



# Missouri Lawyers' Assistance Program

## Annual Report

# 2011

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 and Presentations	
• Program Utilization	
• Staff Trainings Attended	
<b>PROGRAM UTILIZATION CHARTS.....</b>	<b>9-13</b>
<b>DISCUSSION OF TABULATION.....</b>	<b>14-16</b>
<b>ANCILLARY SERVICES.....</b>	<b>17</b>
• Disciplinary Authorities	
• Board of Law Examiners	
<b>APPENDIX.....</b>	<b>18</b>
• Mission Statement.....	<b>19</b>
• Vision.....	<b>20</b>
• Services Plan 2011 Results.....	<b>21-23</b>
• Services Plan 2012 Goals.....	<b>24-25</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** also intends to protect clients and the reputation of the legal profession.

**HISTORY**

Volunteer peer assistance has been provided for impaired lawyers in Missouri in an organized way 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 which 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
- Connection to Lawyer Volunteers for peer support experiences

## **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. **MOLAP** does not report to the Board of Law Examiners about law students or applicants. At times the BLE contacts **MOLAP** regarding applicants of concern.

---

## **CONFIDENTIALITY**

Missouri statutes, applicable professional codes of ethics, and Missouri Supreme Court Rule 16 all provide for the confidentiality of communication with **MOLAP**. 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 in April 2005. 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. Over the past nine years the average number of new matters per calendar year was 127. In 2011, 101 new cases came to MOLAP. The total number of therapeutic contacts in 2011 was 560, slightly more than the 532 of the previous year. For calendar year 2009, the total was 525, so the total number of service contacts continues to rise. Face to face counseling sessions decreased slightly this year to 53, from 57 the year before. 17 volunteer assignments were made in calendar 2011, the same number as in calendar 2010. For the 16<sup>th</sup> year in a row, MOLAP sponsored an annual conference, in October 2011 in St. Louis. Mr. Brady had opportunity to present at several Bar and Law School events through the year, adding to the visibility of the program. Particulars follow.

### **INITIATIVES and PRESENTATIONS**

Mr. Brady continued communication with the staff of the Board of Law Examiners, a connection established in 2006. After major turnover this year, Mr. Brady met with the new Director, the new Director of Investigations, and the new Investigator. Over the course of 2010 there were four referrals from the BLE staff, slightly lower than in years past. As expected, the number of referrals from the BLE staff and Board grew in 2011, to 14. This year the Board asked for three full Substance Abuse evaluations, in addition to the written consultations which have been done in the past.

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 and the faculty for "Ethics School", an extended CLE program intended for lawyers who have had multiple complaints to the Office of Chief Disciplinary Counsel. First offered in 2008, the

program now consists of a series of four Webinars and one all day CLE workshop. Mr. Brady presented on one of the Webinars with two attorneys, and did one section of the all-day workshop, held again this year in Columbia in December.

Mr. Brady continued the practice of MOLAP-related presentations to various audiences through the year. His presentations included two appearances at the Evans and Dixon firm in St. Louis, and two separate presentations at SLU Law, one a practice management class, and one a Professional Responsibility class. For the second time ever he presented to a class at Washington University School of Law. He also provided an in-service education presentation for the staff at the Board of Law Examiners office on assessing alcohol problems.

Mr. Brady also prepared 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.

## **PROGRAM UTILIZATION**

New cases opened in calendar 2011 totaled 101, well below the average of previous years. The percentage of self-referred cases dropped to 59%, with third party referrals at 25%, and official referrals rising to 16% (OCDC and BLE referrals together make up the “official” category). In comparison, back in 2004 and 2005, the self-referral rate was 82 and 93%, respectively. The rate of third party referrals continues fairly consistent with more recent years, but the rate this year of official referrals was up markedly.

The most frequent types of presenting problems engaged this year, and their respective percentage of total cases, included: Substance Abuse (38%), Mental Health Issues other than depression (23%), and Depression (14%). Marriage and family matters were not in the top three this year for the first time since we began reporting results in this way. Further discussion of the tabulations follows the tables of results.

**2011 - STAFF TRAININGS ATTENDED:**

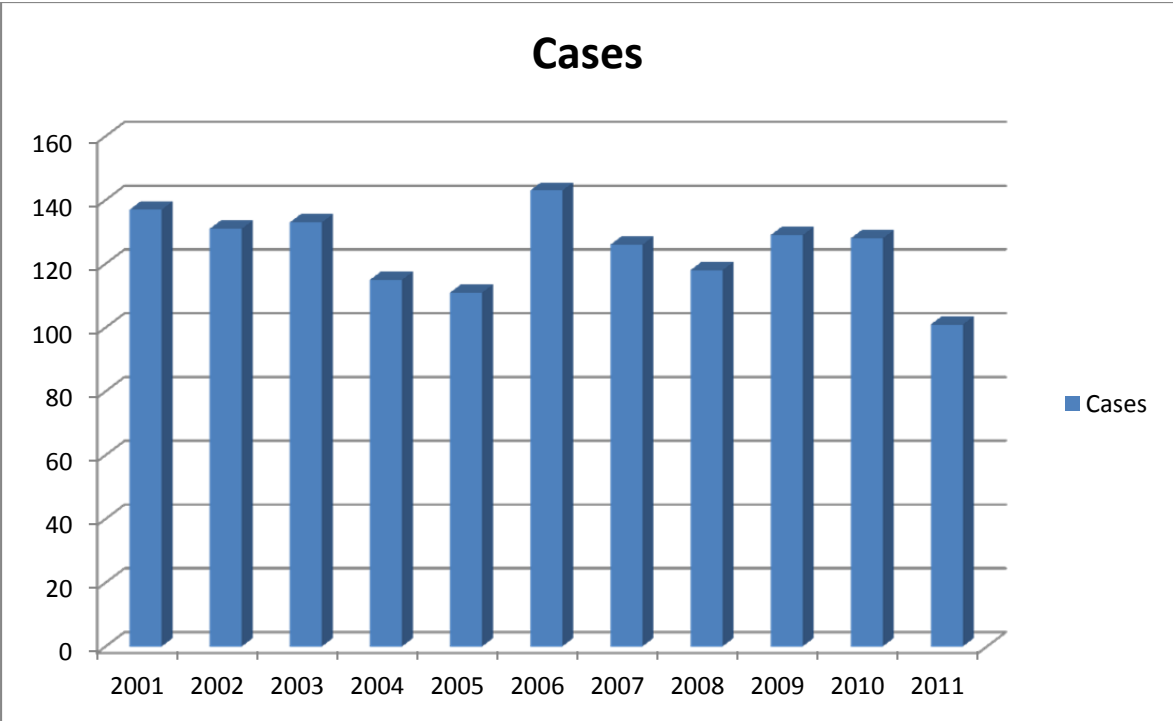
- National Directors Retreat, Tampa, Florida
- ABA National Conference for Lawyers' Assistance Programs, Tampa
- Missouri Bar Annual Meeting, Kansas City
- MOLAP Annual Conference, St. Louis
- Ethics Training, National Association of Social Workers, Missouri Chapter
- Solo and Small Firm Conference, Lake Ozark
- University of Missouri-Columbia School of Social Work Spring Institute

**PROGRAM UTILIZATION**

**MOLAP  
UTILIZATION REPORT  
*January 1, 2011 - December 31, 2011***

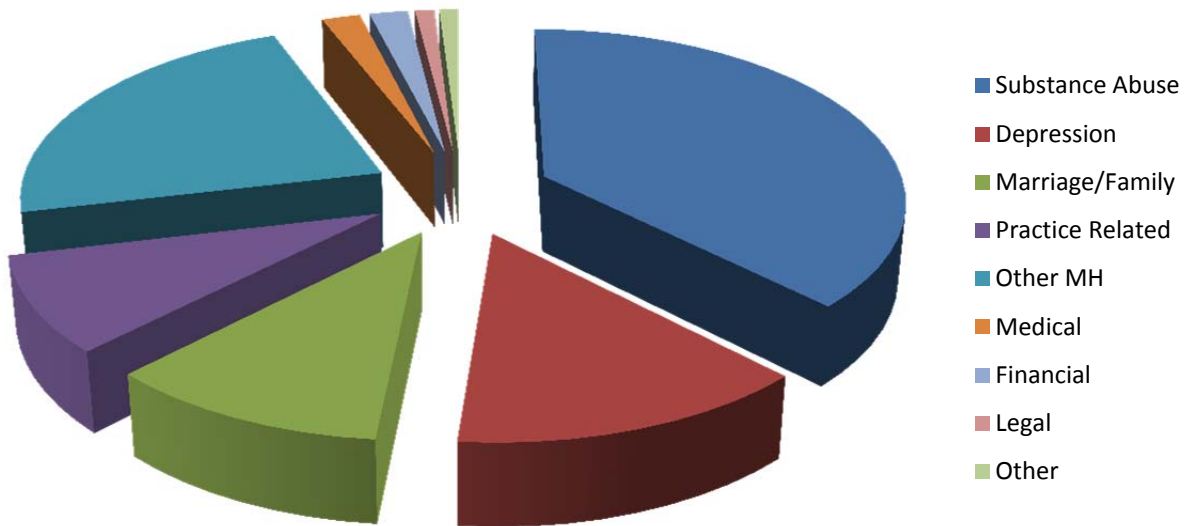
	Period - YTD	
	#	%
<b>CASES OPENED</b>	<b>101</b>	
New	101	100%
Closed	91	
Continuing Cases	108	
<b>SERVICE EVENTS</b>		
Phone (direct service)	560	
Face to Face	53	
Indirect (referral services, third parties)	263	
<b>GENDER</b>		
Female	21	21%
Male	78	79%
<b>AGE</b>	<b>104</b>	
N= 81		
Mean =43.475		
Median = 46		
Range = 16 to 90		
Standard deviation = 15.35		
<b>REFERRAL SOURCE</b>	<b>101</b>	
Official	16	16%
Self	60	59%
3 <sup>rd</sup> Party	25	25%
<b>RACE</b>		
White	91	
Black	3	
Asian	2	
Other/Unknown	5	
<b>MARITAL STATUS</b>	<b>N-101</b>	
Never Married	27	
Married	45	
Divorced	10	
Separated	1	
Widowed	2	
Unknown	16	

	Period - YTD	
	#	%
<b>OCCUPATION STATUS</b>	<b>N=101</b>	
SOLO	36	
Partner	10	
Associate	13	
In-House	0	
Judge	1	
Law Student	21	
Government	5	
Other	11	
Unknown	4	
<b>SALIENT PROBLEM</b>	<b>N=101</b>	
Substance Abuse	38	38%
Depression	14	14%
Marriage/Family	11	10%
Practice Related	9	9%
Other Mental Health	23	23%
Medical	2	2%
Financial	2	2%
Legal	1	1%
Other	1	1%
<b>REFERRED OUT</b>	<b>N=101</b>	
12 Step Program	8	8%
Counseling	23	23%
Intervention Committee	3	3%
Treatment Program	23	23%
MOLAP	29	28%
Other	6	6%
No referral	9	9%
<b>NON CASE ACTIVITY</b>		
Consultations	6	
Educational Presentations	11	



<b>Year</b>	<b>Number of Cases</b>
2001	137
2002	131
2003	133
2004	115
2005	111
2006	143
2007	126
2008	118
2009	129
2010	128
2011.	101

## Number of Cases



<b>SALIENT PROBLEMS</b>	<b># OF CASES</b>	<b>% OF CASES</b>
<i>Substance Abuse</i>	38	38%
<i>Depression</i>	14	14%
<i>Marriage/Family</i>	11	10%
<i>Practice Related</i>	9	9%
<i>Other Mental Health</i>	23	23%
<i>Medical</i>	2	2%
<i>Financial</i>	2	2%
<i>Legal</i>	1	1%
<i>Other</i>	1	1%

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

<b>Year</b>	<b>Number</b>
<b>2011</b>	38
<b>2010</b>	45
<b>2009</b>	38
<b>2008</b>	48
<b>2007</b>	40
<b>2006</b>	52
<b>2005</b>	36
<b>2004</b>	22
<b>2003</b>	21
<b>2002</b>	27
<b>2001</b>	38

**Number of Depression Cases by Year:**

<b>Year</b>	<b>Number</b>	<b>% of Total Cases</b>
<b>2011</b>	14	14%
<b>2010</b>	8	6%
<b>2009</b>	21	16%
<b>2008</b>	13	11%
<b>2006</b>	21	17%
<b>2005</b>	14	12.6%
<b>2004</b>	30	26%
<b>2003</b>	37	28%
<b>2002</b>	34	26%
<b>2001</b>	27	21%

## ***DISCUSSION OF TABULATIONS***

---

### **Discussion of Tabulations**

The total number of new cases for calendar 2011 (101) is well below the mean for the last nine years (127). The percentage of substance related cases, at 38%, is just slightly higher than previous years. Because the percentage of substance abuse related cases continues steady, the greater the number of new matters coming in, the greater the raw number of substance abuse cases. Alcohol continues to be the most frequent problem chemical, but there are instances of other drugs.

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.

The number of therapeutic sessions (the combination of phone and in-person counseling events) has increased again this year over last year, totaling 560 events for 2011. Starting in 2009 indirect service numbers were also collected. 2010 numbers showed an increase in such indirect service activity, and this year's number (263 events) is even higher. Thus, even though there were markedly fewer new cases, the level of activity increased. Apparently we are doing more with each matter. The number of face to face sessions decreased from 57 to 53, which is consistent with the drop in new cases. These increases indicate that our policy of extended follow-up care is expressed in the clinical numbers.

The tables indicate that 21% of the persons of concern were female. Considering the percentage of the members of the Missouri Bar who are female, the numbers say that female attorneys were less likely to seek assistance

through MOLAP that are male attorneys. This is a new finding this year. Numbers from past years had a higher percentage of female clients.

This year's data gathering sought an exact age for each person of concern, whether lawyer or family member. 81 exact ages were available out of 101 new cases. The mean age of the available records was 43.475, and median age was 46. The standard deviation of the set was 15.35, and the range 16 to 90. The 16 year old client is the child of an attorney and the 90 year old client is a practicing Missouri attorney. This extreme range indicates in part why the standard deviation is so high. This suggests that attorneys and family members of all ages are seeking assistance through MOLAP. I note that the mean age is lower this year by more than two years over last year. This reflects the sharp increase in law students and Bar applicants among the clientele. These numbers still confirm a conclusion from earlier annual reports that in general it is not new lawyers who are contacting MOLAP, but rather lawyers of substantial experience.

This year's numbers show 16 official referrals, which includes cases from OCDC and the Board of Law Examiners. 14 of these were from the BLE and only two from OCDC. Relationships with the OCDC continue very congenial, but there are apparently systemic or structural issues that inhibit referrals. This bears examination in future. Given the patterns of excessive drinking in law schools everywhere, including in Missouri, I expect the number of referrals from BLE to continue or even increase.

The totals on race are remarkable for the low number of African American subjects. I opine that African American attorneys are even more reluctant than other attorneys to risk contacting MOLAP, fearing damage to their reputation.

In the category of "occupational status," the number of solo attorneys seems small. If non-lawyer clients (family members of lawyers) are taken out of the calculation, solos made up only 40% of MOLAP clients this past year. Given the percentage of solos in the membership of the Bar, this seems underrepresentation. The most striking number under occupational status is law students, at 21 new cases this year. People who have received their J.D. but are

still pending admission are also included in this number. Thus, the numerous referrals from BLE this year have dramatically increased the number of “law student” cases.

There is a category called “salient problem.” Many MOLAP callers have multiple issues simultaneously. The Director makes a decision here about which of the issues is most troublesome currently, or which must be dealt with first to most effectively move the situation forward. As in years past, substance abuse cases are the most frequent, with 38% of new cases. This year’s second place category is a surprise, Mental Health issues other than Depression at 23%. Depression is in its usual third place, with 14%.

It is MOLAP practice to review all open cases twice a year, and to close cases no longer needing continuing attention. Following such December 2011 closings, 108 cases remained open, as compared to 155 open cases at this same time last year and 162 cases the year before. This again reflects the policy position of the Director that substance abuse matters are long term issues that need long term attention. The drop in the raw number is a function of the reduced number of new cases added to the caseload this year.

In 2012 data will be collected using the same definitions and categories, to enable comparison over time for MOLAP cases and services. The manual system that has been used since 2009 has worked well in that it is convenient, simple, does not duplicate effort, and still provides the numbers needed for analysis. One of the goals for 2011 was to find a simple computer based system that will provide ease of data entry, but enough output for useful analysis. That has yet to happen.

### **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, in Probation cases, and in admissions granted with a monitoring contract. MOLAP has provided recommendations for such mentors and monitors. MOLAP does not disclose MOLAP client information to OCDC without the express written consent of the attorney of concern.

### **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 2011: RESULTS***

---

The Services plan set out for Calendar 2011 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 2012.

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

The number of in-person counseling sessions decreased, but were appropriate to the number of new matters. Face to face visits happen both at the office in Jefferson City and as planned in-person visits in connection with other Bar events or presentations around the state.

The Director continued contact with Office of Disciplinary Counsel during 2011. The Director was again involved as faculty for 'Ethics School.' Again in 2011 the Director consulted with OCDC staff about Monitors for particular cases. Relationships with OCDC continue cordial and constructive. Proper confidentiality boundaries are comfortably maintained. A long-term goal would be to enhance this working relationship to increase referrals, and to involve MOLAP earlier for attorneys of substantial concern.

Referrals from the Board of Law Examiners jumped up this year from 4 to 14. During this year a new Director was chosen, who then hired a new Director of Investigations and a new Investigator. The MOLAP Director has met with the new staff, and constructive understandings of roles are in place. In June of 2011 the Director provided an in-service training session to BLE staff on alcohol assessment which was well-received. Another new Director for BLE was chosen in December of 2011, and started work on January 9, 2012. A goal for 2012 will be to meet and establish a constructive working relationship with this new Director, building on the past successes with continuing staff.

Lawyer Assistance Committee continues to meet during Spring and Fall Committee Meetings. Attendance has been poor. The past Committee Chair proposed a public information effort during 2011, with MOLAP volunteers making informational talks to local Bar groups about MOLAP and the Intervention Committee. This plan was further processed at the MOLAP Conference in October. Funds from a grant by the

Missouri Bar Foundation could be used to subsidize travel for this project. This has been a pending plan for two years, but execution will depend on commitments from busy volunteers and scheduling work by the Committee leadership.

Two conference call meetings of the Intervention Committee were scheduled and completed, with good attendance by the Committee members.

The Volunteer Corps remains a concern. Seventeen volunteer assignments were made during 2011, exactly the same number as in 2010, but many volunteers were not used. Their only contact with the program is through the Newsletter and/or the annual MOLAP conference. Sixty-two lawyers from around the State are on the active roster. Training and engagement activities for the Volunteers are an issue.

The Director did attend the National Lawyer Assistance Conference in Tampa in September, which resulted in much face-to-face discussion with neighboring Directors, including Anne McDonald, the Kansas Director, and James Radcliffe, the 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. Better mechanisms are still needed for tracking and reporting on referrals from OCDC and MOLAP to the Intervention Committee.

The MOLAP Director continued to make presentations to various Bar groups. This year's list included two presentations at the firm Evans and Dixon in St. Louis. The Director was again part of the faculty for the new Practice Management Course, also known as 'Ethics School,' and a presenter for the Ethics and Professionalism workshop for students at three of Missouri's Law Schools. In addition, the Director presented at orientation of new students at Mizzou Law and for a professional responsibility class at Washington University School of Law.

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 three issues of its newsletter to volunteers and LAC members. In the Fall of 2009, the Missouri Bar Foundation granted MOLAP \$5000 for 'promotion of the program.' Those funds were used to design and print a new brochure. A substantial part of that grant money remains. It is the intent of the Lawyer Assistance Committee to use those funds to reimburse travel for members who present on MOLAP

to various local and specialty Bar groups. \$1200 from the grant was used to support the MOLAP conference in October, 2011, which is open to any and all MoBar members.

The Director did achieve license renewal in September, 2011, and will be licensed until 9-30-13.

There were a few items on the 2011 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 Sate, still needs development. Some sort of on-line or Webinar methodology should be considered. MOLAP's place on the MoBar website has been dramatically improved with the new Website revision achieved in 2011. The next step is now to improve and reorganize content on the MOLAP portion of the website to engage more seekers and provide more assistance from the material on the Website, without even phoning MOLAP.

Key issues for 2012 will be a transition to a new Director when Mr. Brady retires at the end of March. The action plan for 2012 may need to be reshaped to reflect the unique skills of the in-coming director.

## ***MOLAP SERVICES PLAN - 2012***

---

- 1) Maintain 24 hour hotline
  - a. Continue cell phone service after hours
  - b. Continue contract with People Resources for coverage during extended absences 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
- 6) Increase utilization of the Intervention Committee
  - a. Advertise the availability of the Committee as a resource
  - b. Explore expanding referrals from the OCDC
  - c. Establish a reporting procedure from the committee to MOLAP and OCDC
  - d. Conduct a telephone conference call twice a year among Intervention Committee members
- 7) Continue public presentations on MOLAP topics
  - a. Solo and Small Firm Conference
  - b. Annual Meeting
  - c. MOLAP Conference
  - d. Law School Professionalism series
  - e. 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 new Mobar website
  - h. Presence at new lawyer enrollment
  - i. Flyer, brochure and poster presence at other Bar events
  - j. MOLAP Volunteer presentations at local Bar events
- 9.) Foster constructive relationships with neighboring LAP Directors.
- a. Attend National Conference in Grand Rapids in September 2012
  - b. Participate in national List Serve
  - c. Invite LAPs of neighboring States to Molap Conference
  - d. Contribute items to national newsletter, "Highlights"
- 10.) Maintain accurate, confidential records and provide statistical reports
- a. create and deliver to Executive Director service reports every six months.
  - b. procure and test a computer based data system for MOLAP
- 11.) Collect approximately 15 continuing education hours toward license renewal.
-