TLAP
TENNESSEE LAWYERS ASSISTANCE PROGRAM

2008 Annual Report
Tennessee Lawyers Assistance Program

EXECUTIVE DIRECTOR
Laura M. Gatrell, MA, LEAP

ASSISTANT DIRECTOR
Ted Rice, M. Ed., LPC-MHSP, CEAP

PROGRAM COORDINATOR
Emily McClendon

200 4th Ave. N., Suite 810
Nashville, TN 37219
615-741-3238 or 877-424-8527
www.tlap.org
INTRODUCTION

The Tennessee Lawyers Assistance Program ("TLAP") was established by order of the Tennessee Supreme Court (the "Court") in 1999. The mission and general structure of TLAP are set forth in Rule 33 of the Tennessee Supreme Court Rules. This report is submitted to the Commission, pursuant to Tenn. S. Ct. R. 33.02, for the purpose of reporting the activities and accomplishments of TLAP during 2008. (Exhibit A)

I

STATISTICAL DATA FOR 2008

The Tennessee Lawyers Assistance Program is a free confidential assistance program providing consultation, referral, intervention, and crisis counseling for lawyers, judges, bar applicants and law students who are struggling with substance abuse, stress and/or emotional health issues. TLAP’s work contributes to the protection of the public, the improvement of the integrity and reputation of the legal profession, and—because assistance to an affected lawyer often prevents future ethical violations—the reduction of disciplinary actions. Since inception, TLAP has provided educational services to over six thousand (6000) members of the legal profession.

TLAP maintains statistical information concerning inquiries and referrals by individuals. In 2008, fifty percent (50%) of intake calls pertained to issues of chemical dependency. The other fifty percent (50%) of calls presented with something other than substance abuse, including but not limited to depression, mood disorders, family issues, marital conflict, financial distress, learning disabilities, attention deficit disorder, cognitive impairment, stress, work conflict, anger management, domestic abuse, burn-out and compulsive behaviors.

TLAP tracks the source of the inquiries and referrals based on geographical regions. Forty-four percent (44%) of new referrals were received from the Middle Tennessee area, with West Tennessee receiving twenty-four percent (24%), and East Tennessee thirty-two percent (32%). In 2007, referrals from East Tennessee were only twelve percent (12%).

- 2 -
TLAP has had total of three hundred and four (304) lawyers, judges, bar applicants, and law students sign a monitoring contract since opening its doors 1999. Currently, TLAP has two hundred eighty one (281) active files. Seventy four percent (74%) of referrals are male, twenty-six percent (26%) are female. Twenty-five percent (25%) are law students.

TLAP submits monthly statistical reports to the TLAP Commission. These reports include items such as number of phone calls, number of presentations, and number of trips throughout the state. A summary of the year 2008 (accumulated by Ted Rice, TLAP Assistant Director), with comparison statistics from 2007, is provided below:

---

**TLAP Report**

**Statistical Information for January 2008 through December 2008**

*Abbreviations used:*

**ABA:** American Bar Association  
**AOC:** Administrative Office of the Courts  
**BLE:** Board of Law Examiners  
**BPR:** Board of Professional Responsibility  
**CLE:** Continuing Legal Education  
**CoLAP:** American Bar Association’s Commission on Lawyer Assistance Programs  
**KYLAP:** Kentucky Lawyer Assistance Program  
**LAP:** Lawyer Assistance Program  
**LIR:** Lawyers in Recovery meeting  
**MBA:** Memphis Bar Association  
**NBA:** Nashville Bar Association  
**OCJP:** Office of Criminal Justice Programs  
**QPR:** Question, Persuade, Refer: suicide prevention training  
**RAM:** Regional Assistance Monitors  
**TBA:** Tennessee Bar Association  
**TLAP:** Tennessee Lawyers Assistance Program  
**WWG:** Wednesday Women’s Group (a TLAP support group)

- Number of contacts w/volunteers (RAM Team, Peer Monitors, etc) = 676 or 56.3 per month (31% increase from 2007)  
- Number of contacts w/commissioners = 424 or 35.3 per month (23% increase from 2007)  
- Number of client contacts = 1,922 or 160.2 per month (same as 2007)  
- Number of new clients = 138 or 11.5 per month (11% increase from 2007)  
- Number of treatment center (referral source) contacts = 504 or 42 per month (26% decrease from 2007)  
- Number of others (BPR, BLE, other LAP’s, etc) = 1,479 or 123.3 per month (37% increase from 2007)
- Meetings held at TLAP = 129  
  (10% increase from 2007)
- Educational presentations = 38  
  (26% increase from 2007)
- Disciplinary hearings = 7  
  (46% decrease from 2007)

**2008 Travel History:**

**January**
- Nashville-Presentations to 4th Year Students of the Nashville School of Law
- Nashville-Presentations to 3rd Year Students of Vanderbilt University School of Law
- Memphis-LIR meeting and RAM Team dinner
- Memphis-Presentation for the John Dice Seminar
- Cumberland Furnace-TLAP Commissioner Meeting
- Nashville-Exhibited at Vanderbilt University School of Law

**February**
- California-ABA/COLAP meeting
- Nashville-QPR Training for Bass, Berry, & Sims
- Memphis-QPR Training, LIR meeting and RAM Team dinner
- Memphis-La Paloma Treatment Center site visit, and Memphis RAM Team dinner
- Knoxville-LIR meeting and RAM Team dinner
- Burns-Discovery Place site visit
- Chattanooga-Focus Treatment Center site visit,
- Chattanooga-LIR meeting, meeting with Chattanooga Public Defenders
- Knoxville-Meeting with Knox. County Public Defenders

**March**
- Camp TLAP
- Knoxville-Meeting with the District Attorney and Criminal Justice Section Chair of the Knoxville Bar Association
- Knoxville-Meeting with faculty and Dean of the University of Tennessee School of Law
- Nashville-Presentation to Vanderbilt University School of Law Ethics Class

**April**
- Kingsport-Presentation to the Tennessee Association of Criminal Defense Attorneys
- Nashville-First Aid and CPR training
- Union City- Joint intervention with KYLAP
- Memphis-La Paloma Treatment Center patient visit
- Jackson-Client meetings and LIR meeting
- Nashville-Presentation to Vanderbilt University School of Law Ethics Class
- Memphis-La Paloma Treatment Center Conference
- Nashville-Cumberland Heights site visit
- Las Vegas-Dual Diagnosis Conference

**May**
- Paris-Presentation to the 24th Judicial District of Public Defenders
- Nashville-Presentation to the Federal Public Defenders of Middle Tennessee
- Dresden-Presentation to the 27th Judicial District of Public Defenders and District Attorneys
- Trenton-Presentation to the 28th Judicial District of Public Defenders and District Attorneys
- Memphis-CoLAP

**June**
- Dyersburg-Presentation to the Dyersburg District Attorney's Office
- Dyersburg-Presentation to the Dyersburg County Bar Association
- Knoxville-Meeting with faculty and Dean of the University Of Tennessee School of Law
- Gatlinburg-TBA Conference
- Gatlinburg-Presentation to the Judicial Conference
• Knoxville-Presentations to the Tennessee Association of Criminal Attorneys
• Knoxville-Client and TLAP Commissioner Meetings
• Gallatin-Presentation to the Gallatin District Attorney’s Office
• Nashville-QPR Training for the Davidson County Public Defender’s Office
• Nashville-Exhibit at the Nashville School of Law

July
• Chattanooga-BAR/BRI outreach
• Knoxville-BAR/BRI outreach
• Memphis-BAR/BRI outreach
• Nashville-Cumberland Heights site visit
• Maryville-Outreach to District Attorney’s office
• Chattanooga-Intervention
• Manchester-TLAP Revolving Loan Fund Committee meeting and RAM Team meeting/dinner
• Nashville-QPR Training for the Attorney General’s office

August
• Nashville-Presentation to Nashville School of Law 1st Year Students
• Gallatin-Presentation to Sumner County Bar Association
• Memphis-Presentation to University of Memphis School of Law 1st Year Students
• Memphis-Exhibit to University of Memphis School of Law Orientation
• Nashville-Presentation to Vanderbilt University School of Law 1st Year Students
• Nashville-Exhibit at Vanderbilt University School of Law Orientation
• Nashville-Cumberland Heights site visit
• Murfreesboro-Presentation to the Rutherford County Bar Association

September
• Cape Cod, MA-Symposium on Addictive Disorders
• Kentucky-KYLAP Retreat

October
• Knoxville-Presentation to the University of Tennessee School of Law
• Nashville-Exhibit to Vanderbilt University School of Law, Substance Abuse Awareness Week
• Memphis-Presentation to the University of Memphis School of Law
• Alabama-Presentation to the Cumberland School of Law
• Little Rock-COLAP
• Knoxville-Presentation to the Tennessee District Attorney’s Conference
• Nashville-Presentation to the Tennessee Public Defender’s Conference
• Nashville-Exhibit to the Tennessee Public Defender’s Conference

November
• Nashville-Cumberland Heights site visit
• Memphis-Intervention and volunteer dinner
• Chattanooga-Intervention

December
• Nashville-Group debriefings at the AOC
• Memphis-Judicial Wellness Outreach Luncheon with Judge Colton
• Memphis-MBA CLE
• Nashville-Presentation to TLAW
• Gallatin-CLE for the Sumner County Bar Association
• Nashville-LIR meeting
II

TLAP PERSONNEL AND COMMISSION

Laura Gatrell, MA, LEAP, continues to serve as TLAP’s Executive Director. In 2007, Ms. Gatrell was appointed to the Advisory Board for the American Bar Association’s Commission on Lawyer’s Assistance Programs (CoLAP). She has since been selected to co-chair the 22nd National Conference for Lawyer Assistance Programs in 2009, and chair the 23rd National Conference for Lawyer Assistance Programs in 2010.

Ted Rice, LPC-MHSP, CEAP, has served as Assistant Director since October 2006. Mr. Rice handles intakes, referrals, statistical information and client case reviews. Mr. Rice also regularly visits regional Lawyers in Recovery (LIR) meetings across the state, and maintains treatment center referral relations.

Emily McClendon was hired as the full-time Program Coordinator in January 2006. She is responsible for conference planning, expenses and reimbursements, random urine drug screening, and compliance management of TLAP Monitoring Agreements. She is also on call after hours to answer TLAP crisis calls.

In June, 2008, Catherine Wheaton resigned as Associate Director of Outreach Services. To continue to fulfill the two year Byrne/JAG grant obligations, TLAP contracted with two practicing attorneys to serve as part-time Regional Outreach Directors: C. Jay Ingrum from Gallatin, and James E. Corcoran, III, from Knoxville. Mr. Ingrum’s and Mr. Corcoran’s duties are to provide educational programs targeted specifically criminal defense attorneys, Public Defenders, and District Attorneys.

TLAP Commissioner, the Honorable Robert L. Childers, continues to serve as the chair of CoLAP. Christopher Hall completed his TLAP Commission Chair term, and the Supreme Court appointed Teresa Jones as the new Chair. The terms of Commissioners Drew McElroy, and Judge Robert (“Butch”) Cook, expired on June 1, 2008. Frank Pinchak, Chattanooga, and Margaret (“Marnie”) Huff, Nashville, were appointed to replace them.
III
FINANCIAL

TLAP is a part of the Judicial Branch of State Government and is a state agency within the AOC. TLAP operates on a fiscal year: July 1st through June 30th. The TLAP budget for the 2007-08 fiscal year was $367,900.00, of which TLAP spent $484,729.67 and collected $559,521.89. This included receiving funds from the Blue Ribbon Commission grant and the OCJP grant which were not included in the original budget. The budget for the 2008-09 fiscal year is $444,300.00 including OCJP grant funds of $74,800.00. (Exhibit B) The Byrne/JAG grant terminates on June 30, 2009 and at the end of the 2008 calendar year, had a remaining balance of $68,007.89.

In July 2008, TLAP received a grant of $103,597.00 from funds that had accumulated as a result of late fees paid by lawyers to the Tennessee Commission on Continuing Legal Education and Specialization (CLE) Commission. The grant was awarded to establish and administer a revolving loan fund, as provided under Rule 33.09, to assist in providing treatment services to impaired lawyers without resources. The TLAP Commission developed a loan application, promissory note and policies for this fund. (Exhibit C)

To date, the revolving loan fund has been able to financially assist six members of the legal profession.

REVOLVING LOAN FUND
2008

BEGINNING BALANCE: $103,597.00

<table>
<thead>
<tr>
<th>RECIPIENT REGION</th>
<th>FACILITY</th>
<th>AMOUNT</th>
</tr>
</thead>
<tbody>
<tr>
<td>West</td>
<td>La Paloma</td>
<td>$5000.00</td>
</tr>
<tr>
<td>West</td>
<td>CoPAC- MS</td>
<td>$5000.00</td>
</tr>
<tr>
<td>West</td>
<td>Acumen-KANSAS</td>
<td>$3060.00</td>
</tr>
<tr>
<td>East</td>
<td>Cornerstone</td>
<td>$5000.00</td>
</tr>
<tr>
<td>West</td>
<td>Cumberland Heights</td>
<td>$5000.00</td>
</tr>
<tr>
<td>West</td>
<td>EMDR</td>
<td>$415.00</td>
</tr>
</tbody>
</table>

TOTAL: $23,475.00

AMOUNT REMAINING: $80,122.00
IV
HIGHLIGHTS OF 2008

Presentations and Marketing

In 2008, TLAP aggressively marketed its services throughout its monthly travel. TLAP was able to share its printed materials during meetings, presentations, site visits, interventions and retreat weekends. Accomplishments include:

1. Designed new TLAP logo.
2. Designed brochures: main brochure, law student & bar applicant brochure and law practice & criminal justice brochure. (Exhibit D)
3. Designed TLAP table top displays.
4. Designed TLAP gavels and pens.
5. Advertised TLAP services monthly in the TBA Journal. (Exhibit E)
6. Redesigned and updated TLAP website.
7. Provided online QPR Training CLE through the TBA website.
8. Provided online TLAP presentation CLE through the KBA website.
9. Created fall and winter TLAP Newsletters. (Exhibit F)
10. Submitted printed articles for: Memphis Lawyer; ABA Highlights; ABA GPSLD Journal; Nashville Bar Journal; Tennessee Bar Journal. (Exhibit G)
11. Mailed TLAP brochure with annual CLE dues notification.

Law School Outreach, Conditional Admission

TLAP staff members and volunteers regularly speak during new student orientations and ethics and professionalism classes in all four law schools. TLAP also presents to bar applicants in conjunction with Adele Anderson, Board of Law Examiners. To supplement these presentations, TLAP has developed a law student specific brochure. (Exhibit D) TLAP brochures and marketing material have been distributed to every student in each school. These efforts have led to the significant increase of students who sought assistance in 2008.
Thanks to the efforts of Judge Childers, the ABA’s House of Delegates voted to adopt the Model Rule on Conditional Admission to Practice Law on February 11, 2008. With support from the BLE, TBA, BPR and TLAP, a proposal to amend Tennessee Supreme Court Rule 7, with a provision for Conditional Admission, was submitted to the Court by BLE Board President, Ricky E. Wilkins, on November 6, 2008. (Exhibit H)

Byrne/JAG Grant: Outreach to Members of the Criminal Justice System

In 2008, TLAP continued successful outreach to members of the criminal justice system through the Byrne/JAG Grant. An intensive campaign was launched to contact every District Attorney’s office, Public Defender’s office, and all bar associations across the state. As a result, TLAP presented to numerous District Attorneys, Public Defenders, Federal Public Defenders and criminal law associations.

Through the grant, TLAP was able to fund scholarships to attend the 21st National Conference for Lawyer Assistance Programs for two Tennessee Supreme Court justices, four members of the judicial system, and six criminal justice attorneys.

Strategic Plan

At the 2008 annual TLAP Commission retreat, a new TLAP strategic plan was created. The Commission created five subcommittees (Marketing, Outreach, Operations, Funding and Volunteer Utilization) to assist the program in implementing the mission of the five year plan. (Exhibit I) All of the staff’s goals, and the majority of committee goals, have already been completed.

The TLAP Commission formed an ad hoc committee to rewrite TLAP’s Policies and Procedures, which were submitted to the Supreme Court in early Fall, 2008.

ABA/CoLAP Stage II Evaluation

The TLAP Commission voted to request the ABA/CoLAP evaluation committee to conduct a Stage II evaluation of the TLAP program. Tennessee is one of the first states to receive this level of evaluation. The TLAP Commission and staff has worked
diligently to administer programs and services in a professional, confidential manner, and is excited to host the CoLAP evaluators in Spring 2009. (Exhibit J)

Collaboration

TLAP continues to work closely with BLE Administrator, Adele Anderson, and the BPR’s Chief Disciplinary Counsel, Nancy Jones. Ms. Jones, Ms. Anderson and Ms. Gatrell meet monthly to reduce the risk of communication problems between the agencies.

CAMP TLAP

The 3rd annual CAMP TLAP was held at Natchez Trace State Park in March, 2008, with over ninety (90) participants. CAMP TLAP provides an ideal opportunity for all area RAM (Regional Access Monitoring) Teams to discuss common issues and ideas. CAMP TLAP also provides three (3) hours of Continuing Legal Education (CLE) and Peer Monitor training. CAMP TLAP will be held at Montgomery Bell State Park in March, 2009. (Exhibit K)

Judicial Assistance

Like all members of the legal profession, judges sometimes have difficulty with stress, depression, balancing work and home life, alcohol or drug abuse and compulsive behaviors. Unfortunately, a judge's problem is more likely to go unnoticed and untreated because of the very nature of the judge's role in the legal system.

Judges frequently work in isolation, often shielding their problems from colleagues and associates. Fear, denial, embarrassment or hopelessness can complicate their ability to seek help. Even more so, reluctance to have their problems known and the fear of negative impact on their status and reputation gets in the way of seeking assistance.
The TLAP Commission is working with members of the Court of Judiciary (COJ), CoLAP, and members of the Judicial Wellness Committee to develop an action plan to address the above issues. This is a primary goal for 2009.

V.
CONCLUSION

TLAP grows and expands due to the unwavering support from the TLAP Commission and volunteers. TLAP staff is grateful for the opportunity to serve the Tennessee legal community.

Respectfully submitted:

Laura M. Gatrell, MA, LEAP
Executive Director
January 30, 2009
Exhibit A
Tennessee Lawyers Assistance Program
Supreme Court Rule 33
Appointed by Supreme Court
Chair: Teresa Jones, Esq.

<table>
<thead>
<tr>
<th>Officers</th>
<th>Staff</th>
</tr>
</thead>
</table>
| Teresa Jones, Esq., Chair  
City of Memphis Law Division  
947 North McLean Blvd.  
Memphis, TN 38107  
Phone: (901) 488-9772  
Fax: (901) 545-3470  
Home: (901) 272-9439  
Email: Teresa.Jones@memphistn.gov  
TERM EXP: 06/01/11 | Laura Gatrell, MA, LEAP  
Executive Director  
Tennessee Lawyer Assistance Program  
200 4th Ave. North, Suite 810  
Nashville, TN 37219  
Toll free: (877) 424-TLAP (8527)  
Home: (615) 851-4200  
Office: (615) 741-3238  
Fax: (615) 741-3508  
Cell: (615) 210-1799  
Email: laura.gatrell@tncourts.gov |
| Kenneth R. Shuttleworth, Esq.  
Vice Chairman  
Shuttleworth Williams  
22 N. 2nd Ste 850  
Memphis, TN 38103  
Phone: (901) 526-7399  
Home: (772) 781-0873  
Cell: (901) 634-1790  
Email: KRS@shuttleworthwilliams.com  
TERM EXP: 06/01/11 | Emily McClendon  
Program Coordinator  
emily.mcclendon@tncourts.gov |
| W. Stephenson Todd, Jr., Esq.  
Secretary/Treasurer  
Todd & Dossett  
134 W. Center St.  
Kingsport, TN 37660-4241  
Phone: (423) 245-1111  
Home: (423) 246-9599  
Fax: (423) 245-1115  
Cell: (423) 534-1447  
Email: stodd@tdlaw.com  
TERM EXP: 06/01/09 | Ted Rice, M.Ed., LPC-MHSP, CEAP  
Assistant Director  
Cell: (615) 477-9174  
ted.rice@tncourts.gov |

Supreme Court Liaison
The Honorable Sharon Lee  
Associate Justice, TN Supreme Court  
505 Main Street, Suite 236  
P.O. Box 444  
Knoxville, TN 37901-0444  
Phone: (865) 594-6707  
Nashville office: 532-7985  
Assistant: Stephanie Allen  
stephanie.allen@tncourts.gov

3/17/2009
Dr. Howard Burley, Jr.
50 Greenvue
Nashville, TN 37205
Phone: (615) 532-6669
Home: (615) 292-4952
Cell: (615) 500-6570
Email: howard.burley@state.tn.us
TERM EXP: 06/01/09

Dr. Timothy P. Davis
1039 Executive Drive, Suite 101
Hixson, TN 37343.
Phone: (423) 874-0125
Home: (423) 344-5512
Cell: (423) 240-1418
Email: davistimp@comcast.net
TERM EXP: 06/01/09

The Honorable Robert L. Childers
30th Judicial District
140 Adams Avenue, Room 212
Memphis, TN 38103
Phone: (901) 545-4022
Fax: (901) 545-5659
email:Robert.childers@shelbycountytn.gov
Assistant: Susan Wilson
TERM EXP: 06/01/09

Jacqueline B. Dixon, Esq.
Hollins, Wagster, Yarbrough, Weatherly
& Raybin P.C.
Fifth Third Center, Suite 2200
424 Church Street
Nashville, TN 37219
Phone: (615) 256-6666
Fax: (615) 254-4254
Home: (615) 269-5430
Cell: (615) 969-0749
Email: jdixon@hwylaw.com
Assistant: Lillian
TERM EXP: 06/01/09

Christopher A. Hall, Esq.
Long, Ragsdale & Waters, P.C.
1111 Northshore Dr., NW, Ste S-700
Knoxville, TN 37919-4074
Phone: (865) 584-4040
Fax: (865) 584-6084
Home: (865) 523-5212
Email: chall@lrwlaw.com
Home email: chrishall28@comcast.net
Assistant: Judy-jferguson@lrwlaw.com
TERM EXP: 06/01/09

Stafford F. McNamee, Jr., Esq.
Hooper, Zen & McNamee
109 West Park Dr. Suite 300
Brentwood, TN 37027
Phone: (615) 661-5472
Home: (615) 373-1952
Email: smcnamee@hooperzinn.com
TERM EXP: 06/01/09

W. Kent Cox, Ph.D., ABPP Clinical
Psychologist, Retired
5040 Hatch Lane
Arlington, TN 38002
Cell: (901) 340-5838
Home: (901) 382-0402
Email: wkentcoxBearthlink.net
TERM EXP: 06/01/11

H. Thomas Parsons, Esq.
Parsons & Nichols
101 W. Main Street
Manchester, TN 37355-1542
Phone: (931) 728-1316
Fax: (931) 728-1318
Home: (931) 728-0920
Cell: (931) 580-0921
Email: parnic@bellsouth.net
TERM EXP: 06/01/11

3/17/2009
Elizabeth T. Collins, Esq.
Thomason, Hendrix, Harvey, Johnson & Mitchell
40 South Main, Suite 2900
Memphis, TN 38103
Phone: (901) 577-6130
Cell: (901) 233-8488
Email: collinse@thomasonlaw.com
Asst: Charlene Dean
TERM EXP: 06/01/11

The Honorable Ben W. Hooper II
301 East Main Street
Newport, TN 37821
Phone: (423) 625-9440
Fax: (423) 625-1797
Home: (423) 623-8233
Cell: (423) 608-3661
Email: bhooper@charter.net
TERM EXP: 06/01/11

Margaret M. Huff, Esq
Margaret Huff Mediation
P.O. Box 121951
Nashville, TN 37212-1951
Phone: (615) 812-5557
Email: marniehuff@bellsouth.net
TERM EXP: 06/01/11

Frank P. Pinchak, Esq.
713 Cherry Street
Chattanooga, TN 37402-1910
Phone: (423) 266-2121
Cell: (423) 718-8881
Email: fpinchak@bdhlaw.com
TERM EXP: 06/01/11

3/17/2009
Exhibit B
### Tennessee Lawyers Assistance Program
#### Fiscal Year-to-Date Thru 12/31/08

<table>
<thead>
<tr>
<th></th>
<th>Budget 2008-09</th>
<th>YTD thru 12/31/08</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Income:</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Attorney Fees</td>
<td>$369,500.00</td>
<td>$6,940.00</td>
</tr>
<tr>
<td>Donations</td>
<td>$-</td>
<td>$-</td>
</tr>
<tr>
<td>Interest</td>
<td>$-</td>
<td>$-</td>
</tr>
<tr>
<td>Interdepartmental Revenue (Grant revenue)</td>
<td>$74,800.00</td>
<td>$6,026.04</td>
</tr>
<tr>
<td>Current Services Revenue</td>
<td>$-</td>
<td>$3,989.35</td>
</tr>
<tr>
<td><strong>Total Income</strong></td>
<td>$444,300.00</td>
<td>$16,955.39</td>
</tr>
<tr>
<td><strong>Expenditures:</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Salaries &amp; Wages</td>
<td>$198,400.00</td>
<td>$100,281.15</td>
</tr>
<tr>
<td>Employee Benefits</td>
<td>$71,900.00</td>
<td>$36,284.43</td>
</tr>
<tr>
<td><strong>Total Salaries and Benefits</strong></td>
<td>$270,300.00</td>
<td>$136,565.58</td>
</tr>
<tr>
<td>Travel</td>
<td>$78,400.00</td>
<td>$47,183.11</td>
</tr>
<tr>
<td>Printing, Duplicating, and Film Processing</td>
<td>$3,800.00</td>
<td>$6,418.75</td>
</tr>
<tr>
<td>Utilities and Fuel</td>
<td>$-</td>
<td>$330.87</td>
</tr>
<tr>
<td>Communication and Shipping Costs</td>
<td>$6,000.00</td>
<td>$4,881.11</td>
</tr>
<tr>
<td>Maintenance, Repairs and Services Performed by Others</td>
<td>$500.00</td>
<td>$240.00</td>
</tr>
<tr>
<td>Professional and Administrative Services-Third Parties</td>
<td>$45,200.00</td>
<td>$18,080.00</td>
</tr>
<tr>
<td>Supplies</td>
<td>$10,500.00</td>
<td>$8,017.69</td>
</tr>
<tr>
<td>Rentals and Insurance</td>
<td>$28,400.00</td>
<td>$13,861.40</td>
</tr>
<tr>
<td>Motor Vehicle Operation</td>
<td>$-</td>
<td>$-</td>
</tr>
<tr>
<td>Grants and Subsidies</td>
<td>$-</td>
<td>$-</td>
</tr>
<tr>
<td>Interest Payments</td>
<td>$-</td>
<td>$29.00</td>
</tr>
<tr>
<td>Professional Services Performed by Other State Agencies</td>
<td>$1,000.00</td>
<td>$641.78</td>
</tr>
<tr>
<td><strong>Total Other Expenditures</strong></td>
<td>$173,800.00</td>
<td>$99,683.71</td>
</tr>
<tr>
<td><strong>Total Expenditures</strong></td>
<td>$444,100.00</td>
<td>$236,249.29</td>
</tr>
</tbody>
</table>

**Total Income Over(under) Expenditures**

$(219,293.90)

**Previous Fund Balance**

$542,081.58

**Projected Fund Balance as of 12/31/08**

$322,787.68
### TN LAWYERS ASSISTANCE PROGRAM 302.50

#### BUDGET INFORMATION

**July 1, 2008 through December 31, 2008**

<table>
<thead>
<tr>
<th>Expenditure Description</th>
<th>2008-09 Appropriations</th>
<th>Year to Date Expenditures</th>
<th>Unexpended Balance</th>
<th>Percent Unexpended</th>
</tr>
</thead>
<tbody>
<tr>
<td>Salaries (010)</td>
<td>$197,100.00</td>
<td>$99,881.15</td>
<td>$97,218.85</td>
<td>49.32%</td>
</tr>
<tr>
<td>Longevity (012)</td>
<td>$1,300.00</td>
<td>$400.00</td>
<td>$900.00</td>
<td>69.23%</td>
</tr>
<tr>
<td>Benefits (02)</td>
<td>$71,900.00</td>
<td>$36,284.43</td>
<td>$35,615.57</td>
<td>49.53%</td>
</tr>
<tr>
<td>Payroll Expenditures</td>
<td>$270,300.00</td>
<td>$136,565.58</td>
<td>$133,734.42</td>
<td>49.48%</td>
</tr>
<tr>
<td>Travel (03)</td>
<td>$78,400.00</td>
<td>$47,183.11</td>
<td>$31,216.89</td>
<td>39.82%</td>
</tr>
<tr>
<td>Printing &amp; Duplicating (04)</td>
<td>$3,800.00</td>
<td>$6,418.75</td>
<td>($2,618.75)</td>
<td>-68.91%</td>
</tr>
<tr>
<td>Utilities (05)</td>
<td>$0.00</td>
<td>$330.87</td>
<td>($330.87)</td>
<td>0.00%</td>
</tr>
<tr>
<td>Communications (06)</td>
<td>$6,000.00</td>
<td>$4,881.11</td>
<td>$1,118.89</td>
<td>18.65%</td>
</tr>
<tr>
<td>Maintenance &amp; Repairs (07)</td>
<td>$500.00</td>
<td>$240.00</td>
<td>$260.00</td>
<td>52.00%</td>
</tr>
<tr>
<td>Professional Services (08)</td>
<td>$45,200.00</td>
<td>$18,080.00</td>
<td>$27,120.00</td>
<td>60.00%</td>
</tr>
<tr>
<td>Supplies (09)</td>
<td>$10,500.00</td>
<td>$8,017.69</td>
<td>$2,482.31</td>
<td>23.64%</td>
</tr>
<tr>
<td>Rentals &amp; Insurance (10)</td>
<td>$28,400.00</td>
<td>$13,861.40</td>
<td>$14,538.60</td>
<td>51.19%</td>
</tr>
<tr>
<td>Motor Vehicle Operations (11)</td>
<td>$0.00</td>
<td>$0.00</td>
<td>$0.00</td>
<td>0.00%</td>
</tr>
<tr>
<td>Awards &amp; Indemnities (12)</td>
<td>$0.00</td>
<td>$0.00</td>
<td>$0.00</td>
<td>0.00%</td>
</tr>
<tr>
<td>Grants &amp; Subsidies (13)</td>
<td>$0.00</td>
<td>$0.00</td>
<td>$0.00</td>
<td>0.00%</td>
</tr>
<tr>
<td>Unclassified (14)</td>
<td>$0.00</td>
<td>$29.00</td>
<td>($29.00)</td>
<td>0.00%</td>
</tr>
<tr>
<td>Equipment (16)</td>
<td>$0.00</td>
<td>$0.00</td>
<td>$0.00</td>
<td>0.00%</td>
</tr>
<tr>
<td>Professional Services-State (25)</td>
<td>$1,000.00</td>
<td>$641.78</td>
<td>$358.22</td>
<td>35.82%</td>
</tr>
<tr>
<td>Retirement of Debt (32)</td>
<td>$0.00</td>
<td>$0.00</td>
<td>$0.00</td>
<td>0.00%</td>
</tr>
<tr>
<td>Other Expenditures</td>
<td>$173,800.00</td>
<td>$99,683.71</td>
<td>$74,116.29</td>
<td>42.64%</td>
</tr>
<tr>
<td><strong>Total Expenditures</strong></td>
<td><strong>$444,100.00</strong></td>
<td><strong>$236,249.29</strong></td>
<td><strong>$207,850.71</strong></td>
<td><strong>46.80%</strong></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Revenue Description</th>
<th>2008-09 Budget</th>
<th>Year to Date Collections</th>
<th>Over (Under) Collections</th>
</tr>
</thead>
<tbody>
<tr>
<td>Federal Revenue (801)</td>
<td>$0.00</td>
<td>$0.00</td>
<td>$0.00</td>
</tr>
<tr>
<td>Current Services (880)</td>
<td>$0.00</td>
<td>$3,989.35</td>
<td>$3,989.35</td>
</tr>
<tr>
<td>Departmental Interest (885)</td>
<td>$0.00</td>
<td>$0.00</td>
<td>$0.00</td>
</tr>
<tr>
<td>Inter-Departmental (890)</td>
<td>$74,800.00</td>
<td>$6,026.04</td>
<td>($68,773.96)</td>
</tr>
<tr>
<td><strong>Total Funding</strong></td>
<td><strong>$74,800.00</strong></td>
<td><strong>$10,015.39</strong></td>
<td><strong>($64,784.61)</strong></td>
</tr>
</tbody>
</table>

**Comments:**

---

1/19/2009
<table>
<thead>
<tr>
<th>Expenditure Description</th>
<th>2008-09 Appropriations</th>
<th>Year to Date Expenditures</th>
<th>Unexpended Balance</th>
<th>Percent Unexpended</th>
</tr>
</thead>
<tbody>
<tr>
<td>Salaries (010)</td>
<td>$197,100.00</td>
<td>$99,881.15</td>
<td>$97,218.85</td>
<td>49.32%</td>
</tr>
<tr>
<td>Longevity (012)</td>
<td>1,300.00</td>
<td>400.00</td>
<td>900.00</td>
<td>69.23%</td>
</tr>
<tr>
<td>Benefits (02)</td>
<td>71,900.00</td>
<td>36,284.43</td>
<td>35,615.57</td>
<td>49.53%</td>
</tr>
<tr>
<td>Payroll Expenditures</td>
<td>$270,300.00</td>
<td>$136,565.58</td>
<td>$133,734.42</td>
<td>49.48%</td>
</tr>
<tr>
<td>Travel (03)</td>
<td>$51,000.00</td>
<td>$29,022.18</td>
<td>$21,977.82</td>
<td>43.09%</td>
</tr>
<tr>
<td>Printing &amp; Duplicating (04)</td>
<td>3,000.00</td>
<td>5,348.12</td>
<td>(2,348.12)</td>
<td>-78.27%</td>
</tr>
<tr>
<td>Utilities (05)</td>
<td>0.00</td>
<td>330.87</td>
<td>(330.87)</td>
<td>0.00%</td>
</tr>
<tr>
<td>Communications (06)</td>
<td>4,600.00</td>
<td>4,775.61</td>
<td>(175.61)</td>
<td>-3.82%</td>
</tr>
<tr>
<td>Maintenance &amp; Repairs (07)</td>
<td>500.00</td>
<td>240.00</td>
<td>260.00</td>
<td>52.00%</td>
</tr>
<tr>
<td>Professional Services (08)</td>
<td>5,000.00</td>
<td>7,665.00</td>
<td>(2,665.00)</td>
<td>-53.30%</td>
</tr>
<tr>
<td>Supplies (09)</td>
<td>10,000.00</td>
<td>5,643.45</td>
<td>4,356.55</td>
<td>43.57%</td>
</tr>
<tr>
<td>Rentals &amp; Insurance (10)</td>
<td>23,900.00</td>
<td>13,861.40</td>
<td>10,038.60</td>
<td>42.00%</td>
</tr>
<tr>
<td>Motor Vehicle Operations (11)</td>
<td>0.00</td>
<td>0.00</td>
<td>0.00</td>
<td>0.00%</td>
</tr>
<tr>
<td>Awards &amp; Indemnities (12)</td>
<td>0.00</td>
<td>0.00</td>
<td>0.00</td>
<td>0.00%</td>
</tr>
<tr>
<td>Grants &amp; Subsidies (13)</td>
<td>0.00</td>
<td>0.00</td>
<td>0.00</td>
<td>0.00%</td>
</tr>
<tr>
<td>Unclassified (14)</td>
<td>0.00</td>
<td>29.00</td>
<td>(29.00)</td>
<td>0.00%</td>
</tr>
<tr>
<td>Equipment (15)</td>
<td>0.00</td>
<td>0.00</td>
<td>0.00</td>
<td>0.00%</td>
</tr>
<tr>
<td>Professional Services-State (25)</td>
<td>1,000.00</td>
<td>541.14</td>
<td>458.86</td>
<td>45.89%</td>
</tr>
<tr>
<td>Retirement of Debt (32)</td>
<td>0.00</td>
<td>0.00</td>
<td>0.00</td>
<td>0.00%</td>
</tr>
<tr>
<td>Other Expenditures</td>
<td>$99,000.00</td>
<td>$67,456.77</td>
<td>$31,543.23</td>
<td>31.86%</td>
</tr>
<tr>
<td>Total Expenditures</td>
<td>$369,300.00</td>
<td>$204,022.35</td>
<td>$165,277.65</td>
<td>44.75%</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Revenue Description</th>
<th>2008-09 Budget</th>
<th>Year to Date Collections</th>
<th>(Under) Collections</th>
</tr>
</thead>
<tbody>
<tr>
<td>Federal Revenue (801)</td>
<td>$0.00</td>
<td>$0.00</td>
<td>$0.00</td>
</tr>
<tr>
<td>Current Services (860)</td>
<td>$0.00</td>
<td>$3,989.35</td>
<td>$3,989.35</td>
</tr>
<tr>
<td>Departmental Interest (885)</td>
<td>$0.00</td>
<td>$0.00</td>
<td>$0.00</td>
</tr>
<tr>
<td>Inter-Departmental (890)</td>
<td>$0.00</td>
<td>$0.00</td>
<td>$0.00</td>
</tr>
<tr>
<td>Total Funding</td>
<td>$0.00</td>
<td>$3,989.35</td>
<td>$3,989.35</td>
</tr>
</tbody>
</table>

Comments:
## TN LAWYERS ASSISTANCE PROGRAM 302.50

Cost Center 02 TLAP - OCJP Grant LAP

**BUDGET INFORMATION**

**July 1, 2008 through December 31, 2008**

Target % Unexpended: 50.00%

<table>
<thead>
<tr>
<th>Expenditure Description</th>
<th>2008-09 Appropriations</th>
<th>Year to Date Expenditures</th>
<th>Unexpended Balance</th>
<th>Percent Unexpended</th>
</tr>
</thead>
<tbody>
<tr>
<td>Salaries (010)</td>
<td>$0.00</td>
<td>$0.00</td>
<td>$0.00</td>
<td>0.00%</td>
</tr>
<tr>
<td>Longevity (012)</td>
<td>0.00</td>
<td>0.00</td>
<td>0.00</td>
<td>0.00%</td>
</tr>
<tr>
<td>Benefits (02)</td>
<td>0.00</td>
<td>0.00</td>
<td>0.00</td>
<td>0.00%</td>
</tr>
<tr>
<td>Payroll Expenditures</td>
<td>$0.00</td>
<td>$0.00</td>
<td>$0.00</td>
<td>0.00%</td>
</tr>
<tr>
<td>Travel (03)</td>
<td>$27,400.00</td>
<td>$18,160.93</td>
<td>$9,239.07</td>
<td>33.72%</td>
</tr>
<tr>
<td>Printing &amp; Duplicating (04)</td>
<td>800.00</td>
<td>1,070.63</td>
<td>(270.63)</td>
<td>-33.83%</td>
</tr>
<tr>
<td>Utilities (05)</td>
<td>0.00</td>
<td>0.00</td>
<td>0.00</td>
<td>0.00%</td>
</tr>
<tr>
<td>Communications (06)</td>
<td>1,400.00</td>
<td>105.50</td>
<td>1,294.50</td>
<td>92.46%</td>
</tr>
<tr>
<td>Maintenance &amp; Repairs (07)</td>
<td>0.00</td>
<td>0.00</td>
<td>0.00</td>
<td>0.00%</td>
</tr>
<tr>
<td>Professional Services (08)</td>
<td>40,200.00</td>
<td>0.00</td>
<td>40,200.00</td>
<td>100.00%</td>
</tr>
<tr>
<td>Supplies (09)</td>
<td>500.00</td>
<td>2,374.24</td>
<td>(1,874.24)</td>
<td>-374.85%</td>
</tr>
<tr>
<td>Rentals &amp; Insurance (10)</td>
<td>4,500.00</td>
<td>0.00</td>
<td>4,500.00</td>
<td>100.00%</td>
</tr>
<tr>
<td>Motor Vehicle Operations (11)</td>
<td>0.00</td>
<td>0.00</td>
<td>0.00</td>
<td>0.00%</td>
</tr>
<tr>
<td>Awards &amp; Indemnities (12)</td>
<td>0.00</td>
<td>0.00</td>
<td>0.00</td>
<td>0.00%</td>
</tr>
<tr>
<td>Grants &amp; Subsidies (13)</td>
<td>0.00</td>
<td>0.00</td>
<td>0.00</td>
<td>0.00%</td>
</tr>
<tr>
<td>Unclassified (14)</td>
<td>0.00</td>
<td>0.00</td>
<td>0.00</td>
<td>0.00%</td>
</tr>
<tr>
<td>Equipment (16)</td>
<td>0.00</td>
<td>0.00</td>
<td>0.00</td>
<td>0.00%</td>
</tr>
<tr>
<td>Professional Services-State (25)</td>
<td>0.00</td>
<td>91.76</td>
<td>(91.76)</td>
<td>0.00%</td>
</tr>
<tr>
<td>Retirement of Debt (32)</td>
<td>0.00</td>
<td>0.00</td>
<td>0.00</td>
<td>0.00%</td>
</tr>
<tr>
<td>Other Expenditures</td>
<td>$74,800.00</td>
<td>$21,803.06</td>
<td>$52,996.94</td>
<td>70.85%</td>
</tr>
<tr>
<td>Total Expenditures</td>
<td>$74,800.00</td>
<td>$21,803.06</td>
<td>$52,996.94</td>
<td>70.85%</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Revenue Description</th>
<th>2008-09 Budget</th>
<th>Year to Date Collections</th>
<th>Over (Under) Collections</th>
</tr>
</thead>
<tbody>
<tr>
<td>Federal Revenue (801)</td>
<td>$0.00</td>
<td>$0.00</td>
<td>$0.00</td>
</tr>
<tr>
<td>Current Services (880)</td>
<td>$0.00</td>
<td>$0.00</td>
<td>$0.00</td>
</tr>
<tr>
<td>Departmental Interest (885)</td>
<td>$0.00</td>
<td>$0.00</td>
<td>$0.00</td>
</tr>
<tr>
<td>Inter-Departmental (990)</td>
<td>$74,800.00</td>
<td>$6,026.04</td>
<td>($68,773.96)</td>
</tr>
<tr>
<td>Total Funding</td>
<td>$74,800.00</td>
<td>$6,026.04</td>
<td>($68,773.96)</td>
</tr>
</tbody>
</table>

Comments:


1/19/2009
### TN LAWYERS ASSISTANCE PROGRAM 302.50
Cost Center 03  TLAP REVOLVING LOAN PROGRAM

**BUDGET INFORMATION**
July 1, 2008 through December 31, 2008

<table>
<thead>
<tr>
<th>Expenditure Description</th>
<th>2008-09 Appropriations</th>
<th>Year to Date Expenditures</th>
<th>Unexpended Balance</th>
<th>Percent Unexpended</th>
</tr>
</thead>
<tbody>
<tr>
<td>Salaries (010)</td>
<td>$0.00</td>
<td>$0.00</td>
<td>$0.00</td>
<td>0.00%</td>
</tr>
<tr>
<td>Longevity (012)</td>
<td>0.00</td>
<td>0.00</td>
<td>0.00</td>
<td>0.00%</td>
</tr>
<tr>
<td>Benefits (02)</td>
<td>0.00</td>
<td>0.00</td>
<td>0.00</td>
<td>0.00%</td>
</tr>
<tr>
<td>Payroll Expenditures</td>
<td>$0.00</td>
<td>$0.00</td>
<td>$0.00</td>
<td>0.00%</td>
</tr>
<tr>
<td>Travel (03)</td>
<td>$0.00</td>
<td>$0.00</td>
<td>$0.00</td>
<td>0.00%</td>
</tr>
<tr>
<td>Printing &amp; Duplicating (04)</td>
<td>0.00</td>
<td>0.00</td>
<td>0.00</td>
<td>0.00%</td>
</tr>
<tr>
<td>Utilities (05)</td>
<td>0.00</td>
<td>0.00</td>
<td>0.00</td>
<td>0.00%</td>
</tr>
<tr>
<td>Communications (06)</td>
<td>0.00</td>
<td>0.00</td>
<td>0.00</td>
<td>0.00%</td>
</tr>
<tr>
<td>Maintenance &amp; Repairs (07)</td>
<td>0.00</td>
<td>0.00</td>
<td>0.00</td>
<td>0.00%</td>
</tr>
<tr>
<td>Professional Services (08)</td>
<td>0.00</td>
<td>10,415.00</td>
<td>(10,415.00)</td>
<td>0.00%</td>
</tr>
<tr>
<td>Supplies (09)</td>
<td>0.00</td>
<td>0.00</td>
<td>0.00</td>
<td>0.00%</td>
</tr>
<tr>
<td>Rentals &amp; Insurance (10)</td>
<td>0.00</td>
<td>0.00</td>
<td>0.00</td>
<td>0.00%</td>
</tr>
<tr>
<td>Motor Vehicle Operations (11)</td>
<td>0.00</td>
<td>0.00</td>
<td>0.00</td>
<td>0.00%</td>
</tr>
<tr>
<td>Awards &amp; Indemnities (12)</td>
<td>0.00</td>
<td>0.00</td>
<td>0.00</td>
<td>0.00%</td>
</tr>
<tr>
<td>Grants &amp; Subsidies (13)</td>
<td>0.00</td>
<td>0.00</td>
<td>0.00</td>
<td>0.00%</td>
</tr>
<tr>
<td>Unclassified (14)</td>
<td>0.00</td>
<td>0.00</td>
<td>0.00</td>
<td>0.00%</td>
</tr>
<tr>
<td>Equipment (16)</td>
<td>0.00</td>
<td>0.00</td>
<td>0.00</td>
<td>0.00%</td>
</tr>
<tr>
<td>Professional Services-State (25)</td>
<td>0.00</td>
<td>8.88</td>
<td>(8.88)</td>
<td>0.00%</td>
</tr>
<tr>
<td>Retirement of Debt (32)</td>
<td>0.00</td>
<td>0.00</td>
<td>0.00</td>
<td>0.00%</td>
</tr>
<tr>
<td>Other Expenditures</td>
<td>$0.00</td>
<td>$10,423.88</td>
<td>($10,423.88)</td>
<td>0.00%</td>
</tr>
<tr>
<td><strong>Total Expenditures</strong></td>
<td>$0.00</td>
<td>$10,423.88</td>
<td>($10,423.88)</td>
<td>0.00%</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Revenue Description</th>
<th>2008-09 Budget</th>
<th>Year to Date Collections</th>
<th>Over (Under) Collections</th>
</tr>
</thead>
<tbody>
<tr>
<td>Federal Revenue (601)</td>
<td>$0.00</td>
<td>$0.00</td>
<td>$0.00</td>
</tr>
<tr>
<td>Current Services (880)</td>
<td>$0.00</td>
<td>$0.00</td>
<td>$0.00</td>
</tr>
<tr>
<td>Departmental Interest (885)</td>
<td>$0.00</td>
<td>$0.00</td>
<td>$0.00</td>
</tr>
<tr>
<td>Inter-Departmental (890)</td>
<td>$0.00</td>
<td>$0.00</td>
<td>$0.00</td>
</tr>
<tr>
<td><strong>Total Funding</strong></td>
<td>$0.00</td>
<td>$0.00</td>
<td>$0.00</td>
</tr>
</tbody>
</table>

Comments: [Additional comments here]

1/19/2009
Exhibit C
CONCEPT DESCRIPTION FOR TLAP LOAN PROGRAM

The ad hoc project committee appointed by TLAP studied an array of relevant information and met three times by telephone, with intervening reviews of drafts. The committee recommends implementation of the program described in this document. This description is narrative rather than outline in format because so many program elements overlap. Certain parameters of the program should be set by the Commission as outlined below.

The working group expresses its gratitude for the opportunity to assist TLAP with this worthy and interesting project.

Criteria used to make program design decisions include (1) TLAP’s core mission to provide assistance; (2) conserving personnel and infrastructure cost; (3) keeping TLAP personnel focused on core competencies and avoiding necessities of adding unfamiliar duties; (4) quality in execution; and (5) avoiding contribution to public misconceptions that TLAP is part of the BPR and that seeking assistance gets someone into disciplinary trouble.

The program will be operated as a loan system, not a grant system. The grant option is deemed to be actually more complicated, to embroil treatment centers in processes they are unlikely to desire, and to involve TLAP too heavily in financial operations at the treatment centers.

Consistent with best practices followed by Boards of Directors of commercial lending institutions, the TLAP Commission should determine overall criteria for borrower eligibility, the maximum permissible amount per loan, a uniform interest rate for all loans (5% is recommended), permissible uses of loan proceeds (i.e., anything other than treatment center charges), the maximum period of time over which a matured loan’s repayment can be amortized (5 years recommended with a preference for 3 years), and the maximum aggregate principal amount which can be on loan to all borrowers at any given time, and appoint the Loan Committee members (if not already done). This would establish the outer boundaries of the Loan Committee’s authority. The Commission should also approve the final contract with the outsourced loan servicing/collection entity explained hereinafter.

TLAP (the Executive Director and the Loan Committee) will handle the individual loan process through the steps of making the loan and its funding. A form application and promissory note, intentionally simple in form given applicants’ likely status, accompany this concept description. The Loan Committee should approve and periodically review the form of application, promissory note, and any other documents used by the Executive Director in assembling application packages.

TLAP staff would receive an application and gather additional information about the applicant. A proposed loan would then be presented to the Loan Committee which could meet either at regular intervals or as needed, depending on application volume. The Executive Director would be an ex officio member of the Loan Committee, and present loans for consideration. However, in presenting loan application information, she would not be expected to express any underwriting opinion on the loan, it being the Loan Committee’s responsibility to
make such judgments. In addition to other reasons, this will allow the Executive Director to deal
with applicants more smoothly because their dialogue will not include inquiries about her
opinion or efforts to persuade her. Loan applicants normally would not appear before or have
communication with the Loan Committee or its members.

Funding will be done directly to the treatment center or, if other permissible payees have
been authorized in concept by the Commission, and approved by the Loan Committee in the
particular transaction, to such other eligible payee.

“Administration” of the loan will be simple during its original term, because the
recommended note provides simply for repayment of accrued interest and principal six months
from execution, absent default. The reason for this is the expectation that borrowers will not be
in a position to pay during that period and can concentrate on their treatment and recovery
without (at least) this financial distraction. Repayment may be due earlier in the event of a
default, defined in the note with typical elements and a broad discretionary right (adapted from
typical commercial loan agreements) if TLAP “deems itself insecure.”

It is expected that most borrowers will request some extension and/or restructure of the
loan terms at the original six-month maturity. At this point, TLAP can formulate and offer
several flexible options (within boundaries set initially by the Commission as mentioned above),
but the normal restructure would be monthly repayment of the new aggregate (principal and
interest) amortized over a term between 1-5 years depending on borrower capacity. The deferral
of more complicated note terms until this six-month maturity assists the objective of keeping the
process simple and fast at the inception when treatment entry is priority and sometimes urgent.
The Loan Committee would review and act upon extension/restructure requests just as with the
original loans.

At the point (either inception of extended/restructured terms, or declaration of default)
where the borrower must begin making payments, more complicated loan administration ensues.
This function will be outsourced to a servicing/collection operation. When each loan reaches
this stage, a copy of the application and promissory note (including any extension/restructure),
any other pertinent information, and any default documentation, if applicable, will be sent to a
contracted servicing/collection operation to administer from that point (track timely payments,
send late notices, remit received payments to TLAP, etc.). This keeps TLAP in its core
competency, and avoids the necessity of acquiring and learning tracking and collection
infrastructure.

TLAP (the Loan Committee) would come back into the picture, if at all, to give
instructions on how to handle a reported or declared default, or a borrower’s request for yet
another extension, refinance, etc.

A servicing/collection operation (Mendelson law firm) has been identified. They have
tentatively agreed to handle this pro bono with the qualification that if a particular loan defaulted
and TLAP requested aggressive collection actions, compensation on a nominal basis (service fee
or perhaps contingency) might be worked out. The servicing/collection operation will sign an
appropriate client confidentiality contract with TLAP. There are certain technical formalities
applicable to the contracting party and terms for engaging the outside servicing/collection operation, which will be followed in cooperation with the AOC and the Attorney General.

The servicing/collection operation will take each loan administration file and set up the loan on its own infrastructure. The borrower will be given the servicing/collection operation’s address, possibly payment stubs and envelopes, and/or any other information that will make it easy to send scheduled payments. The servicing/collection operation’s software tracks receipt of payments on the “expected” receipt dates and reports exceptions to them. TLAP will determine the stage at which it would be consulted but for example, the servicing/collection operation might send one reminder to the borrower and then if no responsive action occurs, report the default to TLAP, probably in a monthly default report covering any and all borrowers.

The servicing/collection operation will forward funds received from borrower payments to TLAP monthly together with a single concise report of all activity in the portfolio during the preceding month. A key objective and advantage here is for TLAP to receive user-friendly information on a fixed periodic basis and not be swamped with unnecessary data.

TLAP (the Loan Committee) will review default situations monthly and determine the appropriate response, which could include further collection steps by the servicing/collection operation, formal declaration of default/acceleration, and perhaps in some cases, direct TLAP contact with the borrower to discuss a workout. In cases where TLAP is aware of temporary mitigating circumstances – e.g. the borrower has re-entered treatment and unable to send payments – it might defer action. Otherwise, in most default situations, the typical decision might be to reply to the servicing/collection operation and request further collection steps by them.

It was mentioned earlier that the Commission should establish overall requirements for borrower eligibility. Several recommendations on this issue follow.

One requirement for eligibility should be signing of a TLAP monitoring agreement, if not already in place, prior to funding of the loan, for at least the term of the loan. If the term of a loan is later extended, and the monitoring agreement would expire during the extended loan term, the monitoring agreement would be extended correspondingly.

Another requirement would be need. The application process would include gathering of data on personal financial resources, status of employment, and health insurance coverage (with appropriate consents/releases to allow use and/or verification of this information).

Another requirement would be use. There seems to be consensus now that payment up to a maximum amount for treatment at an approved treatment center would be a normal funding scenario. TLAP may independently negotiate agreements with treatment centers to provide treatment for stated periods for fixed amounts related to loan amounts (and any possible borrower contribution), and waive any costs in excess. The Commission can from time to time decide other potentially available funding uses (if any), e.g. resolution of client damage claims.
Additional requirements (some of which were identified in a February 20 email from Stephenson Todd) would be Tennessee residence, prior valid Tennessee licensing and practice for at least 3 years, and no prior TLAP loan. Intention to resume Tennessee licensure and practice also has been suggested as a requirement.

In addition to minimum eligibility requirements established for all borrowers by the Commission, there are several other circumstances which might be considered by the Loan Committee in reviewing individual applications. Though not ironclad (threshold) requirements, these could include status of BPR or other state disciplinary action, any failed prior treatments, and/or possible availability of a third-party guaranty in “borderline” situations (there may be a population of parents, etc., who would guarantee a loan even though they would not loan the money on the front end).

The work group has several other suggestions or input points relating to operation of the program.

An application package should be created and made available to persons interested. It should include a brochure or similar document succinctly describing the program, an application form, a specimen copy of a monitoring agreement (since that is a required condition), and a specimen of the required promissory note. A recommended loan application form and promissory note are respectfully submitted with this concept description. The application form has been compiled from several bank and other sources but simplified in consideration of the likely circumstances of borrowers and their finances at the time of application.

The promissory note form is likewise adapted from bank resources. The circumstances recommended for treatment as default are reflected in the proposed note terms. The project group has discussed the concept of “cross-default” between a promissory note, a monitoring agreement, and/or specified BPR action. It is the project group’s consensus that these separate events should not be formally cross-defaulted. For example, if a borrower committed a violation of a monitoring agreement, this would not automatically constitute a default under the note. It would also not automatically trigger required notice to the BPR, except in a case (if any) where the monitoring agreement already names the BPR as TLAP’s client and requires notification of the BPR. Similarly, a default under the note would not automatically require reporting to the BPR, and it definitely should not constitute a breach of the monitoring agreement, because of the great distinction between the financial and recovery purposes of each. The proposed note form, while reflecting these recommendations against mandatory cross-defaults, does give TLAP the discretion to declare a default in these situations or, again adopting commercial bank practices, any other circumstance causing TLAP to deem its prospect of repayment insecure.

If a requested loan is declined, TLAP will send the applicant a simple letter stating that TLAP is unable to make the loan at that time, without making any comment on the applicant’s creditworthiness or qualifications. (consistently with the objective of not making his/her problems any worse).

TLAP would not be required to report these loans, or their outcome, history, or denial to any credit bureau.
Regular periodic reports on the status of each funded loan, declined applications, default situations, etc. should be provided to the Commission and the Commission could, of course, direct more strident action in a default situation at any time.

Several legal issues have been identified by the work group as worthy of consideration in structuring and proceeding with the program. The group currently feels that none of these should be an obstacle, but they are briefly listed here. Do these activities fall within the language of the state banking statutes, and if they do, is TLAP exempt anyway as a Supreme Court agency? Are there any design features of the program which should be added, or dropped, to prevent unintended applicable of federal consumer credit, debt collection, or similar statutes (or again, is TLAP exempt -- Supremacy Clause versus Eleventh Amendment issues)? Is there any tax problem with interest income (almost certainly not)? The work group also has learned that there are some technical requirements and limitations which must be observed in contracting with the Mendelson firm, but understands that these can be worked through.

Finally, one of the Commissioners has recommended the creation of a narrowly-defined emergency funding situation for suicidal or perhaps other similar situations where the normal application process could not be followed in time and TLAP would have authority to fund with subsequent Loan Committee review. The work group feels that this is a good idea which should be studied and developed by the Loan Committee for review and approval by the Commission, but that this mechanism does not need to be in place before getting the overall program operational.

* * *

For the Commission's convenience, we provide the following list of action steps seemingly required at the Commission level to move forward with this project:

I. Approve this program design.

II. If that is done:

   A. Determine overall criteria for borrower eligibility (see narrative list of recommendations above).

   B. Determine the maximum permissible amount per loan, a uniform interest rate for all loans (5% is recommended).

   C. Determine the permissible use(s) of loan proceeds (i.e., anything other than treatment center charges).

   D. Determine the maximum period of time over which an extended/restructured loan can be amortized (5 years maximum recommended).
E. Determine the maximum aggregate principal amount which can be on loan to all borrowers at any given time.

F. Authorize the Loan Committee to incept and administer the program within the limits of this authority.

G. Authorize the Executive Director, with the advice and legal assistance of the Loan Committee, to negotiate a suitable contract with The Mendelson Law Firm for the outsourced loan administration/collection function (including appropriate confidentiality covenants), and present the proposed written contract to the Commission for approval and forwarding to the appropriate State official for signature.

H. Appoint the members of the Loan Committee, if not already done.

Accompanying documents:
Recommended form of loan application
Recommended form of promissory note
TENNESSEE LAWYERS ASSISTANCE PROGRAM

LOAN APPLICATION

I hereby apply to the Tennessee Lawyers Assistance Program, an agency of the Supreme Court of Tennessee ("TLAP"), for a loan in the principal amount of $____________, repayable on the terms of the form Promissory Note provided to me.

I certify to TLAP that all information below is accurate and materially complete, and agree to promptly update the information below upon any material change occurring through the date of full repayment. I further agree to enter into a Monitoring Agreement with TLAP in a form customarily used and approved by TLAP no later than the funding of any approved loan, for a term at least matching the term of the loan (including any extension or modification thereof), or a longer term if deemed prudent or customarily required by TLAP.

I authorize TLAP to obtain, from any third party or source, any and all information pertinent to this application including my financial condition, credit history and status, health insurance coverage, law licensure status, past or pending professional discipline, and status of any medical and/or psychological treatment for any substance dependence or mood disorder. I authorize the furnishing of this application to any such party as conclusive evidence of my consent to the disclosure of all such information to TLAP and my waiver of any contrary right of privacy or confidentiality under any statute or law including (without limitation) the Health Insurance Portability and Accountability Act ("HIPAA"). I agree to execute and deliver any additional waivers, consents, and other documents which TLAP may hereafter request to effectuate this provision.

Full name:

Present or past Tennessee BPR Number:

Began practicing law in Tennessee:

Intend to resume or continue practicing in Tennessee?:

Date of birth:

Social Security Number:

Residence address:

Present or last business address:

Spouse or closest relative and telephone:

Treatment arrangements or intentions:

Previous treatment during the past 5 years, and outcomes:
Health insurier:

Policy/group number:

Insured ID number:

Coverage (or attach a copy of a card with this information):

Current or last employer, contact person, and phone:

Primary physician name, address, phone:

Psychiatrist name, address, phone:

Psychologist or counselor name, address, phone:

Pending criminal charges:

Pending Tennessee disciplinary action:

Pending disciplinary action in other State(s) and enforcement contact person:

Financial information:

Assets
Cash on hand and in banks and money market funds:
Stocks, bonds and other securities:
Real estate owned:
Accounts, rents, and notes receivable:
Cash value of life insurance:
Retirement, pension, profit-sharing accounts:
Other assets (itemize):

Liabilities
Real estate mortgage(s):
Loans secured by personal property:
Unsecured loans:
Lease(s):
Unpaid income, property and other taxes:
Accounts and bills due:
Loans against life insurance:
Other liabilities (itemize):

Monthly income
Salary or partnership draw:
Interest:
Dividends:
Receipts on notes, leases, and/or accounts:
Distributions from trusts, annuities, or other beneficial interests:
Other (itemize):

Monthly expenses
Real estate mortgage payment(s):
Payments on loans secured by personal property:
Payments on unsecured loans:
Payments on lease(s):
Income, property and other taxes:
Accounts and bills due:
Payments on loans against life insurance:
Other expenses (itemize):

Contingent liabilities
As guarantor:
Legal claims:
Other (itemize):

Any other loans being applied for at this time or contemplated:

Person(s) willing to serve as loan guarantor:

________________________________________
Applicant

________________________________________
Date

________________________________________
Witness
PROMISSORY NOTE

In consideration of the funding of a loan in equal amount for my benefit, I hereby promise to repay to the Tennessee Lawyers Assistance Program, an agency of the Supreme Court of Tennessee, or its assigns ("TLAP"), the sum of $____________ plus interest on the unpaid principal balance at the annual rate of ____________ percent (___%) in collected U.S. funds at 200 4th Ave. N, Suite 810, Nashville, TN 37219, or such successor address as I may be notified of in writing, on the earlier of (a) the expiration of six months from the date of this note, or (b) any event of default defined hereinafter. I further agree to repay on demand any and all attorney fees and other legal expense incurred by TLAP in recovering any sum due hereunder following any default in payment.

Upon TLAP’s optional election in its sole discretion, all unpaid principal and interest due under this note shall be immediately due and payable upon any of the following events or circumstances ("default"): (a) any material breach of a Monitoring Agreement in effect between TLAP and me; (b) any bankruptcy, receivership, guardianship, conservatorship, commitment, incarceration, or substantially equivalent proceeding or event commenced by or against me or otherwise causing my loss of control over my financial affairs; (c) any material misstatement or omission in my application for this loan or my failure to do anything agreed in my application; (d) my refusal of withdrawal from any treatment for substance dependence or mood disorder against medical advice; (e) my failure to comply with any orders of the Board of Professional Responsibility in a disciplinary proceeding pending at or commenced following my execution of this note; or (f) any other act, omission, or event which causes TLAP reasonably to deem itself insecure with respect to this note’s repayment. No decision by TLAP to refrain from declaring default on any basis at a particular time will constitute an implied waiver of TLAP’s right to declare default at a later time; and any valid waiver of a right of TLAP under this note must be in writing.

I hereby waive any and all formal requirements of demand, presentment, dishonor, and notice of the foregoing under Article 3 of the Uniform Commercial Code.

I understand that TLAP may be willing to refinance this note at its maturity, but acknowledge that TLAP has not undertaken any legal obligation to do so.

All obligations under this note shall be binding upon my heirs, successors, and assigns.

This note and all matters relating to it will be governed by the internal law of Tennessee without reference to choice of law rules.

BORROWER

DATE

WITNESS
Exhibit D
Signs and Symptoms

Substance Use Disorders

• Drinking or use of drugs to bolster courage, calm nerves, improve performance or deal with difficult people or situations
• Drinking or using drugs on the job or during the day, before appointments, meetings, depositions or court appearances
• Failing to show for appointments, meetings or failing to return phone calls
• Declining quality and quantity of work product
• Avoiding law partners, office staff, colleagues, friends, family or clients
• Drinking or using drugs alone, making excuses for, or lying about, frequency or amount
• Driving under the influence (regardless of whether discovered)
• Experiencing blackouts or memory lapses

Depression

• Constant feeling of sadness or hopelessness
• Lack of interest in people, things or activities
• Increased fatigue or loss of energy
• Increased restlessness or irritability
• Noticeable change in appetite or weight
• Noticeable change in normal sleep pattern
• Isolation from family and friends
• Feelings of guilt or worthlessness
• Diminished ability to remember, think, concentrate or make decisions
• Thoughts of death or suicide

If you are experiencing any difficulties, please contact TLAP so that we can assist you.

1.877.424.8527 • www.tlap.org

Don't be afraid to ask for help!

TLAP provides a crisis hot-line for clinical emergencies outside of business hours. Call 1-877-424-TLAP and press "2". An on-call staff person will return your call as promptly as possible.

For More Information

TLAP
200 4th Avenue North
Suite 810
Nashville, TN 37219
Phone: 615.741.3238
Fax: 615.741.3508
www.tlap.org

Confidentiality: Information and actions taken by TLAP shall be privileged and held in the strictest confidence and shall not be disclosed to any person or entity outside of TLAP pursuant to Rule 33 of the Rules of the Supreme Court of Tennessee.

Tennessee Lawyers Assistance Program © 2008.

A Confidential EAP Service for the Legal Profession

Phone: 877.424.8527
Tennessee Lawyers Assistance Program

JUSTICE IS THE GREAT INTEREST OF MAN ON EARTH. —DANIEL WEBSTER

Unfortunately, however, the criminal justice system has become a breeding ground for stress, frustration and immense pressures!

Law Practice and Criminal Justice: A First Rate Formula For Stress!
• Strict Deadlines
• Enormous Workloads
• Angry Clients
• Distraught Victims
• Cases with Emotionally Disturbing Material
• Frazzled Nature of Trial Practice
• Serious Consequences of Case's Outcome

TLAP Helps with Many Issues.
• Stress and Burnout
• Anxiety
• Depression
• Processing Cases with Disturbing Material
• Eating Disorders
• Balancing Practice Demands and Family
• Substance Abuse

How Can TLAP Help?
TLAP can help attorneys who practice within the criminal justice system by providing information, crisis stabilization, and referrals to outside resources.

TLAP Offers Numerous Services:
• Consultation
• Assessment
• Referral
• Intervention
• Education
• Peer Support Services
• ABA Networking & Outreach
• Anonymous Support Groups

TLAP Support Groups.
TLAP offers a variety of anonymous support groups throughout the state of Tennessee. These meetings are open for all lawyers, judges, bar applicants, and law students. Contact TLAP to find out more information.

TLAP Services are Confidential.
• T.C.A. § 23-4-101(2007) states that all information furnished to TLAP shall be governed by the laws pertaining to the attorney-client privilege.
• T.C.A. § 23-4-101(2007) states all TLAP communications shall be deemed confidential and shall not be available for court subpoena.

TLAP Services are Entirely Free.
There is no fee for TLAP services. There will be fees for outside referrals.
Sometimes a small issue becomes a big problem if you don't address it early on. It can actually be more efficient to get a little help at the outset.

Don't be afraid to ask for help!

TLAP Does Not:
• Share confidential information
• Force attorneys to change behavior
• Communicate with the Board of Professional Responsibility (BPR), unless the BPR has referred an attorney to TLAP
• Provide legal advice
• Job placement services

Lawyer Assistance Programs & The American Bar Association.
TLAP has long-standing ties with the American Bar Association Commission on Lawyer Assistance Programs (ABA CoLAP). TLAP commissioner Judge Childers is the current chair of ABA CoLAP. The TLAP executive director Laura Gatrell is currently on the ABA CoLAP advisory commission. More information is available at www.abanet.org/legalservices/colap/.

If you are experiencing any difficulties, please contact TLAP so that we can assist you.

1.877.424.8527 • www.tlap.org

There is a principle which is a bar against all information, which is proof against all arguments and which cannot fail to keep a man in everlasting ignorance— that principle is contempt prior to investigation.
—HERBERT SPENCER

A Byrne Justice Assistance Grant paid for the publication of these materials.
TLAP Staff

TLAP employs a full-time professional staff, consisting of lawyers and experienced mental health professionals, uniquely qualified to help lawyers, judges, law students and those concerned about their well-being.

TLAP Commission

The Tennessee Supreme Court appoints commission members to administer the TLAP program. Commissioners are appointed for three-year terms. The TLAP Commission provides consistent and valuable leadership, direction, consultation and guidance for the TLAP staff and volunteers in their work. The TLAP Commission is a critical component of the services provided through TLAP and helps with the ongoing development and implementation of TLAP policies, procedures and the resolution of specific issues and concerns as they may arise.

TLAP Volunteers

TLAP's volunteers are lawyers, judges and law students who are committed to providing peer assistance to their colleagues. Most volunteers are individuals who have experienced their own challenges with substance use or mental health disorders, accessed help, demonstrated recovery, and remain interested in helping others in the same way they were helped. TLAP volunteers uniquely know how important confidentiality is to the lawyer in crisis and are trained to help in a variety of ways: providing one-on-one peer support and assistance, participating in interventions, introducing others to the local support groups and other lawyers in recovery, making presentations, etc.

TLAP provides a crisis hot-line for clinical emergencies outside of business hours. Call 1-877-424-TLAP and press "2". An on-call staff person will return your call as promptly as possible.

For More Information

TLAP
200 4th Avenue North
Suite 810
Nashville, TN 37219
Phone: 615.741.3338
Fax: 615.741.3508
www.tlap.org

Confidentiality: Information and actions taken by TLAP shall be privileged and held in the strictest confidence and shall not be disclosed to any person or entity outside of TLAP pursuant to Rule 33 of the Rules of the Supreme Court of Tennessee.

Tennessee Lawyers Assistance Program © 2008.
Tennessee Lawyers Assistance Program

What is the Tennessee Lawyers Assistance Program (TLAP)?
TLAP offers help to law students, judges, and attorneys troubled by substance abuse, psychological disorders, and similar impairments which may affect an individual’s ability to practice law in a competent and professional manner.

Why is TLAP Important?
18% of lawyers suffer from alcoholism (Washington State Survey)
The incidence of depression is higher for the legal profession than any other profession (105 different professions surveyed)
33% of lawyers suffer from significant mental health issues (Washington State Study)
19 - 37% of lawyers suffer from depression (Washington State and North Carolina Studies)

TLAP Services are Confidential.
TLAP never initiates a complaint or reports a self-referral to any disciplinary board. TLAP only releases client information if TLAP has a signed “Consent to Release” form on file.

TLAP Services are Entirely Free.
There is no fee for TLAP services. There will be fees for outside referrals.

TLAP Offers Numerous Services:
- Consultation
- Assessment
- Referral
- Intervention
- Education
- Peer Support Services
- ABA Networking & Outreach
- Anonymous Support Groups

TLAP Helps with a Variety of Issues:
- Stress and Burnout
- Anxiety
- Depression
- Worries about Bar Application Issues
- Career Concerns
- Balancing School and Family
- Substance Abuse

TLAP Helps Attorneys with Disciplinary Issues.
Rule 33.07 (A): Referrals to TLAP. TLAP may accept referral of lawyers, judges or bar applicants under investigational, provisional or probational status with the Tennessee Board of Professional Responsibility, Tennessee Court of the Judiciary, Tennessee Board of Law Examiners or any disciplinary agency with disciplinary authority.

Signs and Symptoms

Substance Use Disorders
- Drinking or use of drugs to bolster courage, calm nerves, improve performance or deal with difficult people or situations
- Drinking or using drugs on the job or during the day, before appointments, meetings, depositions or court appearances
- Failing to show for appointments, meetings or failing to return phone calls
- Declining quality and quantity of work product
- Avoiding law partners, office staff, colleagues, friends, family or clients
- Drinking or using drugs alone, making excuses for, or lying about, frequency or amount
- Driving under the influence (regardless of whether discovered)
- Experiencing blackouts or memory lapses

Depression
- Constant feeling of sadness or hopelessness
- Lack of interest in people, things or activities
- Increased fatigue or loss of energy
- Increased restlessness or irritability
- Noticeable change in appetite or weight
- Noticeable change in normal sleep pattern
- Isolation from family and friends
- Feelings of guilt or worthlessness
- Diminished ability to remember, think, concentrate or make decisions
- Thoughts of death or suicide

If you are experiencing any difficulties, please contact TLAP so that we can assist you.

1.877.424.8527 • www.tlap.org
Don't be afraid to ask for help!
There is a principle
which is a bar
against all information,
which is proof
against all arguments
and which cannot fail
to keep a man in
everlasting ignorance
- that principle is contempt
prior to investigation.
- Herbert Spencer

Delay is the deadliest form of denial.
- C. Northcote Parkinson

For More Information

TLAP
200 4th Avenue North
Suite 810
Nashville, TN 37219
Phone: 615.741.3238
Fax: 615.741.3508
www.tlap.org

Confidentiality: Information and actions taken
by TLAP shall be privileged and held in the strictest
confidence and shall not be disclosed to any person or
entity outside of TLAP pursuant to Rule 33 of the Rules
of the Supreme Court of Tennessee.
Tennessee Lawyers Assistance Program © 2008.
Tennessee Lawyers Assistance Program

What is the Tennessee Lawyers Assistance Program (TLAP)?

TLAP offers help to law students, judges, and attorneys troubled by substance abuse, psychological disorders, and similar impairments which may affect an individual's ability to practice law in a competent and professional manner.

Why is TLAP Important?

18% of lawyers suffer from alcoholism (Washington State Survey)

The incidence of depression is higher for the legal profession than any other profession (105 different professions surveyed)

33% of lawyers suffer from significant mental health issues (Washington State Study)

19 - 37% of lawyers suffer from depression (Washington State and North Carolina Studies)

How Can TLAP Help?

TLAP can help law students in a myriad of fashions. Some law students only need information from TLAP; some receive crisis stabilization and support. Other law students benefit most from referrals to outside resources.

TLAP Services are Confidential.

TLAP only releases client information if TLAP has a signed "Consent to Disclose" form on file.

TLAP Offers Numerous Services:

- Consultation
- Assessment
- Referral
- Intervention
- Education
- Peer Support Services

TLAP Can Help Law Students with a Variety of Issues. Such as:

- Stress and Burnout
- Anxiety
- Depression
- Worries about Bar Application Issues
- Career Concerns
- Balancing School and Family
- Substance Abuse

TLAP Services are Entirely Free.

There is no fee for TLAP services. There will be fees for outside referrals.

TLAP Can Help Law Students with BAR Application Issues.

In cases that involve bar application character and fitness issues, TLAP can implement a structured rehabilitation program which documents an applicant's recovery. Such evidence of recovery may be taken into consideration by The Board of Law Examiners when determining recommendations for admission.

TLAP Support Groups.

TLAP offers a variety of anonymous support groups throughout the state of Tennessee. These meetings are open for all lawyers, judges, bar applicants, and law students who would like to participate in an anonymous support group with other members of the legal profession. Contact TLAP to find out more information.

Listserv For Students in Recovery:

A Listserv has been developed by the ABA Commission on Lawyer Assistance Programs (CoLAP) to provide a confidential e-mail vehicle for law students who want to get, or stay, clean and sober while in law school. This is a chance for students to connect with and ask questions of their law student peers throughout the US and share their experience, strength and hope. To be added, interested law students should contact CoLAP's Director, Donna Spilis, directly at spilisd@staff.abanet.org. Students should be prepared to talk a bit about their history and about their need and desire to communicate with other law students facing the similar challenges. Ms. Spilis will provide each student with the rules and regulations regarding use of the "Students in Recovery Listserv." When a student graduates and is admitted to the bar, he/she will be removed from the Listserv.

If you are experiencing any difficulties, please contact TLAP so that we can assist you.

1.877.424.8527 • www.tlap.org
Don't be afraid to ask for help!
Exhibit E
On June 6, Memphis lawyer Thomas Keith McAlexander was disbarred for falsely representing to a plaintiff's counsel that he had authority to settle a fraudulent negligence claim. The court also found that he made continuous misrepresentations over the course of two years that a settlement was approved and the plaintiff would receive a monetary settlement. According to the court, McAlexander also failed to self-report his misconduct to the Board of Professional Responsibility after assuming his supervisor and plaintiff's counsel that he would do so. The court found that his actions violated Rules of Professional Conduct 1.1, 3.4, 4.1, 4.4 and 8.4 and ordered him to pay the costs of the disciplinary proceedings.

Disability Inactive
Disability inactive status precludes an attorney from practicing law in the state immediately. The designation remains in effect until further order of the court, however the attorney is entitled to petition the court for reinstatement to active status once a year (or at shorter intervals if the court allows). To return to active status, the attorney must show by clear and convincing evidence that the disability has been removed and that he or she is fit to resume the practice of law.

The law license of Memphis attorney Patricia B. Penn was transferred to disability inactive status on May 23 for an indefinite period of time and until further order from the Supreme Court. The action was taken pursuant to Section 21 of Supreme Court Rule 9.

Compiled by Stacey Shandor from information obtained from the Board of Professional Responsibility of the Tennessee Supreme Court

**Problems are not a sign of failure but an opportunity for growth**

We provide consultation, referral, intervention, education, advocacy and peer support services for lawyers, judges, bar applicants, law students and their families.

**All calls are confidential and free.** If you or someone you know is suffering from stress, anxiety, burn-out depression and/or substance abuse problems, call the

**TENNESSEE LAWYERS ASSISTANCE PROGRAM**
1-877-424-TLAP
Exhibit F
Model Rule on Conditional Admission

On February 11, 2008, the American Bar Association’s House of Delegates voted to adopt the Model Rule on Conditional Admission to Practice Law.

The Model Rule permits a bar applicant to be conditionally admitted to practice, with conditions required as a safeguard for the applicant’s sustained ability to practice without impairments. An applicant who currently satisfies all essential eligibility requirements for admission to practice law, including fitness requirements, and who possess the good moral character required, may be conditionally admitted if the applicant demonstrates recent rehabilitation from chemical dependency or successful treatment for mental or other illness, or from other conditions that have resulted in behavior that would otherwise have rendered the applicant unfit to practice law, and such conduct, if it would recur, would impair the applicant’s ability to practice law or pose a threat to the public.

The Model Rule has three purposes:

1) To protect the public by ensuring that an applicant’s rehabilitation will be sustained by placing conditions that the applicant must meet and be assigning a monitor to verify that the applicant is meeting these conditions;

2) To give bar examiners an additional tool to make the difficult decision of whether to admit an otherwise qualified bar applicant whose past raises concerns about recurrence of a dependency, mental illness, or similar condition that might impair the applicant’s ability to practice law;

3) To encourage law students to seek early assistance for such problems without fear that doings so would disqualify them from acquiring a license to practice law.

The Model Rule provides for confidentiality form public disclosure of the status of conditional admission.

ABOUT THIS ISSUE

We are excited to issue the first of what will soon be a quarterly publication. We also have all new brochures and a revamped web page that will be unveiled by fall.

TLAP is committed to making this the “Year of the Volunteer.” We are recruiting volunteers for CAMP TLAP 2009, and for other committees currently chaired by TLAP Commissioners. If you are interested in participating, or if you’d like to contribute an article for an upcoming issue, please call us at 1-877-424-TLAP.

- Laura Gatrell,
Executive Director

Inside this issue:

Letter From The Chair 2
Revolving Loan Fund 2
COLAP Invitation 2
RAM Team Spotlight 3
Camp TLAP 3
TLAP’s Role 4
Upcoming Events 4

CAMP TLAP 2009
Montgomery Bell
State Park
March 13-15th
Saturday night speaker:
John “Jack” P. Corderman
Call for reservations toll free: (800) 250-8613
or (615) 797-3101.
For registration information:
Emily.mccleland@tnCourts.gov
Letter from the Chair

It is with great pride and anticipation that I embark upon my tenure as Chair of the Tennessee Lawyers Assistance Program. Having been a member of the Commission since it was established, I know full well the responsibilities and importance of this position, and cherish the opportunity to serve. My first six-year term ended in 2005. My reappointment by the Court in 2007 was welcomed as an opportunity to continue serving the legal community.

Initially, I felt a bit like a fish out of water. My exposure to the illness of addiction and recovery issues was limited to say the least. But, from day one, I was greeted and accepted with open arms by other members of the Commission and the Court.

Attending seminars, workshops and affiliations with others in the recovery community provided the education and background necessary to function on the Commission. The benefit of their wisdom and experience has been invaluable.

My understanding of the importance of TLAP to the legal community and the anticipation of any small role I might be able to play in its success humbles me. I regard it a duty and privilege to advance the policies of TLAP as established pursuant to rule 33 of the rules of the Supreme Court of Tennessee. Awareness of the magnitude of this office and a sincere desire to discharge the duties of the Commission will be my guide over the next two years.

-Teresa Jones
Chief City Prosecutor
City of Memphis Law Division

Announcing the Revolving Loan Fund

In July 2007, the Tennessee Supreme Court appointed a Blue Ribbon Commission for the Tennessee Commission on Continuing Legal Education and Specialization (CLE Commission) to recommend to the Supreme Court how to utilize and disperse reserve funds that had accumulated as a result of late fees paid by lawyers to the CLE commission.

From this fund TLAP received a grant of $105,597.00 to establish a revolving loan to provide treatment services to impaired lawyers without resources. The TLAP Commission developed policies and procedures for this fund, and is currently accepting applications.

Should you or someone you know need financial assistance for substance abuse or mental health treatment, please email the TLAP office: laura.gastrell@tncourts.gov

2008 National Conference on Lawyer Assistance Programs

Little Rock, Arkansas will host the 2008 National Conference on Lawyer Assistance Programs from Tuesday, October 21 through Friday, October 24. The theme of "Working Together—Educating the Legal Community" will feature sessions of interest to judges, disciplinary staff, bar leaders, law school administrators and law firm managers.

The program will feature varied topics including "From the Clinical to the Spiritual," "Cultural Competence Diversity and Inclusion," "Problem Gambling," "Process Addictions," "Mental Health Issues the Perspective from Discipline," "Judicial Programs" and "Aging Well in the Practice of Law." All seminars will be presented by nationally recognized experts. The sessions truly represent a unique opportunity to learn about impairment issues in the legal community and the operation of lawyer assistance programs.

For up-to-date information about the conference, please visit Co-LAP's website at:
http://www.abanet.org/legalservices/colap/conference.html
Andry Branham recently hosted the May meeting of the ABA’s Commission on Lawyers Assistance Programs (COLAP), which was held in Memphis this year. Andy did an exceptional job entertaining and inviting dignitaries to attend the events. He even booked Elvis for the Thursday night barbecue at the world famous “Rendezvous.” He was assisted by members of RAM Team Region One.

Mr. Branham directs and oversees the Memphis office of Counsel On Call. Prior to joining Counsel On Call, Mr. Branham was Division Counsel at International Paper Corporation and Associate General Counsel at Dunavant Enterprises. He was Of-Counsel to the Memphis office of Williams & Prochaska.

Mr. Branham is an honors graduate of the University of Memphis School of Law and Rhodes College. Upon graduation from law school, he served as a judicial law clerk to the Honorable Robert M. McRae, United States District Judge for the Western District of Tennessee.

Mr. Branham is licensed to practice law in Tennessee. He is the Chair of the Tennessee Bar Association Attorney Well-Being Committee, Member and Immediate Past Chair of the Tennessee Bar Association Access to Justice Committee, Board Member and past President of Memphis Area Legal Services, Board Member of the Memphis Community Legal Center, Founder and past Chair of the Memphis Bar Association Access to Justice Committee, is a Fellow with the Memphis and Shelby County Bar Foundation and Master Member of the Leo Bearman Sr. Inn of Court.

Mr. Branham works extensively with lawyers concerning balance of life issues and is a Charter Member of the Tennessee Lawyers Assistance Program’s Regional Assistance and Monitoring Team for Memphis and West Tennessee.

Report on Camp TLAP

CAMP TLAP 2008 began with a dramatic flair; an unexpected March snowstorm railed upon participants as they tried to make their way into Natchez Trace State Park. A couple of volunteers slid into ditches and a park ranger had to dig them out.

Some didn’t dare make the trek at all, but most were inspired and challenged by the blinding snow, arriving with their adrenaline pumping.

Friday night’s dessert reception was hosted by the Jackson area RAM Team, complete with coffee, hot-chocolate and a variety of cakes. Bill Ringger catered the event, and also led the “getting to know you” activities.

Unfortunately, the keynote speaker from Maryland was trapped by the ice in his hometown. Ken Shuttleworth, TLAP Commissioner, stepped to the plate and told his story instead. He did an exceptional job, as was expected. Marycarol McDonough (MC) was crowned “Volunteer of the Year.”

Saturday night was concluded by a bonfire with s’mores, a rousing game of Trivial Pursuit, and more snacks than could be consumed. After a gratitude meeting Sunday morning, everyone headed home in the sunny, snow free day.

Natchez Trace State Park, March 2008

Tennessee Lawyers Assistance Program
Commissioners: Appointed by Supreme Court
- Teresa Jones- Chair, Memphis
- Ken Shuttleworth- Vice-Chair, Memphis
- Stephenson Todd- Secretary/Treasurer, Kingsport
- Dr. Howard Burley, Nashville
- Hon. Butch Childers, Memphis
- Chris Hall, Knoxville
- Dr. Kent Cox, Memphis
- Dr. Tim Davis, Chattanooga
- Jackie Dixon, Nashville
- Stafford McNamee, Nashville
- Tom Parsons, Manchester
- Elizabeth Collins, Memphis
- Hon. Ben Hooper, Newport
- Marnie Huff, Nashville
- Frank Pinchak, Chattanooga

CAMP TLAP 2008
Sponsors:
- Ridgeview Institute
- Cumberland Heights
- Discovery Place
- La Paloma
- Cornerstone of Recovery
We're on the Web at:  
www.tlap.org

TLAP Offers  
Numerous Services:  
• Consultation  
• Assessment  
• Referral  
• Intervention  
• Education  
• Peer Support Services  
• ABA Networking & Outreach  
• Anonymous Support Groups

TLAP Can Help with a Variety of Issues such as:  
• Stress and Burnout  
• Anxiety  
• Depression  
• Worries about Bar Application Issues  
• Career Concerns  
• Balancing School and Family  
• Substance Abuse

When you call TLAP, you can be sure that complete confidentiality will be maintained. The Tennessee Supreme Court has established TLAP as an approved impaired lawyers program pursuant to a Rule 33 of the Rules of The Supreme Court of Tennessee. By virtue of said rule, all communications with TLAP are confidential and members of TLAP are relieved of their duty to report ethical violations discovered as a result of their TLAP work. This means that any misconduct or ethical violation discovered or revealed to a member of TLAP will not be reported to any disciplinary board. Additionally, communications with TLAP are confidential and privileged by virtue of T.C.A. Sec. 23-4-101, et seq.

Problems are not a sign of failure, but an opportunity for growth.

Don’t wait another minute --  
Contact Us Now!

For my part TLAP has served to bridge the gap between stewardship of a profession for the public good, and recovery of individual professionals.

TLAP Volunteer

Upcoming Conference Room Events

• WWG Women’s Group on the 1st & 3rd Wednesday of every month

Coming Soon:  
• Self-Defense Seminar  
• Dual Diagnoses Group  
• Stage II Recovery

I have been able to count on the staff at TLAP, who are always only a phone call away. Caring, loving support and gentle accountability are words that come to mind as I look back on my interaction with the program. In times of difficulty and pain, it has been a great comfort to know that there were people who understood and were willing to help.

TLAP Participant

TRIBUTE TO CHIEF JUSTICE JANICE HOLDER

In 1986, a well-known Memphis attorney died of suicide. At his wake some of his friends were lamenting the fact that no one was aware that he was so deeply depressed that he would contemplate such a desperate act.

One of those friends was attorney Janice Holder. She decided (as is her custom) to take action rather than simply talk about it. She went to work and convinced several lawyers and judges to form the Lawyers Helping Lawyers Committee of the Memphis Bar Association. She continued to be an active leader and participant with the committee after she became a Circuit Court Judge in 1990.

When Chief Justice Holder was appointed to the Tennessee Supreme Court in 1996, she saw an opportunity to establish a meaningful state-wide program to assist lawyers, judges and law students with substance abuse, mental health and other issues. She asked a Texas lawyer, Michael Crowley, a former Chair of the ABA Commission on Lawyers Assistance Programs to come to Tennessee to talk to the Supreme Court about a court rule creating the Tennessee Lawyers Assistance Program. As a result, the Court enacted Supreme Court Rule 33 creating TLAP in 1999.

Justice Holder has been the Supreme Court liaison to TLAP from its inception until she was recently selected by her colleagues to serve as Chief Justice. She has been a steady, guiding force for TLAP through the Commission’s formative years. Chief Justice Holder was the driving force behind TLAP’s creation.

Lawyers, judges and law students across the state owe Chief Justice Holder a debt of gratitude for her vision, hard work and dedication for creating a system that not only helps those who are affected by these issues, but that also helps to protect the public by providing education, early intervention and treatment, to reduce the incidence of malpractice and ethical violations that might otherwise occur.

Honorable Robert L. Childers, 30th Judicial District, ABA Commission on Lawyer Assistance Programs Chair, TLAP Commissioner

The TLAP staff and volunteers express our gratitude, congratulations and best wishes to Chief Justice Janice Holder!

A New Year

12 months, 52 weeks, 365 days, 8,760 hours, 525,600 minutes—a time to consider directions, goals, and actions. I must make some plans to live a normal life, but also I must live emotionally within a twenty-four-hour frame, for if I do, I don’t have to make New Year’s resolutions! I can make every day a New Year’s day!
AM I AT RISK FOR RELAPSE?

Relapse rarely occurs the moment one reuses alcohol or drugs. Rather, it is a process that occurs long before the actual act of “picking up.” Following are signs of impending relapse:

**Experiencing Post Acute Withdrawal:** I start having problems with one or more of the following: thinking difficulties, emotional overreaction problems, sleep disturbances, memory difficulties, becoming accident prone, and/or starting to experience a serious sensitivity to stress.

**Return To Denial:** I stop telling others what I'm thinking/feeling and start trying to convince myself or others that everything is all right, when in fact it is not.

**Avoidance And Defensive Behavior:** I start avoiding people who will give me honest feedback and/or I start becoming irritable and angry with them.

**Starting To Crisis Build:** I start to notice that ordinary everyday problems become overwhelming and no matter how hard I try, I can't solve my problems.

**Feeling Immobilized (Stuck):** I start believing that there is nowhere to turn and no way to solve my problems. I feel trapped and start to use magical thinking.

**Becoming Depressed:** I start feeling down-in-the dumps and have very low energy. I may even become so depressed that I start thinking of suicide.

**Compulsive And Impulsive Behaviors (Loss Of Control):** I start using one or more of the following: food, sex, caffeine, nicotine, work, gambling, etc. often in an out of control fashion. I may react without thinking of the consequences of my behavior on myself and others.

**DANGER**

**Urge And Cravings (Thinking About Drinking/Using):** I begin to think that alcohol/drug use is the only way to feel better. I start thinking about justifications to drink/use and convince myself that this is the logical thing to do.

**Chemical Loss Of Control (Drinking/Using):** I find myself drinking/using again to solve my problems. I start to believe that “it's all over 'til I hit bottom, so I may as well enjoy this relapse while it's good.” My problems continue to get worse.

Adapted from Terence T. Gorski's Warning Sign Identification Process

THE ROLE OF A PEER MONITOR

What Does a Monitor Really Do?

A monitor’s only role is to supervise the monitored lawyer in accordance with the Recovery Monitoring Program and report to TLAP monthly as to whether the monitored client is or is not in compliance. It is not the monitor’s role to serve as counselor, sponsor or treatment provider.

**What A Monitor MUST Do**
- Meet with the monitored lawyer face-to-face in accordance with the conditions
- Speak with the monitored lawyer by phone in accordance with the conditions
- Timely file all reports with TLAP
- Report all incidents of non-compliance as required
- Maintain confidentiality

**What A Monitor SHOULD NOT DO**
- Act as the 12-Step Recovery Program sponsor for the monitored lawyer
- Be responsible for the monitored lawyer’s recovery or compliance
- Enable the monitored lawyer to continue in self-defeating behavior
- Represent the monitored lawyer in any capacity
- Profit monetarily from the monitoring relationship

**Relapse Attitudes**

**Sobriety is boring.**
- I'll never drink/use again.
- I can do it myself.
- I'm not as bad as...
- I owe this one to me.
- My problems can’t be solved.
- I wish I was happy.
- I don’t care.

**If nobody else cares, why should I?**
- Things have changed.
- I can substitute.
- They don’t know what they are talking about.
- There’s got to be a better way.
- I can’t change the way I think.
- If I move, everything will change.
- I like my old friends.
- I can do things differently.
- Nobody needs to know how I feel.
- I see things my way only.
- I feel hopeless.
- I can handle it.
- I can’t do it.

To receive the Daily Ponderables, a daily email compilation of recovery-based reflections and inspirations, contact Stephenson Todd at ezdutzit@chartertn.net.

CoLAP Annual Conference

The 22nd Annual National Conference for Lawyer Assistance Programs will be held at the Arizona Grand Resort in Phoenix, AZ October 6-9, 2009. TLAP's Executive Director, Laura Gatrell will Co-Chair the event.

For more information, go to: www.abanet.org/legalservices/colap/conference.html

For hotel reservations, go to: www.arizonagrandresort.com or call 1-877-800-4888.
A CLIENT'S PERSPECTIVE...

My first response in learning of my impairment-based suspension—or any attempt to impose control from the outside—was to renounce the renouncer. If the BPR wanted to try and control me, I could handle that by resigning from the practice of law. I didn’t like lawyers much anyway; let them argue with each other.

Now I am not saying that the practice of law is for everyone; nor even that it is necessarily for me. But one sure way to avoid responsibility is to keep moving around changing states whenever a warrant is issued for your arrest.

Back in my home state now, and in good standing with the Board, I’ve had time to witness my progression through several layers of recovery. Now that I attend my local Lawyers in Recovery meeting, I get to see other lawyers—never me—the program—express the same kind of thinking and feeling.

What is telling is not the thoughts themselves; the thinking may be somewhat valid. The complaints against you may be legally imperfect, or lodged by individuals of dubious moral character with unclean hands. But it’s the emotion, the non-verbal communication that lawyers who are renouncing the renouncers express that tells the deep background to their oh-so-reasonable sounding withdrawal from the practice. They are, in a word, angry. What inspires this kind of anger?

The first difficulty seems to be admitting there may be a problem stemming from the self. Hesitant to take that first, dangerous step of looking at the troubles within, these lawyers cry that it’s the whole world that’s messed up. The problem is out there.

The second difficulty seems to be with the notion that the solution may not rest entirely within ourselves; we may need some help. On the verge of tears I made similar assertions. Thank goodness someone had the patience to listen to my railings with compassion, all the while knowing that I was very near to giving up the argument that I could fix me.

The process is often termed “denial”. It arrives in the company of its brother “anger”. What we want to remember is that, if handled gently, it can foreshadow the beginning of freedom; a perhaps reluctant willingness to perceive that others seem to have stood just where we now stand. With this admission a whole new world opens up. It looks like hell at first. But then’s a quirk of perception, since the hell we see is nothing more than our goodbye glance at the place we are finally about to leave.

Anonymous

"I WANT TO HELP...
BUT I'M NOT AN ALCOHOLIC."

Many lawyers and judges have expressed a desire to help but are reticent. The most common reason offered is that they believe if they do not have a personal issue with addiction, mental health, or stress unmanageability that they are not qualified. That is not true.

TLAP participants can benefit from those currently leading healthy lives. Additionally, reaching out enables our legal community to move from the shame-based fear that perpetuates the cycle into the solution of a healthy bar and bench.

TLAP has many volunteer opportunities available. For more information, call 615-741-3238.

You CAN make a difference!

Annie the TLAP dog is an honorary staff member, enjoyed and appreciated by clients and visitors alike. Annie’s warm, welcoming nature has a knack for putting people at ease. Her sweet and calming influence simply cannot be understated.

Annie enjoys a variety of treats, meeting new people, walks in Printers Alley, and destruction of socks. She is a miniature Schnauzer and will celebrate her second birthday this year. Stop by to meet Annie!

Santa visited the TLAP Office this year! Wait—is Santa actually TLAP Commissioner, Ken Shuttleworth of Memphis? Wonder if the reindeer know!
REMINDER—Mark Your Calendars!

CAMP TLAP 2009
Montgomery Bell State Park
March 13-15th
Saturday night speaker:
John "Jack" P. Corderman
For hotel reservations:
(800) 250-8613 or (615) 797-3101
For registration information:
emily.mcclendon@tncourts.gov

STRESS TEST: KNOW THYSELF

Are you vulnerable to the effects of stress?
Scale one to five: 1 (almost always)...5 (almost never).
1. I eat at least one hot, balanced meal a day.
2. I get seven to eight hours sleep at least four nights a week.
3. I give and receive affection regularly.
4. I have at least one relative within 50 miles on whom I can rely.
5. I exercise to the point of perspiration at least twice a week.
6. I am the appropriate weight for my height.
7. I have an income adequate to meet regular expenses.
8. I regularly attend club or social activities.
9. I have a network of friends and acquaintances.
10. I have one or more friends in whom to confide about personal matters.
11. I am in good health.
12. I am able to speak openly about my feelings when angry or worried.
13. I do something fun at least once a week.
14. I am able to organize my time effectively.
15. I drink fewer than two cups of coffee (or caffeinated beverages) a day.
16. I take time for myself during the day.

Score over 25 indicates vulnerability, 37-54 is SERIOUSLY vulnerable, over 55 is EXTREMELY vulnerable.

Upcoming Conference
Room Events
• WVG Women’s Group on the 1st & 3rd Wednesday of every month

Coming Soon:
• Wellness Day
• Dual Diagnoses Group
• Stage II Recovery

HEALTHY BAR PARTY
February 27, 2009, TLAP and the NBA Attorney Health and Wellness Committee will co-host a “Healthy Bar Party” at TLAP. The day will include up to three hours of free CLE’s and innovative sessions on maintaining a healthy lifestyle.


IN CLOSING...

"Human beings, by changing the inner attitudes of their minds, can change the outer aspects of their lives."

—William James
Exhibit G
the CoLAP approach. It must be the combination of 12-step experience in recovery with what I call "the clinical side," which at this point would comprise everything else—all finished evaluations, all levels of treatment, anything that is not 12-stepping in the traditional way. I'm sure you all understand this better than I do. This is news to you the way it is to us. Having been simply an AA junkie and a lawyer, I am still just slightly amazed at how we seem to sneak everything in "under the radar," as our chief likes to say of AA work. God bless the early AAs who knew to allow cooperation with others, and God bless the people who go into this field even though they don't have to save their own lives. CECIE B. HARTIGAN

**North Carolina**

The North Carolina LAP’s 29th Annual PALS Meeting and Training Workshop will be held November 7-9, 2008, at the Holiday Inn SunSpree in Wrightsville Beach, North Carolina.

This year's presenters are Dr. Melissa Lee Warren, medical director of Williamsburg Place and The William J. Farley Treatment Center, an addiction and treatment program specializing in the treatment of healthcare professionals, located in Williamsburg, Virginia; Dr. Al Moody, ASAM-certified addictionologist and clinical director for Five County Mental Health Authority and Medical Director of The Healing Place of Wake County; and Dr. Kristi Webb, a dialectical behavioral therapy (DBT) therapist in private practice psychologist in Chapel Hill, North Carolina.

The Annual PALS Meeting and Workshop is the chance for PALS volunteers and prospective volunteers to get together and receive training and to share their personal experiences in recovery so that the LAP is better able to serve lawyers needing assistance.

**Ontario**

OLAP's annual volunteer workshop was held on July 25 and 26 with about twenty-five participants. Workshop goals include providing volunteers with information and skills, self-care techniques, relaxation, and updates on mental health and addiction issues. This made for a full schedule.

The relaxation and self-care component is dealt with by the location. The workshop was held at a Jesuit Retreat—Manressa Renewal Centre. The effect was seen immediately as attendees were able to relax in the setting.

We had some wonderful presenters. They included Dan Lukasik who is managing partner of the law firm Cantor Lukasik, Dolce & Pinepinto in Buffalo, New York. He is involved with the LAP in New York State. He provided great information and is the force behind the website www.lawyerswithdepression.com. Dr. Graeme Cunningham, president of Homewood Health Centre spoke about the destruction of addiction and the hope of recovery. Other presenters dealt with addiction and the family. Christine Delaney of the Coaching Centre updated volunteers on communication and listening skills.

There were interactive sessions for sharing and a very powerful 12-step meeting. Another highlight was the presentation of the Volunteer of the Year Award. Doug Bourassa was the recipient of the 2007 Volunteer of the Year Award.

Five of our volunteers trained with the Ontario Self Help Network to be group facilitators. OLAP plans to establish two support groups in the fall. One will be a lawyers in recovery group and the other will be a lawyers with depression mutual aid group.

A recent article published in the summer edition of LAWPRO magazine by Deron Gold, OLAP case manager, debunks the myth of the lawyer lone sufferer. The article is available at www.practicemag.ca/LawPROmag/OLAP_LoneSufferer.pdf. LEOTA EMBLETTON

**Tennessee**

TLAP proudly introduces its new commission chair, Teresa Jones. Jones has been a commissioner and volunteer with TLAP since it was established. Her first six-year commission term ended in 2005, and she was reappointed by the Supreme Court in 2007. In her words:

My understanding of the importance of TLAP to the legal community and the anticipation of any small role I might be able to play in its success humbles me. I regard it a duty and privilege to advance the policies of TLAP as established pursuant to rule 33 of the rules of the Supreme Court of Tennessee. Awareness of the magnitude of this office and a sincere desire to discharge the duties of the Commission will be my guide over the next two years—Teresa Jones, chief city prosecutor, City of Memphis Law Division.

Other recently appointed commissioners include Margaret (“Matie”) M. Huff, of Margaret Huff Mediation in Nashville, and Frank Pinchak of Bunette, Dolson & Pinchak in Chattanooga.

TLAP announces the 4th annual CAMP TLAP. This well-attended volunteer retreat will be held at Montgomery Bell State Park, March 13-15, 2009. The Saturday night keynote speaker is John “Jack” P. Cordelman. To reserve a room, contact the park directly at: 800-250-8513 or 615/797-3101. For registration materials, e-mail: emily.mcclellan@tncourts.gov.

**Oregon**

Summertime may be when "the livin' is easy" for some of us, but here at the Oregon Attorney Assistance Program, we spend a lot of time planning programs for the fall months. Shari Gregory will be facilitating another Inner Peace for Busy People group, based on the work of Joan Z. Borysenko. She has already heard from more participants than one group can accommodate! Meloney Crawford Chadwick and Doug Querin will be doing a group on relapse prevention called Sustaining Recovery, and Meloney will be traveling to Southern Oregon in October to hold a luncheon for lawyers in recovery in that area. On October 3, the OAAP will sponsor a daylong seminar addressing personal and professional effectiveness, featuring Aliza Blum, LCSW and Dr. Kenton Hill, author of the book Smart Isn't Enough: Lessons from a Work Performance Coach. MELONEY CRAWFORD CHADWICK

**WANT TO SHARE NEWS ABOUT YOUR LAP?**

Send your submissions for the winter edition of Around the LAPs to Hugh Grady, HughGrady@mac.com, by November 24, 2008.
Justice Janice M. Holder, the third woman in the state’s history to serve on the Supreme Court of Tennessee, will become the first woman to serve as its chief justice. She was sworn into office at 2:00 p.m. on September 2, 2008, at the Supreme Court Building in Nashville. In 1984, under the tutelage of Justice Holder, the Tennessee Bar Association formed a task force to investigate and make recommendations regarding the formation of a statewide lawyer assistance program. In 1999, the Supreme Court adopted Rule 33 of the Rules of the Supreme Court, and TLAP was created. Since that time, Justice Holder has remained a steadfast supporter of all lawyer assistance programs across the country and has continued to serve as a liaison between TLAP and the court. It is our belief that TLAP would not exist today were it not for Justice Holder. TLAP congratulates her in her new role and looks forward to continued collaboration with the court to serve the lawyers of Tennessee. LAURA GATRELL

Vermont

The Vermont LCL is doing a two-hour seminar at the fall VBA Annual Meeting at Lake Morey on marijuana, which will include its identity, administration, types, its neuropharmacology and behavioral effects, and the issue of legalization decriminalization. The balance of the program will pertain to the types of mental and physical impairments we face with clients, partners, and associates and how to identify the particular problem and solutions.

JOHN B. WEBBER

CoLAP acknowledges its appreciation to the advertisers that support Highlights. We are pleased to have the support of the following companies in this issue:

Fairbanks LaVerna Lodge
Hanley Center
Ridgeview Institute
Seabrook House
Williamsburg Place

Psychotherapist-Addictions Specialist

WASHINGTON STATE BAR ASSOCIATION
Lawyers Services Division
Job Grade E11; Exempt;
Full-time; Monday-Friday
Starting Salary Range:
$63,551 – $72,000/year DOE + benefits
(Posted 08/15/08)

This position provides confidential counseling and assistance to members of the Washington State Bar Association when work place demands affect on-the-job performance. This position is accountable for maximizing the mental health, sobriety, and occupational functioning of lawyers by assessing and treating lawyers suffering from a range of addictions. The position also treats mental health issues within the limits of a non-medical setting and aims to prevent problems that can result in lawyer discipline and lowered esteem of the profession.

Day-to-day accountabilities incorporate counseling or psychotherapy services and addiction treatment to lawyers. The position will assess current functioning and refer when appropriate, conduct individual and group psychotherapy sessions, consult with other professionals, manage crises, coordinate client and peer counselor interactions, and maintain appropriate HIPPA-compliant documentation. When necessary, the position also performs Diversion Respondent clinical evaluations and/or Character and Fitness evaluations. The position holds additional accountability for organizing and participating in therapeutic interventions for addicted individuals and those they affect in the legal community.

Requirements include a Masters or Doctoral degree and Washington state licensure in an area of mental health; five (5) years experience providing psychological assessment, psychotherapy, and addictions counseling; knowledge of substance abuse treatment; some familiarity with the legal profession; and excellent communication skills. Previous experience with MS Word, Outlook, and Excel is essential.

To apply for a position, please mail, fax, or e-mail your résumé and a cover letter to the Human Resources Department: WSBA, 1325 Fourth Ave., Ste. 600, Seattle, WA 98101-2539; fax: 206/727-8321; e-mail: HR@wsba.org.

CALENDAR OF EVENTS

OCT 21-24 ABA COLAP’S 21ST NATIONAL CONFERENCE FOR LAWYER ASSISTANCE PROGRAMS
The Peabody Hotel, Little Rock, Arkansas

OCT 24-26 ILAA ANNUAL MEETING
The Peabody Hotel, Little Rock, Arkansas
www.ilaa.org

NOV 29TH ANNUAL PALS MEETING AND WORKSHOP
07-09 Holiday Inn SunSpree, Wrightsville Beach, North Carolina
For more information contact: Robert Tumble at 866-545-9590.

2009

FEB ABA COLAP BUSINESS AND COMMITTEE MEETINGS
11-17 ABA Midyear Meeting
Boston, Massachusetts

For a full list of events, visit CoLAP’s website www.abalegal-services.org/colap.
Stressed Out? Depressed? Drink too Much? Lawyer Assistance Programs Can Help

By the Honorable Robert L. Childers, Chair, ABA Commission on Lawyer Assistance Programs

John used to join his colleagues for happy hour to blow off some steam. But now he was drinking all the time to escape the realities and responsibilities of his job and relationships. John tried to attribute his ragged appearance to a video game obsession that was keeping him up nights, but the alcohol on his breath quashed that excuse. He'd started arriving late to work and then doodling off at his desk. His assistant was struggling to raise him in time for appointments.

* * *

A colleague is pale and thin. She seems agitated, unfocused, and has trouble remembering details. She spends many hours after work exercising at the gym and making excuses for why she cannot attend lunch appointments. She has never had so much as a parking ticket, but then is arrested for shoplifting food.

* * *

Getting involved sexually with a man at work was like picking up a drink for the busy, stressed-out lawyer. When she was sexually acting out, she was oblivious to how her behavior was affecting other people and herself. She threw away her self-esteem and her position at the office was in jeopardy.

* * *

It may be hard to believe that highly educated professionals would be drawn into such dangerous, self-destructive behavior. Unfortunately, substance abuse, mental illness, and addictions strike across economic, educational, and societal borders. That's why Lawyer Assistance Programs (LAPs) were created and why they are so important.

LAPs exist in all 50 states and are designed to help lawyers with all types of quality of life issues including drug abuse, alcoholism, stress management, and mental health issues such as depression. Most LAPs use intervention, peer counseling, and referrals to 12-step programs to assist in the recovery process. Nowadays, because of increased education and understanding, lawyers, judges, and law students are being helped earlier and often before they can harm a client or themselves.

Most government attorneys have access to employee assistance programs (EAPs) through their office. In some states, LAPs work hand in hand with EAPs, where EAPs will facilitate the services needed including assessments, counseling sessions, and referral to resources if more extensive assistance or treatment is necessary. EAPs are prohibited from sharing confidential information about a case without a signed release, but situations may exist where they can refer lawyers to their LAP for support if the lawyer is facing a disciplinary complaint.

LAPs help lawyers who won't ask for help themselves. LAP calls are usually confidential and in most instances do not require the LAP to report the lawyer to their state disciplinary board. Once a LAP receives a call, it often sends the lawyer a letter, stating that it has received information that the lawyer is having personal problems that may affect her practice. This letter will give information about the LAP and encourage her to make contact or visit her own health care.
What Do You Do If You Suspect A Colleague Is in Trouble?

By Laura Gatrell

- Visit the COLAP state directory on the ABA website: www.abanet.org/legalservices/colap/ladirectory.html. Contact numbers for every state’s Lawyer Assistance Program are listed. For states that don’t have formal LAP programs, the local volunteer committee or contracted IAP is listed.
- Visit your local LAP website. Most websites will have their confidentiality policy posted. Although each state varies in rules and statutes, every LAP’s primary focus is protecting the confidentiality of its clients.
- Most LAPs will allow you to make an anonymous referral; however, this provides some limitations on what kind of assistance can be provided. They may ask your name but reassure you that your name will not be revealed to the person in question. This way they can follow up with you if they have additional questions or concerns.
- Your LAP will listen to your dilemma, ask appropriate questions, and give sound advice. For example, how to proceed with a formal intervention or how to set boundaries and take care of yourself. You can rest assured that you or your colleague cannot get in any trouble as a result of contacting a LAP. You will always walk away feeling better equipped to confront the situation.
- Arm yourself with information. Learn about signs and symptoms of depression, substance abuse, and suicide. Your LAP director can suggest articles, books, and CLEs that will educate you about these issues.
- Involve others. Many times your friends and colleagues have noticed similar symptoms in the lawyer you are concerned about. Each of you may have a unique—but essential—piece of the puzzle. Don’t carry the burden alone.
- Tell others. Once you learn the value of your LAP, don’t keep it a secret. Other people out there need to know that there is a safe place to call when their colleagues are in trouble.

Laura Gatrell is the executive director of the Tennessee Lawyers Assistance Program.

The ABA Commission on Lawyer Assistance Programs was created in 1987 as a result of a study conducted by the Standing Committee on Lawyer Competence, which found that an unusually high number of attorneys (and other high-stress professionals) were suffering from substance abuse. I personally became involved with the lawyer assistance program movement early in my judicial career in 1987 after a lawyer friend of mine committed suicide. My friend had shown few outward signs that anything was wrong. He was an extremely bright and competent attorney and an accomplished musician with a brilliant mind and quick wit. It came as a complete shock to most everyone when he took his own life. At his wake, several of his lawyer and judge friends talked and...
The Tennessee Lawyers Assistance Program (TLAP) was established by order of the Tennessee Supreme Court in 1999. TLAP has become well known for helping lawyers, judges and law students with alcohol and drug abuse problems. However, what many people don’t realize is that TLAP also provides assistance and support when issues arise from personal problems, life balance concerns, and mood disorders. In fact, last year over 50% of those seeking assistance from TLAP involved problems other than substance abuse.

SIX TLAP MYTH BUSTERS:

1. TLAP WILL FORCE ME TO CHANGE AGAINST MY WILL
TLAP only works with attorneys who choose to utilize TLAP services; TLAP never forces attorneys to take any specific action. Although TLAP receives referrals from disciplinary agencies, it never initiates a complaint or report on a self-referral to any disciplinary authority.

2. TLAP IS JUST FOR ALCOHOLICS, ADDICTS AND MENTALLY ILL LAWYERS
TLAP actually assists attorneys with a variety of issues such as stress management, burnout, work transitions, relationship issues, and more. Sometimes a small difficulty becomes a big problem if not addressed early, so it is advisable to seek help at the onset.

3. TLAP ISN’T REALLY CONFIDENTIAL
Many attorneys misunderstand TLAP’s relationship with the Board of Professional Responsibility (BPR). In fact, TLAP only releases information at the request of the client, and if TLAP has a signed “Consent to Release” form on file. Confidentiality is central to TLAP’s mission.

- Pursuant to Tennessee Code annotated Section 23-4-104: All information, in any form whatsoever, furnished to the lawyers assistance program shall be privileged communication and shall be governed by the laws pertaining to the attorney-client privilege. The records, proceedings and all communications of any lawyers assistance program shall be deemed confidential and shall not be available for subpoena.

- Pursuant to Supreme Court Rule 33.10: Information and actions taken by TLAP shall be privileged and held in strictest confidence and shall not be disclosed or required to be disclosed to any person or entity outside of TLAP unless such disclosure is authorized by the member of the legal profession to whom it relates or as provided in Rule 33.07(B). Except as provided in Rule 33.07(B), such information and actions shall be excluded as evidence in any complaint, investigation or proceeding before the Tennessee Board of Professional Responsibility, Tennessee Court of the Judiciary, Tennessee Board of Law Examiners or disciplinary agency with jurisdiction.

TLAP Offers Numerous Services:
- Consultation
- Assessment
- Referral
- Intervention
- Education
- Peer support services
- ABA networking & outreach
- Anonymous support groups

TLAP provides a 24 hour crisis hotline for clinical emergencies. Call 1-877-424-TLAP and press “2.” An on-call staff person will return your call as promptly as possible.
We have made giant strides in our awareness and understanding of the true nature of addiction, whether it is to alcohol or other substances. Substance abuse crosses all socioeconomic lines and often hides behind imposing fronts of respectability, claiming professionals, homemakers, and children alike. Alcoholism and drug addiction are diseases of denial. Often those afflicted are the last to realize or acknowledge their predicament and get the help that is now widely available. Millions remain trapped in a downward spiral of dependency and addiction that eventually will destroy their lives and many of those around them. The tragedy, however, is that the justice system cannot solve the problem if it continues to address substance abuse as if it were a crime rather than a public health issue.


The ABA Commission on Lawyer Assistance Programs stands ready to educate lawyers about the effects of stress, depression, mental health issues and substance abuse, and about how to assist lawyers or their colleagues affected by these issues.

Judge Robert L. Childers is a judge with the Circuit Court of Tennessee in Memphis and chair of the Commission on Lawyer Assistance Programs. For more information on the commission, contact staff director Donna Spils at 312-988-5359, 1-866 LAW-LAPS, spilsd@staff.abanet.org, or go to www.abalegalservices.org/colap.

---

6th Annual Healthcare Summit
November 17-18, 2008, Arlington, VA
Cosponsored by GPSLD

Plan to attend the ABA Health Law Section 2008 Washington Healthcare Summit at the Ritz-Carlton, Pentagon City in Arlington, Virginia. Now in its sixth year, the summit attracts faculty and participants from numerous government agencies, Capitol Hill and the White House. The two-day program is focused on the most current trends and concepts that shape policy at the federal level.

Government lawyers receive a discounted registration of $150. For a full program brochure, visit www.abanet.org/health.
4. CALLING TLAP IS A SIGN OF WEAKNESS
Attorneys are trained to solve problems and therefore have a harder time seeking assistance for themselves. As Rebecca Nelsen of the Washington State Lawyers Assistance Program aptly noted, the law "is difficult enough without getting all John Wayne about it. Even star athletes have personal trainers and agents and don't expect to figure it all out on their own."

5. I HAVE TO LIVE IN NASHVILLE TO ACCESS TLAP SERVICES
TLAP helps attorneys throughout the state of Tennessee. TLAP utilizes an extensive network of peer volunteers to help with this endeavor. TLAP's volunteers are lawyers, judges and law students, most of whom have experienced their own challenges with substance use or mental health disorders, accessed help, demonstrated recovery, and remain interested in helping their colleagues in the same way they were helped.

6. TLAP WON'T UNDERSTAND MY PROBLEMS
TLAP employs a full-time professional staff, consisting of lawyers and experienced mental health professionals, uniquely qualified to help lawyers and those concerned about the well-being of a lawyer.

CHECK LIST FOR DEPRESSION:

Depression
- Consistent feelings of sadness or hopelessness
- Lack of interest in people, things or activities
- Increased fatigue or loss of energy
- Increased restlessness or irritability
- Noticeable change in appetite or weight
- Noticeable change in normal sleep pattern
- Isolation from family and friends
- Feelings of guilt or worthlessness
- Diminished ability to remember, think, concentrate or make decisions
- Thoughts of death or suicide.

Pages 18-19 offer an article written by Mark Vorder-Bruegge, Jr., a Memphis volunteer. If you are interested in learning how you can get involved, please contact the TLAP office: 1-877-424-TLAP.

Productivity breakthrough: Westlaw Legal Calendaring

Westlaw® Legal Calendaring automatically calculates your litigation deadlines based on the applicable federal, state and local court rules – then adds the information directly to your Microsoft® Outlook® calendar. As dates change, you can recalculate accordingly – and repopulate your calendar with the updates.

Know with confidence you'll never miss key dates again – no matter how often they change. For more information, call our Reference Attorneys at 1-800-733-2889 (REF-ATTY).
Lawyers Never Need...

HELP!

by MARK VORDER-BRUEGGE Jr.

This is not a scholarly paper, but observations from thirty years of law practice, witnessing hundreds of lawyers' incredible service to clients and the public, and as well, the costs to health and happiness inflicted when we don't take a "fiduciary" attitude toward our own wellness.

As compared with overall population statistics, lawyers are at greatly heightened risk of suicide, depression, and addiction—work, alcohol and drugs. Many factors explain this. Good lawyers take "ownership" of critical and sometimes life-or-death matters for clients. There aren't a lot of "win-win" situations. A typical day, or year, can be an emotional roller-coaster of wins and losses. We regularly see situations where clients have gotten themselves into tragic predicaments with enormous symptomatic gravity. Client relationships are often long-lasting, so an abusive client wreaks havoc far longer than a jerk at the drive-through. And we are trained to be skeptical, find counter argument and view everything as "cutting both ways." It's hard to stay grounded from such perspectives.

The basic work of lawyering has some inherent stress-builders and barriers to help. Much is hands-on, solo work, regardless of the practice setting. We aren't executives who set goals and send others forth to labor at them. Even for lawyers who practice in large firms or in teams, the writing or editing of a brief, the questioning at a deposition, doing a closing argument—all of these are matters of individual creativity and action. And even where portions of work can be delegated, lawyers are historically poor delegators. Do you know anyone who has waited so long to get help with a brief or document production that "it's easier now just to do it myself"? Moreover, solo work lends itself to isolation, and being a champion for clients lends itself to a self-image of "Superman." Who in this mindset would share or seek help for a problem?

Law is the profession with unique access to the coercive power of the state. Others can "urge" you to do something, but a lawyer can subpoena you to appear at an arbitrary time and place, and unless another lawyer gets relief for you, you'd better be there. Leaders of our profession like Judge Julia Gibbons teach that this power carries with it a heavy responsibility to act with utmost integrity, respect, and courtesy in wielding it. But lawyers are human, and an over-stressed, unwell lawyer can quickly worsen his or her situation when anger and frustration are vented by "pushing around" others with legal process. There have been disciplinary cases with exactly this origin.

I point these things out not to castigate law practice, but to observe that if lawyers are to stay happy, healthy, and grounded, we must first understand both the obvious and the subtle circumstances that affect us.

I recently spoke to the summer associates in my law firm at the request of our recruiting people. It hurts to be considered an "old-timer." The topic was my choice. Others spoke of legal matters. I chose to comment on the great things they will achieve, and the personal challenges that will go along with them. Here are some of the things I said.

1. There is nothing wrong with hard work—even very hard work. Indeed, working hard to be fully prepared and stay on schedule can reduce stress. Just be sure you are working hard for the right reasons. Achievement, happiness, and money are good reasons. If victories, raises, bonuses, paid time off, or perks from work become "fixes" you need for your self-worth, you may have an addiction just as toxic as one to alcohol, drugs, or gambling. You weren't born a lawyer, and you will always be more than the verdicts you bring in or the partnerships shares allotted you. If this goes out of your vision, you are headed for a crash sooner or later.

2. Keep your life rich. The busiest lawyers I know are the ones who also chair civic boards, do mission work overseas, and coach school athletic teams. The lawyer who "doesn't have time" to spend with family, friends, or hobbies, and doesn't want to get out of bed in the morning, is probably depressed, not too busy.

3. Don't think passionate advocacy is inconsistent with detached professional judgment. My first legal employer, a federal judge, told me I would never have any client...
as valuable as whatever credibility and reputation I developed. Henry Hancock, a dean of the Memphis bar, used to refer to "White Hat Lawyers." Judges knew his citations were spot-on and his arguments never a path to reversible error. Be a "Lawyer's Lawyer." The integrity is good for your soul, not just your reputation.

4. Once you get on this roller-coaster, sometimes it will go too fast. You need support and help from other people, and you'd better stay open to that reality. Just because you can't solve a particular problem doesn't mean it's insurmountable. Just because you represent doctors doesn't mean you are one. That doctor who tells you to take a vacation, or slow down, or get assessed for depression or bipolar disorder, knows a lot more about health than you do, no matter how many malpractice cases you've handled. "Eat healthy food" and "get plenty of sleep" are not trite slogans to be dissected with your keen analytical mind.

5. Finally, if you have a partner, associate, or colleague showing signs of depression, overreaction to stress, substance abuse or the like, use all reasonable coercion to get them help. I use that strong word, coercion, deliberately. Psychiatric studies confirm what we lawyers intuitively know: professionals are uniquely skilled at denial. A person in the isolating throes of depression or addiction will do anything to be left in status quo, and won't agree you are acting in his or her best interest. You may have to use very unpleasant leverage. You won't regret that, but you may regret not doing so; and if you are in a formal supervisory relationship, inaction may breed disciplinary problems of your own.

We are not alone in attempting to achieve these serious aspirations. If you need help or know someone who does, people you deal with exactly these situations are just a phone call away. Many readers will already know that our Supreme Court operates a Lawyers Assistance Program—a team of professionals and "been there" volunteers who have restored joy and profit to the lives of hundreds of lawyers impaired with emotional, physical, and life crises.

When that meeting with the summer associates broke up, I wondered how many of them parted with an apprehension that a life crisis in their careers would be terribly fearful and stigmatic. I wish the same realization for them as I close with here: The only stigma, and real thing to fear, is going through life without making the most of it.

Mark Vorder-Bruegge Jr. is a partner in the Memphis office of Wyatt, Tarrant & Combs, LLP. He is a member of the TBA Standing Committee on Ethics and Professional Responsibility and a member of the Tennessee Lawyers Assistance Program's West Tennessee Assistance and Monitoring Team. He is a director and past president of Ronald McDonald House Charities of Memphis, Inc.
LAWYERS NEVER NEED .... HELP!!!!

by Mark Vorder-Bruegge, Jr

This is not a scholarly paper, but observations from 30 years of law practice, witnessing hundreds of lawyers' incredible service to clients and the public, and as well, the costs to health and happiness inflicted when we don't take a "fiduciary" attitude toward our own wellness.

As compared with overall population statistics, lawyers are at greatly heightened risk of suicide, depression, and addiction – to work, alcohol, and drugs. Many factors explain this. Good lawyers take "ownership" of critical and sometimes life-or-death matters for clients. There aren't a lot of "win-win" situations. A typical day, or year, can be an emotional rollercoaster of wins and losses. We regularly see situations where clients have gotten themselves into tragic predicaments with enormous sympathetic gravity. Client relationships are often long-lasting, so an abusive client wreaks havoc far longer than a jerk at the drive-through. And we are trained to be skeptical, find counters to every argument, and view everything as "cutting both ways." It's hard to stay grounded from such perspectives.

The basic work of lawyering has some inherent stress-builders and barriers to help. Much is hands-on, solo work, regardless of the practice setting. We aren't executives who set goals and send others forth to labor at them. Even for lawyers who practice in large firms or in teams, the writing or editing of a brief, the questioning at a deposition, doing a closing argument – all of these are matters of individual creativity and action. And even where portions of work can be delegated, lawyers are historically poor delegators. Do you know anyone who has waited so long to get help with a brief or document production that "it's easier now just to do it myself"? Moreover, solo work lends itself to isolation, and being a champion for clients lends itself to a self-image of "Superman." Who in this mindset would share or seek help for a problem?

Law is the profession with unique access to the coercive power of the state. Others can "urge" you to do something, but a lawyer can subpoena you to appear at an arbitrary time and place, and unless another lawyer gets relief for you, you'd better be there. Leaders of our profession like Judge Julia Gibbons teach that this power carries with it a heavy responsibility to act with utmost integrity, respect, and courtesy in wielding it. But lawyers are human, and an overstressed, unwell lawyer can quickly worsen his or her situation when anger and frustration are vented by "pushing around" others with legal process. There have been disciplinary cases with exactly this origin.

Nashville bar Journal - November 2008
An Attorney Shares His Challenges of Climbing out of the Depths of Darkness

Three things are not to castigate law practice, but to observe that if lawyers are to stay happy, healthy, and grounded, we must first understand both the obvious and the subtle circumstances that affect us.

I recently spoke to the Summer Associates in my law firm at the request of our recruiting people. It hurts to consider an "old-timer." The topic was my choice. Others spoke of legal matters. I chose to comment on the great things they will achieve, and the personal challenges that will go along with them. Here are some of the things I said.

1. There is nothing wrong with hard work — even very hard work. Indeed, working hard to be fully prepared and stay on schedule can reduce stress. Just be sure you are working hard for the right reasons. Achievement, happiness, and money are good reasons. If victories, raises, bonuses, pat on the head, or other "highs" from work become "fixes" you need for your self-worth, you may have an addiction just as toxic as one to alcohol, drugs, or gambling. You weren't born a lawyer, and you will always be more than the verdicts you bring in or the partnership shares allotted you. If this goes out of your vision, you are headed for a crash sooner or later.

2. Keep your life rich.
The busiest lawyers I know are the ones who also chair civic boards, do mission work overseas, and coach school athletic teams. The lawyer who "doesn't have time" to spend with family, friends, or hobbies, and doesn't want to get out of bed in the morning, is probably depressed, not too busy.

3. Don't think passionate advocacy is inconsistent with detached professional judgment. My first legal employer, a federal judge, told me I would never have any client as valuable as whatever credibility and reputation I developed. Henry Hancock, a dean of the Memphis bar, used to refer to "White Hat Lawyers." Judges knew his citations were spot-on and his arguments never a path to reversible error. Be a "Lawyer's Lawyer." The integrity is good for your soul, not just your reputation.

4. Once you get on this roller-coaster, sometimes it will go too fast. You need support and help from other people, and you'd better stay open to that reality. Just because you can't solve a particular problem doesn't mean it's insoluble. Just because you represent doctors doesn't mean you are one. That doctor who tells you to take a vacation, or slow down, or get assessed for depression or bipolar disorder, knows a lot more about health than you do, no matter how many malpractice cases you've handled. "Eat healthy food" and "get plenty of sleep" are not trite slogans to be dissected with your keen analytical mind.

5. Finally, if you have a partner, associate, or colleague showing signs of depression, overreaction to stress, substance abuse or the like, use all reasonable coercion to get them help. I use that strong word, coercion, deliberately. Psychiatric studies confirm what we lawyers intuitively know: professionals are uniquely skilled at denial. A person in the isolating throes of depression or addiction will do anything to be left in status quo, and won't agree you are acting in his or her best interest. You may have to use very unpleasant leverage. You won't regret that, but you

Continued on Page 16 

Nashville Bar Journal - November 2006 15
may regret not doing so; and if you are in a formal supervisory relationship, inaction may breed disciplinary problems of your own.

We are not alone in attempting to achieve these serious aspirations. If you need help or know someone who does, people who deal with exactly these situations are just a phone call away. Many readers will already know that our Supreme Court operates a Lawyers Assistance Program—a team of professionals and "been there" volunteers who have restored joy and profit to the lives of hundreds of lawyers impaired with emotional, physical, and life crises.

When that meeting with the Summer Associates broke up, I wondered how many of them parted with an apprehension that a life crisis in their careers would be terribly fearful and stigmatic. I wish the same realization for them as I close with here: The only stigma, and real thing to fear, is going through life without making the most of it.

Mark Vorder-Broegge, Jr. is a partner in the Memphis office of Wyatt, Tarrant & Combs, L.L.P. He serves his firm in various capacities including head of its intellectual property law practice, partner in charge of the firm’s technology, and loss prevention partner. He is a member of the TBA Standing Committee on Ethics and Professional Responsibility and a member of the Tennessee Lawyers Assistance Program’s West Tennessee Assistance and Monitoring Team. He is a director and past president of Ronald McDonald House Charities of Memphis, Inc.

If your situation or the situation of someone you care about seems serious, you can get the help you need at the TENNESSEE LAWYERS ASSISTANCE PROGRAM
When you call TLAP, you can be sure that complete confidentiality will be maintained.

(615) 741-3238
(877) 424-8527

Notes on Depression from an Anonymous Attorney

To anyone who has not actually experienced this thing we blandly call "Depression," its significance and power are simply incomprehensible.

If you have never been subject to its lethal assault, be deeply thankful that you need only take my word on this, "Depression" is a killer, nothing less.

It is a deadly mix of disease, illusion, and madness.

To the person whom Depression attacks, it presents a fantastic illusion of absolute hopelessness or less. This illusion is, from the inside, indiscernible from reality.

And, like a black hole, it is a darkness from which nothing can escape, and a darkness that nothing external can effect. So, in this way, finally, it is madness. For, though it presents an undeniable reality, it is a reality that exists for the afflicted, alone.

There is no "bouncing back." Any recovery is slow, and may falter. There is no "snapping out of it." The victim can see nothing to snap out of.

Analogize it to a "demon." It takes control.

Once this unwelcome guest arrives, it may take up permanent residence. It can lurk in the background of your mind, forever. There may be no "total" cure.

But, know this: When (it), at some point, the victim gets a release or reprieve from its onslaught, even a short one, there may be an opportunity to give him/her tools to defend against the next attack.

At that moment someone who can recognize the "demon" for what it is must explain its methods to the victim. If you have been such a victim, learn these truths here, now.

Know that this hopelessness is nothing more than an illusion...an illusion...a sort of insanity.

Between attacks, while a victim’s head is cleared, that is the time to reveal the enemy for what it is. The victim must be taught to RECOGNIZE this enemy when it returns. Then, the subject can change from "victim" to "defender." For, I have found, from personal experience, that forewarned is, indeed, forearmed.
An Imperfect Christmas

My dad always tried to make every Christmas perfect. Throughout the entire year, he collected wonderful items to put in our Christmas stockings. He put red bows in the holly bushes in front of our house and twinkling lights in the azalea bushes. She ordered country ham from my uncle’s little grocery store in Nashville and sourwood honey for my dad from friends in East Tennessee. When we opened presents, she would always hide one of the “biggies” for me and bring it out at the end just for dramatic effect. My dad worked six days a week for most of his life. Christmas seemed like the only time when he would stay home for several days in a row and really relax and enjoy just hanging around the house. I loved those days.

One year, though, Christmas was different. On Dec. 23, my dad developed a high fever. By the 25th, he was sick as a dog and too weak to get out of bed, even to open presents. My Aunt Martha, whom we called “Sister” (think Aunt Bea from Mayberry), and my Graddaddy Bell from Nashville were with us that year because my cousin Chuck was in Vietnam. They didn’t want to spend Christmas alone in Nashville with Chuck in a war zone, so they came to Memphis. Sister cried most of the way through that Christmas for fear that her son wouldn’t come home. My mom was tired and sad about Chuck being in Vietnam and about my dad being so sick. By Christmas night, I was bewildered.

Christmas was supposed to be perfect. We were supposed to go to church, have a perfect country ham breakfast, open presents in front of our perfect tree, and everybody was supposed to be perfectly happy. My mom always played the Time-Life Christmas collection records all day long on Christmas day. I remember this particular Christmas day, when the song “Have Yourself a Merry Little Christmas” came on the stereo, my mom and Sister both broke out into tears simultaneously.

To this day, every time I hear that song on the radio, I have to change the station. For me, that song brings back memories of that oh-so-imperfect Christmas. It took me weeks to begin to feel like myself again. After I got older and went to college, I learned that the bewildered feeling I had trouble shaking after that Christmas was called depression. I also learned that some folks feel that way all day almost every day.

Recently, I’ve learned that depression has been called the lawyers’ epidemic. In 1990, a study at Johns Hopkins University found that of 28 occupations studied, lawyers were the most likely to suffer depression and that we lawyers were more than 3.6 times more likely than the average person to feel depressed.¹ A Washington State study found that 19 percent of lawyers suffered from depression.² A quality of life survey done by the North Carolina Bar Association in 1991 revealed that almost 26 percent of respondents exhibited symptoms of clinical depression.³

Lawyers are notoriously reluctant to seek help for personal issues.⁴ Some say that many lawyers are depressed because our profession attracts perfectionists and that perfectionists have a hard time deriving satisfaction from their work.⁵ Some point out that good lawyers also “take ownership” of critical issues for clients, and that very few disputes have

continued on page 4
"win/win" outcomes: I talk to many lawyers who feel they are trapped in jobs that are extremely disconnected from the original reasons they wanted to become a lawyer.

A new malady we must all guard against is "techno stress." Techno stress is the feeling of being overwhelmed by the constant barrage of cell phones, e-mails and text messages. If left unattended, techno stress can lead to memory loss, diminished concentration, impatience, and difficulty relaxing and falling asleep. We end up feeling overwhelmed and never feel really "finished" because we are always plugged in. This constant accessibility, even during the holidays and while we are supposed to be on vacation, can lead to burnout by giving us the means to work 24/7/365 without interruption.

In order to defend ourselves from the scourge of depression, it is important for us to build up our resiliency. One of the best articles I have read on building resiliency points out that building resiliency is not something you can decide to do the morning of a stressful day. It involves choices that must be made early and practiced daily. In addition to the usual good advice of getting enough sleep, eating right, and exercising, this article suggests that we structure in time for solitude and spirituality, for sharing our hopes and fears with others, for silliness and laughing out loud, and for service to others. As I said in my first column, for example, I believe strongly that lawyers who regularly perform pro bono service tend to be more resilient.

Whatever the causes of depression, it remains critical that we recognize depression in our colleagues and then actually do something about it. We are fortunate in Tennessee to have wonderful resources provided by the Tennessee Lawyers Assistance Program, led by its executive director, Laura Gatrell (877) 424-8527. Depression can usually be successfully treated. If you know a lawyer who seems depressed, don't be afraid to talk to them and to help them get help (see www.tlap.org for more information). If you yourself are depressed, keep in mind that there are scores of colleagues who care about you and that help is just a phone call or e-mail away.

Every Christmas won't be perfect. Every year, perhaps every week, will have its challenges and disappointments. But all of us should remember that we are here to help each other weather the tough times and find a path to happier times. That's what being a good colleague is all about. Our lives and our Christmases don't have to be perfect. We just have to be willing to share our struggles and our joy with each other.

So often we dwell on things that seem impossible rather than on the things that are possible. So often we are depressed by what remains to be done and forget to be thankful for all that has been done.”

— Marion Wright Edelman

Notes

3. Sweeney, "The Devastation of Depression."
8. Jones and Foster, "Career Killers."

JES To KS all

"I need an experienced real estate lawyer right away. Do you know how to draft easements to go down people's chimneys?"
Exhibit H
November 6, 2008

Justice Gary R. Wade
505 West Main Street, Suite 200
P.O. Box 444
Knoxville, TN 37901-0444

Dear Justice Wade:

The Board of Law Examiners, the Board of Professional Responsibility and the Tennessee Lawyers Assistance Program held a joint meeting to discuss and approve the enclosed proposal to amend Rule 7 with a provision for Conditional Admission. This amendment could be added under Article X, Section 10.01 as that section was previously deleted and is now vacant.

Judge Childers of Memphis has worked closely with the Tennessee Bar Association, the Board and other agencies involved to assure that this proposal is agreeable to all. Thank you for your assistance. The Board looks forward to working with you and to answering any questions you may have.

Sincerely,

Ricky E. Wilkins
Board President

Enclosure

cc: Nancy Jones, Board of Professional Responsibility (w/ enclosure)
Laura Gatrell, Tennessee Lawyers Assistance Program (w/ enclosure)
Allen Ramsaur, Tennessee Bar Association (w/ enclosure)
Judge Robert Childers (w/ enclosure)
PROPOSED AMENDMENT TO SUPREME COURT RULE 7

[new] ARTICLE X --- CONDITIONAL ADMISSION
1. **Conditional Admission.** An applicant who currently satisfies all essential eligibility requirements for admission to practice law, including fitness requirements, and who possesses the requisite good moral character required for admission, may be conditionally admitted to the practice of law if the applicant demonstrates to the satisfaction of the Board of Law Examiners recent rehabilitation from chemical dependency or successful treatment for mental or other illness, or from any other condition the Board of Law Examiners deems appropriate, that has resulted in conduct or behavior that would otherwise have rendered the applicant currently unfit to practice law, and the conduct or behavior, if it should recur, would impair the applicant’s current ability to practice law or pose a threat to the public. The Board of Law Examiners shall recommend relevant conditions that the applicant must comply with during the period of conditional admission.

2. **Conditions.** The Board of Law Examiners may recommend that an applicant’s admission be conditioned on the applicant’s complying with conditions that are designed to detect behavior that could render the applicant unfit to practice law and to protect the clients and the public, such as submitting to alcohol, drug, or mental health treatment; medical, psychological, or psychiatric care; participation in group therapy or support; random chemical screening; office practice or debt management counseling; and monitoring, supervision; mentoring or other conditions deemed appropriate by the Board of Law Examiners. The conditions shall be tailored to detect recurrence of the conduct or behavior which could render an applicant unfit to practice law or pose a risk to clients or the public and to encourage continued abstinence, treatment, or other support. The conditions should be established on the basis of clinical or other appropriate evaluations, take into consideration the recommendations of qualified professionals, when appropriate, and protect the privacy interests of the conditionally admitted lawyer to professional treatment records to the extent possible. The terms shall be set forth in a confidential order (the “Conditional Admission Order”). The Conditional Admission Order shall be made a part of the conditionally admitted lawyer’s application file and shall remain confidential, except as provided in this and any other applicable rules. The Board of Law Examiners shall have no further authority over the conditionally admitted lawyer once such lawyer obtains a license to practice law.

3. **Notification to the Board of Professional Responsibility.** Immediately upon issuance of a Conditional Admission Order, the Board of Law Examiners shall transmit a copy of the order to the Board of Professional Responsibility. If the Board of Professional Responsibility or any other jurisdiction’s disciplinary authority receives a complaint alleging unprofessional conduct by the conditionally admitted lawyer, or if the Monitoring Authority designated pursuant to Section 5 notifies the Board of Professional Responsibility of substantial noncompliance with the Conditional Admission Order, the Board of Professional Responsibility shall request a copy of relevant portions of the lawyer’s bar application file, and the Board of Law Examiners shall promptly provide the requested materials to the Board of Professional Responsibility.

4. **Length of Conditional Admission.** The conditional admission period shall be set in the Conditional Admission Order, but shall not exceed sixty (60) months, unless notification of substantial noncompliance with the Conditional Admission Order
has been received by the Board of Professional Responsibility or a complaint of unprofessional conduct has been made against the conditionally admitted lawyer with the Board of Professional Responsibility or any other lawyer disciplinary authority.

5. **Compliance with Conditional Admission Order.** During the conditional admission period, the Monitoring Authority shall be the Tennessee Lawyers Assistance Program. The Tennessee Lawyers Assistance Program shall take such action as is necessary to monitor compliance with the terms of the Conditional Admission Order, including, but not limited to, requiring that the conditionally admitted lawyer submit written verification of compliance with the conditions, appear before the Tennessee Lawyers Assistance Program monitor, and provide information requested by the monitor or the Tennessee Lawyers Assistance Program.

6. **Costs of Conditional Admission.** The applicant shall be responsible for any direct costs of investigation, testing and monitoring. Other costs shall be borne in accord with this or any other applicable Supreme Court Rule.

7. **Failure to Fulfill the Terms of Conditional Admission.** Failure of a conditionally admitted lawyer to fulfill the terms of a Conditional Admission Order may result in a modification of the Order that may include extension of the period of conditional admission, suspension or revocation of the Conditional Admission Order or such other action as may be appropriate under Supreme Court Rule 9. The Tennessee Lawyers Assistance Program shall promptly notify the Board of Professional Responsibility whenever it determines that the conditionally admitted lawyer is in substantial noncompliance with the terms of the Conditional Admission Order. Notification of such failure by the Tennessee Lawyers Assistance Program shall automatically extend the conditional admission until disposition of the matter by the Board of Professional Responsibility and any resulting appeals.

8. **Violation of Conditional Admission Order.** If the Tennessee Lawyers Assistance Program determines that the terms of the Conditional Admission Order have been violated, the Tennessee Lawyers Assistance Program shall notify the Board of Professional Responsibility to initiate proceedings to determine whether the conditional admission should be revoked, extended or modified. Consideration and disposition of any such notice to the Board of Professional Responsibility shall be governed by Supreme Court Rule 9. Any decision to extend or modify the Conditional Admission Order must be made in consultation with the Tennessee Lawyers Assistance Programs.

9. **Expiration of Conditional Admission Order.** Unless the Conditional Admission Order is revoked or extended as provided herein, upon completion of the period of conditional admission, the conditions imposed by the Conditional Admission Order shall expire. The Tennessee Lawyers Assistance Program shall notify the Board of Professional Responsibility of such expiration.
10. **Confidentiality.** Except as otherwise provided herein, and unless this Court orders otherwise, the fact that an individual is conditionally admitted and the terms of the Conditional Admission Order shall be confidential provided that the applicant shall disclose the entry of any Conditional Admission Order to the admissions authority in any jurisdiction where the applicant applies for admission to practice law. In addition to ensuring that the relevant records of the Board of Law Examiners, the Board of Professional Responsibility and the Tennessee Lawyers Assistance Program are confidential, the Board of Law Examiners shall use reasonable efforts to structure the terms and conditions of the conditional admission so that the conditional admission does not pose a significant risk to confidentiality. These provisions for confidentiality shall not prohibit or restrict the ability of the applicant to disclose to third parties that the applicant has been conditionally admitted under this Rule, nor prohibit requiring third-party verification of compliance with the terms of the Conditional Admission Order by admission authorities in jurisdictions to which the conditionally admitted lawyer may subsequently apply.

11. **Education.** The Board of Law Examiners shall make information about its conditional admission process publicly available and shall reasonably cooperate with the Tennessee Lawyers Assistance Program in its efforts to educate law students, law school administrators and applicants for bar admission regarding the nature and extent of chemical abuse, dependency, and mental health concerns that affect law students and lawyers.
Exhibit I
Funding- TLAP staff: Laura
Tom Parsons- Co-chair
Stephen Todd - Co-chair
Ken Shuttleworth
Other volunteers (RAM team members)

Volunteer Utilization- TLAP Staff: Emily
Stafford McNamee- Chair
Elizabeth Collins
Kent Cox
Tim Davis

Marketing- TLAP Staff: Ted
Elizabeth Collins -Chair
Chris Hall
Howard Burley
Marnie Huff (new member)

Operations: Staff compensation, Evaluations, Personnel
Issues
Jackie Dixon- Co-Chair
Ken Shuttleworth- Co-Chair
Stafford McNamee
Kent Cox

Outreach- TLAP Staff: Catherine
Judge Childers - Chair
Frank Pinchak (new member)
Judge Hooper
Teresa Jones
Strategic Planning Session: Led by Ken Shuttleworth

The members of the commission created the following subcommittees to implement the goals adopted for 2008:

Marketing:

Members:

Elizabeth Collins – Chairperson
Chris Hall
Howard Burley
Marnie Huff

Goals and Objectives:

1. Produce Newsletter;
2. Increase outreach to local bar associations;
3. Increase awareness of services offered by TLAP;
4. Increase awareness of RAM Teams.

Outreach:

Judge Childers - Chair
Frank Pinchak
Judge Hooper
Teresa Jones

Goals and Objectives:

1. Increase statewide awareness of TLAP services;
2. Increase awareness to judiciary;
3. Increase awareness to public defenders, district attorneys and law students.

Operations: Including Staff Compensation, Evaluations and Personnel Issues

Jackie Dixon – Co Chair
Ken Shuttleworth
Stafford McNamee
Kent Cox
Goals and Objectives:

1. Implement disaster plan;
2. Create call center;
3. Increase statewide distribution of services.

Funding:

Tom Parsons – Co Chair
Stephenson Todd – Co Chair
Ken Shuttleworth
Other Volunteers

Goals and Objectives:

1. Raise funds for treatment grants;
2. Utilize newsletter to raise funds;
3. Sponsor annual fund raising event;
4. Determine whether contributions are tax deductible.

Volunteer Utilization (RAM Teams):

Stafford McNamee - Chair
Elizabeth Collins
Kent Cox
Tim Davis

Goals and Objectives:

1. Produce Handbook for RAM Team members;
2. Provide training on best practices;
3. Increase uniformity and function of RAM Teams;
4. Increase visibility of RAM Teams;
5. Use newsletter to legal community of function of RAM Teams.

The subcommittees were encouraged to meet as needed.

Wrap – Up:

Staff’s goals and objectives for 2008:

1. Increase outreach to law schools, public defenders, district attorneys and the judiciary;
2. Implement revolving grant program;
3. Provide training to RAM Team members; and
4. Create newsletter.
Exhibit J
November 25, 2008

The Honorable Robert L. Childers, Chair
Commission on Lawyer Assistance Programs
140 Adams Avenue, Room 212
Memphis, TN 38103

Re: ABA/CoLAP Evaluation request
From: Tennessee Lawyers Assistance Program

To Whom It May Concern:

In 2003, an evaluation of the Tennessee Lawyers Assistance Program (TLAP) was conducted by the ABA Commission on Lawyer Assistance Programs (CoLAP). That evaluation made several recommendations to the Tennessee Supreme Court, all of which have since been implemented. TLAP remains grateful to the CoLAP evaluators for the role they played in proving the value of LAP services in our state.

Five years later, the TLAP Commission has voted to request CoLAP to conduct a stage II evaluation of our program. Since its establishment, TLAP has worked diligently to administer programs and services in a professional confidential manner. It is our hope the requested evaluation will provide valuable insight and assist us in providing the highest quality service possible.

Please contact Laura Gatrell, Executive Director, to discuss potential dates and travel arrangements. Thank you in advance for your consideration.

Sincerely,

Teresa Jones
Chair, Tennessee Lawyers Assistance Program

CC: Stephenson Todd
    Laura Gatrell
    Kenneth Shuttleworth
December 23, 2008

Teresa Jones
Tennessee Lawyers Assistance Program
947 N. McLean Blvd.
Memphis, TN 38107-3103

RE: Tennessee Judges and Lawyers Assistance Program Evaluation

Dear Teresa:

On behalf of the ABA Commission on Lawyer Assistance Programs (CoLAP), I am delighted to know that the Tennessee Lawyers Assistance Program is interested in scheduling a follow up Evaluation. As you know, CoLAP is unique among ABA entities in that it exists solely for the purpose of supporting and enhancing the lawyer assistance programs in the various states and provinces. Many of the lawyer assistance programs around the country would not exist today nor would they enjoy their success but for the combined efforts and support of CoLAP, volunteers, bar association leaders, judges and disciplinary counsel within that state or province.

An evaluation involves a visit by two or three volunteers. At least one is a member of CoLAP; one must be a LAP Director and one must be a LAP volunteer. At least two of the participants should have practical experience in the creation and operation of a successful lawyer assistance program. At least one must be familiar with bar association work. It is not the purpose of a consultation to dictate how a lawyer assistance program should be run. Rather, it is our aim to analyze the existing interest and to share with the Supreme Court, TLP, and the very dedicated volunteers who want to work with the program, the experience others have had and to make recommendations. The written report following the evaluation is not published to anyone except CoLAP and the people who requested it. Its contents are reviewed with the LAP prior to putting it in final form so that we do not misstate anything or inadvertently embarrass anyone by omitting a name.
An evaluation continues to take one to two working day(s) and involves visits by the evaluation team with (1) representatives of the bar leadership; (2) bar association executive staff; (3) disciplinary authorities; (4) representatives from the judiciary; (5) the volunteers who will work with the lawyer assistance program; (6) a representative from the law school(s), possibly the Dean; and, if possible, (7) the bar examiners or licensing authorities. We ask that the bar or committee being evaluated reimburse the evaluators for their travel and accommodations.

The evaluation team itself interviews the participants individually or in small groups about what they would like the program to do. They then make specific, practical recommendations for the development of that program. All of our evaluators are associated with other programs and are very familiar with funding and other practical constraints and their reports are drafted accordingly. I am happy to report that all of the programs for whom we have conducted evaluations have been extremely pleased with the results and have been able to take concrete and meaningful steps to enhance their programs.

A significant percentage of lawyers currently practicing are struggling with some type of impairment that affects their practice. The principal impairment we see is that of mental health (stress, depression, bi-polar) followed by substance abuse and often substance abuse or chemical dependency is the underlying issue. The impact these lawyers have on the grievance system is astounding. Many of the grievance authorities around the country estimate that a substantial percentage of their complaints are caused by addiction problems. CoLAP is well aware that Tennessee already has in place the network of recovering lawyers and other volunteers necessary for the operation of an exceptional lawyer assistance program. The dedicated and very committed volunteers and staff are the backbone of any successful program.

Based on recent studies, the trend is for increased referral to lawyer assistant programs for many additional wellness issues. This information has been provided by the Association of Professional Responsibility Lawyers (APRL) and the National Organization of Peer Counselors (NOBC) Joint Committee on Aging Lawyers, the Revised Code of Judicial Conduct and the Standing Committee on Professionalism’s Report on a Survey of Law School Professionalism Programs. CoLAP is eager to assist you through the process of interviewing the key leaders, reviewing your existing structure and governance, and then suggesting a plan for an expanded, staffed program.

Should you choose to move forward with the evaluation (Wednesday to Friday noon), please contact Donna Spilis with suggested dates that work best for participants from Tennessee. We in turn will provide information on the team of evaluators.

Sincerely,

[Signature]

Robert L. Childers
ABA Commission on Lawyer Assistance Programs

cc: William R. Leary, CoLAP Evaluations Committee Chair
Laura Gatrell, Executive Director, Tennessee Lawyers Assistance Program
Donna L. Spilis, Staff Director
Exhibit K
The Tennessee Lawyers Assistance Program is pleased to announce the 3rd annual retreat for TLAP Commissioners, volunteers, participants and their family members.


WHERE: Natchez Trace State Park
24845 Natchez Trace Rd.
Wildersville, TN 38388

INN & CABIN RESERVATIONS:
1-800-250-8616 or 731-968-8176.

DIRECTIONS
Natchez Trace is located in Carroll, Henderson, and Benton counties in West Tennessee. It lies 35 miles east of Jackson off of Interstate 40 between Nashville and Memphis. Take Exit 116 off of I-40 to the park's main entrance. For a map and specific driving directions, visit MapQuest.com.

Wireless internet access is available in the lobby and conference rooms.

We would like to thank our sponsors:

Cornerstone of Recovery
When you've reached the end of the road, there is still hope.

Ridgeview Institute

La Paloma

NATCHEZ TRACE STATE PARK
MARCH 7-9, 2008

TLAP TENNESSEE LAWYERS ASSISTANCE PROGRAM

3rd Annual Statewide Retreat

Tennessee Lawyers Assistance Program
200 4th Ave. N, Ste 810
Nashville, TN 37219
Phone (615) 741-3238
Fax (615) 741-3508
Toll Free (877) 424-TLAP
WHO: This retreat is ideal for lawyers, law students and judges who are working any type of personal program of recovery, and for TLAP volunteers, supporters, their spouses and significant others.

All participants must have a commitment to confidentiality and anonymity.

COST: The registration fee is $85.00 and covers retreat programs, three hours of Ethics and Professionalism CLE credit, Saturday night banquet and light refreshments. Additional meals are available in the hotel restaurant. Hotel reservations must be made directly with the State Park's Inn by calling: 1-800-250-8616 or 731-968-8176. Please request the TLAP guaranteed rate. Rooms will be held until March 1st. The Golf Tournament registration is an additional $40.00.

---

AGENDA

FRIDAY
7:00 p.m. RAM Team meeting- all regions
8:00 pm Dessert Social — Sponsored by Jackson area (Region 2) RAM Team and volunteers
SATURDAY
CLE sponsor Cornerstone of Recovery
6:00 am Sunrise AA meeting— Daily Ponderables with Stephen Todd
8:00-8:30 am TLAP welcome and updates— TLAP Commissioners & staff
8:30-9:00 am What’s new in ethics and model rules? Honorable Robert Childers & Mark Vokhr-Bruggs, Memphis, TN
9:00-9:30 Treatment center updates
9:30-9:45 am Break
Sponsor: Ridgeview Institute
9:45-10:45 am Breakout sessions:
- Sexual Boundary violations— a slippery slope— Dr. Stephen J. Schonfeld, Executive Director, Professional Boundaries, Inc.
- Are families still dysfunctional? Jayne Mahboubi, Ridgeview Institute
10:45-11:00 am Break
11:00-12:00 pm How addictions impact the disciplinary process— John Smith, Tennessee Supreme Court, and volunteers
12:00-1:00 pm Lunch on your own
1:00-4:00 pm Afternoon activities include hiking, boating, rifle range & golfing— sign up at registration desk
1:30 pm - Golf Tournament (SEPARATE REGISTRATION FEE REQUIRED)
Sponsor: Cumberland Heights Treatment Center
4:00-5:00 pm Peer Monitor Training— Memphis RAM Team
6:30 pm Banquet Buffet Dinner & Awards
7:30 pm Speaker: “Ernie the Attorney”
9:15 pm Bonfire and party at Hospitality Chalet
10:00 pm Open meeting at Hospitality Chalet
SUNDAY
8:30-9:30 am Spiritual Service

---

REGISTRATION

Mail your registration form with check or money order only to Tennessee Lawyers Assistance Program, 200 4th Ave. N, Ste 810, Nashville, TN 37219.

Name:__________________________________________________________
Phone:________________________________________________________
Fax:___________________________________________________________
Address:_______________________________________________________

Email:________________________________________________________

All fees must be received in full no later than March 1st, 2008. Hotel reservations are to be handled directly with the State Park’s Inn by calling: 1-800-250-8616. Request TLAP guaranteed rate.

Payment:
Retreat Registration Fee: $85.00 ____________________________
Banquet Ticket(s) Only: $25.00 ____________________________
*Golf Scramble: $40.00 ____________________________
* Handicap_________ or Average Score__________

Total enclosed: ____________________________

Questions? Contact Emily McClendon
emily.mcclendon@tsmail.state.tn.us
1-615-741-3238

For more information on Natchez Trace State Park, visit
http://www.tennessee.gov/environment/parks/NatchezTrace/