2013 Annual Report

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The **MISSION** of TLAP is threefold:

To **PROTECT** the interest of clients, litigants and the general public from harm caused by impaired lawyers or judge;

To **ASSIST** impaired members of the legal profession to begin and continue recovery;

and

To **EDUCATE** the bench and bar to the causes of and remedies for impairments affecting members of the legal profession.
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 2013.

1. Statistical data for 2013

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 or emotional health issues. TLAP’s work contributes to the protection of the public and the improvement of the integrity and reputation of the legal profession. Statistics support that assistance to an affected lawyer often prevents future ethical violations, thereby reducing the number of disciplinary actions. Since inception, TLAP has provided educational services to over sixty-five percent (65%) of all licensed attorneys and judges, and has made presentations to every student in the six Tennessee law schools.
TLAP maintains statistical information regarding inquiries and referrals by individuals. In 2013, forty-three percent (43%) of intake calls pertained to issues of chemical dependency and fifty-four percent (54%) with mental health issues, such as depression. This is the first year that mental health issues exceeded problems with alcohol and drugs. The other three percent (3%) of intake calls presented with something other than substance abuse or mental health concerns, such as marital conflict, financial distress, performance productivity, cognitive impairment, stress, eating disorder, domestic abuse, and compulsive behaviors. Many TLAP clients have a dual diagnosis, meaning that they have been diagnosed with substance abuse in combination with another disorder.

![Referrals by Region](image)

TLAP tracks the source of the inquiries and referrals based on geographical regions. Forty-six percent (46%) of new referrals were from Middle Tennessee, thirty-one percent (31%) from East Tennessee, twenty-one percent (21%) from West Tennessee, and two percent (2%) from out of state.
In 2013, seventy percent (70%) of TLAP referrals were male, and thirty percent (30%) were female. There was a 9% increase in female referrals from 2012 to 2013.
Twenty-five percent (25%) of referrals to TLAP were from concerned third parties (such as friends, family, law schools or firm members), twenty-nine percent (29%) were self-referrals, twenty percent (20%) were from the Board of Law Examiners (BLE), nineteen percent (19%) were from the Board of Professional Responsibility (BPR), and seven percent (7%) were from law school deans. TLAP is pleased to report that BLE referrals increased by twenty percent (20%) in 2013.

Sixty-seven percent (67%) of TLAP referrals concerned lawyers, thirty-two percent (32%) law students or bar applicants, and one percent (1%) pertained to members of the judiciary. Although the number of judges referred to TLAP remains low, the number of referrals from judges continues to increase.

TLAP opened 238 new client files in 2013, and reopened thirty-one (31). Approximately fifty-eight (58) of the referents were from the BPR, and out of that number, TLAP was able to assist over fifty percent (50%), a statistic that holds steady from 2012. Thirteen (13) of them had prior relationships with TLAP, and fifteen (15) were court ordered to participate. One hundred percent (100%) of students and bar applicants referred by the law school or BLE were assisted by TLAP. Out of that number, sixteen percent (16%) were conditionally admitted to the practice of law.
2013 TLAP Travel and Presentation History

January 2013
Nashville-Marketing Meeting with The Integrative Life Center
Brentwood-Marketing Meeting with The Ranch
Chattanooga-TLAP Commissioner Retreat
Memphis-Reception for Sandy Garrett
Knoxville-TLAP Presentation for the Duncan School of Law
Nashville-TLAP Presentation for the Nashville School of Law

February 2013
Nashville-Marketing Meeting at Integrative Life Center
Nunnely-TLAP Client Meeting at The Ranch
Nashville-Lunch with BLE & BPR
Dallas-ABA Conference
Nashville-Marketing Meeting with Bradford Health Services
Knoxville-TLAP Presentation to Inns of Court
Knoxville-TLAP Client Meetings
Knoxville-TLAP Client Meetings
Nashville-TLAP Presentation to General Sessions Judge’s Conference
Nashville-Meeting with LAP Director of Arkansas
Nashville-Marketing Meeting with Bradford Health Services
Nashville-TLAP Client Intervention
Nashville-TLAP Exhibit for General Sessions Judge’s Conference

March 2013
Nashville-TLAP Presentation Preparation Meeting with King & Ballow
Nashville-TLAP Presentation to Tennessee School Board Attorneys
Knoxville-Judicial Conference
Knoxville-TLAP Client Meetings
Knoxville-TLAP Client Meetings
Knoxville-Meeting with Dean Meldrum of The Duncan School of Law
Knoxville-TLAP Commissioner Dinner
Knoxville-BPR Hearing
Nashville-Marketing Meeting with Cumberland Heights
Nashville-Judicial Records Task Force Meeting
Nashville-TLAP Presentation to the TBA
Dallas-Greenhouse Treatment Center Site Visit
Nashville-Marketing Meeting with Local Psychologist
Nashville-Marketing Meeting with The Ranch
Nashville-Marketing Meeting with Talbot Treatment Center
Nashville-TLAP Client Meeting at Cumberland Heights
Knoxville-TLAP Presentation to the Federal Public Defenders
April 2013
Nashville-Marketing Meeting with Vanderbilt Psychiatric Hospital
Dickson-TLAP Commission Meeting
Dickson-Camp TLAP
Nashville-ABA Site Visit for CoLAP 2014
Franklin-Intervention Planning
Nashville-Marketing Meeting with Third and Church Health Care
Franklin-TLAP Client Intervention

May 2013
Knoxville-TLAP Client Intervention
Knoxville-TLAP Client Meetings
Brentwood-Marketing Meeting with FitRx
Burns-Marketing Meeting with Discovery Place
Nashville-TLAP Presentation for King & Ballow
Nashville-Marketing Meeting with Del Ray Treatment Center
Nashville-Federal Sentencing Hearing for TLAP Client
Nashville-TLAP Presentation for King & Ballow
Nashville-TLAP Client Meeting at Cumberland Heights

June 2013
Nunnely-TLAP Client Meetings at The Ranch
Nashville-Judicial Conference
Nashville-Exhibit at Judicial Conference
Nashville-TLAP Presentation to TBA
Nashville-Exhibit at TBA Conference
Nashville-TLAP Commission Meeting
Nashville-NBA Health and Wellness Committee Meeting
Hendersonville-TLAP Splash
Memphis-TLAP Client Meetings

July 2013
Nashville-Agency Meeting with BLE, BPR, and CLE Commission
Nashville-Music City Round-UP
Nashville-Marketing Meeting with Foundations
Nashville-Marketing Meeting with The Integrative Life Center
Nashville-BLE Hearings on Conditional Admission
Nashville-NBA Health and Wellness Committee Meeting
Nashville-Marketing Meeting with Bradford Health Services
Nashville-Preparation for TLAP Office Move
Nashville-Marketing Meeting with Bridge to Recovery Treatment Center
August 2013
Nunnely-TLAP Client Meetings at The Ranch
Knoxville-TLAP Presentation for The Duncan School of Law
Knoxville-TLAP Client Meetings
Nashville-TLAP Office Move to 2nd Avenue North
Nashville-Clinical Consult for BLE & AOC
Nashville-Exhibit at Vanderbilt Law School Orientation Fair
Nashville-Marketing Meeting with Vanderbilt University’s Counseling Center
Nashville-Marketing Meeting with Bradford Health Services
Nashville-Marketing Meeting with Foundations

September 2013
Knoxville-TLAP Presentation for The University of Tennessee School of Law
Knoxville-TLAP Client Meetings
Knoxville-LIR Meeting
Gatlinburg-TLAP Presentation for the General Sessions Conference
Nashville-NBA Picnic
Memphis-TLAP Client Meetings
Memphis-LIR Meeting
Dickson-TLAP Hootenanny
Dickson-TLAP Video Production

October 2013
Nashville-TLAP Presentation for Vanderbilt University School of Law
Nashville-Professional’s Retreat at The Integrative Life Center
San Diego-CoLAP
San Diego-ILAA
Knoxville-TLAP Presentation to BPR Hearing Panel Training
Nashville-TLAP Presentation to BPR Hearing Panel Training
Memphis-TLAP Presentation to BPR Hearing Panel Training
Franklin-Judicial Conference
Chattanooga-TLAP Presentation for PD’s Conference
Chattanooga-TLAP Presentation for DA’s Conference
Chattanooga-TLAP Presentation for AG’s
Franklin-TLAP Presentation for Judicial Conference
Nashville-Marketing Meeting with The Ranch
Nashville-TLAP Softball Team Celebration
Knoxville-TLAP Client Meetings
Knoxville-LIR Meeting
Knoxville-TLAP Presentation to The University of Tennessee School of Law

November 2013
Nashville-TLAP Presentation for Municipal Judge's Conference
Nashville-TLAP Presentation for BPR CLE Work-Shop
Knoxville-TLAP Presentation to KBA
Nashville-TLAP Presentation for Nashville Women Solo Practitioners
Nunnely-TLAP Client Meetings
Nunnely-CoLAP Director’s Retreat
Nashville-NBA Wellness Committee Walk
Nashville-Agency Meeting with BLE, BPR, and CLE Commission
Memphis-TLAP Presentation to John Dice Seminar
Knoxville-TLAP Client Meetings
Knoxville-LIR Meeting
Kingsport-TLAP Client Meetings
Kingsport-LIR Thanksgiving Gathering
Nashville-TLAP Presentation for Waller Lansden
Brentwood-Agency Meeting with BPR
Nashville-Marketing Meeting with Vanderbilt Medical Center EAP

December 2013
Memphis-TLAP Presentation for CLE Work-Shop
Memphis-TLAP Client Meetings
Nashville-BLE Hearings on Conditional Admission
Nashville-TLAP Presentation Bid for Bench Bar Luncheon in 2014
Nashville-LIR Holiday Gathering
Nashville-TLAP Video Production
Nashville-Marketing Meeting with Cottonwood Treatment Center
Nunnely-TLAP Client Meetings at The Ranch
Memphis-LIR Holiday Gathering
Memphis-TLAP Client Meetings

2. TLAP Personnel and Commission

Laura McCleland, MA, CEAP, is responsible for all matters related to the operations of TLAP. Ms. McCleland began as Assistant Director for TLAP in 2001, and assumed the position of Executive Director in March, 2006. In 2010, Ms. McCleland served as Chair for the 23rd International Conference of Lawyer Assistance Programs in Indianapolis, Indiana. She is the current Chair of both the Life Balance and LAP Director Retreat Committees for the American Bar Association’s (ABA) Commission on Lawyer Assistance Program (CoLAP), group facilitator of a monthly national support group of new lawyer’s assistance directors, and is an eight year member of the CoLAP Conference Planning Committee. She has authored numerous articles in the field of substance abuse, stress, mood disorders, lawyer assistance programs, treatment, and more, and regularly speaks at conferences throughout the United States.
Ted Rice, M.Ed., LPC-MHSP, CEAP, has served as Deputy Director since October, 2006. Mr. Rice’s role is to coordinate, monitor, facilitate, delegate, evaluate and assume responsibility for TLAP’s clinical and organizational support. Mr. Rice regularly travels throughout the state, provides direct client services in each region, oversees law school education programs, presents at CLE’s, and works extensively with both the Board of Law Examiners and the Board of Professional Responsibility.

Emily Lacey 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 also manages repayments for the Bill Cain Fund, and is on call after hours to answer TLAP crisis calls.

There were no new TLAP Commissioners appointed in 2013; however, TLAP created an Advisory Committee pursuant to Tennessee Supreme Court Rule 33.02 (F).

**Advisory Committees:** The Commission may create advisory committees to study specific issues identified by the Commission and to make such recommendations to the Commission, as the members of the advisory committees deem appropriate.

New Advisory Board members include Ken Shuttleworth, Tripp Hunt, Tom Parsons, Byron Simpson, Stephenson Todd, Carl Seely, and Bill Leary. TLAP Commissioner, Andy Branham, was appointed to the ABA’s CoLAP Commission.

3. Financial

TLAP is a part of the Judicial Branch of State Government and is entirely funded by attorney annual registration fees, of which TLAP receives $20.00 per licensed attorney. TLAP operates on a fiscal year: July 1st through June 30th. The TLAP budget for the 2012-2013 fiscal year was $469,500.00.

TLAP operations have been consistently running over budget by about $26,000.00, largely due to the hiring of a fourth full-time staff position in 2007, which was partially
funded for two years by a grant from the Office of Criminal Justice Programs (OCJP). In June—despite the extra business and commitments generated by the additional employee—the fourth staff position was temporarily terminated until such time the budget can support it. In addition, TLAP relocated offices in August, with a reduction in rent that will amount to annual savings of just over $10,000.00.

**BILL CAIN FUND**

*Original balance: $103,597.00*

*Current balance: $ 60,753.98*

Impaired Tennessee attorneys who lack resources to directly pay for treatment services may receive loan assistance through the William B. Cain Fund. The fund was named in memory of Judge Cain, who served on the Tennessee Court of Appeals from 1998 until his death in 2007. Judge Cain had been a member of the Tennessee Judiciary since 1986 when he was appointed Circuit Court Judge for the 22nd Judicial District. He remained in that position until his 1998 appointment to the Court of Appeals, where he later served as presiding judge. He was an original member of the TLAP Commission.

The purpose of the fund is to provide financial assistance to Tennessee Lawyers and judges suffering from addiction, depression and other mental health illnesses who lack the resources to pay for appropriate help. Lawyers recovering from these illnesses can—and do—return as valuable members of their families, their communities, and their profession. The Cain Fund provides the necessary means to get lawyers treatment during the most difficult times. Repayment is expected once the lawyer is back on his or her feet, so money will be available to help the next lawyer in need.

In 2013, eight loans were approved: $19,260.00 was paid to treatment providers; $6,725.00 was collected in loan repayments; and $2,703.28 was donated to the fund. There have been a total of 32 loan applicants since the Cain Fund was created in 2008.
4. Highlights of 2013

Presentations and Marketing

The Tennessee Lawyers Assistance Program believes that intervention begins with educating all segments of the bench, bar and law schools about addiction, mental health issues, compulsive disorders and recovery from those conditions. TLAP’s efforts in this area remain constant—through presentations at law school orientations, professional responsibility classes, CLE seminars, county bar associations, and more. TLAP staff travels the state for presentations, interventions, TLAP sponsored social events, and to meet with clients or new referrals.

Presentations were slightly lower than average in 2013, due to the prolonged illness of Ms. McClendon and the loss of the Education Coordinator position; however, the Commissioners and volunteers took over a great deal of the speaking engagements, and TLAP was able to continue presentations throughout the state; in fact, on the same day, there was a TLAP presentation at the Judicial Conference, the DA’s Conference and the Public Defender’s Conference. For the 2nd year in a row, TLAP staff and/or a member of the TLAP Commission’s Judicial Assistance Committee, presented at least once at every judicial conference.

Web page and TLAP Video

TLAP began working on a new web page at the beginning of 2013, which is set to go live at the end of January 2014. The web page contains all of the traditional marketing and educational information about TLAP with many new technological features—for instance—it will adjust to the size of the media device in which it is opened, such as smart phones and tablets. TLAP intends to phase out the use of brochures and solely market the web page, which will ultimately save $1000.00’s in printing costs.

This interactive web page has the capacity for individuals to complete and submit forms to the TLAP office, including monitoring reports, intake forms, volunteer paperwork, and confidentiality agreements. Individuals may also send confidential and anonymous
referrals, sign up for the newsletter, receive and RSVP to event notifications, and donate to the Bill Cain Fund. There will be links to TLAP’s Facebook and Twitter accounts, and a YouTube video series beginning 2014.

As part of the new marketing campaign, TLAP invested in a short video, which will be available for viewing on all of the tlap.org pages. TLAP interviewed participants about their experience with the program, and used volunteers as actors. The clients’ confidentiality is maintained by using their personal stories as voiceovers only. The video is powerful, professional and a perfect “punch” for anyone to use during a TLAP presentation.

CAMP TLAP

In April 2013, the 8th annual CAMP TLAP was once again held at Montgomery Bell State Park with over 125 participants. The event featured headline speakers: Mark Menestrina, MD, FASAM, Addiction Treatment in the New Millennium: From Jail Cells to Brain Cells, Michael Burke, JD, Understanding Problem Gambling, and Lester Munson, ESPN legal analyst.

The 2012 “Stephenson Todd Volunteer of the Year” award was given to Becky Freeman. Ms. Freeman, a TLAP volunteer for over eight years, participated with TLAP staff and other lawyers to educate the legal community about TLAP’s mental health services. She served on a committee to address the rash of attorney suicides in Tennessee and became a certified QPR instructor, teaching attorneys across the state QPR’s simple suicide prevention technique. She also assisted in developing an all female attorney support group that meets weekly in Nashville. She has been licensed to practice law since 1985 and currently works for Metro General Sessions Court Probation Department for Judge William E. Higgins.

The first “Judicial Volunteer of the Year” award was given to Judge Chris Craft from Memphis, Tennessee. Judge Craft has served as Shelby County’s Criminal Court Judge
since 1994. He helped intervene and assist attorneys with mental health and substance abuse issues well before TLAP was created in 1999. As a TLAP volunteer and member of TLAP’s Judicial Assistance Group (JAG), Judge Craft has developed both a firm but understanding reputation in dealing with attorneys who are struggling with problems that may be impairing their ability to practice in the courtroom. Many attorneys have received treatment and are alive today due to Judge Craft’s dedication and commitment.

**TLAP Volunteers and Events**

Tennessee volunteers remain the cornerstone of TLAP. They provide peer support, serve as speakers, plan and participate in interventions, visit lawyers in treatment centers, offer rides to twelve-step meetings, help lawyers with family issues, and donate both time and money. TLAP finds that individuals recovering from addiction and depression greatly benefit from healthy, sober activities and therefore regularly hosts events across the state. The TLAP softball team continued to be a favorite in 2013. In addition to the “Hootenanny” held in Dickson every year, TLAP sponsored the “TLAP SPLASH” (a lake/boating party in Hendersonville), a barbeque in Johnson City, a winter holiday party in Memphis, a Thanksgiving party in Kingsport, and a Christmas open house in Nashville.

TLAP volunteers also run the Lawyers in Recovery (LIR) meetings across the state. Currently there are LIR meetings in Memphis, Nashville, Knoxville, Jonesboro, and Greeneville. In addition to the regular LIR meeting, Nashville has a mental health support group and bi-weekly women’s meeting.

TLAP’s volunteer network is the envy of other LAP programs across the country. Tennessee has consulted with many states on how to replicate the involvement, commitment and enthusiasm of TLAP volunteers.
TLAP and Disciplinary Agencies

TLAP’s relationship with the Tennessee Board of Professional Responsibility (BPR), Tennessee Board of Law Examiners (BLE), and the Tennessee Board of Judicial Conduct (BJC), continues to evolve. Referrals from all three agencies have increased exponentially over the last two years.

TLAP has worked with both the BPR and BJC to define best practice policies when intervening on lawyers and judges with cognitive impairment. The agency directors have quarterly lunches to discuss cooperation between the programs. TLAP staff regularly meets with both the BPR and BLE staff to encourage the utilization of TLAP services. In 2013, TLAP commissioners presented at every BPR hearing panel orientation. Hearing panel members, board members, and disciplinary counselors have become adept in recognizing signs and symptoms of impairment, and refer to TLAP accordingly.

TLAP’s New Office

In June, 2013, TLAP was informed that its office building was going to be converted into a hotel, thereby requiring all tenants to move out by September 30th. This occurred simultaneously with the last few days’ employment of the 4th staff member. The remaining staff immediately began to search for a new location and relocated to the Washington Square building on 2nd Ave. on August 1st. TLAP staff worked overtime to design the new space, pack, move, decorate, and notify clients, resulting in a surprisingly seamless transition. Not only is the new office nicer and more welcoming than the old, it also saves TLAP approximately $1000.00 a month in rent.
ABA’s Commission on Lawyer Assistance Program (CoLAP) Conference and International Lawyers in AA (ILAA)

In 2012, TLAP submitted a proposal to the ABA’s Commission on Lawyers Assistance Programs requesting to host the CoLAP Annual Conference in Nashville in 2014. Nashville was unanimously selected. The International Lawyers in Alcoholics Anonymous (ILAA) also selected Nashville as its 2014 conference location. This not only gives TLAP an opportunity to highlight the volunteers, supporters and achievements of the TLAP program, but also creates a venue to invite participation from Tennessee dignitaries and guests who may not otherwise be familiar with TLAP. Preparations for the conferences began in the spring of 2013 and will continue through October, 2014.

CONCLUSION

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

Respectfully submitted:

Laura McClendon, Executive Director
Ted Rice, Deputy Director

Emily Lacey, Program Coordinator