



NHLAP
NEW HAMPSHIRE



Annual Report 2018

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WHO WE ARE & WHAT WE DO

NEW HAMPSHIRE LAWYERS ASSISTANCE

New Hampshire Lawyers Assistance, established by order of the New Hampshire Supreme Court in 2007, is an independent, peer-based New Hampshire non-profit corporation and a 501(c)(3) charitable organization that confidentially assists New Hampshire lawyers and judges, their family members, and law students who may be struggling with mental health or substance use issues. Our dedicated toll-free Helpline is available to answer questions, obtain information or referrals. Callers may choose to remain anonymous. NHLAP combines comprehensive educational programming and outreach with confidential peer support and independent referrals to healthcare professionals to facilitate mental health, substance use or medical evaluations which may recommend support, treatment and recovery.

MISSION

New Hampshire Lawyers Assistance provides a free, confidential, independent bridge to services that address a variety of mental health, medical or substance use issues that impairs the ability to competently practice law. Our primary purpose is to ensure the health and integrity of New Hampshire lawyers, and in doing so, protect the public.

- √ Problematic Substance Use with Drugs or Alcohol
- √ Grief and Trauma √ Gambling √ Vicarious Trauma
- √ Eating Disorders √ Depression √ Anxiety
- √ Cognitive Decline √ Aging √ Compulsivity
- √ Burnout √ Work-Life Imbalance √ Stress

SERVICES

- √ Personal Support √ Resource Coordination √ Peer Support
- √ Intervention Assistance √ Treatment Admission Assistance
- √ MCLE Education √ Monitoring Contracts
- √ Lawyers Concerned for Lawyers (LCL) Anonymous Peer Support Meetings

HISTORY

In 2007, the New Hampshire Supreme Court New Hampshire created the New Hampshire Lawyers Assistance Program by passage of Rule 58. Rule 58 was championed by a committed group of New Hampshire lawyers who for years had voluntarily assisted troubled colleagues struggling with mental health or substance abuse issues. These compassionate lawyers were appointed by the Court to be the first LAP Commission. LAP was initially funded through the Public Protection Fund, and in 2009 became independently funded by a \$15.00 annual assessment from NHBA members. The assessment was increased to \$20.00 per lawyer in 2014, where it remains. In 2010, LAP was incorporated as a 501(c)(3) not-for-profit corporation. As a non-profit, we refer to our governing body as a commission. The greatest source of information and guidance has been the ABA's Commission on Lawyer Assistance

Programs (CoLAP), created in 1992 to assist state lawyer programs nationally in accomplishing this mission. Our office at 2 ½ Beacon Street, Concord, is a private, professional and welcoming location. We are near downtown but privately situated. We encourage anyone to visit by stopping by or calling for an appointment.

CONFIDENTIALITY

Under Supreme Court Rule 58, the confidentiality of all client interaction with LAP is guaranteed. Any information learned by NHLAP employees and volunteers will not be disclosed except upon express authority of the affected person. This requires an individual to execute a release of information and expressly asks NHLAP to share information with another organization or individual.

There is additional protection provided under the rules. Under Rule 8.3(c) of the Rules of Professional Conduct, LAP volunteers are exempted from reporting information of misconduct received during their work on behalf of NHLAP. Further, under Administrative Rule 37 (e), information that is indicative of a violation of the Rules of Professional Conduct and that is acquired during NHLAP work is shielded by attorney-client privilege. Through these provisions, the privacy of any lawyer who seeks help from NHLAP has been protected by the New Hampshire Supreme Court.

NON-PROFIT STATUS

New Hampshire Lawyers Assistance was initially created as a committee of the New Hampshire Supreme Court. However, since 2010, we are now incorporated and operate as a not-for-profit, separate organization under section 501(c)(3) of the Internal Revenue Code.

HOW NHLAP WORKS

Since its inception in 2007, most calls to LAP have been self-referral from lawyers, judges and law students who recognize that they have a problem and ask for help. These problems can range from temporary conditions caused by stress, grief, family issues, or work problems, to ongoing struggles with anxiety, depression, compulsive behaviors and addiction. When substance misuse is the issue, an evaluation is sought to determine the level of misuse and whether a co-occurring disorder is also indicated. In many cases, a lawyer volunteer will assist the person to begin the road to abstinence, stabilization and recovery. This may involve inpatient treatment, intensive outpatient programs, and recovery support groups, including a lawyers' recovery group, Lawyers Caring for Lawyers, that has been meeting monthly for over 25 years. NHLAP maintains close relationships with mental health professionals experienced in treating lawyers. We work with treatment programs throughout the country as well as individual therapists, psychologists and psychiatrists in New Hampshire and nearby states, making appropriate referrals when indicated including making working with these professionals as part of a contract with NHLAP.

Third-party calls to NHLAP are treated with the same confidentiality as all other LAP contacts. When a third party makes a referral, that referral is confidential. In turn, NHLAP contacts the practitioner that is the subject of the referral, most often in the form of a "cold call." At no time does NHLAP reveal where a referral came from. In discussing the area of concern, care is taken to avoid revealing unnecessary details which can be used to guess at the referrals' source. Likewise, NHLAP does not follow up with a referral source to report on

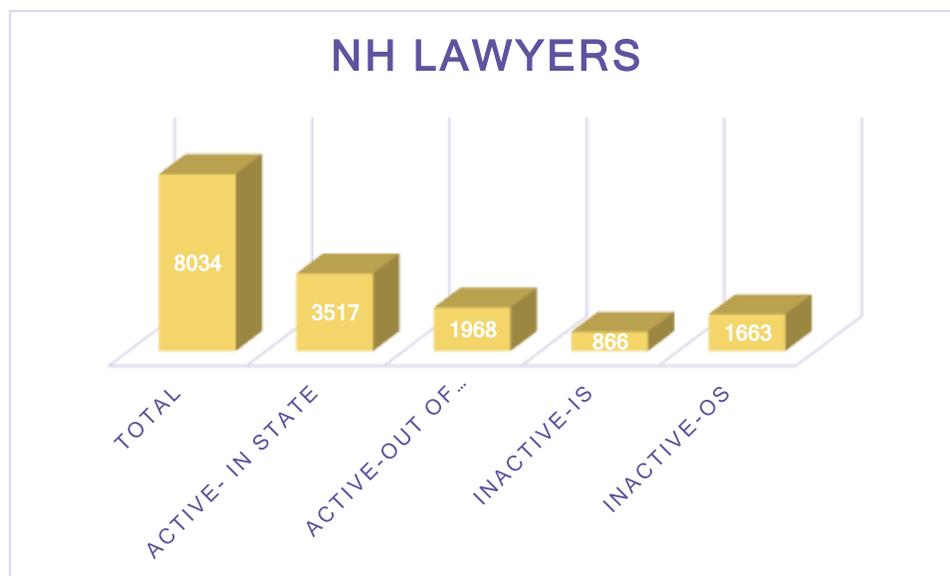
the outcome of such a “cold call” contact. At all times, respecting privacy and confidentiality are of utmost importance.

In most cases, working with NHLAP is voluntary. Practitioners recognize the need for assistance and of their own initiative engage in a formal contract for services. A contract holds the practitioner accountable for the steps necessary to address the issue that is creating difficulties. With substance misuse, this often means that the practitioner agrees to random substance use testing with an accredited lab. This piece is vital to keep someone on track while seeking to curb substance misuse. It is impossible to take half measures to address a serious substance issue when testing is involved. To continue working with NHLAP, the contract must always be adhered to. NHLAP does not report non-compliance with a voluntary contract to anyone. The contract and its terms remain confidential unless the practitioner specifically requests and signs a release to involve anyone else- whether that is a spouse, an employer or other provider.

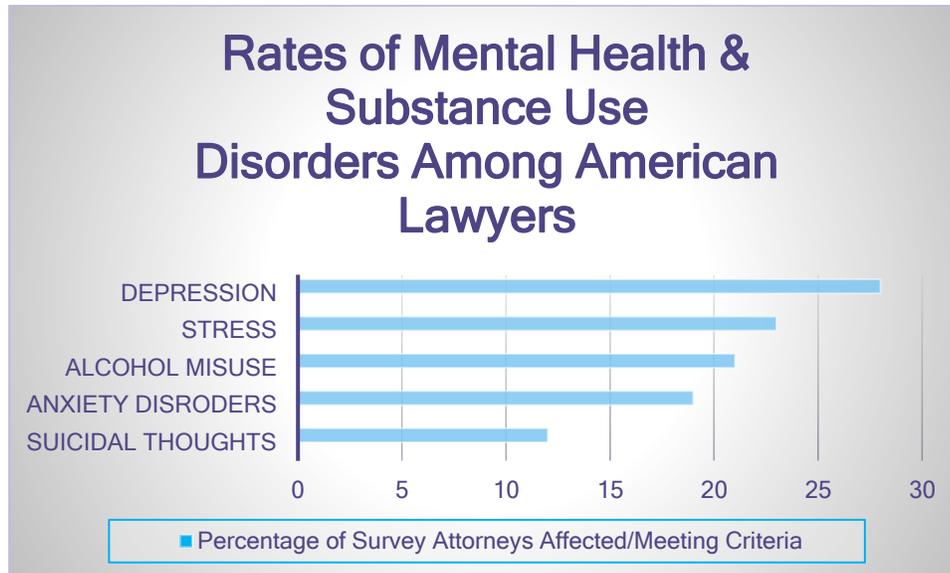
NHLAP involvement with the discipline system is treated only slightly differently than a voluntary contract. When a practitioner is referred to NHLAP by a body in the discipline system as a part of the disciplinary process, the practitioner is often required by that body to sign appropriate releases. This means that if an NHLAP contract is entered into as part of the discipline system, then continued compliance with the terms of the contract are not only required for participation with NHLAP but in maintaining cooperation with the discipline authority. After this means that a practitioner can keep his or her license to practice while engaging in an NHLAP contract. NHLAP is then require to update the discipline authority with progress and whether the contract remains in compliance. So long as this remains the case, an ideal end to the discipline proceeding can be closing of the discipline file without any finding when a contract is fully completed.

WHO WE SERVICE

NHLAP serves all NH judges, lawyers and law students, regardless of status. This includes all lawyers who are members of the NH Bar. Currently, there are a total of 8,034 members of the NH Bar which includes both active and inactive members, retired members and military members. (Source New Hampshire Bar Association, March 5, 2018).

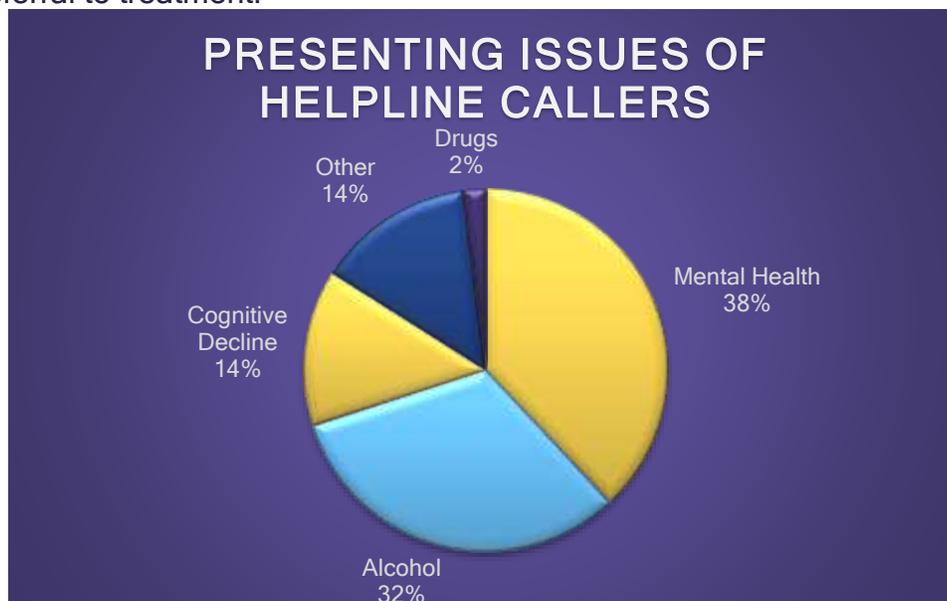


Nationally, the numbers of lawyers in a state of crisis are startling. Lawyers experience mental health and substance use issues at rates exceeding those seen in other professions and well over rates of the general population. NHLAP services are increasingly relevant and vital to the health, careers and well-being of the approximately one in four legal professionals who struggle with these issues. (Source: *The Prevalence of Substance Use and Other Mental Health Concerns Among American Lawyers*, Krill, Johnson & Albert, 2016 [Known as the ABA/Hazelton Betty Ford Study]).



New Hampshire Lawyers Assistance Helpline (1-877-224-6060) answers calls every day of the year. After hours calls are automatically forwarded to the Executive Director's cell phone. In 2018, NHLAP received 52 unique Helpline calls. These calls ranged from urgent services and assistance to scheduling a meeting for referral services or connecting a caller to a qualified NHLAP/LCL volunteer.

NHLAP services are 100% voluntary; there is no obligation to accept our assistance. All services are confidential, and a caller is not required to disclose identifying personal information to receive NHLAP services. All NHLAP services are free to charge to the caller. We utilize independent healthcare professionals to provide the evaluation, diagnosis, treatment or referral to treatment.



The most common presenting issues for Helpline calls are:

1. Mental Health Issues
(Of those calling in for Mental Health Issues)

Unspecified	39%
Trauma	26%
Anxiety	21%
Depression	16%
2. Alcohol Issues
3. Cognitive Decline

Given the number of members of the NH Bar, which is approximately 8,000 lawyers, and given that the national research demonstrates that a minimum of 28% of practicing lawyers deal with depression, another 23% deal with substance misuse and another 19% deal with anxiety, NHLAP still has a great deal of work to do to overcome the stigma surrounding these issues to help NH lawyers.

PRESENTATIONS, TRAININGS AND OUTREACH

Education

NHLAP's educational programs and networking interactions are designed to break through the major barriers that often prevent lawyers, judges and law students from seeking or accepting help in the following ways:

STIGMA Mental health and substance use disorders are among the most stigmatized illnesses in our society. NHLAP utilizes evidence-based science combined with personal stories of illness and recovery to lead the way to a better understanding of these issues. The personal stories illustrate that recovery is not only possible, but compatible with a successful legal career.

FEAR Legal professionals commonly fear that public disclosure may harm professional reputations, and embarrass their families, firms, colleagues and friends. NHLAP services are 100% confidential. Confidentiality is integral to NHLAP's mission and success. NHLAP does not report any identifying information to the NH Supreme Court or any of its agencies. All NHLAP Staff and volunteers comply with a strict and comprehensive confidentiality policy.

DENIAL Predictable and identifiable changes in the structure of the brain and in its chemistry often prevent someone from recognizing that they may be struggling with a mental health or substance use issue. People often rationalize or justify behaviors and minimize the severity of the circumstances surrounding issues. NHLAP utilizes evidence-based education to demonstrate the science and psychology that underlies behavior. There is an emphasis on understanding that behaviors are consequences of an illness rather than a moral failure. Many who struggle with these issues come to believe the falsehoods that these issues should be hidden and is not worthy of help. NHLAP helps those affected that there is help and that those suffering do not need to do so alone.

ENABLING Enabling occurs when family members, friends and colleagues, often out of love and concern, knowingly or unknowingly protect someone suffering with an impairment from the natural consequences of the illness-based behaviors. By avoiding expressing concern, by “minding your own business, to cover for a colleague’s missed or poor work performance, these illnesses are allowed to progress. When impairment progresses, greater harm occurs not only to a career, but to family and health. NHLAP leads the way in discussing the harm of enabling and seeks to break the silence that surrounds it.

NHLAP uses education and outreach to minimize barriers to seeking help by teaching judges, lawyers and law students:

- √ the scientifically based causal factors of these illnesses
- √ how to recognize early warning signs
- √ that these illnesses are chronic and progressive
- √ these illnesses are treatable and carry a good prognosis for recovery
- √ lives are saved by reaching out to offer help
- √ there is no shame in asking for help.

Monthly Meetings

ABA CoLAP Collaboration with State LAPs	Member	Conference Calling
Charles C. Doe Inns of Court	Participant	Durham, NH
LCL Meeting	Facilitator	Manchester, NH
NH Center for Nonprofit New Executive Director Roundtable	Participant	Concord, NH

Individual Meetings

ABA CoLAP National Conference	Participant	Charleston, SC
CoLAP Executive Director Retreat	Participant	Salt Lake City, UT
Coos County Court Staff Appreciation Dinner	Presenter	Whitefield, NH
Hillsborough South Superior Court Brown Bag Lunch	Presenter	Nashua, NH
Manchester Inns of Court	Presenter	Manchester, NH
Mental Health First Aid Training Wentworth Douglas Hospital	Participant	Dover, NH
NH Bar Association, Practical Skills CLE	Presenter	Concord, NH
NH Bar Association, Beyond High School	Presenter	Durham, NH
NH Center for Nonprofits Annual Conference and Expo	Participant	Concord, NH
NH Family Law Forum	Presenter	Concord, NH
NH Women’s Bar Association, Reception and Screening		Concord, NH
NH Women’s Foundation Annual Women Building Community Event	Participant	Manchester, NH
Self-Care in the Legal Profession Vermont Law School	Presenter	South Royalton, VT
Solo/Small Firm Challenge: Conquering Adversity and the Imposter Syndrome	Participant	Boston, MA
Ted X Portsmouth	Participant	Portsmouth, NH
UNH LAW Mental Health Day	Presenter	Concord, NH
UNH Law Orientation	Presenter	Concord, NH

COLLABORATIONS

AMERICAN BAR ASSOCIATION COMMISSION ON LAWYER ASSISTANCE

New Hampshire Lawyers Assistance is a part of the American Bar Association's Commission on Lawyer Assistance Programs (CoLAP). CoLAP is an 8-member commission of the ABA that has the mandate to educate the legal profession concerning substance abuse, stress, depression and other emotional health issues, and to assist all bar associations and lawyer assistance programs in developing and maintaining methods of providing effective solutions for recovery.

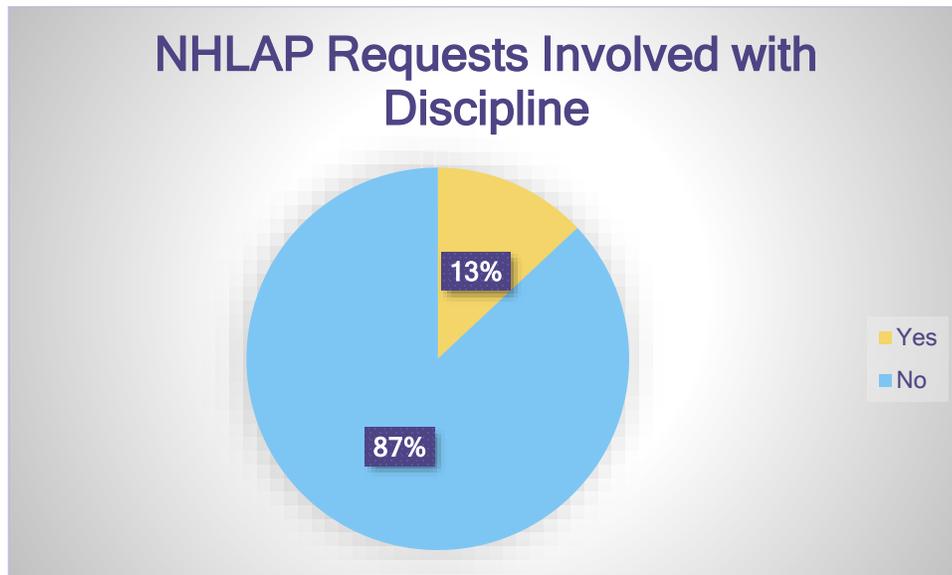
LAP's Executive Director, Terri Harrington, is a member of the ABA CoLAP. As such, she regularly attends all national CoLAP conferences, CLEs and retreats. As part of CoLAP, all members are part of a list serve of Executive Directors only. Each E.D. can reach out at any time to obtain information on resources, research and new initiatives. This is an invaluable resource that keeps all 50 states connected in real time, creating a supportive community and a professional network in what can be an isolating job here in NH.

NH ATTORNEY DISCIPLINE OFFICE

New Hampshire Lawyers Assistance emphasizes that while we are authorized by Rule 58 to receive referrals from the Attorney Discipline Office (ADO), LAP never refers to, reports to, or otherwise communicates with attorney discipline or any other entity or individual without the express consent of the affected lawyer. In some cases, the Attorney Discipline Office or the Professional Conduct Committee (PCC) may refer an attorney to LAP for assistance. In these cases, there may be an opportunity for a lawyer facing disciplinary action to get assistance for conditions that, if not addressed, may lead to repeated misconduct in the future.

Confidentiality remains the LAP priority, and LAP will not report or share any information regarding a program participant without the express written consent of the participant. For obvious reasons, in cases of referral from the ADO or PCC in which a contract is entered between the lawyer and LAP, waiver of confidentiality is required. Monitoring contracts have been used for substance abuse issues, mental health issues, and chronic disease management. A typical monitoring contract includes random drug testing (where substance abuse is indicated), attendance at counseling and/or support groups, and compliance with all medical recommendations and prescriptions.

Our relationship with the ADO is vitally important, from LAP's perspective, for two reasons. One, by working together we ensure that lawyers who return to practice are healthy and do not continue to suffer from issues underlying their prior unethical behavior. Second, by helping lawyers when the need arises, we protect the public. This shared goal of professionalism protects our legal community as well as the public. By ensuring lawyer accountability while also addressing and monitoring behavior when necessary, we ensure public protection.



COMMITTEE ON CHARACTER AND FITNESS

LAP cooperates with the New Hampshire Supreme Court Committee on Character and Fitness and its staff coordinator, Sherry Hieber, to assist applicants with the Character and Fitness process when needed. LAP will assist in securing professional evaluations and assessments, when circumstances warrant or when requested to do so by the Committee. Again, as with all LAP work, confidentiality is paramount in interaction with law students and applicants utilizing LAP services in connection with their Bar applications. No information is shared or released without the express written permission of the affected person.

Over the past several years, many applicants have requested LAP services for evaluation. Some were referred by the Committee as part of the application process. Others contacted LAP prior to the application process. If compliance with a monitoring contract is documented by LAP, and only upon execution of a release, the Character and Fitness Committee reviews the monitoring reports. They then take these reports into account in the decision-making process, as compliance with such a contract assures the Committee that any potential issue that may impair competency has been actively addressed with accountability.

UNH FRANKLIN PIERCE SCHOOL OF LAW

NHLAP works with University of New Hampshire School of Law staff and students to provide support to students while in law school and during application to the Bar. Presentations on LAP law student services and student wellness were made to students during the fall and spring semesters. Confidentiality is always emphasized in our relationships with law students. LAP accepts referrals regarding law students and bar applicants and assists in any way we can, but we never make referrals or communicate with another entity without the express consent of the affected student/applicant.

NHLAP COMMISSION

NHLAP is grateful for the selfless service of its volunteer commission members. The Commission is charged with overseeing NHLAP operations, approving the budget and establishing new NHLAP policies and procedures. The Commission consists of eight full voting members and one *ex officio*, non-voting member. These members are either in

recovery from mental health and substance misuse disorders or fully support those who are in recovery. Commission members are nominated by the Executive Director and is appointed to a three-year term by the New Hampshire Supreme Court.

Russell F. Hillard, Esq.
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Portsmouth, NH

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Vice Chair
Robinson, Boesch, Sennott & Masse
Portsmouth, NH

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Concord, NH

David Tencza, Esq.
Law Office of David Tencza
Nashua, NH

George Moore, Esq.
Ex Officio
Executive Director
NH Bar Association
Concord, NH

FROM THE BOARD CHAIR

Without a doubt, the theme of the past year for the Lawyers Assistance Program has been expanded outreach, and Terri Harrington has done a magnificent job in service to the bench and bar.

Our monthly newsletter, expanded, now goes by email to every member of New Hampshire Bar Association, resulting in a much higher sense of awareness, and feedback.

Our improved website and presence on numerous social media provide other avenues of outreach, and concomitant awareness of the Program.

We continue to interface regularly with important stakeholders in this area, including the American Bar Association Conference of Lawyer Assistance Programs, various Inns of Court, Lawyers Caring for Lawyers, the Attorney Discipline Office, the Character and Fitness Committee, and the UNH School of Law.

Also, there is a national movement to recognize and address issues confronting our profession beyond substance abuse and mental illness, including eliminating or reducing the stigma attached to each, and anxiety, stress, and depression before they reach critical stages.

The Program is working to address all these concerns, including well-being overall, and appreciates the support it receives from the New Hampshire Supreme Court, New Hampshire Bar Association, and judges and lawyers in New Hampshire.

Russell F. Hillard, Esq.

HOW TO FIND US

HELPLINE

NHLAP Confidential Helpline 1-877-224-6060

WEBSITE

Please visit our newly upgraded website at www.lapnh.org. It is our hope that it provides an easy avenue for support to 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. The site lists numerous resources for lawyers, judges and law students who feel that they or a colleague may need assistance. The site also uploads new articles on attorney wellbeing issues, each NHLAP Newsletter and our Annual Report.

SOCIAL MEDIA

Follow us, where we share articles, news and links of interest, on:

Twitter	NHLAP's Twitter Feed
Facebook	NHLAP's Facebook Page
LinkedIn	NHLAP's LinkedIn Page
Instagram	NHLAP's Instagram Feed

MONTHLY NEWSLETTER

NHLAP writes and distributes a free monthly e-newsletter to members of the NH Bar. Each edition highlights an area of wellness and looks at it from diagnostic, treatment and social perspectives. Each issue then recommends both a book and a podcast that provides greater insight, education and entertainment value for the area highlighted. This newsletter regularly provides information on the LCL monthly peer support group meeting, a “Quick Tip” section for wellness on the go and information on local or national resources of interest to bar members.

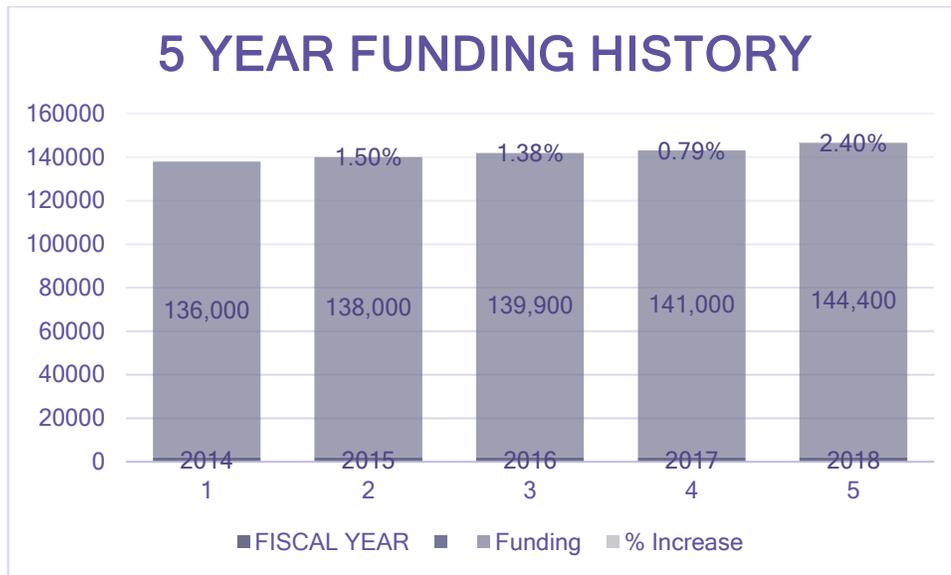
NHLAP is grateful for the leadership and cooperation of the NH Bar Association in aiding in the distribution of NHLAP’s monthly e-newsletter. Without this generous assistance, it would not be possible to reach each NH Bar member with this valuable resource.

FINANCIAL SUMMARY

NHLAP ends the Fiscal Year on solid financial footing. The sole source of funding for NHLAP is the NH Supreme Court mandatory assessment for members of the NH Bar. Each lawyer is assessed \$20 annually to fund this programⁱ. The funds are collected through the NH Bar and distributed to NHLAP in August of each year. The NH Supreme Court approves the overall NHLAP budget through court order after review of the previous year's budget and input from the Executive Director and NHLAP Commission members. The \$20 annual assessment has not increased since 2016. The operational budget is both reviewed and overseen by the NHLAP Commission in its entirety at the start of each FY and at quarterly meetings during the FY. The Commission is provided complete annual reports and complete quarterly reports from both QuickBooks and from accounting reconciliation reports from an outside accountant. Annual financial reports are submitted to the NH Supreme Court at the close of each FY.

FY 2018 saw an income of approximately \$144,400. At the end of the FY, the accounting showed a net of approximately \$3,400. Most expenses for the FY included salary and benefits for the Executive Director, rent for the office space, training for the Executive Director and 2 members of the NH Bar and a complete website upgrade. The projected budget for FY 2019 remains basically the same at \$145,000, as that of FY 2018, as the mandatory assessment has not increased.

Additionally, NHLAP maintains a Reserve Account of approximately \$28,000. This reserve account was built over the years of NHLAP net proceeds from the annual operational budget. This account is maintained for emergency expenditures. There has not been any need to resort to the Reserve Account since 2016.



NHLAP received an average annual increase in funding of 1.5% over the last five years solely based upon the increase numbers of attorneys required to pay annual dues and graciously approved by the NH Supreme Court.

FROM THE EXECUTIVE DIRECTOR

The end of FY 2018 (which is June 2019) is the year and a half anniversary of my time at NHLAP. The first year was taken up with orienting myself to the operations of a non-profit and the responsibilities tasked to an Executive Director. I am extremely grateful to the New Hampshire Center for Nonprofits, which has provided formal training, networking and support during the transition in leadership here at NHLAP. Although I have many years of experience as a criminal practitioner in NH, there were many stakeholders and supporters of NHLAP with which I was not familiar. Getting to know the dedicated members of the Lawyers Concerns for Lawyers group as well as the NHLAP Volunteer mentors was both a very rewarding and humbling experience. There are many lawyers here in NH who are volunteering their time to helping other members of the NH Bar in profound and personal ways. They provide both a path to wellness and hope that professional success is attainable after dealing with issues that can sideline many in the practice of law.

The work of NHLAP is largely unsung and unknown. With the help of the outreach through the monthly NHLAP Newsletter and a growing social media footprint, the “unknown” nature of this work is waning. My goal for this next FY is to expand both the understanding of NHLAP as a valuable, free service to all NH Bar members and to make some inroads regarding the stigma that often surrounds the issues with which we help. It isn’t enough that

NHLAP is understood as a service to the bar, but that it is trusted and used to transform the lives of NH judges, lawyers and law students to practiced wellbeing. A lawyer who practices self-care, self-insight and self-regulation is a legal practitioner operating at the highest levels of ethics and competence. That is the goal of all who work to make NHLAP a meaningful part of the lives of NH practitioners.

Submitted by

August 21, 2019

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