

New Hampshire Lawyers Assistance Program

Annual Report

Fiscal Year 2007 - 2008

Introduction by the Executive Director, Cecie Hartigan

Summer, 2008, marks the one-year anniversary of passage of Supreme Court Rule 58 and the creation of the New Hampshire Lawyers Assistance Program. It has been an exciting and productive year. As executive director, I have worked closely with the NHLAP Commission, headed by the Hon. John Maher as Chairman and John Tobin as Vice Chairman, to make the Program a reality. Together we have utilized the resources of the ABA's Commission on Lawyer Assistance Programs (CoLAP) to create a program structure that will provide support and assistance to New Hampshire attorneys, judges and law students. Forty-five individuals have accessed our services, which is more than four times the average number in previous years.

In addition to facilitating support for individuals in need, this year has been one of outreach to the bar, bench and laws school. NHLAP is designed to inform and educate regarding issues that face many attorneys, and the assistance that is available through NHLAP. Numerous county bar associations welcomed me to speak at annual meetings this year. As good fortune would have it, the delivery of the NHLAP message was bolstered by Chief Justice John Broderick, who was present at many of these meetings. On each occasion, Justice Broderick strongly and compassionately endorsed the work of NHLAP. This endorsement, coming from the state's lead jurist, may help to dispel the hesitation and fear that surrounds asking for help for substance abuse, mental health or other psychological issues. On behalf NHLAP and the many attorneys who have already received valuable assistance, I thank Justice Broderick, and the members of the New Hampshire Supreme Court, for their invaluable support.

The following is a general overview of what has been accomplished thus far, in the first year of NHLAP. I gratefully acknowledge the members of the NHLAP Commission. In addition, I thank the New Hampshire Bar Association which been willing to offer advertising space, presentation time at Bar functions, and enthusiastic support and encouragement. NHLAP also acknowledges the New Hampshire Bar Foundation for its financial support.

"I think I've lost sight of the humanity in our profession and at the very least this experience has rewarded me in ways I'm just starting to glimpse."

NHLAP Participant

NHLAP Mission Statement

The New Hampshire Lawyers Assistance Program (NHLAP) is a confidential, independent organization created for the sole purpose of providing confidential, immediate and continuing assistance to New Hampshire attorneys, judges and law students who are suffering from physical or psychological illness, substance abuse or emotional distress, age-related issues, or other personal or professional crisis.

Because of the sensitive nature of addiction and psychological problems, law students, attorneys, or judges who need help -- or want to assist someone else who might need help -- are often reluctant to seek assistance. Recognizing this concern, and in order to foster early and confidential contact, NHLAP treats each request for help with the same confidentiality as a lawyer-client relationship. New Hampshire Supreme Court Rule 58 protects the confidentiality of all contacts between those who utilize the program and the employees and volunteers of NHLAP. Any information between NHLAP employees and volunteers, and a lawyer, judge or law student who seeks assistance is strictly confidential and will not be disclosed except upon express authority of the affected person.

NHLAP is a committee of the New Hampshire Supreme Court. It was created by the Court in 2007 by merging the volunteer efforts of the Lawyers Assistance Committee (LAC) of the NHBA and Lawyers Concerned for Lawyers of New Hampshire (LCL). NHLAP maintains a telephone helpline and a support network of volunteer lawyers who are willing to help a colleague in need of assistance.

| Client Stat: Presenting Issue | |
|-------------------------------|-----|
| Alcohol | 55% |
| Depression | 22% |
| Alanon | 9% |
| Anger | 4% |
| Gambling | 2% |
| Prescription drugs | 2% |
| Illegal drugs | 2% |

Presentations

Developments in the Law CLE
NH Bar Mid Year Meeting
Strafford County Bar Association
Belknap County Bar Association
Conference of NH Court Administrators
Rockingham County Bar Association
NH Judicial Conference
NHBA Disabilities Law Section
Grafton County Bar Association
Greater Salem Bar Association
Merrimack County Bar Association
Franklin Pierce Law Center

Client Stat: Firm Size

| | |
|------------|-----|
| Solo | 32% |
| 5 or fewer | 24% |
| 15+ | 5% |
| 20+ | 5% |
| Government | 10% |
| Law school | 7% |
| Corporate | 3% |
| Unemployed | 10% |

CLE : Ethical Obligations and the Problem of Attorney Impairment

NHLAP has developed a Continuing Legal Education course that outlines NH and ABA rules and cases regarding the circumstances under which an attorney may be held responsible for the professional conduct of a colleague. The course also presents a description of addiction and depression from a neurobiological perspective. This CLE was made possible through the efforts of:

Russell F. Hilliard, Esq., Upton and Hatfield, Portsmouth NH
Louise Thomas, Esq., Pierce Atwood, Portland ME

With grateful appreciation to guest presenters:

William Cote, Esq. of Laskoff and Associates, Lewiston ME
Richard Soden, Esq. of Goodwin, Procter, Boston, MA
Kathleen Russo, LADC, Concord, NH

Client Stat: Gender

| | |
|-------|-----|
| Men | 59% |
| Women | 41% |

The course was accredited by the NHBA Mandatory CLE Board for 1 to 1.5 hours of Ethics credit, and presented at the following:

Upton and Hatfield, Concord; NH Women’s Bar Association; Nixon Peabody, Manchester; Orr and Reno, Concord

Judicial Assistance Initiative

NHLAP’s executive director, Cecie Hartigan, was appointed this year to CoLAP’s Judicial Assistance Initiative (JAI). The JAI was begun in 2006 to address issues such as stress, depression, substance abuse and other career and wellness concerns as they are experienced by members of the judiciary. The goal of the JAI is to develop a system that will allow state LAPs to balance the professionalism and discretion of the judicial office with the need to administer to individual judges who are experiencing problems.

Law Students Initiative

NHLAP will work with Franklin Pierce Law Center to provide support to students while in law school. An Informational Session and Life Balance workshop is being planned for this fall, to be attended by Chief Justice Broderick, NHLAP’s Executive Director, Cecie Hartigan, and Jeff Levin, MA.

In July, Sunny Mulligan, Director of Academic Success at the law center, accompanied Cecie Hartigan to the CoLAP Law School Committee meetings on law school initiatives, and the ABA Student Bar Section meetings on Mental Health Initiatives for Law Students. The young men and women of the SBA announced a \$500.00 grant to any law school starting a new mental health initiative. Funds from this grant will be used to sponsor a Life Balance Workshop at Franklin Pierce.

| Client Stat: Referral Source | |
|---------------------------------|-----|
| Self | 70% |
| Third Party | 18% |
| Character and Fitness | 8% |
| Supreme Court | 4% |

Cooperation with the Committee on Character

and Fitness

NHLAP is working with the Committee on Character and Fitness to cooperate in cases of applicants with histories of mental health issues, treatment for drugs or alcohol, or other conditions that, if left untreated, could impact the ability to practice law. A monitoring function will be provided by NHLAP in some cases. The program will also assist to secure professional evaluations and assessments, when necessary.

Client Stat: Geographic Distribution by County

| | |
|--------------|-----|
| Merrimack | 39% |
| Hillsborough | 37% |
| Rockingham | 13% |
| Grafton | 5% |
| Carroll | 2% |
| Sullivan | 2% |
| Out-of-State | 2% |

Cooperation with the Attorney Discipline Office/Professional Conduct Committee

NHLAP is a confidential program and as such will not report any information regarding a program participant unless it has the express written permission of the participant. However, in appropriate cases, the Attorney Discipline Office or the Professional Conduct Committee may refer an attorney with whom it is already in contact to NHLAP for such assistance as may

be indicated by the circumstances.

Lawyers Concerned for Lawyers (LCL)

LCL is NHLAP's strongest and most committed resource. It is a twelve-step group for lawyers made up of men and women who are willing to help a colleague struggling with substance abuse. This year, 55% of NHLAP cases involved alcohol and/or other substance abuse, and many of these are referred to LCL for support. Membership in LCL stretches from the northern part of the state, to the seacoast, to southern New Hampshire. Each month, attorneys meet to share

their experience, strength and hope as lawyers in recovery. LCL is a vibrant and caring small community within the greater legal community. Its members offer practical and compassionate support in dealing with issues of substance abuse and recovery, as those issues intersect with the practice of law. In addition, we have developed an active Alanon small community for lawyers and their families who wish to address alcoholism from the standpoint of the non-addict.

Website: www.lapnh.org

The website became a reality in May this year (2008), in the hope that it may provide an avenue for any attorney, judge or law student seeking information or help with depression or other mental health issues, substance abuse, or other personal or professional crisis.

**Client Stat: First –Time Calls to
NHLAP 2007- 2008:**

45

(Previously 5-10 call/year)

Women's Support Group

Through the volunteer efforts of women willing to share their experience, strength and hope with recovery from substance abuse, depression, and other mental health issues, we have developed a support group that meets monthly or bi-monthly to accommodate those coming from the seacoast as well as from central parts of the state.

NHLAP Commission

Hon. John Maher, Chair
Portsmouth, NH

John E Tobin, Esq., Vice Chair
Executive Director, NH Legal Assistance, Concord

Heidi Barrett-Kitchen, Esq.
Wiggin and Nourie, Manchester, NH

Ann Draper, RN
Concord, NH

Nancy Euchner, BSN, RN, GNP
AgeQuest, Portsmouth, NH

Hon. Robert Morrill
Portsmouth, NH

Roger B Phillips, Esq.
Phillips Law Office, Concord, NH

David Wolowitz, Esq.
McLane Law Firm, Portsmouth, NH

| Expenditures | | |
|-----------------------|-------------------|---|
| Wages | 60,000.00 | 73% |
| Office | 8,853.50 | 11% |
| Conferences/Travel | 6,694.82 | 8% |
| Website | 2,398.75 | 3% |
| Mileage | 1,367.74 | 2% |
| Courses/Seminars | 1,735.98 | 2% |
| Meals | 564.53 | 1% |
| TOTAL: | 81,615.32 | |
| In-kind Contributions | 28, 520.00 | incl. rent, insurance, benefits, programming |
| TOTAL: | 110,135.32 | |