



# NHLAP

## NEW HAMPSHIRE

## July 2020

# Newsletter

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**603-491-0282**

# COVID-19 JULY UPDATE

**NEW CASES** of Covid-19 here in New Hampshire continue. Although New Hampshire is not considered a “hot spot” for new infections, Massachusetts, is. Our direct neighbor to the south has reached the disturbing number of over 100,000 confirmed cases of Covid-19. Massachusetts’ rate of infection is one of the highest in the nation, outpaced only by California, Texas, Florida, New York, and New Jersey. Unlike Texas, Florida, Arizona, Mississippi and North Carolina, Massachusetts rates of infection have dropped, while these other states have rates higher now than when the pandemic was initially declared in March.

New Hampshire residents should remain on alert because Governor Sununu has relaxed coronavirus restrictions including no longer asking that New England states (including Massachusetts) quarantine for two weeks upon entering our state. July is high tourist season, and if the York, Maine southbound tolls on Sunday, July 5<sup>th</sup> were any indication, there are thousands of Massachusetts and New York residents coming to New Hampshire and Maine for summer vacationing. ***This is NOT the time to become lax in pandemic safety protocol.*** It remains of the highest importance to wear a face mask while out in public, routinely wash hands with soap and water for at least 20 seconds and sterilize surfaces regularly with an anti-bacteria surface cleaner.

**TESTING** As of May 29, any NH resident can obtain a Covid-19 test regardless of whether they are exhibiting symptoms or not. These tests are available at any of the NH State fixed testing sites. [More on Testing Site Locations Here](#) NH Health Commissioner Lori Shibinette is encouraging anyone who wants to be tested to get tested. The tests may be scheduled through the state’s portal website. [Click Here for Testing Registration](#) Additionally, five CVS pharmacies in Concord, Hampton, Hooksett, and Nashua are offering drive-through testing options. [Click Here for CVS Clinic Options](#)

**The State of NH Stay at Home Order 2.0 remains in effect by order of Governor Sununu until July 21.** (See Fifth Extension of State of Emergency Declared in Executive Order 2020-04). This means that all NH residents are still asked to stay at home when at all possible. The updated restrictions now allow the following:

As of July 1, the ban on foreclosures and evictions has ended. However, House Bill 1247 requires that landlords offer a six-month repayment plan for rent missed during the pandemic emergency order as well as requiring mortgage lenders to act in “good faith” before filing foreclosure documents. This bill also clarifies that welfare recipients don’t need an eviction notice to access rental assistance. Governor Sununu has stated that he has earmarked \$35 million of federal CARES Act Relief funds for housing relief.

Hotels and other lodgings are all reopened with employees to maintain minimum health standards as mandated by CDC pandemic restriction guidelines.

Beaches are open as of June 29 for all purposes. Parking remains restricted to one-half of lot capacity. Yet, many cities and towns along New Hampshire Seacoast, including Route 1-A, have parking bans that remain in effect.

**THE JUDICIARY** issued its Fifth Renewed Emergency Order on July 2 ***extending and modifying existing restrictions to all courthouses until July 27.***

The Supreme Court building is closed to the public with the following exceptions:

- Proceedings necessary to protect constitutional rights of criminal defendants;
- Proceedings necessary to protect the public on an interim or emergency bases from a substantial threat to serious harm posed by the conduct of an attorney or judge;
- Proceedings relating to petitions for temporary emergency relief;
- Proceedings directly related to a COVID-19 health emergency.
- Other exceptions as approved the Supreme Court or a single justice.

Additionally, the provision of Rule 4(a) (Electronic Filing) is modified. The July 1 Order allows for Supreme Court filing electronically, by mail or in person using the drop box located in front of the Supreme Court building.

Limited courthouse access to Superior and Circuit Court remains in effect. Only those who are seeking emergency relief, are scheduled to attend a court hearing or are

Sources:

*Fifth Renewed and Amended Emergency Order Governing New Hampshire Supreme Court Proceedings and Restricting Access to Supreme Court Building, Effective July 7, 2020* [www.courts.state.nh.us](http://www.courts.state.nh.us)

*Confirmed Coronavirus Cases are Rising 40 of 50 States.* By Jake Coyle & Terry Spencer, [www.apnew.com](http://www.apnew.com), 07/20/20

*Coronavirus Update*, by NHPR Staff, [www.nhpr.org](http://www.nhpr.org), 07/06/20

*Safer at Home: Covid-19 Reopening Guidance, Governor's Economic Reopening Taskforce*, [www.nheconomy.com](http://www.nheconomy.com)

members of the press are allowed access inside these buildings. Face masks and social distancing must always be maintained while inside. Drop boxes are available at Superior and Circuit Court buildings for those seeking emergency relief through written petition. [Full NHJudicial Branch Information and Links Here](#)

If you have any questions, concerns or issues surrounding the Covid-19 pandemic, please do not hesitate to contact NHLAP. We are here to help.

[NH Governor Chris Sununu's Emergency Orders Related to Covid-19](#). All orders to date, chronological, with links to full written text. [Find Link Here](#)



Image by [Cler-Free-Vector-Images](#) from [Pixabay](#)

## FOCUS ON ADDICTION

**ALCOHOL** sales across the nation have risen significantly since March. Kaiser Health News has reported on the increased difficulty that exists in finding treatment options for addiction, including alcohol misuse, during the pandemic.

One response is a bi-partisan bill currently in the U.S. Senate that would expand the telehealth platform to include substance abuse treatment. Specifically, it would allow care providers to skip the in-person exam which is currently mandated before Medically Assisted Treatment (MAT) can be prescribed. Senators Rob Portman (R-OH) and Sheldon Whitehouse (D-RI) introduced this bill the week of July 1 entitled the Telehealth Response for E-Prescribing Addiction Therapy Services (TREATS) Act. This would boost access for substance use disorder through access to telehealth, expand Medicare coverage for mental health services to include audio only phone calls and make permanent emergency actions allowing for telehealth services.

Access to telehealth is especially important right now because people requiring in-patient alcohol and drug services have stayed away for fear of contracting Covid-19. Patient numbers as tracked by the Association of Addiction Treatment Providers saw a 50% drop in admissions in both March and April. Admissions are up to 80% in June of what they were prior to the start of the pandemic.

If you think you need help with an alcohol or drug problem, please don't wait. Contact NHLAP for help. You are not alone.

**603-491-0282**

Please contact Terri Harrington with any questions or concerns regarding the LCL Peer Support Meeting group at [t.harrington@lapnh.org](mailto:t.harrington@lapnh.org)

Sources:

*Another Epidemic: Addiction* by Giles Briuce, 7/06/20, Keiser Health News @ [www.khn.org](http://www.khn.org)

*Senators Seek Telehealth Expansion for Substance Abuse Treatment*, by Eric Wicklund, mHealth Intelligence, 7/06/20 @ [www.mhealthintelligence.com](http://www.mhealthintelligence.com)



## Lawyers Concerned for Lawyers Virtual Peer Support Meeting

**Thursday, July 9, 2020 06:00 PM**  
Eastern Time (US and Canada)

Join Zoom Meeting  
<https://zoom.us/j/95936588180?pwd=SlRvZlZiRGc3dkNaUGRpUm1YWWhpHZz09>

Meeting ID: 959 3658 8180

Password: **722236**

Dial by your location

+1 312 626 6799 US (Chicago)

+1 646 558 8656 US (New York)

Meeting ID: 959 3658 8180

Password: 722236

Find your local number: <https://zoom.us/u/ab09BrTtE>





# FOCUS ON MENTAL HEALTH

**NEW HAMPSHIRE** made a giant leap forward in the breakdown of stigma associated with obtaining help for mental health and substance abuse. On June 19, the New Hampshire Supreme Court's Committee on Character and Fitness removed questions requiring blanket disclosure about mental health history, diagnosis, and treatment from the bar admission application.

Specifically, question 11 of the Petition and Questionnaire for Admission to the New Hampshire Bar asked if “you currently have any condition (including but not limited to substance abuse, alcohol abuse, or a mental, emotional, nervous, or behavioral disorder or condition) which in any way currently affects your ability to practice law in a competent and professional manner?” This question did not ask if there were any specific consequences such as arrest, license suspension or other punitive action taken as a result of such a condition. It simply asked for a blanket disclosure of diagnosis and treatment which implied that having any such condition required per se inquiry into an applicant's fitness to practice solely based upon his or her mental health history.

The Committee on Character and Fitness correctly surmised that this blanket disclosure requirement was a real impediment to those in law school who wished to obtain mental health or substance misuse treatment while in law school. Put simply, it was easier to avoid the issues that were presenting themselves until after admission to the bar to avoid disclosure for obtaining help. Since the rates of substance abuse and mental health disorders track very closely to that of practicing lawyers, there is a clear need to address impairment issues in the law school community. Nearly 1 in 5 lawyers reported that their alcohol or drug use was problematic and of these, 3 of 4 reported that their problematic use manifested after starting law school. The change in the bar question now focuses on potential consequences that have been documented rather than penalizing help-seeking.

This change in the bar admission questionnaire is one that has been advocated by the American Bar Association since 2018. The Conference of Chief Justices has called for removal of mental health inquiries from bar applications since 2019.

New Hampshire now joins 17 other states in removing blanket mental health disclosure questions from its bar petition. California, Connecticut, Georgia, Hawaii, Illinois, Louisiana, Massachusetts, New Mexico, New York, North Carolina, North Dakota, Oklahoma, Tennessee, South Dakota, Vermont, Washington and Wyoming all have questions related to consequences of potentially problematic behavior rather than a request to disclose mental health or substance misuse diagnosis. (Examples are: Have you been the subject of a competency or guardianship action? Have you been the subject of a grievance filed against you due to your personal conduct? Have you been acquitted of a crime by reason of mental disease or defect?) Michigan will remove its current question in 2021 and replace it with an action based series of questions.

There has been no greater source of anxiety for law students at UNH Law than Question 11 of the NH Bar Petition while NHLAP conducted open office hours. Many students inquired about past diagnoses and whether they would need to disclose them if no longer in treatment. Others refused to see a provider who could provide help for fear that they would be diagnosed and then required to disclose the diagnosis and the treatment plan. Many have stated that they would deal with issues on their own or seek confidential peer support only because these alternatives did not require disclosure.

This attitude has carried over into legal practice. Many lawyers have stated they do not want to see a professional mental health or substance misuse treatment provider for fear of the paper trail it will leave. Some have stated that it will impede their chances at a promotion or a judicial appointment should

they formally acknowledge an impairment issue. By removing Question 11 off of the NH Bar Petition, the New Hampshire Supreme Court and its Committee on



Sources:

**Bar Questions Pertaining to Mental Health, School/Criminal History & Financial Issues (Chart)**, Judge David L. Bazelon Center for Mental Health Law, Updated February 2019, @ [www.bazelon.org](http://www.bazelon.org)

**Drug and Alcohol Abuse in the Legal Profession** by Indra Cidambi, M.D. *Psychology Today*, 07/17/19, @ [www.psychologytoday.com](http://www.psychologytoday.com)

**Law Students Law Schools Lead Efforts to Remove Mental Health Questions from Character and Fitness Equation** by Margaret Hannon and Scott Hiers, *ABA's Before the Bar*, 10/09/19, @ [www.abaforlawstudents.com](http://www.abaforlawstudents.com)

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## NHLAP Depression and Anxiety Virtual Peer Support

Now on Zoom.us

**July 15, 2020 05:30 PM**

Eastern Time (US and Canada)

Join Zoom Meeting

<https://zoom.us/j/99645564816?pwd=L1lVWGkrZFFlUHdPaGFWb2ZlQlJkdz09>

Meeting ID: 996 4556 4816

Password: **327992**

Dial by your location

+1 301 715 8592 US (Germantown)

+1 312 626 6799 US (Chicago)

+1 646 558 8656 US (New York)

Meeting ID: 996 4556 4816

Password: **327992 (dial in only)**

Find your local number: <https://zoom.us/u/abcTQBZQb>

Please contact Terri Harrington at NHLAP with any questions or concerns regarding the NHLAP Depression and Anxiety Peer Support virtual meeting.

[t.harrington@lapnh.org](mailto:t.harrington@lapnh.org)

Character and Fitness has stated unequivocally there is no penalty for seeking help. This will go a long way in reversing the staggering statistics of lawyers and law students suffering with impairment issues. This will go a long way in combating stigma associated with mental health and substance misuse treatment.



Tired of being immersed in bad news? This is the antidote to the daily downer of staying informed. Some Good News (SGN) is John Krasinski's (remember *The Office*?) YouTube channel and he highlights actual good news stories from all over the world. It is currently on break from live broadcasts, but you can find all the uploads he created during the pandemic from his living room. Click [HERE TO WATCH EPISODE 1](#) Totally worth your time, but only if you want to smile.

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## FREE HAPPINESS COURSE

The Science of Well-Being is now being offered free by the Yale University. This on-line course is designed to increase your own happiness and build more productive habits. Taught by Laurie Santos, Professor of Psychology. Over 2.7 million people have taken advantage of this free on-line learning opportunity. Available through [www.coursera.org](http://www.coursera.org)



[Learn More or Enroll](#)