlimited access to a licensed professional therapist 24 hours a day, seven days a week.
- Coaching for persons of concern and concerned others
- Education and prevention presentations
- Clinical:
  - Assessment of problems and preparation of a plan of action to remedy the problem that may include:
    - Counseling by a licensed therapist
    - Referral when appropriate
    - Intervention services
    - Connection to Lawyer Volunteers
- Crisis Intervention: MOLAP will assist in coordinating crisis intervention services for individuals and law firms.
- Case Management
- Training – Regular Intervention Training is provided to members of the Intervention Committee of the Supreme Court and volunteers assisting the Intervention Committee.

## ACCESS

- Voluntary
- Third-Party
  - Judges, firms, colleagues, family members
- Disciplinary Authority\*
- Board of Law Examiners

\***MOLAP** will not report any lawyer to the disciplinary authorities. At times Disciplinary authorities contact MOLAP regarding attorneys of concern.

## **CONFIDENTIALITY**

Pursuant to the ethical standards of the appropriate clinical licensing agencies as well as Missouri Supreme Court Rule 16, the confidentiality of all communication with **MOLAP** is protected. Accordingly, **MOLAP** will not disclose any information about any impaired attorney to anyone without that attorney's written consent.

## **STAFF**

**MOLAP** is staffed with a full-time Director (Jim Brady) and a part-time Secretary/Administrative Assistant (Michele Fritchey). Brady has been a Licensed Clinical Social Worker since such licenses were first issued in Missouri in 1991. He worked in out-patient mental health, in-patient mental health, and substance abuse treatment settings for approximately 26 years before coming to MOLAP. He is a Qualified Substance Abuse Professional by State rule.

## ***Program Director's Report***

---

---

### **INTRODUCTION**

Mr. Brady became Director on April 1, 2005. In the first full calendar year to be reported under his direction, a record 143 new matters were handled. In calendar year 2007 an additional 126 new matters came in. The total for calendar 2008 was 118. The total number of therapeutic contacts was 417, slightly more than the 399 the previous year. Face to face counseling sessions declined only slightly from 44 to 39. 12 volunteer assignments were made this year, as compared to 14 in calendar 2007. For the 13<sup>th</sup> year in a row, MOLAP sponsored an annual conference, this year in Kansas City. Mr. Brady had opportunity to present at several other Bar events through the year, adding to the visibility of the program. Particulars follow.

### **INITIATIVES**

Mr. Brady continued communication with the staff of the Board of Law Examiners, a connection established in 2006. Over the course of 2007, this resulted in six referrals to MOLAP. In 2008, the number of referrals jumped to 14. In each case Mr. Brady provided written input to the Board on matters relating to alcohol and/or mental health issues of applicants to the Bar.

Mr. Brady again was part of the program for the Professionalism workshops conducted by the MCLE Department at three of Missouri's law schools. This provided the MOLAP message to a large number of third year law students, and established contact with law school faculty and staff.

Mr. Brady has also served as part of the planning committee for "Ethics School", an extended CLE program intended for lawyers who have had multiple complaints to the Office of Chief Disciplinary Counsel. Two sections of this program were offered in 2008, one in Blue Springs and one in St. Charles, with Mr. Brady as part of the faculty.

Mr. Brady continued the practice of MOLAP-related presentations to various audiences through the year, including the Solo Small Firm Conference, the Legal Services section of the state Department of Social Services, Court Clerk College, The UM-C Law School

Wellness Day, The MOBAR CLE for new attorneys “Stepping Up and Stepping Out, and the Mound City Bar Association.

In addition, Mr. Brady continues to write a quarterly newsletter for The Lawyer Assistance Committee. He works with other Bar staff to produce print ads for MOLAP in Missouri Lawyers Weekly, The Missouri Bar Journal, and Precedent.

## **PRESENTATIONS**

Mr. Brady made educational/prevention presentations to a number of groups during calendar 2007

Missouri Law Schools:

- UMKC
- UM-C
- St. Louis University

Solo and Small Firm Conference (breakout sessions)

UM-C Law School New Student Orientation

Mound City Bar Association

UM-C Law School Wellness Day

Court Clerk College

Division of Legal Services, Missouri Dept. of Social Services

Practice Management Course, MOBAR CLE

--Blue Springs

--St. Charles

Stepping Up and Stepping Out—MOBAR CLE, Columbia

## **PROGRAM UTILIZATION**

New cases opened in calendar 2008 totaled 118. This is a decrease from last year's total of 127, but is in line with numbers from earlier years. . The percentage of self-referred cases continues high, at 65%, but this is a marked decrease from 2004 and 2005, when the self-referral rate was 82 and 93%, respectively. Another way to express that is to say that others concerned about

a troubled lawyer are now more likely to call. The major presenting problems, and their respective percentage of total cases, included: Depression (9%), Marital/Family (17%) and Substance Abuse (31%). Further discussion of the tabulations follows the tables of results.

### **UTILIZATION CHARTS**

- Utilization Report (*see page 10*)
- Number of Cases 2001-2008 (*see page 12*)
- 2008 Presenting Problems/Percentage of Cases (*see page 13*)

### **2008 - STAFF TRAININGS ATTENDED:**

- National Directors Retreat, Little Rock
- ABA National Conference for Lawyers' Assistance Programs
  - Little Rock
- Missouri Bar Annual Meeting, Kansas City
- Solo and Small Firm Conference, Lake Ozark
- Intervention Training, Illinois Institute for Addiction Recovery
  - Peoria, Illinois

HIPAA From the Perspective of an Integrated Social Services Agency

Jefferson City

Working Effectively with Difficult People, People Resources, Inc.

Jefferson City

Evidence Bases Practice: Balancing Confidence and Uncertainty

UM-C School of Social Work

Columbia

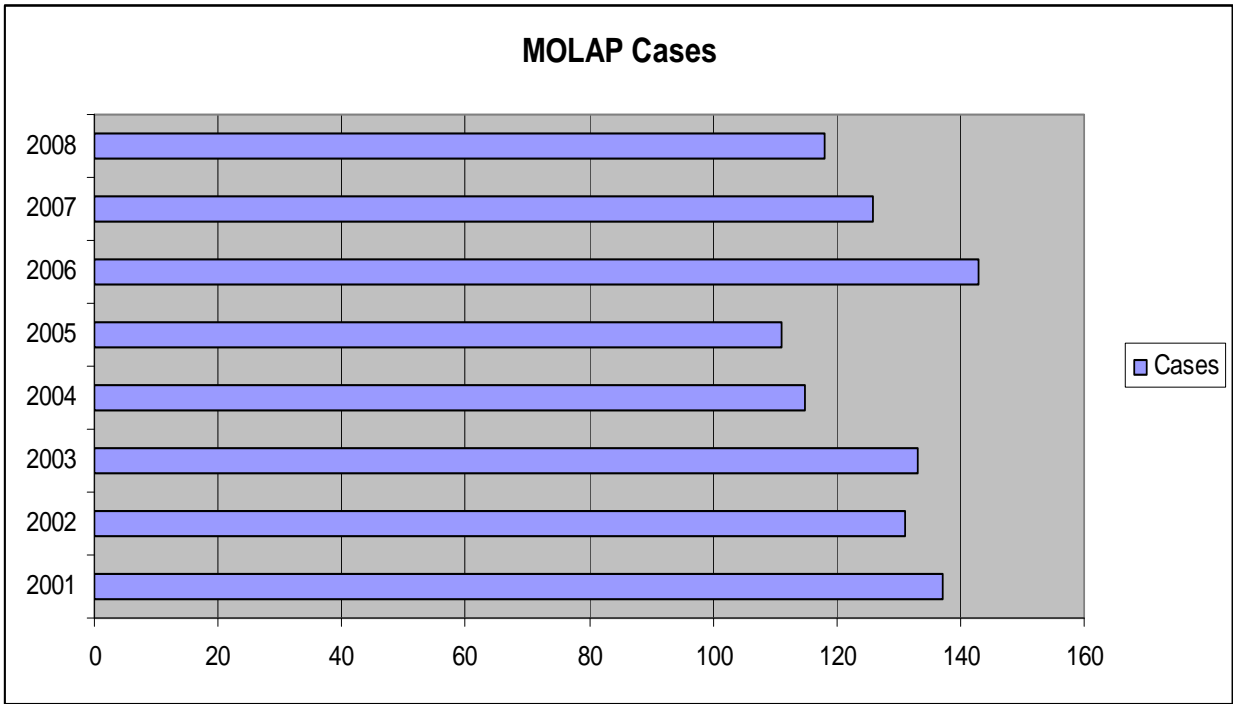
# MOLAP

## UTILIZATION REPORT

### *January 1, 2008 - December 31, 2008*

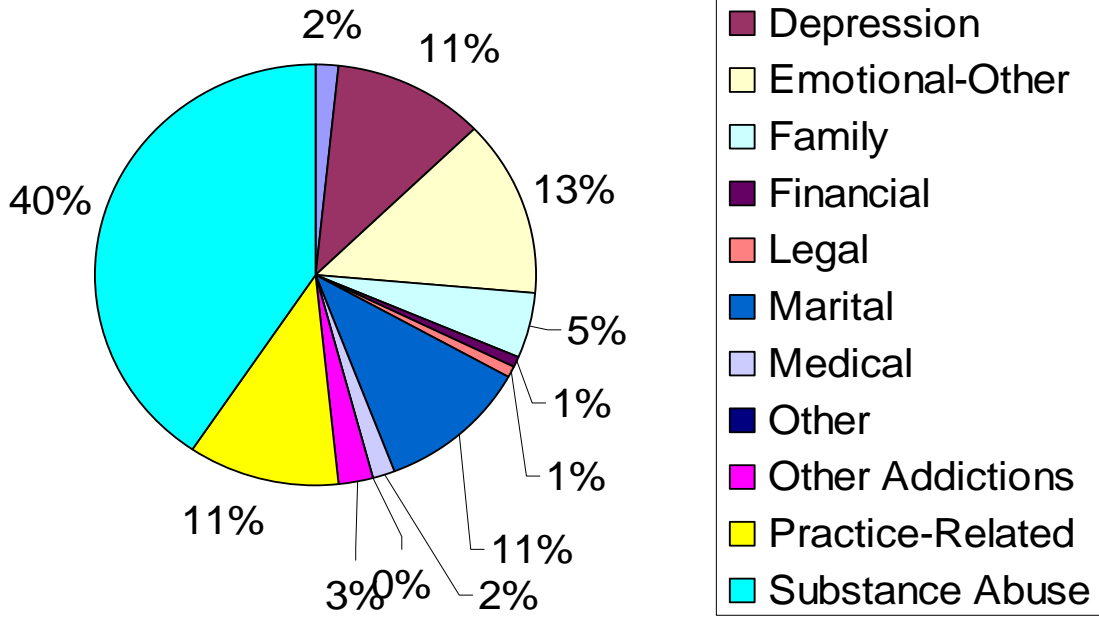
	Period - YTD	
	#	%
<b>CASES OPENED</b>	<b>118</b>	
New	118	100%
Reopened		
Other		
<b>BREAKDOWN OF CASES</b>		
Bar Member	89	75%
Member & Family	0	%
Family	8	7%
Other (students and applicants)	21	18%
<b>TYPE SESSION</b>	<b>456</b>	
Phone	417	91%
Face to Face	39	9%
<b>GENDER</b>		
Female	35	30%
Male	83	70%
<b>AGE</b>		
19 or under	1	1%
20-25	5	4%
26-29	12	10%
30-35	9	8%
36-39	6	5%
40-45	16	14%
46-49	21	17%
50-59	15	13%
60 or older	14	12%
Not available	19	16%
<b>REFERRAL SOURCE</b>	<b>118</b>	
Official	16	14%
Self	65	55%
3 <sup>rd</sup> Party	37	31%

	<b>Period - YTD</b>	
	<b>#</b>	<b>%</b>
<b>PRESENTING PROBLEM</b>	<b>118</b>	
Aging	2	1
Depression	13	11%
Emotional-Other	16	14%
Family	6	5%
Financial	1	.5%
Legal	1	.5%
Martial	13	11%
Medical	2	2%
Other	0	0%
Other Addictions	3	3%
Practice Related	13	11%
Substance Abuse	48	41%
<b>TIME IN PROFESSION</b>		
11-15 years	11	9%
16 or more years	46	39%
2-3 years	14	12%
4-6 years	4	3%
7-10 years	9	8%
N/ A (Family Member)	19	16%
Not Available	12	10%
Under 1 year	3	3%
<b>CASE STATUS</b>		
Open Cases	130	
Closed Cases	59	
<b>REFERRED OUT</b>	<b>92</b>	
12 Step Program	5	5%
Counseling	24	26%
Intervention Committee	7	8%
Other	45	49%
Treatment Program	11	12%
Volunteers	0	0%
MLCL	0	0%
<b>MONITORING CONTRACTS OPEN AS OF PERIOD END</b>		
Board of Law Examiners	2	%
Disciplinary Authority	4	%
Voluntary	1	%
Other	0	%
<b>NON CASE ACTIVITY</b>		
Consultations	8	
Educational Presentations	12	



<b>Year</b>	<b>Number of Cases</b>	<b>Change</b>
2001	137	
2002	131	-4.3%
2003	133	+1.5%
2004	115	-13.5%
2005	111	-3.4%
2006	143	+28.8%
2007	126	
2008	118	

### Number of Cases



<b>Presenting Problems</b>	<b># of Cases</b>	<b>% of Cases</b>
<i>Aging</i>	2	1%
<i>Depression</i>	13	11%
<i>Emotional/Other</i>	16	14%
<i>Family</i>	6	5%
<i>Financial</i>	1	.5%
<i>Legal</i>	1	.5%
<i>Marital</i>	13	11%
<i>Medical</i>	2	2%
<i>Other</i>	0	0%
<i>Other Addictions</i>	3	3%
<i>Practice Related</i>	13	11%
<i>Substance Abuse</i>	48	41%

**Number of Substance Abuse Cases by Year:**

<b><i>Year</i></b>	<b><i>Number</i></b>
<b><i>2008</i></b>	<b><i>48</i></b>
<b><i>2007</i></b>	<b><i>40</i></b>
<b><i>2006</i></b>	<b><i>52</i></b>
<b><i>2005</i></b>	<b><i>36</i></b>
<b><i>2004</i></b>	<b><i>22</i></b>
<b><i>2003</i></b>	<b><i>21</i></b>
<b><i>2002</i></b>	<b><i>27</i></b>
<b><i>2001</i></b>	<b><i>38</i></b>

**Number of Depression Cases by Year:**

<b><i>Year</i></b>	<b><i>Number</i></b>	<b><i>% of Total Cases</i></b>
<b><i>2008</i></b>	<b><i>13</i></b>	<b><i>11%</i></b>
<b><i>2007</i></b>		
<b><i>2006</i></b>	<b><i>21</i></b>	<b><i>17%</i></b>
<b><i>2005</i></b>	<b><i>14</i></b>	<b><i>12.6%</i></b>
<b><i>2004</i></b>	<b><i>30</i></b>	<b><i>26%</i></b>
<b><i>2003</i></b>	<b><i>37</i></b>	<b><i>28%</i></b>
<b><i>2002</i></b>	<b><i>34</i></b>	<b><i>26%</i></b>
<b><i>2001</i></b>	<b><i>27</i></b>	<b><i>21%</i></b>

## **Discussion of Tabulations**

The total number of new cases for calendar 2008 continues the slight decline from the all-time high in 2006, but is still in line with totals from years prior to the staff change. The percentage of substance related cases, at 41%, is higher than previous years. There have not been any significant changes in the exposure or advertising for the program. The Director continues visible at Bar events and with presentations, and print and on-line publicity continues. It appears this is an ordinary annual fluctuation.

The number of therapeutic sessions (the combination of phone and in person counseling events) remains at a level consistent with prior years. The slight increase over 2007 is surprising, given the Director's temporary medical limitations early in 2008. The number of in-office sessions has moved from 44 to 39, which fits with the slight decrease in total new cases. The current Director has a strong commitment to follow-up, especially in substance abuse situations, and that policy is reflected in total therapeutic contacts.

The tables indicate that 30% of the persons of concern were female. Considering the percentage of the members of the Missouri Bar who are female, the numbers say that there is still little or no gender selection with regard to seeking service through MOLAP or having others seek such service for you.

In this year's numbers, the total of depression related cases seems small at only 11%, a notable decrease from prior years. However, the number of cases in the "emotional other" category continues higher than in the past at 14%. This might reflect more sophisticated assessment, or simply a random variation. The total of marriage and family cases together is 16%, very similar to years past.

The data on Age indicate that 50% of the persons of concern were over age 50. This suggests that it is not new lawyers who are most likely to contact MOLAP, but lawyers with a good deal of practice experience. However, age data was not available in 19 cases, over 10% of the sample. In addition, the persons of concern might be family members as well as attorneys. Thus, if an attorney

called about aging parents this would skew the sample upward. The family member scoring also explains why there are people under the age of 25 in the sample.

The numbers on referral sources show two items of interest. Official referrals show the cases referred by the Board of Law Examiners for opinion, and sometimes monitoring. There were also two cases where OCDC requested assistance from MOLAP in locating suitable Monitors or Mentors for persons under contract with OCDC. These numbers do not include a few cases that were referred by the Office of Disciplinary Counsel to the Intervention Committee, since those matters are handled by the Committee, and may or may not become MOLAP matters. The percentage of third-party contacts continues steady, this year at 35%. Others are now more frequently calling about a person of concern. At times lawyers call about family members. More frequently, spouses, colleagues, or supervisors call about a lawyer of concern.

The types of matters that callers present continue consistent with prior years, with continued minor variation from year to year. Substance abuse continues to be the most frequent problem, with marital/family and mental health second and third.

It is MOLAP practice to review all open cases twice a year, and to close cases no longer needing continuing attention. Following such December closings, 130 cases remained open, up from 105 at this same time last year. This again reflects the policy position of the Director that substance abuse matters are long term issues that need long term attention.

In 2009 data will be collected using the same definitions and categories, to enable comparison over time for MOLAP cases and services. In 2009 we will add the category of "Indirect Services." This includes contacts with treatment resources, referral follow-ups, contacts with volunteers, and any other indirect client services. This will not include administrative tasks such as newsletter preparation, MoBar Workplace Committee, Mentoring, or preparation for MOLAP presentations.

### **DISCIPLINARY AUTHORITIES**

**MOLAP** provides consultation to the office of Chief Disciplinary Counsel. Such consultation might concern an appropriate resource for professional assessment of an impairing condition for an attorney of concern, an appropriate treatment resource when impairment is already identified, or recommendations about intervention. OCDC also uses attorney monitors and therapeutic mentors in its diversion program and in Probation cases. MOLAP has provided recommendations for such. MOLAP does not disclose MOLAP client information to OCDC.

**MOLAP** also assists in facilitating compliance with rehabilitation and abstinence contracts between the disciplinary authority and respondent attorneys by assisting in the selection of a monitoring attorney.

### **BOARD OF LAW EXAMINERS**

**MOLAP** receives referrals from the Board of Law Examiners. Molap provides written opinions in response to Board concerns about character and fitness issues, providing recommendations regarding professional assessment, treatment, substance testing, monitoring, or a combination of the above.

**MOLAP** also assists in facilitating compliance with rehabilitation and abstinence contracts between the Board of Law Examiners and Bar Applicants by assisting in the selection of a monitoring attorney.

**MOLAP** does not disclose MOLAP contacts by law students to the BLE or its fitness investigators without express written consent.

# APPENDIX

## **MISSION STATEMENT**

To provide education, prevention, confidential counseling and referral assistance to members of The Missouri Bar, law students, and their families for substance abuse, depression or any other personal problem adversely affecting their personal or professional lives.

# Vision

“More lawyers better”

**MOLAP  
SERVICES PLAN  
2008  
RESULTS**

The Services plan set out for Calendar 2008 was carried out with a good deal of success. A few items in the plan have not yet been completed, but continue as projects for 2009.

MOLAP did maintain its hotline and cell phone services throughout the year. People Resources counseling service did handle a small number of cases during the absence of the Director.

The Director had increased contact with Office of Disciplinary Counsel during 2008 due to his involvement in the planning and execution of the 'Ethics School.' Relationships with Director and staff of OCDC continue cordial and constructive. Proper confidentiality boundaries are comfortably maintained.

Referrals from the Board of Law Examiners increased this year from 6 to 14. This relationship continues positive, and is having substantive results for the affected Applicants.

Lawyer Assistance Committee continues to meet during Spring and Fall Committee Meetings. The Committee is considering a CLE offering during 2009.

The Volunteer survey proposed for 2008 was completed in July. Sixty-two lawyers from around the State indicated their continued interest in serving as Volunteers. Contact information and interests were updated through the survey.

The Director did attend the National Lawyer Assistance Conference in Little Rock in October, which resulted in much face-to-face discussion with neighboring Directors, including Wally Underhill, new Kansas Director, and James Radcliffe, new down-state Director in Illinois, based in Belleville.

A written protocol for Intervention Committee procedures is in place. Intervention Committee Chair Hugh O'Donnell of Kansas City has presented on this material to the annual MOLAP Conference.

The MOLAP Director continued to make presentations to various Bar groups. This year's list included the Legal Services Section of the Department of Social Services and the Mound City Bar Association. The Director was also part of the faculty for the new Practice Management Course, also known as 'Ethics School.'

Advertising for MOLAP continued on Esq and the Bar's Website. Prints ads were placed in Lawyer's weekly, Precedent, and the Missouri Bar Journal. MOLAP also produced and distributed four issues of its newsletter to volunteers and LAC members.

---

At the end of the calendar year, the computer-based data collection program, Alpha-4, was discontinued, and a new manual system instituted. The new system will be used to hone and refine the data categories, and what might be needed in an electronic system. One addition to the manual system is collection of data about indirect service contacts, such as contacts with treatment centers, counselors, or significant others about a Molap client.

There were a few items on the 2008 Service Plan not completed. A reporting procedure for statistical data from the Intervention Committee is not yet in place. Effective training for Molap volunteers, scattered all over the State, still needs development. Molap's place on the MoBar website is still a concern, but relocation and ease of access will depend on the new Website going up.

**MOLAP  
SERVICES PLAN  
2009**

- 1) Maintain 24 hour hotline
  - a. Continue cell phone service after hours
  - b. Continue contract with People Resources for coverage during extended absence of the Director.
- 2) Provide Out-patient Counseling at the MoBar location
- 3) Provide consultation and collaboration with Disciplinary Counsel and staff
- 4) Maintain services to Board of Law Examiners as requested
- 5) Foster development of current and future Volunteers
  - a. Provide training
  - b. Increase communication with Volunteers
  - c. Continue meetings with Lawyer Assistance Committee
  - d. Re-survey all current volunteers as to interest and availability
- 6) Standardize the mechanisms of the Intervention Committee
  - a. Continue to publicize the procedural protocol
  - b. Establish a reporting procedure from the committee to MOLAP and OCDC
- 7) Continue public presentations on MOLAP topics
  - a. Solo and Small Firm Conference
  - b. Annual Meeting
  - c. Family Law Conference
  - d. MOLAP Conference
  - e. Adair County Bar Association
  - f. Mound City Bar Association
  - g. Other local Bar organizations
- 8) Continue promoting and advertising MOLAP services
  - a. MOLAP Newsletter quarterly
  - b. Ads in Precedent and Missouri Bar Journal
  - c. Ads in other legal publications at low or no cost
  - d. ESQ

- e. Professionalism Workshops at Law Schools
  - f. New student Law School orientations
  - g. Enhanced MOLAP section in Mobar website
  - h. Presence at new lawyer enrollment
  - i. Flyer and Poster presence at Bar events
- 9) Foster constructive relationships with neighboring LAP Directors.
- 10) Maintain accurate, confidential records and provide statistical reports.
- 11) Successfully complete license renewal in Social Work.
- a. Complete required continuing education, including ethics hours.
  - b. Submit license renewal in September.