

No. \_\_\_\_\_

**STATE OF MINNESOTA  
IN SUPREME COURT**

\_\_\_\_\_

OFFICE OF  
APPELLATE COURTS

NOV - 1 2007

FILED

In re:

Petition to Increase LAP Allocation  
From Attorney Registration Fees

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**PETITION OF MINNESOTA STATE BAR ASSOCIATION**

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**Minnesota State Bar Association**  
Brian Melendez, President  
600 Nicollet Mall  
Suite 380  
Minneapolis, Minnesota 55402  
(612) 333-1183

*Petitioner*

**Faegre & Benson LLP**  
Bruce Jones (#179553)  
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90 South Seventh Street  
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(612) 766-7000

*Attorneys for Petitioner  
Minnesota State Bar Association*

No. \_\_\_\_\_

**STATE OF MINNESOTA  
IN SUPREME COURT**

In re:

Proposed Amendment of Minnesota Rules  
of Professional Conduct

**PETITION OF MINNESOTA STATE BAR ASSOCIATION**

TO THE HONORABLE JUSTICES OF THE MINNESOTA SUPREME COURT:

Petitioner Minnesota State Bar Association (“MSBA”) respectfully submits this petition asking this Honorable Court to increase the attorney registration fee charged to Minnesota lawyers and judges by \$8.00 per year and to allocate that additional money to the Lawyer Assistance Program (LAP). This would increase the allocation to the LAP program from \$8.00 to \$16.00 per year. This proposed change is intended to permit the LAP to maintain and increase its outreach to lawyers in crisis, to provide better service to its clients, to respond more rapidly to client needs, and to better protect members of the public who have entrusted their important legal affairs to lawyers who may themselves need assistance.

In support of this petition, the MSBA would show the following:

1. Petitioner MSBA is a not-for-profit corporation of attorneys admitted to practice law before this Court and the lower courts throughout the State of Minnesota.
2. This Honorable Court has and exercises the exclusive and inherent power to regulate the legal profession in the interest of the public good and the efficient

administration of justice. The Minnesota legislature has expressly recognized this power. See Minn. Stat. §§ 480.05, 481.01 (2006).

3. In the exercise of that power, this Court has the power to require and has required the annual payment of a Registration Fee by all licensed attorneys and judges in the State of Minnesota. See Rules of the Supreme Court on Lawyer Registration 2(A) (hereafter “Registration Rules”). The fee may vary in amount from one attorney to another depending on, among other things, the duration of the attorney’s practice and the attorney’s military status, income, state of residence, disability, retirement, and active or inactive status. See id.

4. The monies received through these Registration Fees are placed in a special fund in the state treasury that is appropriated annually to this Court for, among other things, “regulating the practice of law.” Minn. Stat. § 481.01. The Registration Fees collected and paid to this special fund are allocated by the Court among several entities concerned in various ways with the regulation of the legal profession. See Registration Rule 2(D). At present, eight dollars (\$8.00) of each Registration Fee is allocated and paid “to the Lawyer Trust Account Board for a lawyers assistance program.” Id.

5. In late 2001, this Court selected Lawyers Concerned for Lawyers (LCL) as Minnesota’s Lawyer Assistance Program (LAP). Since that time, the Court has extended or renewed LCL’s contract as Minnesota’s LAP. LCL in turn contracts with a traditional employee assistance provider (DOR and Associates, Inc.) to provide therapy and assessment services. Under the current program, each lawyer, judge, law student, or family member is eligible for up to four free counseling sessions each year, with

appropriate referrals as needed. LCL also hosts therapist facilitated mental health groups for those who are unable to afford additional counseling. LCL performs outreach to the legal community, including CLE programs, law school presentations, and service announcements.

6. In addition, LCL manages a very active group of dedicated volunteers. In the past two years, these volunteers contributed over 600 hours to the program, including direct mentoring, case assistance, and some 70 presentations to interested groups. Many of these presentations are coordinated with other organizations, including MCLE, to obtain the greatest dissemination of information at the least expense.

7. Since 2001, LCL has received the annual \$8.00 LAP allocation from this Court. In addition, LCL has engaged in fundraising of its own to help finance its offerings and programs for attorneys and judges. For the past and current budget years (2006-2007 and 2007-2008<sup>1</sup>), the combined proceeds from the attorney registration fees and LCL's own fundraising have been insufficient to support LCL's anticipated programming needs and the continuing growth of the Lawyers Assistance Program.

8. At the time of LCL's contract renewal for fiscal year 2006-2007, this Court approved a budget increase that allowed LCL to add staff to respond to increased client levels. The 2006-2007 LCL budget of \$244,000 from Attorney Registrations Fees exceeded 2006-2007 pro rata collections for the LAP by approximately \$40,000.00. This

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<sup>1</sup> LCL's program years run concurrently with those of the MSBA, beginning July 1 and ending June 30.



shortfall was paid out of the reserve fund maintained by the Lawyers' Trust Accounting Board (LTAB). LCL was orally informed that the total amount of the LTAB reserve at the beginning of the 2006-2007 fiscal year was approximately \$120,000.00. As a result, even if the LCL budget remained the same without any further increase, the shortfall would exhaust the LTAB reserve by the end of FY 2008-2009.

9. As a self-regulated community of professionals, the Minnesota Bar has a responsibility to insure that Minnesota's lawyers and judges have the competence and mental capability to serve the public well. In fulfilling this responsibility, the Bar must provide a system of support and a place where troubled lawyers, who may be suffering from chemical dependency, depression, or just stress, can go to seek help. As set forth in the accompanying materials, LCL has effectively performed that role. There can be no doubt that the work of LCL and the availability of a place to call for help has saved the lives, families, and careers of Minnesota lawyers and in turn benefited their clients.

10. Minnesota has been a leader in the field of aiding lawyers in crisis, and created the first Lawyers Concerned for Lawyers program. In recent years, however, most of the states that have such a centrally funded program impose a per-lawyer assessment that is typically higher than Minnesota's present \$8.00 per year.

11. The MSBA's Life and the Law Committee has studied the status and continuing needs of the LAP program and has prepared a report on its findings, a copy of which is attached to this Petition. Based on the Committee's report, in June of 2007, the MSBA passed a resolution that stated:

RESOLVED, that the Minnesota State Bar Association recommends that the per lawyer assessment which supports a Lawyer Assistance Program (LAP) be increased from \$8.00 to \$16.00 per year, through an increase to the attorney registration fee and that the MSBA petition the Supreme Court to modify the Rules on Attorney Registration accordingly.

12. If the Minnesota bar is to maintain the level of support necessary to adequately assist at-risk lawyers and judges and fulfill its responsibility both to its members and to the public, a permanent and stable source of additional funds must be established. Petitioner MSBA submits that an increase in the Attorney Registration Fee of \$8.00 per attorney and a corresponding increase in the Court's allocation to LAP from \$8.00 to \$16.00 would provide such a source. The increase would permit permanent funding for the LAP program consistent with its recent budgets, and any excess would be directed to the LTAB reserve for such futures uses as the Court directs. The funding source would also be stable, dependent only on the number of attorneys registered in the State, a number that varies only slightly from year to year.

13. To assist the Court in its consideration of this Petition, the MSBA submits with the Petition the following documents:

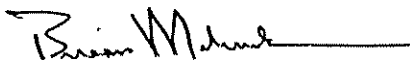
- a. A proposed revised version of Registration Rule 2(A-D), reflecting both the proposed new total fee for each practice category and the proposed new allocation of those fees, in both clean and redlined versions (in Addendum);
- b. Report and Recommendations to the MSBA From the Life and the Law Committee Regarding An Increase To Allocation From the Attorney Registration Fee for the Lawyers Assistance Program (in Addendum);
- c. Current "Grant Agreement for the administration and operation of the Minnesota Lawyer Assistance Program" between the Lawyer Trust Account Board and Lawyers Concerned for Lawyers, including Attachment A addressing Specific LAP Services (Exhibit A)

- d. LCL Three-Year Financial Comparison (Exhibit B);
- e. LCL Budget Comparison FY 2007-2008 v. Proposed Budget with Requested Increase (Exhibit C);
- f. LCL 2004-2005 Annual Report, with Appendices including Financial Statement (Exhibit D);
- g. LCL 2005-2006 Annual Report (latest available), with Appendices including Financial Statement (Exhibit E);
- h. LCL Education and Outreach Achievements (Exhibit F);
- i. Excerpt from Minnesota Women Lawyers website regarding program “Holiday Stress: It’s Coming...What You Can Do to Minimize It” (Exhibit G);
- j. Email from Minnesota CLE regarding CLE program “Elimination of Bias – Disabilities Related to Mental Health and Addiction” (Exhibit H);
- k. Email from Hennepin County Bar Association regarding CLE program “Depression: What Is It, and Why Is It an Issue for the Legal Profession?” (Exhibit I);
- l. LCL Brochure “Confidential Assistance for Minnesota Judges” (Exhibit J);
- m. LCL Lawyer Assistance Program Brochure “Program Services” (Exhibit K);
- n. LCL Lawyer Assistance Program Brochure “Self-Assessment” (Exhibit L);
- o. LCL Lawyer Assistance Program Brochure “For Law Students” (Exhibit M); and
- p. LCL Lawyer Assistance Program Brochure “Inspirational Stories” (Exhibit N).

Petitioner MSBA therefore respectfully requests that this Honorable Court grant its petition, increase the Attorney Registration Fee by \$8.00, and allocate that additional \$8.00 to the Lawyer Assistance Program. The MSBA stands ready to address any comments or questions the Court may have concerning the proposal in whatever forum may be most convenient to the Court.

Dated: October 31, 2007

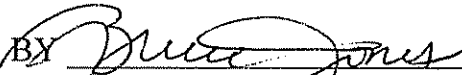
Respectfully submitted,  
MINNESOTA STATE BAR  
ASSOCIATION

BY 

\_\_\_\_\_  
Brian Melendez  
Its President

and

FAEGRE & BENSON LLP

BY 

\_\_\_\_\_  
Bruce Jones, #179533  
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90 South Seventh Street  
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(612) 766-7000

Attorneys for the Minnesota State Bar  
Association

**ADDENDUM TO MSBA PETITION**

**Proposed Amended Rule 2 of Rules of the Supreme Court on Lawyer Registration  
(REDLINED VERSION)**

Rules of the Supreme Court on Lawyer Registration

**RULE 2. REGISTRATION FEE**

**A. Required Fee.**

In order to defray the expenses of examinations and investigation for admission to the bar and disciplinary proceedings, to defray the expenses of administering continuing legal education, to provide an adequate client security fund, to help fund legal services programs, and to help fund a lawyers assistance program, each lawyer and each judge must pay to the Lawyer Registration Office an annual registration fee.

**B. Active Statuses.**

Each lawyer and judge must pay an annual registration fee of ~~\$218,226~~ or such lesser sum as is set forth in the following sections.

**1. Active Status--Income Less Than \$25,000.**

A lawyer or judge on active status who certifies that the lawyer's or judge's gross income from all sources, excluding the income of a spouse, is less than \$25,000 per year must pay an annual registration fee of ~~\$193,201~~.

**2. Active Status--Lawyers on Fulltime Military Duty.**

A lawyer or judge on fulltime duty in the armed forces of the United States must pay an annual registration fee of ~~\$107,115~~.

**3. Active Status--Lawyers on Fulltime Military Duty--Income Less Than \$25,000.**

A lawyer or judge on fulltime duty in the armed forces of the United States who certifies that the lawyer's or judge's gross income from all sources, excluding the income of a spouse, is less than \$25,000 per year must pay an annual registration fee of ~~\$82,90~~.

**4. Active Status--Lawyers Admitted Fewer Than Three Years.**

A lawyer or judge who has been admitted to practice law fewer than three years in each and every licensing jurisdiction, including Minnesota, must pay an annual registration fee of ~~\$97,105~~.

**5. Active Status--Lawyers Admitted Fewer Than Three Years--Income Less Than \$25,000.**

A lawyer or judge who has been admitted to practice law fewer than three years in each and every licensing jurisdiction, including Minnesota, and certifies that the lawyer's or judge's gross income from all sources, excluding the income of a spouse, is less than \$25,000 per year must pay an annual registration fee of ~~\$84.50~~92.50.

**C. Inactive Statuses.**

**1. Inactive Status--Out-of-State.**

A lawyer or judge who files with the Lawyer Registration Office on or before the date the lawyer's registration fee is due an affidavit stating that the lawyer or judge (i) is a permanent resident of a state other than Minnesota, (ii) is currently in good standing, (iii) does not hold judicial office in Minnesota and (iv) is not engaged in the practice of law in Minnesota, must pay an annual registration fee of ~~\$179~~187.

**2. Inactive Status--Out-of-State--Income Less Than \$25,000.**

A lawyer or judge who files with the Lawyer Registration Office on or before the date the lawyer's registration fee is due an affidavit stating that the lawyer or judge (i) is a permanent resident of a state other than Minnesota, (ii) is currently in good standing, (iii) does not hold judicial office in Minnesota (iv) is not engaged in the practice of law in Minnesota, and (v) certifies that the lawyer's or judge's gross income from all sources, excluding the income of a spouse, is less than \$25,000 per year must pay an annual registration fee of ~~\$154~~162.

**3. Inactive Status--Minnesota.**

A lawyer who files with the Lawyer Registration Office on or before the date the lawyer's registration fee is due an affidavit stating that the lawyer (i) is a resident of the State of Minnesota, (ii) is currently in good standing, (iii) does not hold judicial office in this state, and (iv) is not engaged in the practice of law in this state must pay an annual registration fee of ~~\$179~~187.

**4. Inactive Status--Minnesota--Income Less Than \$25,000.**

A lawyer who files with the Lawyer Registration Office on or before the date the lawyer's registration fee is due an affidavit stating that the lawyer (i) is a resident of the State of Minnesota, (ii) is currently in good standing, (iii) does not hold judicial office in this state, (iv) is not engaged in the practice of law in this state, and (v) certifies that the

lawyer's or judge's gross income from all sources, excluding the income of a spouse, is less than \$25,000 per year must pay an annual registration fee of ~~\$154~~162.

### **5. Inactive Status--Retired.**

A lawyer or judge who files with the Lawyer Registration Office a Retirement Affidavit stating that the lawyer or judge (i) is currently on active or inactive status, (ii) does not hold judicial office in this state, (iii) is not engaged in the practice of law in this state, (iv) is at least 62 years of age, and (v) is retired from any gainful employment is exempt from payment of any registration fee during the period of the lawyer's or judge's retirement. A Retirement Affidavit, once filed, is effective for each succeeding year unless the lawyer or judge transfers to active status pursuant to section C7 of this rule.

### **6. Inactive Status--Permanent Disability.**

A lawyer or judge who files with the Lawyer Registration Office a Disability Affidavit stating that the lawyer or judge (i) is currently on active or inactive status, (ii) does not hold judicial office in this state, (iii) is not engaged in the practice of law in this state, and (iv) is totally disabled is exempt from payment of any registration fee during the period of the lawyer's or judge's disability. A Disability Affidavit, once filed, is effective for each succeeding year unless the lawyer or judge transfers to active status pursuant to section C7 of this rule.

### **7. Transfer from Inactive Status to Active Status.**

A lawyer or judge who is on inactive status must, prior to practicing law or assuming judicial responsibilities, (i) promptly notify the Lawyer Registration Office, (ii) complete a lawyer registration statement, (iii) pay the applicable registration fee, (iv) complete all continuing legal education (CLE) requirements and be transferred to CLE active status, (v) comply with Rule 1.15(i), MRPC, and (vi) comply with Rule 6 of these rules.

### **D. Allocation of Fees.**

Fees paid pursuant to this rule are allocated according to the following schedule:

(1) Payments of ~~\$218~~226 are allocated as follows:

- \$18 to the State Board of Law Examiners;
- \$8 to the State Board of Continuing Legal Education;
- \$122 to the Lawyers Professional Responsibility Board;
- \$12 to the Client Security Fund;
- \$50 to the Legal Services Advisory Committee; and
- ~~\$8~~16 to the Lawyer Trust Account Board for a lawyers assistance program.

(2) Payments of ~~\$193~~201 are allocated as follows:



- \$18 to the State Board of Law Examiners;
  - \$8 to the State Board of Continuing Legal Education;
  - \$122 to the Lawyers Professional Responsibility Board;
  - \$12 to the Client Security Fund;
  - \$25 to the Legal Services Advisory Committee; and
  - \$816 to the Lawyer Trust Account Board for a lawyers assistance program.
- (3) Payments of ~~\$179~~187 are allocated as follows:
- \$18 to the State Board of Law Examiners;
  - \$8 to the State Board of Continuing Legal Education;
  - \$83 to the Lawyers Professional Responsibility Board;
  - \$12 to the Client Security Fund;
  - \$50 to the Legal Services Advisory Committee; and
  - \$816 to the Lawyer Trust Account Board for a lawyers assistance program.
- (4) Payments of ~~\$154~~162 are allocated as follows:
- \$18 to the State Board of Law Examiners;
  - \$8 to the State Board of Continuing Legal Education;
  - \$83 to the Lawyers Professional Responsibility Board;
  - \$12 to the Client Security Fund;
  - \$25 to the Legal Services Advisory Committee; and
  - \$816 to the Lawyer Trust Account Board for a lawyers assistance program.
- (5) Payments of ~~\$107~~115 are allocated as follows:
- \$18 to the State Board of Law Examiners;
  - \$7 to the State Board of Continuing Legal Education;
  - \$24 to the Lawyers Professional Responsibility Board;
  - \$50 to the Legal Services Advisory Committee; and
  - \$816 to the Lawyer Trust Account Board for a lawyers assistance program.
- (6) Payments of ~~\$82~~90 are allocated as follows:
- \$18 to the State Board of Law Examiners;
  - \$7 to the State Board of Continuing Legal Education;
  - \$24 to the Lawyers Professional Responsibility Board;
  - \$25 to the Legal Services Advisory Committee; and
  - \$816 to the Lawyer Trust Account Board for a lawyers assistance program.
- (7) Payments of ~~\$97~~105 are allocated as follows:
- \$18 to the State Board of Law Examiners;
  - \$8 to the State Board of Continuing Legal Education;
  - \$26 to the Lawyers Professional Responsibility Board;
  - \$12 to the Client Security Fund;
  - \$25 to the Legal Services Advisory Committee; and
  - \$816 to the Lawyer Trust Account Board for a lawyers assistance program.
- (8) Payments of ~~\$84.50~~92.50 are allocated as follows:
- \$18 to the State Board of Law Examiners;
  - \$8 to the State Board of Continuing Legal Education;
  - \$26 to the Lawyers Professional Responsibility Board;

- \$12 to the Client Security Fund;
- \$12.50 to the Legal Services Advisory Committee; and
- ~~\$8~~16 to the Lawyer Trust Account Board for a lawyers assistance program.

**Proposed Amended Rule 2 of Rules of the Supreme Court on Lawyer Registration  
(CLEAN VERSION)**

Rules of the Supreme Court on Lawyer Registration

**RULE 2. REGISTRATION FEE**

**A. Required Fee.**

In order to defray the expenses of examinations and investigation for admission to the bar and disciplinary proceedings, to defray the expenses of administering continuing legal education, to provide an adequate client security fund, to help fund legal services programs, and to help fund a lawyers assistance program, each lawyer and each judge must pay to the Lawyer Registration Office an annual registration fee.

**B. Active Statuses.**

Each lawyer and judge must pay an annual registration fee of \$226 or such lesser sum as is set forth in the following sections.

**1. Active Status--Income Less Than \$25,000.**

A lawyer or judge on active status who certifies that the lawyer's or judge's gross income from all sources, excluding the income of a spouse, is less than \$25,000 per year must pay an annual registration fee of \$201.

**2. Active Status--Lawyers on Fulltime Military Duty.**

A lawyer or judge on fulltime duty in the armed forces of the United States must pay an annual registration fee of \$115.

**3. Active Status--Lawyers on Fulltime Military Duty--Income Less Than \$25,000.**

A lawyer or judge on fulltime duty in the armed forces of the United States who certifies that the lawyer's or judge's gross income from all sources, excluding the income of a spouse, is less than \$25,000 per year must pay an annual registration fee of \$90.

**4. Active Status--Lawyers Admitted Fewer Than Three Years.**

A lawyer or judge who has been admitted to practice law fewer than three years in each and every licensing jurisdiction, including Minnesota, must pay an annual registration fee of \$105.

## **5. Active Status--Lawyers Admitted Fewer Than Three Years--Income Less Than \$25,000.**

A lawyer or judge who has been admitted to practice law fewer than three years in each and every licensing jurisdiction, including Minnesota, and certifies that the lawyer's or judge's gross income from all sources, excluding the income of a spouse, is less than \$25,000 per year must pay an annual registration fee of \$92.50.

### **C. Inactive Statuses.**

#### **1. Inactive Status--Out-of-State.**

A lawyer or judge who files with the Lawyer Registration Office on or before the date the lawyer's registration fee is due an affidavit stating that the lawyer or judge (i) is a permanent resident of a state other than Minnesota, (ii) is currently in good standing, (iii) does not hold judicial office in Minnesota and (iv) is not engaged in the practice of law in Minnesota, must pay an annual registration fee of \$187.

#### **2. Inactive Status--Out-of-State--Income Less Than \$25,000.**

A lawyer or judge who files with the Lawyer Registration Office on or before the date the lawyer's registration fee is due an affidavit stating that the lawyer or judge (i) is a permanent resident of a state other than Minnesota, (ii) is currently in good standing, (iii) does not hold judicial office in Minnesota (iv) is not engaged in the practice of law in Minnesota, and (v) certifies that the lawyer's or judge's gross income from all sources, excluding the income of a spouse, is less than \$25,000 per year must pay an annual registration fee of \$162.

#### **3. Inactive Status--Minnesota.**

A lawyer who files with the Lawyer Registration Office on or before the date the lawyer's registration fee is due an affidavit stating that the lawyer (i) is a resident of the State of Minnesota, (ii) is currently in good standing, (iii) does not hold judicial office in this state, and (iv) is not engaged in the practice of law in this state must pay an annual registration fee of \$187.

#### **4. Inactive Status--Minnesota--Income Less Than \$25,000.**

A lawyer who files with the Lawyer Registration Office on or before the date the lawyer's registration fee is due an affidavit stating that the lawyer (i) is a resident of the State of Minnesota, (ii) is currently in good standing, (iii) does not hold judicial office in this state, (iv) is not engaged in the practice of law in this state, and (v) certifies that the

lawyer's or judge's gross income from all sources, excluding the income of a spouse, is less than \$25,000 per year must pay an annual registration fee of \$154.

### **5. Inactive Status--Retired.**

A lawyer or judge who files with the Lawyer Registration Office a Retirement Affidavit stating that the lawyer or judge (i) is currently on active or inactive status, (ii) does not hold judicial office in this state, (iii) is not engaged in the practice of law in this state, (iv) is at least 62 years of age, and (v) is retired from any gainful employment is exempt from payment of any registration fee during the period of the lawyer's or judge's retirement. A Retirement Affidavit, once filed, is effective for each succeeding year unless the lawyer or judge transfers to active status pursuant to section C7 of this rule.

### **6. Inactive Status--Permanent Disability.**

A lawyer or judge who files with the Lawyer Registration Office a Disability Affidavit stating that the lawyer or judge (i) is currently on active or inactive status, (ii) does not hold judicial office in this state, (iii) is not engaged in the practice of law in this state, and (iv) is totally disabled is exempt from payment of any registration fee during the period of the lawyer's or judge's disability. A Disability Affidavit, once filed, is effective for each succeeding year unless the lawyer or judge transfers to active status pursuant to section C7 of this rule.

### **7. Transfer from Inactive Status to Active Status.**

A lawyer or judge who is on inactive status must, prior to practicing law or assuming judicial responsibilities, (i) promptly notify the Lawyer Registration Office, (ii) complete a lawyer registration statement, (iii) pay the applicable registration fee, (iv) complete all continuing legal education (CLE) requirements and be transferred to CLE active status, (v) comply with Rule 1.15(i), MRPC, and (vi) comply with Rule 6 of these rules.

### **D. Allocation of Fees.**

Fees paid pursuant to this rule are allocated according to the following schedule:

(1) Payments of \$218 are allocated as follows:

- \$18 to the State Board of Law Examiners;
- \$8 to the State Board of Continuing Legal Education;
- \$122 to the Lawyers Professional Responsibility Board;
- \$12 to the Client Security Fund;
- \$50 to the Legal Services Advisory Committee; and
- \$16 to the Lawyer Trust Account Board for a lawyers assistance program.

(2) Payments of \$201 are allocated as follows:

- \$18 to the State Board of Law Examiners;
  - \$8 to the State Board of Continuing Legal Education;
  - \$122 to the Lawyers Professional Responsibility Board;
  - \$12 to the Client Security Fund;
  - \$25 to the Legal Services Advisory Committee; and
  - \$16 to the Lawyer Trust Account Board for a lawyers assistance program.
- (3) Payments of \$187 are allocated as follows:
- \$18 to the State Board of Law Examiners;
  - \$8 to the State Board of Continuing Legal Education;
  - \$83 to the Lawyers Professional Responsibility Board;
  - \$12 to the Client Security Fund;
  - \$50 to the Legal Services Advisory Committee; and
  - \$16 to the Lawyer Trust Account Board for a lawyers assistance program.
- (4) Payments of \$162 are allocated as follows:
- \$18 to the State Board of Law Examiners;
  - \$8 to the State Board of Continuing Legal Education;
  - \$83 to the Lawyers Professional Responsibility Board;
  - \$12 to the Client Security Fund;
  - \$25 to the Legal Services Advisory Committee; and
  - \$16 to the Lawyer Trust Account Board for a lawyers assistance program.
- (5) Payments of \$115 are allocated as follows:
- \$18 to the State Board of Law Examiners;
  - \$7 to the State Board of Continuing Legal Education;
  - \$24 to the Lawyers Professional Responsibility Board;
  - \$50 to the Legal Services Advisory Committee; and
  - \$16 to the Lawyer Trust Account Board for a lawyers assistance program.
- (6) Payments of \$90 are allocated as follows:
- \$18 to the State Board of Law Examiners;
  - \$7 to the State Board of Continuing Legal Education;
  - \$24 to the Lawyers Professional Responsibility Board;
  - \$25 to the Legal Services Advisory Committee; and
  - \$16 to the Lawyer Trust Account Board for a lawyers assistance program.
- (7) Payments of \$105 are allocated as follows:
- \$18 to the State Board of Law Examiners;
  - \$8 to the State Board of Continuing Legal Education;
  - \$26 to the Lawyers Professional Responsibility Board;
  - \$12 to the Client Security Fund;
  - \$25 to the Legal Services Advisory Committee; and
  - \$16 to the Lawyer Trust Account Board for a lawyers assistance program.
- (8) Payments of \$92.50 are allocated as follows:
- \$18 to the State Board of Law Examiners;
  - \$8 to the State Board of Continuing Legal Education;
  - \$26 to the Lawyers Professional Responsibility Board;

- \$12 to the Client Security Fund;
- \$12.50 to the Legal Services Advisory Committee; and
- \$16 to the Lawyer Trust Account Board for a lawyers assistance program.

**Report and Recommendations to the MSBA  
From the Life and the Law Committee  
Regarding An Increase To Allocation From  
the Attorney Registration Fee for  
the Lawyers Assistance Program.**

**RECOMMENDATIONS**

RESOLVED, that the Minnesota State Bar Association recommends that the per lawyer assessment which supports a Lawyer Assistance Program (LAP) be increased from \$8.00 to \$16.00 per year, through an increase to the attorney registration fee and that the MSBA petition the Supreme Court to modify the Rules on Attorney Registration accordingly.<sup>2</sup>

**BACKGROUND**

In 1999, the MSBA and LCL had jointly petitioned the Court to establish an LAP and, in late 2001, Lawyers Concerned for Lawyers (LCL) was selected by the Minnesota Supreme Court as Minnesota's Lawyer Assistance Program (LAP). For some months before LCL was selected and the contract was signed, each lawyer in Minnesota began contributing to the program through an \$8 assessment on attorney registration fees.

Since the inception of the program, LCL's contract has been renewed or extended three times. LCL contracts with a traditional employee assistance provider (DOR and Associates, Inc.) to provide therapy and assessment services. LCL also manages the work of many volunteers and performs outreach through CLE programs, law school presentations, service announcements and in other ways. Through LCL, each lawyer, judge, law student or their family member is eligible for up to 4 free counseling sessions each year with appropriate referrals as needed. LCL also hosts therapist facilitated mental health groups for those who are unable to afford additional counseling and manages a very active group of dedicated volunteers.

For the current budget year (2006-2007), the proceeds from the attorney registration fees, along with LCL's own fundraising, are not enough to support LCL's proposed

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<sup>2</sup> The Committee recognizes that the Supreme Court has the discretion to either reallocate the proceeds of the Attorney Registration Fee in lieu of an increase; however the Committee does not intend that other programs be deprived of their funding requests and instead recommend an increase to the Attorney Registration Fee.



programming needs and the continuing growth of the Lawyers Assistance Program. In reviewing LCL's 2006-2007<sup>3</sup> and 2007-2008 budget, the Supreme Court approved disbursement of additional funds to LCL from the reserve accounts set up with the Lawyers' Trust and Accounting Board (approximately \$40,000 annually). These reserve accounts are funded by the excess proceeds allocated to the LAP from the attorney registration fees, after payment of all of the LAP's expenses for the program year. Although the LCL does not maintain the reserve accounts, it is anticipated that those accounts had approximately \$120,000 beginning with program year 2006-2007. Based on the approved budgets for 2006-2007 and 2007-2008 and without any change to the budget for 2008-2009, the reserve accounts will be depleted by the end of the 2008-2009 program year. Given that the budget for the current years is \$40,000 more than the amount collected from the Attorney Registration Fee, an increase is needed to continue the good work and service the LAP provides to our legal community and the public.

## **ANALYSIS**

Why does Minnesota need a Lawyer's Assistance Program? In January, a sad obituary told of the death of a law student by his own hand. This is the not the first instance such a tragedy has directly affected members of our legal community. Every few months, the headlines tell of another lawyer, judge or law student who has been arrested for a DWI or has committed some form of misconduct and is being treated for depression. We know that there are some that the LAP does not reach, but there are countless others who call because they cannot stop drinking, or cannot seem to concentrate or find joy in any part of life and are ready for help. One lawyer wrote that he had made the decision to end his life and that when he was driving to complete his suicide, he took a different exit instead. He walked into the LCL office that day and was admitted to a hospital within hours. During that time he talked to another lawyer, an LCL volunteer, who offered to make arrangements so his clients' needs were met. Most cases are not so dramatic, but there is no doubt that lives, families and careers have been saved because there was a place to call for help. As a self-regulated community of professionals, it is our responsibility to insure that the those who are called upon to assist in legal matters have the competence and mental capability to serve the public well. The role of lawyer can, at times, be very stressful and overwhelming, particularly when technology makes instant accessibility more than just a client desire, but instead a client necessity. Accordingly, we must provide a system of support and a place where troubled lawyers, who may be suffering from chemical dependency, depression or just stress, can go to seek help.

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<sup>3</sup> LCL's program years run concurrently with those of the MSBA, beginning July 1 and ending June 30.

The Annual Report of the Lawyers Professional Responsibility Board dated June 2006 states that, of the disciplinary actions resulting in probation for the period January 1, 2005 through December 31, 2005, chemical dependency was a factor in almost 8% of those cases and mental health issues were a factor in more than 22% of them. These percentages are telling as they indicate the need for our LAP.

As LCL continues its outreach efforts, the number of lawyers, judges and law students calling upon LCL for services has increased on a continuing basis. For example, LCL served a total of 249 people in FY 2005-06 compared with 157 in FY 2004-05. This represents about one percent of the lawyers, law students and judges in Minnesota. Studies by the ABA Commission on Lawyer Assistance Programs (CoLAP) suggest that a mature LAP will serve up to 3% of its eligible population each year. LCL believes that increased utilization is due, in part, to increased educational and other outreach efforts in which both staff and volunteers are involved, but that there is always more to be done. Direct mail is the most effective way of reaching people but it is also the most costly. It was an LCL brochure received almost two years earlier that caused the attorney discussed above to drive to LCL instead of taking his life.

In the past two years, LCL made an effort to track the volunteer time more effectively and called upon its volunteers more often to address increased outreach and case needs. Volunteers contributed over 300 hours to 70 presentations. In addition, volunteers reported over 300 hours as direct mentoring or case assistance and it is likely that many more hours were not reported by LCL's volunteers. LCL fulfills the original Life and the Law Committee vision as a peer and professional support program.

As noted above, at the time of LCL's contract renewal for FY 2006-2008, the Supreme Court approved a budget increase which allowed LCL to add staff to respond to increased client levels. This has enabled LCL to better manage peer client relationships and provide more follow up to clients. To do so, the Court agreed that more would be awarded to LCL than would be collected from lawyer assessments for each of those years, and that funds would be drawn from those collected before the LAP contract was awarded. The 2006-2007 LCL budget of \$244,000 from attorney assessments exceeds 2006 -2007 collections by approximately \$40,000.00. While LCL has not seen financial statements to this effect, they were verbally informed that the total amount of LTAB reserves was approximately \$120,000, and that any excess over the amount actually collected would be exhausted at the end of FY 2008-2009, if there were no further increases to the budget approved by LTAB for 2006-2007. In order to even maintain the current level of service provided to LCL's clients and the protection to the public derived from that service, the Supreme Court will need to approve an increase in the per lawyer assessment. The requested level of increase in the per lawyer assessment will permit LCL to better serve its clients and, correspondingly, the public.

We have attached for the review of the General Assembly, LCL’s income statement for the last two fiscal years and its year-to-date numbers for the current year. We have also added a summary of the proposed budget for LCL based upon an increase in the assessment to \$16.00, compared to LCL’s current budget (which is based upon an average of \$9.50 per lawyer- \$8.00 from the assessment and \$1.50 from the reserve accounts). As indicated, LCL has developed a pro forma budget which shows that the requested increased assessment will result in a substantial increase in direct service expenditures (with the percentage of the increase shown in parentheses) in three areas: outreach and public awareness (58.52%), additional staff (52.87%) and additional outside professional services (166.67%).

There is always more that can be done and, in determining the appropriate amount at which to set the assessment, the Committee considered the current financial position of the LAP, the rate of depletion of the reserve accounts, and empirical data of the assessments for similar programs in other states. As you may know, Minnesota was the first to create a Lawyers Concerned for Lawyers. But not every state now has some form of LAP. Some are independent, like Minnesota’s LCL, some are part of the bar association and some are related to the disciplinary function and are under the supervision of the Supreme Court. Of those states which have a per lawyer assessment, it is typically higher than in Minnesota unless the state has a significantly greater number of lawyers (Illinois, New Jersey and Florida each have approximately 80,000 lawyers). The following chart is based on information provided to the ABA Commission on Lawyer Assistance Programs by individual states.

<b>STATE</b>	<b>NUMBER OF LAWYERS</b>	<b>ANNUAL FUNDS PER LAWYER</b>
Arkansas	6,000	\$20.00
California	195,000	\$10.00
Colorado	20,787	\$9.00
Delaware	3,100	\$35.00
Florida	80,000	\$7.55
Hawaii	3,942	\$20.00
Illinois	80,000	\$7.00
Indiana	16,000	\$13.00
Iowa	8,000	\$14.25
Kansas	14,000	\$15.29
Kentucky	11,176	\$10.00
Maine	5,000	\$20.00

Massachusetts	45,000	\$12.00
Minnesota	24,500	\$8.00
Mississippi	6,550	\$17.42
Nebraska	5,800	\$10.00
Nevada	5,600	\$18.89
New Jersey	80,000	\$6.00
Oregon*	12,644	\$58.00
Tennessee	17,000	\$20.00
Texas	75,429	\$20.00
Utah	8,000	\$15.58
Washington	21,000	\$13.59
<b>Average<sup>4</sup></b>		<b>\$14.66</b>

The Lawyers Trust Account Board administers the grant of the assessment funds, and through the agreement, LCL is directed to raise a significant portion of its budget as well. Realistically, this means that funds are raised from lawyers as few outside sources will consider funding programs exclusively for the legal profession. While LCL believes that their funding sources are stable, they are also limited. While LCL was privately funded for the first 25 years of its existence, that funding base dwindled as donors noted that they were already paying for the program through attorney registration fees. Some of that funding was regained and new sources were tapped, but a significant expansion of fundraising income is unlikely.

LCL has also worked to leverage resources to minimize expenses. Volunteers donate time and relationships with other organizations, such as Minnesota CLE, enhance LCL’s ability to present CLE programs on chemical and mental health issues across the state. Increased invitations to speak and exhibit mean more volunteer involvement as well as less staff time in the office which made the need for a case manager even more acute. LCL’s presence in law schools has increased exponentially, and more calls have been the result. LCL is featured at judicial programs and contacts new judges about their services. LCL sent a state-wide mailing after hearing from that very distressed lawyer that a mailed brochure brought him in for help, and without it he believes he would have ended his life.

LCL anticipates that increased funding is needed for case management staff and outreach. While there are significant contributions from volunteers, additional management will continue to be needed, including training. LCL is repeatedly told that it is the brochure in hand which generates the call for help. The person who needs help may not attend a CLE

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<sup>4</sup> Because Oregon contributes an unusually high amount, the average does not include their assessment.

or pick up a brochure from an exhibit table, but they can open their mail anonymously and privately. A consistent and professional message is critical to gaining the trust of those who need help the most.

## **SUMMARY**

The utilization of the Lawyer Assistance Program has proven that there is a need for these services. LCL saves families, careers and lives, and serves the vital purpose of protecting the public. The initial assessment which was adequate in 1999 no longer meets the needs of Minnesota's expanding legal community and those it serves. We respectfully submit that increasing the attorney assessment for LCL to \$16.00 will allow LCL to increase outreach, provide better client service, respond more rapidly to client needs, as well as replenish the reserve accounts for at least another three years, and in so doing- provide better protection to the public who have entrusted their important legal affairs to lawyers who are themselves in crisis. Accordingly, the Committee recommends the following:

That the MSBA petition the Minnesota Supreme Court to increase the portion of the annual attorney registration fee that supports the Lawyer Assistance Program from \$8.00 to \$16.00 per year through an increase to the attorney registration fee.

Respectfully submitted,

Katheryn A. Gettman, Chair  
MSBA Life and the Law Committee

686348.2

# GRANT AGREEMENT

for the administration and operation of the

## MINNESOTA LAWYER ASSISTANCE PROGRAM

THIS GRANT AGREEMENT, made and deemed entered into this 29th day of June, 2006, by and between THE LAWYER TRUST ACCOUNT BOARD, as the duly authorized agent and an instrumentality of the Minnesota Supreme Court ("LTAB") and LAWYERS CONCERNED FOR LAWYERS ("LCL" or "Grantee"), a nonprofit corporation organized and existing under Chapter 317A of the Minnesota Statutes and Section 501(c)(3) of the Internal Revenue Code of 1954, as amended.

### WITNESSETH:

**Whereas**, in 1999 LCL was providing assistance to Minnesota lawyers and judges with chemical dependency health problems, and to their families and others concerned with their welfare, through a statewide network of 400 volunteers;

**Whereas**, at and since that time LCL has expressed interest in expanding its mission to provide assistance to Minnesota lawyers, judges and law students with mental health problems, and to their families and others concerned with their welfare;

**Whereas**, LTAB has expressed interest in facilitating the provision of assistance to Minnesota lawyers, judges and law students with mental health problems, and to their families and others concerned with their welfare;

**Whereas**, LCL has agreed with LTAB to develop and operate a Lawyer Assistance Program ("LAP"): (a) to provide consultation and assessments and facilitate access to mental health and chemical dependency services to Minnesota lawyers, judges and law students; (b) to assist families and other concerned persons who want to help Minnesota lawyers, judges and law students gain access to those services; and (c) in connection therewith, to coordinate the activities of LCL's volunteer lawyer network for peer support and other volunteer services;

**NOW THEREFORE, IN CONSIDERATION OF the foregoing recitals and the representations and covenants contained in the Terms and Conditions below, LTAB and LCL hereby agree as follows:**

### TERMS AND CONDITIONS OF GRANT

- 1.0 Relationships of Parties and Third Parties.** LTAB and LCL are and shall at all times remain separate and independent contracting parties. Nothing contained in this Grant Agreement shall be interpreted or construed to create or imply any agency, association, partnership, joint venture, limited liability company or

corporation by, between or among LTAB, LCL and/or any other third party, including TEAM, with which LCL may contract in connection with this Grant Agreement.

**1.1 Third Party Services.** LCL is a nonprofit corporation organized and existing under Chapter 317A of the Minnesota Statutes and Section 501(c)(3) of the Internal Revenue Code of 1954, as amended, and its employees are not licensed to perform all of the services required by this Grant Agreement. Accordingly, LCL may engage TEAM and/or other duly authorized and licensed persons and entities to perform certain of the services prescribed by this Grant Agreement. LCL shall include in any third party agreements, and impose on any third party contractors, all appropriate provisions from this Grant Agreement.

**1.1.1 LTAB Approval.** LTAB must approve any contracts between LCL and any third party for behavioral health consultation and assessment services to be performed under this Grant Agreement. It is understood between the parties that behavioral health consultations and assessment services include services relating to chemical dependency and mental health issues.

**1.1.2 LTAB as Third Party Beneficiary.** Upon request, LCL will designate LTAB as an "intended third party beneficiary" in any contracts between LCL and any third party for services to be performed under this Grant Agreement.

**1.2 Liability of LCL.** LCL is liable to LTAB for any obligation which it fails to perform or which it fails to cause to be performed by third parties; provided that, LCL is not liable to LTAB for any intentional tort or negligent act committed by any third party in connection with this Grant Agreement.

**1.3 Indemnification by LCL.** LCL will defend, indemnify and hold harmless LTAB, LTAB board members, the Supreme Court of Minnesota and its members, agents and employees, from and against any and all claims, liabilities and expenses, including attorneys' fees that may result or may be claimed to result from any and all acts, omissions or breaches of this Agreement by LCL, its officers, directors, employees or agents.

**1.4 Indemnification by Third Parties.** LCL will cause any third party contractors to defend, indemnify and hold harmless LTAB, LTAB board members, the Supreme Court of Minnesota and its members, agents and employees, from and against any and all claims, liabilities and expenses, including attorneys' fees that may result or may be claimed to result from any and all acts, omissions or breaches of any third party contracts by any third party contractors, their officers, directors, employees or agents.

- 2.0 Scope of Lawyer Assistance Program Services.** LCL shall administer and operate the Minnesota Lawyer Assistance Program, as described in this Grant Agreement. This obligation shall require LCL to perform or render, or to cause one or more third parties to perform or render, the specific LAP services identified in **Attachment A** titled **Specific LAP Services**, which is attached and incorporated.
- 2.1 Changes.** At any time and from time to time, LTAB may make reasonable additions, deletions or otherwise change the LAP Services required by this Grant Agreement; and, the Grant Amount shall be adjusted appropriately. To be effective, any changes to this Grant Agreement must be reduced to writing as an amendment and signed by both parties.
- 2.2 Comprehensive Scope.** The services and obligations identified and described in this Grant Agreement, including **Attachment A**, shall constitute the exclusive undertakings by LCL pursuant to this agreement, except for those added, deleted or changed pursuant to Section 2.1.
- 2.3 Volunteer Services.** Under this Grant Agreement, LCL will continue to provide many of the lay lawyer support services through its volunteer membership throughout the state. No services performed by any LCL member in a volunteer capacity shall be compensable under this Grant Agreement, except that LTAB agrees to reimburse LCL authorized payment of reasonable and necessary expenses incurred by LCL volunteers in the course of providing volunteer services.
- 3.0 Amount of Grant and Payments.** For services performed by LCL under this Agreement, LTAB agrees to reimburse LCL for actual costs incurred, up to the following maximum amounts: \$244,000 each year for the period July 1, 2006, through June 30, 2008, subject to any adjustments made pursuant to Section 2.1. including a request from LCL in June 2007 for additional funding for the case manager position. These reimbursable amounts, as adjusted, shall constitute the total amount payable by LTAB for all services rendered and obligations performed during the Term of this Grant Agreement. LTAB and LCL anticipate and acknowledge that additional costs may be incurred in administering the Lawyer Assistance Program and that it shall be the sole responsibility of LCL to manage the program throughout the contract period within the total funding from all sources obtained by LCL. Adjustments made pursuant to Section 2.1 shall be prospective only.
- 3.1 Budget.** The reimbursable Amounts are based upon the estimated expenses described in **Attachment B** titled **Budget**, attached and incorporated. LCL shall prepare and submit payment requests solely for services and activities related to the Specific Services and Budget items. The parties understand that the exhaustion of grant funds by LCL shall not justify the termination of LCL's obligation to provide the services required of it under this Grant Agreement during the term of this Grant Agreement.



LCL may increase or decrease the amounts of Budget Items, subject to approval by LTAB.

- 3.2 Requests for Payments.** LCL shall submit detailed monthly invoices to LTAB for all services rendered by LCL and its third party contractors under this Grant Agreement. LTAB shall notify LCL promptly of any questions or disputes concerning an invoice. LTAB shall remit payment of all undisputed amounts within 30 days of receipt of each request for payment. Nothing herein contained shall require the disclosure of the identity of individuals obtaining services through the LAP.
- 4.0 Financial Controls.** LCL shall implement and maintain all financial controls, reporting and auditing procedures for the LAP that are appropriate for the operations of a non-profit corporation engaged in an activity of this sort.
- 4.1 Annual Audit.** LCL shall ensure that an independent accounting firm conducts an uncertified audit of the LAP on an annual basis, and that the results of that audit are promptly provided to LTAB.
- 4.2 Reports.** LCL shall report monthly to LTAB in a mutually agreeable format on the programmatic and financial operations of the LAP, and shall provide appropriate programmatic and financial documentation concerning its operations upon request. Within 90 days of the end of each fiscal year, LCL shall provide an annual report of programmatic and financial operations to LTAB.
- 4.3 Notice and Inspection.** Without limiting the foregoing, and subject to State and Federal confidentiality laws and regulations, LCL agrees that LTAB, or any duly authorized representative of LTAB, or auditor, at any time during normal business hours, and as often as it or they may reasonably deem necessary, shall have access to and the right to examine, audit, excerpt and transcribe any books, documents, papers, records, etc., which are pertinent and involve transactions relating to this Agreement; provided that LTAB shall give reasonable notice to LCL. LCL's accounting practices and procedures relevant to this Agreement shall also be subject to examination by any or all of the aforesaid persons as often as and
- 4.4 Record Retention.** All financial records and materials shall be retained for five (5) years by LCL in a location identified to LTAB during such times as aforesaid.
- 5.0 Data Practices and Data Privacy.** LCL agrees to keep its records of individual client contacts, referrals or other services strictly confidential in accordance with applicable State and Federal laws, rules and regulations relating to data privacy or confidentiality, including, but not limited to, the Rules of Public Access to Records of the Judicial Branch (Rules effective as of July 1, 1988, as amended).

**5.1 Ownership of Confidential Data.** All parties acknowledge the importance of maintaining the confidentiality of the LAP's client records and files. It is agreed that any client records and files are and shall remain the property of the individual client. In the event of termination of this Agreement, LCL agrees to advise each client of the opportunity he or she has to: retrieve his/her own files; have such files transferred to any successor entity to LCL (if applicable); or, have the files destroyed. Upon termination of this Agreement, LCL shall forward to LTAB a copy of any administrative record developed or compiled by LCL in the course of its administration of this contract.

**5.2 Indemnification by LCL.** As covered in Section 1.3, LCL shall defend, indemnify, and hold LTAB, and its officials, officers, agents and employees (and duly authorized volunteers) harmless from any claims resulting from LCL's unlawful disclosure and/or use of such protected data.

**5.3 Indemnification by Third Party Contractors.** As covered in Section 1.4, LCL shall cause its third party contractors to defend, indemnify, and hold LTAB, and its officials, officers, agents and employees (and duly authorized volunteers) harmless from any claims resulting from unlawful disclosure and/or use of such protected data by third party contractors.

**6.0 Insurance.** In order to protect LTAB and the Minnesota Supreme Court, LCL agrees, and shall cause its third party contractors to agree, at all times during the term of this Agreement, and beyond such term when so required, to have and keep in force insurance with a carrier or carriers with a A.M. Best's rating of B++ or better, under a policy or policies of insurance reasonably acceptable to LTAB, the following:

**6.1 CGL.** Comprehensive General Liability, including an endorsement for Contractual Liability, with the following limits:

General Aggregate	\$1,000,000
Products - Completed Operations Aggregate	1,000,000
Personal and Advertising Injury Aggregate	1,000,000
Each Occurrence - Combined Bodily Injury and Property Damage	1,000,000

**6.2 Workers Comp.** Workers' Compensation and Employers Liability with the following limits:

Workers' Compensation.	Statutory limits
Employers Liability. Bodily injury by:	
Accident - Each Accident	\$ 100,000
Disease - Policy Limit	500,000

Disease - Each Employee 100,000

**6.3 E & O.** Professional Liability - Errors and Omissions, where appropriate, with the following limits:

Per Claim	\$1,000,000
Aggregate	1,000,000

**6.4 Policy Terms.** The insurance must be maintained continuously, during and after the termination of this Agreement, to cover claims or liability arising out of injury, damage, occurrences, acts or omissions happening during the term of this Grant Agreement.

**6.5 Umbrella Coverage.** An umbrella or excess policy over primary liability insurance coverage is an acceptable method to provide the required insurance amounts.

**6.6 Additional Coverage.** The above establishes minimum insurance requirements. It is the sole responsibility of LCL to determine the need for and to procure additional insurance, which may be needed in connection with this Grant Agreement. All insurance policies shall be open to inspection by LTAB, and copies of policies shall be submitted to LTAB upon request. Further, LCL shall not commence any work under this Agreement until it has obtained the requisite insurance and furnished LTAB a Certificate of Insurance naming LTAB as an additional insured as its interests may appear.

**6.7 Limited Immunity.** Except as otherwise provided by law, the availability of any insurance or indemnity to LTAB shall not bar or waive any defense LTAB may have under the provisions Chapter 466 of Minnesota Statutes.

**7.0 Term.** This Grant Agreement begins on July 1, 2006, and shall continue in effect until June 30, 2008, unless it is terminated sooner pursuant to Section 8. By mutual, written consent, the parties may agree to extend or renew this Grant Agreement.

**8.0 Termination.** The parties may terminate this Grant Agreement by mutual consent. Either party may declare a breach of this Grant Agreement by giving written Notice to the other party. The Notice shall state with particularity the nature of the breach, and shall specify remedial action reasonable and necessary to cure the alleged breach. If the party receiving the Notice fails to cure or give reasonable assurance of its ability to cure the alleged breach within 30 days, the other party may either terminate this Grant Agreement or suspend its own performance.

**9.0 Survival of Obligations.** The obligations prescribed in the following Sections shall survive and remain in effect for the following periods following any

termination of this Grant Agreement: Sections 1.2; 1.3; 1.4; 5.0; 5.1; 5.2; and 5.3 for two years, and Section 4.4 for five years.

**10.0 Notices.** Any notice required or permitted to be given by this Agreement shall be in writing. It shall be sent by personal delivery, mail or other means of reliable delivery addressed to the appropriate contact person, designated below, as follows:

**10.1 If to LCL:**

To: **Chair of the Board  
Lawyers Concerned for Lawyers  
Suite 313N – Court International  
2550 University Avenue West  
St. Paul, MN 55114**

**10.2 If to LTAB:**

To: **Ms. Judy Rehak  
Lawyer Trust Account Board  
140 Minnesota Judicial Center  
25 Rev. Dr. Martin Luther King Jr. Blvd.  
St. Paul, MN 55155**

**10.3 Changes.** Each of the persons named above shall be the administrative contact for the purpose of overseeing the implementation of this Agreement. Either party hereto may change its designated administrative representative or designate an alternate administrative representative by so notifying the other party in writing. To the maximum extent possible, communications between the parties concerning the terms of this Agreement shall be directed through the administrative representatives.

**11.0 Governing Law.** This Grant Agreement shall be construed and interpreted according to the laws of the state of Minnesota.

**12.0 General.**

**12.1 Captions.** The captions of each paragraph of this Agreement are inserted solely for the reader's convenience, and are not to be construed as part of the Grant Agreement.

**12.2 Assignment.** Except as expressly provided in this Grant Agreement, neither party may, in whole or in part, assign, transfer, pledge or convey any of its respective rights or interests, without written consent by the other party.

**12.3 Integration.** This Grant Agreement, including **Attachments A** through **C** to the Agreement, constitutes the entire agreement between the parties and supersedes all other understandings or agreements. All previous understandings or agreements are merged herein.

**12.4 Severability.** If for any reason, a court of competent jurisdiction determines that any provision of this grant agreement is void or unenforceable, then that provision shall be severed from this Grant Agreement and shall not affect the validity and enforceability of all other provision, which shall remain in full force and effect.

**IN WITNESS WHEREOF**, the parties to this Grant Agreement have caused it to be executed by their duly authorized and respective agents as of the day and year first above written.

**Lawyers Trust Account Board**

**Lawyers Concerned for Lawyers**

By: \_\_\_\_\_  
Judith Rehak

By: \_\_\_\_\_

Its: Executive Director

Its: Chair of the Board

Attest: \_\_\_\_\_

Attest: \_\_\_\_\_

## **Attachment A**

### **LCL - LTAB Contract Specific LAP Services**

**A1. General Scope.** LCL shall develop, administer and operate a Lawyer Assistance Program (“LAP”) for lawyers, judges and law students (collectively, the “Lawyers”), and for their family members and those concerned about their welfare (collectively, the “Concerned”).

**A1.1 Primary Beneficiaries.** The parties understand and agree that the Lawyers, as defined above, are intended to be the primary beneficiaries of the LAP. The LAP shall be developed, administered and operated primarily to assist the Lawyers: who may want or need assistance for their own behavioral health problems, who may want or need assistance because of potential harm to their professional effectiveness due to behavioral health problems of their family members, or who are at risk and may want or need assistance preventing behavioral health problems. Behavioral health problems are understood to mean chemical and other addictions, chemical abuse, and/or mental health problems.

**A1.2 Secondary Beneficiaries.** The parties understand and agree that the Concerned, as defined above, are secondary beneficiaries of the LAP. The LAP shall provide assistance to the Concerned in the course of providing assistance to the Lawyers, or where a Lawyer refuses or rejects assistance.

**A1.3 Limitation on Scope.** The Services and assistance described in this Agreement are preliminary in nature and are not intended to constitute or substitute for professional medical diagnosis or treatment for the Lawyers or their Concerned.

### **Operating Services and Assistance**

**A2. LAP Operating Services and Assistance.** LCL shall provide, or cause to be provided, the specific Operating Services and Assistance described below. It is the intent of LCL to provide these Operating Services and Assistance “at cost” and without markup or profit.

**A2.1 Telephone and Internet Access to Service and Assistance.** LCL and any third-party contractors shall establish and publicize toll-free telephone and Internet access for Lawyers and their Concerned to obtain information, services, and assistance.

**A2.2 Critical Response and Crisis Intervention Services.** LCL shall engage an appropriately licensed and qualified provider of clinical services (the "Provider") to provide crisis response services. These services shall be available to Lawyers and their Concerned 24 hours per day, seven days per week.

**A2.3 Assessments, Referrals and Counseling.** LCL and/or its Provider(s) shall provide appropriate telephone and/or in-person assessments, short-term counseling, and referral services for Lawyers and their Concerned who have behavioral health problems.

**A2.3.1 Counselors.** LCL shall ensure that any persons who provide clinical or professional counseling services shall hold a master or doctoral degree in the appropriate discipline(s) and be duly licensed to perform the services rendered.

**A2.3.2 Counseling Sessions.** Where appropriate, a Lawyer or his/her Concerned may receive up to four counseling sessions for behavioral health problems that may affect the Lawyer.

**A2.3.3 Referrals and Facilitation.** Based upon the results of the assessment, Lawyers and/or their Concerned shall be referred to appropriate sources for medical or other behavioral health services or assistance. Upon request, LCL and/or its Providers shall endeavor to assist clients in accessing appropriate care.

**A2.4 Intervention Services.** LCL, through its volunteer membership or its Provider(s), shall provide intervention services to and for the Lawyers and their Concerned.

**A2.5 Support Groups.** LCL shall provide support groups for Lawyers, at a minimum focused on behavioral health problems. LCL shall establish support groups in out state Minnesota based upon a determination of need and availability of volunteer facilitators. In addition, LCL shall provide information to the Lawyers and their Concerned as regards other support groups in their community for chemical dependency or mental health issues which may be helpful.

**A2.6 Mentors.** LCL shall provide trained volunteer mentors to assist those Lawyers with behavioral health problems to deal with issues surrounding their law practice or other legal duties. LCL shall locate and train mentors throughout Minnesota.

**A2.7 Monitoring.** LCL staff shall assess the ongoing need for support for, provide assistance and/or referral where appropriate to, and endeavor to maintain contact with each Lawyer who has sought assistance, until such time as the Lawyer's situation is stable for a reasonable period of time.

**A2.8 Service Facilities.** LCL and/or its Provider(s) shall perform the in-person services and assistance described in this Agreement at locations and facilities that are acceptable to LTAB. LCL shall establish and/or maintain service facilities in the Twin Cities Metropolitan Area. Its Providers, at a minimum, shall establish and/or maintain service facilities in the Twin Cities Metropolitan Area, Duluth, St. Cloud and Rochester. LCL and its Providers shall ensure that each facility is suitable and adequate for its intended purposes.

### **Administrative and Management Services**

**A3. LAP Administrative and Management Services.** LCL shall provide, or cause to be provided, the specific Administrative and Management Services described below. It is the intent of LCL to provide all Administrative and Management Services “at cost” and without any markup or profit.

**A3.1 Case Management.** LCL and/or its Provider(s) shall:

**A3.1.1** Ensure the confidentiality of all client communications and comply with all applicable state and federal privacy and confidentiality laws;

**A3.1.2** Establish and maintain appropriate “intake” procedures, document all client contacts, from intake to disposition, including services rendered;

**A3.1.3** Maintain a staffed office Monday through Friday and maintain after-hours crisis counseling services; and,

**A3.1.4** Ensure that licensed mental health and chemical health professionals who provide clinical services to LAP clients are clinically supervised in a manner and within a time frame that is standard for such professional in Minnesota.

**A3.2 Administration.** LCL shall maintain, and provide to LTAB, a current list of key staff (including qualifications and licensure data), officers, and directors, and those of its Provider(s) and key third-party contractors. LCL shall maintain and provide to LTAB a current list of all contracts between LCL and its Provider(s) and other contractors who perform service or render service under this Agreement.

**A3.4 Outreach.** LCL and its Provider(s) shall initiate and maintain statewide outreach services to publicize the LAP to the entire legal profession (including all Minnesota-licensed lawyers, Minnesota law students, and Minnesota judges) and to increase Lawyer awareness of the services available through the LAP, especially to high risk subgroups. The outreach services shall include, but shall not be limited to, activities such as, participation in activities sponsored by the Minnesota State Bar Association, law student outreach, distribution of promotional materials, and other state-wide publicity through brochures, posters,



advertisements, articles, educational materials, the Internet, personal meetings and presentations to Lawyers in public and private sectors. Outreach efforts shall be designed to reach those Lawyers who typically may not have access to employee assistance programs, such as individual practitioners and Lawyers in small-size law firms.

**A3.5 Education and Training.** LCL shall provide education and training of Lawyers to assist them in accessing LAP services, as well as in methods of prevention, intervention, recognition of mental health and chemical dependency issues in the workplace and other information pertinent to the LAP's mission.

**A3.6 Coordination of Efforts.** LCL shall coordinate the efforts and services of its organization, its membership and its Provider(s) in an effort to deliver the maximum practicable success of the LAP. LCL may also work with appropriate committees of the State Bar Association and other groups to further the LAP's mission.

**A3.7 National Liaison.** LCL shall maintain its liaison with other lawyer assistance providers in other states and Canada as well as with the American Bar Association's Commission on Lawyers Assistance Programs.

**A3.8 Budget Adjustments.** Any changes to the Budget or Grant Amount shall be made pursuant to Section 2.1 of the Grant Agreement.

**A3.9 Reporting.** LCL shall submit monthly reports to LTAB on its activities. Those reports shall include statistics on clients served, outreach activities, and other undertakings pertinent to the LAP operation as agreed upon by LCL and LTAB, the format of which is incorporated herein as **Attachment C** titled **Statistical Reporting**.

**A3.10 Billing.** LCL shall submit monthly financial statements showing all expenses incurred for the month and an invoice reflecting the total amount expended for the month. No fees or charges shall be assessed to any Lawyer or Concerned who uses the services of the LAP.



**LAWYERS CONCERNED FOR LAWYERS  
THREE YEAR FINANCIAL COMPARISON**

	July 1, 2004 - June 30, 2005	July 1, 2005 - June 30, 2006	Current Year through May 31, 2007
<b>Ordinary Income/Expense</b>			
<b>Income</b>			
4010 · Annual Grant from LTAB	\$195,000.00	\$200,000.00	\$244,000.00
4100 · Contributions			
4111 · Member Contributions	\$4,597.00	\$6,147.50	\$6,291.25
4112 · Non-Member Contributions	\$775.00	\$3,735.00	\$2,142.10
4113 · Foundation Grants	\$26,935.42	\$24,428.46	\$14,952.16
4114 · Firm Contributions	\$7,905.00	\$8,326.00	\$6,450.00
4115 · Founder Memorial Fund	\$6,658.00	\$500.00	\$41,913.49
4116 · Corporate Contributions	\$0.00	\$6,500.00	\$27,792.79
4117 · Bar Associations	\$0.00	\$32,180.00	\$18,880.00
<b>Total 4100 · Contributions</b>	<u>\$46,870.42</u>	<u>\$81,816.96</u>	<u>\$118,421.79</u>
4200 · Investment Income			
4215 · Interest Inc	\$0.00	\$0.00	\$997.86
<b>Total 4200 · Investment Income</b>	\$0.00	\$0.00	\$997.86
4300 · Other Revenue			
4300 · Other	\$50.18		
4316 · Other Receipts		\$1,153.65	\$987.69
<b>Total 4300 · Other Revenue</b>	<u>\$50.18</u>	<u>\$1,153.65</u>	<u>\$987.69</u>
<b>Total Income</b>	<u>\$241,920.60</u>	<u>\$282,970.61</u>	<u>\$364,407.34</u>
<b>Expense</b>			
5000 · Admin & Prog. Gen'l. Expenses			
5010 · Salaries & Benefits			
5011 · Salaries	\$102,322.62	\$103,330.26	\$118,117.96
5012 · Payroll Taxes	\$7,842.23	\$7,904.73	\$8,880.94
5016 · Insurance-Work Comp	\$1,224.00	\$16,217.66	\$1,620.26
5017 · Licenses	\$0.00	\$0.00	\$85.00
5018 · Medical Costs Reimbursement	\$8,000.23	\$9,850.00	\$11,499.86
5020 · Payroll Expenses	\$1,306.42	\$1,215.02	\$1,014.06
<b>Total 5010 · Salaries &amp; Benefits</b>	<u>\$120,695.50</u>	<u>\$138,517.67</u>	<u>\$141,218.08</u>
5021 · Staff & Board Cont. Education			
5022 · Registration & Fees	\$1,236.00	\$2,348.00	\$2,407.00
5023 · Organizational Memberships	\$175.00	\$640.33	\$1,060.00
5024 · Educational Materials	\$764.38	\$222.90	\$763.50
<b>Total 5021 · Staff &amp; Board Cont. Educatior</b>	<u>\$2,175.38</u>	<u>\$3,211.23</u>	<u>\$4,230.50</u>
5100 · Rent & Utilities			
5131 · Rent	\$22,824.45	\$23,804.89	\$22,578.90
5132 · Telephone	\$4,658.55	\$3,870.56	\$4,992.78
<b>Total 5100 · Rent &amp; Utilities</b>	<u>\$27,483.00</u>	<u>\$27,675.45</u>	<u>\$27,571.68</u>
5200 · Office Expenses			
5019 · Meeting Expense	\$2,297.05	\$2,772.78	\$11,196.19
5233 · Office Equip and Maint.	\$4,102.10	\$537.09	\$1,368.11
5234 · Office Supplies	\$1,635.45	\$2,392.84	\$3,281.33
5235 · Printing - Office Supplies	\$104.00	\$202.67	\$702.00
5236 · Mailing	\$347.45	\$4,965.64	\$0.00
5237 · Bank/Cred Card Serv Chg	\$0.00	\$110.00	\$148.97

**LAWYERS CONCERNED FOR LAWYERS  
THREE YEAR FINANCIAL COMPARISON**

	July 1, 2004 - June 30, 2005	July 1, 2005 - June 30, 2006	Current Year through May 31, 2007
5238 · Insurance-Dir Off & Gen'l Liab	\$6,579.03	\$8,055.25	\$5,559.00
5241 · Service Recognition	\$953.64	\$1,152.80	\$641.38
5255 · Miscellaneous	\$0.00	\$0.00	\$0.00
5260 · Depreciation	\$0.00	\$4,808.43	\$4,808.43
<b>Total 5200 · Office Expenses</b>	<u>\$16,018.72</u>	<u>\$24,997.50</u>	<u>\$27,705.41</u>
<b>5300 · Accounting</b>			
5301 · Accounting	\$5,673.08	\$5,864.59	\$3,629.76
<b>Total 5300 · Accounting</b>	<u>\$5,673.08</u>	<u>\$5,864.59</u>	<u>\$3,629.76</u>
<b>5400 · Outside Professional Services</b>	\$1,430.00	\$1,761.46	\$2,094.74
<b>5500 · Travel Expense</b>			
5501 · Airline/Hotel	\$2,420.94	\$3,864.81	\$4,502.12
5502 · Meals	\$706.72	\$767.31	\$965.41
5503 · Mileage-Parking	\$1,203.55	\$3,036.40	\$2,663.05
<b>Total 5500 · Travel Expense</b>	<u>\$4,331.21</u>	<u>\$7,668.52</u>	<u>\$8,130.58</u>
<b>5600 · Public Awareness</b>			
5601 · Web site	\$2,096.89	\$1,782.85	\$2,557.00
5602 · Advertising	\$6,412.00	\$3,871.11	\$5,035.86
5603 · Postage & Mailings	\$1,441.42	\$5,779.99	\$2,018.62
5604 · Printing-Public Awareness	\$3,608.80	\$13,675.19	\$1,552.35
5605 · Education Outreach	\$1,423.60	\$315.00	\$175.00
5606 · Conference Display Fees	\$350.00	\$500.00	\$725.41
5607 · Video	\$0.00	\$7,242.00	\$6,508.00
<b>Total 5600 · Public Awareness</b>	<u>\$15,332.71</u>	<u>\$33,166.14</u>	<u>\$18,572.24</u>
<b>Total 5000 · Admin &amp; Prog. Gen'l. Expenses</b>	<u>\$193,139.60</u>	<u>\$242,862.56</u>	<u>\$233,152.99</u>
<b>5700 · Direct Service Expense</b>			
5701 · Assmt & Short Term Counsel	\$12,375.00	\$13,500.00	\$17,160.00
5702 · 24 Hour Crisis Line	\$11,000.00	\$12,000.00	\$11,000.00
5703 · Group Therapy	\$7,572.50	\$12,008.75	\$11,226.50
5704 · Therapy Workshop	\$1.00	\$0.00	\$375.00
5700 · Direct Service Expense - Other	\$0.00	\$0.00	\$2,375.00
<b>Total 5700 · Direct Service Expense</b>	<u>\$30,948.50</u>	<u>\$37,508.75</u>	<u>\$42,136.50</u>
<b>Total Expense</b>	<u>\$224,088.10</u>	<u>\$280,371.31</u>	<u>\$275,289.49</u>
<b>Net Surplus (or Deficit) [Total Income - Total Expense]</b>	\$13,590.42	\$2,599.30	\$89,117.85

\*Note- Current Year Surplus does not account for spending in June 2007.

**LAWYERS CONCERNED FOR LAWYERS  
BUDGET COMPARISON  
FY 2007-2008 v. Proposed Budget with Requested Increase**

	<b>FY2007-2008 Approved Budget</b>	<b>Proposed Budget with Requested Increase</b>	<b>Percent Change</b>	
<b>Ordinary Income/Expense</b>				
<b>Income</b>				
1	4010 · Annual Grant from LTAB	\$244,000.00	\$424,000.00	73.77%
	4100 · Contributions			
	4111 · Member Contributions	\$6,000.00	\$6,000.00	0.00%
	4112 · Non-Member Contributions	\$2,000.00	\$2,000.00	0.00%
	4113 · Foundation Grants	\$18,000.00	\$18,000.00	0.00%
	4114 · Firms	\$5,000.00	\$5,000.00	0.00%
	4115 · Founder Memorial Fund	\$12,000.00	\$25,000.00	108.33%
	4116 · Corporate Contributions	\$22,000.00	\$22,000.00	0.00%
	4117 · Bar Associations	\$19,000.00	\$18,000.00	-5.26%
	4100 · Contributions - Other	\$0.00	\$0.00	0.00%
	<b>Total 4100 · Contributions</b>	<b>\$84,000.00</b>	<b>\$96,000.00</b>	<b>14.29%</b>
	4250 · Realized Gains			
	4300 · Other Revenue			
	4316 · Other Receipts	\$200.00	\$200.00	0.00%
2	4317 In Kind Contributions	\$1,000.00	\$3,000.00	200.00%
	4300 · Other Revenue - interest	\$1,300.00	\$1,500.00	15.38%
	<b>Total 4300 · Other Revenue</b>	<b>\$2,500.00</b>	<b>\$4,700.00</b>	<b>88.00%</b>
	<b>Total Income</b>	<b>\$330,500.00</b>	<b>\$524,700.00</b>	<b>58.76%</b>
<b>Expense</b>				
	5000 · Admin & Prog. Gen'l. Expenses			
	5010 · Salaries & Benefits			
3	5011 · Salaries	\$157,000.00	\$240,000.00	52.87%
	5012 · Payroll Taxes	\$10,000.00	\$13,500.00	35.00%
	5016 · Insurance-Wkrscomp/LTD/Life	\$2,200.00	\$15,000.00	581.82%
	5018 · Medical Costs Reimbursement	\$18,000.00	\$33,600.00	86.67%
	5020 Payroll Expenses	\$1,200.00	\$1,500.00	25.00%
4	5021 Retirement-401(k)	\$3,750.00	\$7,200.00	92.00%
	<b>Total 5010 · Salaries &amp; Benefits</b>	<b>\$192,150.00</b>	<b>\$310,800.00</b>	<b>61.75%</b>
	5021 Staff & Board Cont. Edu			
5	5022 Registration & Fees	\$2,500.00	\$5,000.00	100.00%
	5023 Org. Memberships	\$1,200.00	\$2,500.00	108.33%
	5024 Ed. Materials	\$600.00	\$700.00	16.67%
	<b>Total 5021 Staff &amp; Board Cont. Ed</b>	<b>\$4,300.00</b>	<b>\$8,200.00</b>	<b>90.70%</b>
	5100 Rent & Utilities			
	5131 · Rent	\$25,000.00	\$38,000.00	52.00%
	5132 · Telephone	\$4,800.00	\$5,100.00	6.25%
	<b>Total 5100 · Rent &amp; Utilities</b>	<b>\$29,800.00</b>	<b>\$43,100.00</b>	<b>44.63%</b>
	5200 · Office Expenses			
	5019 · Meeting Expense	\$1,200.00	\$1,200.00	0.00%
6	5233 · Office Equip and Maint.	\$1,500.00	\$2,000.00	33.33%
	5234 · Office Supplies	\$1,200.00	\$1,600.00	33.33%
	5235 · Printing-Office Supplies	\$500.00	\$500.00	0.00%
7	5236 · Mailing	\$1,500.00	\$2,000.00	33.33%
	5237 · Bank/Cred Card Serv Chg	\$120.00	\$120.00	0.00%
8	5238 · Insurance-D&O, Gen'l Liab	\$5,500.00	\$6,000.00	9.09%
	5241 · Service & Other Recog	\$750.00	\$750.00	0.00%
	5260 · Depreciation	\$5,200.00	\$5,200.00	0.00%

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	<b>Total 5200 · Office Expenses</b>	\$17,470.00	\$19,370.00	10.88%
	<b>5300 · Accounting</b>			
9	<b>5301 · Accounting</b>	\$6,000.00	\$10,000.00	66.67%
	<b>Total 5300 · Accounting</b>	\$6,000.00	\$10,000.00	66.67%
10	<b>5400 Outside Professional Services</b>	\$1,500.00	\$4,000.00	166.67%
	<b>5500 Travel Expense</b>			
11	<b>5501 Airline/Hotel</b>	\$7,000.00	\$8,000.00	14.29%
	<b>5502 Meals</b>	\$1,500.00	\$1,500.00	0.00%
	<b>5503 Mileage-Parking</b>	\$3,500.00	\$3,500.00	0.00%
	<b>Total 5500-Travel Expenses</b>	\$12,000.00	\$13,000.00	8.33%
	<b>5600 · Public Awareness</b>			
12	<b>5601 · Web site</b>	\$3,000.00	\$5,000.00	66.67%
13	<b>5602 · Advertising</b>	\$6,000.00	\$5,000.00	-16.67%
14	<b>5603 · Postage &amp; Mailings</b>	\$5,000.00	\$6,500.00	30.00%
15	<b>5604 Printing-Public Awareness</b>	\$12,000.00	\$15,000.00	25.00%
	<b>5605 Education Outreach</b>	\$200.00	\$500.00	150.00%
	<b>5606 Conference Display Fees</b>	\$800.00	\$800.00	0.00%
	<b>5607 law school video</b>	\$0.00	\$10,000.00	
	<b>Total 5600 · Public Awareness</b>	\$27,000.00	\$42,800.00	58.52%
	<b>Total 5000 · Admin &amp; Prog. Gen'l. Expenses</b>	\$290,220.00	\$451,270.00	55.49%
	<b>5700 Direct Service Expense</b>			
	<b>5701 · Assessment &amp; STC</b>	\$18,000.00	\$26,000.00	44.44%
	<b>5702 · 24-hr. Crisis Line</b>	\$12,000.00	\$12,000.00	0.00%
16	<b>5703 · Group Therapy</b>	\$14,000.00	\$24,000.00	71.43%
	<b>5704 - Founders Fund</b>	\$6,000.00	\$10,000.00	66.67%
	<b>Total 5700 · Direct Service Expense</b>	\$50,000.00	\$72,000.00	44.00%
	<b>Total Expenses</b>	\$340,220.00	\$523,270.00	53.80%
	<b>Net Surplus (or Deficit) [Total Income- Total Expenses]</b>	(\$9,720.00)	\$1,430.00	

**NOTES TO PROJECTED BUDGETS**

1	same as 2006-2007	Including loan repayments	
2	marketing, graphics, etc. not client work	Incl. marketing etc. not client work	
3	ED, Office Mgr., 25 hrs. case manager	Director and 2 case staff	
4	up to 3% match for FTE	up to 3% employer match	
5	ABA CoLAP	ABA conf. for 3 staff and 2 board, licenses	
6	computer replacement, copier lease	bar dues, etc.	
7	newsletters, member mail	expanded office space needed	
8	required by LTAB contract	newsletters, office mailings	
9	over \$350k in revenue triggers audit requirement	required by LTAB contract	
10	marketing, strategic planning, etc.	marketing and other consulting	
11	2 staff and 2 board ABA CoLAP	ABA CoLAP conference	
12	upgrades covered by grants	Interactive options	

13	Bench & Bar, HCBA, RCBA, MN Lawyer	Bench & Bar, HCBA, RCBA, MN Lawyer	
14	statewide mailing - bulk rate	statewide mailing (bulk rate)	
15	brochures	brochures	
16		additional facilitated groups	



# Lawyers Concerned for Lawyers

2004-05 Annual Report

**Minnesota's  
Lawyer Assistance Program**  
Celebrating 29 years of help and hope

EXHIBIT D



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## **In Memoriam**

*LCL was saddened to lose two of our most engaged and involved members during 2004-2005. We dedicate this report to the memory of Gerald Freeman and John Speakman.*

*Jerry Freeman* LCL lost one of its original founders and one of its most tireless advocates at the end of 2004. Jerry Freeman brought together a group of 14 lawyers and judges to formally create Lawyers Concerned for Lawyers in August, 1976. He served on its board from the beginning and was twice elected chair. Jerry was also at the forefront of efforts to expand LCL to a full service Lawyers Assistance Program. He knew that "lawyers and judges are taught to be advocates, to defend themselves or their clients. It takes another lawyer to crack through their well-honed arguments for not doing something about a problem." Jerry celebrated 30 years of sobriety and was passionate about his recovery and about reaching out to others in need.

Jerry is survived by his wife Judge Ann Alton and children Brady, Gerald, Jon, Craig, Samantha and Kelley along with many others from the legal, recovery and other communities. In addition to his 44 years as a lawyer, he was a homicide detective and an Army Paratrooper. Jerry took pride in his heritage as a Dakota Sioux and he served as a Tribal Court Judge. During his legal career he served on the Minnesota Professional Responsibility Board, the Minnesota State Bar Foundation and the Minnesota Trial Lawyers Association Board. He was also a Master member of the Amdahl Chapter of the American Inns of Court.

Friends and colleagues describe Jerry as a man who listened to and deeply respected others and whose gentleness, kindness and humility was an inspiration in their journeys through life and through recovery. He leaves a legacy for those he helped and for those his work will continue to help in the future.

*John Speakman* LCL also lost dear friend and long time board member John Speakman, who served on the board for 15 years and was past chair. When John's tremendous heart failed he left behind a wife, Priscilla, three daughters, Elizabeth, Kristen, and Susan, grandchildren, and other family and a multitude of others across the broad spectrum of the community who had had the honor of knowing John. Whether you were with him in the courtroom, the boardroom, or on the bike trail, you could not help but be touched by John's kindness, compassion, and quick wit. It was impossible not to feel drawn in by his charm and become a friend. Throughout his 25 years of sobriety, John worked tirelessly to help others recover from alcoholism as an LCL member, through his involvement in Anoka Today Alanon Society, and wherever he found a soul in need. In addition to the many who owe their recovery and lives to him, many other organizations and individuals benefited from John's tremendous gifts: his legal colleagues and clients in Anoka County and around the state, Anoka County Jaycees, Parks Citizen Task Force, Anoka County Judicare, Anoka County Fee Arbitration Committee, Minnesota Family Support and Recovery Council, Anoka and Minnesota State Bar Associations, American Arbitration Forum, Anoka Toastmasters, Unity North Church, and the Minnesota Attitudinal Healing

Society. He will be remembered fondly as "Lawrence" the troubled lawyer in the program "It Could Happen to You: Life, Law and the Disciplinary Process" twice presented with the MSBA Life & Law Committee and other organizations and as the bicycle rider who was always willing to go all the way. Mostly, he will be remembered as a cherished friend.

## **Chair's Report**

These are exciting and dynamic times for LCL. The past year has seen a two-year extension of our grant agreement with the Minnesota Supreme Court, administered by the Lawyers Trust Account Board, confirming the Court's commitment to a high-quality Lawyer Assistance Program and to LCL as its chosen provider. LCL remains vigorous in its activities, confidentially assisting individual lawyers, judges and law students with mental health and chemical dependency issues in getting the help they need, educating the legal community and the community at large about issues of mental and chemical health in the legal profession and the help that is available, and overseeing the supply of confidential crisis intervention services that are available statewide, 24 hours a day, 7 days a week.

Over the past year, LCL staff, members and board members have made presentations to a diverse collection of bar associations, judges' conclaves, law schools and legal employers. Our outreach efforts have borne fruit in a consistently expanding caseload. It is particularly gratifying that situations in which mental health concerns are the primary factor presented make up nearly half of those we assist. We gratefully remember that each is a person, a counselor. Many are parents; all have families. The opportunity to help them, and the people around them, is a blessing and a privilege to our hundreds of members and volunteers. In accepting the challenge, we support our profession and, more importantly, restore careers, reunite families and save lives. This report reflects our considerable success in these endeavors. We look forward to more and greater success in the years ahead.

Andrew H. Mohring  
LCL Board Chair, 2004 - 2005

## **Executive Summary**

This Annual Report, our first, reflects the accomplishments of Lawyers Concerned for Lawyers in the past year. This was a year characterized by success and sadness. LCL lost two giants, Gerald Freeman and John Speakman. They will be greatly missed.

As you will see in this report, the work engaged in by Jerry, John and so many others continues to offer help and hope to members of the legal profession in Minnesota. Our dedicated board, comprised of people with diverse connections to mental and chemical health issues, has accomplished a great deal through individual and committee work.

Lawyers Concerned for Lawyers (LCL) made steady advances toward important goals of

reaching more lawyers, judges, and law students in more ways. As always, these achievements were only possible through the extensive efforts of volunteer lawyers, judges and law students who gave very significant amounts of time, energy, and expertise to mentoring, facilitating intervention teams, developing and maintaining relationships with key stakeholders, and planning and executing projects to improve operations and extend outreach.

We are pleased that our contract as Minnesota's Lawyer Assistance Program was extended with a slight step up in funding. Our finances are strong. Our message is reaching legal professionals and others throughout Minnesota via CLE programs, advertising, articles and other outreach efforts. We are particularly gratified to have new opportunities to speak with judges and law students and are working with judicial committees, bar associations and law schools to do so.

The volume of referrals to counseling and other professional services continues to grow as does the volume of our mentoring and other peer support. This year more judges contacted LCL for help than ever before.

We have increased our support and therapy group offerings. The hundreds of lawyers who actively express their concern for other lawyers through their volunteer service are recognized in the section on our volunteers. The awards we give are but a small token of our appreciation. Our volunteers are also central to the external relationships that are highlighted. Finally we look to the future with optimism and anticipation.

## **Governance**

### **A. Board**

The LCL Board is comprised of 18 members. We have made significant progress in recruiting a board that reflects the diversity of the profession we serve and has a broad base of skills, experience and interests in mental and chemical health, and other areas related to non-profit and organizational governance. As with many non-profits, the Board is responsible for the financial state of LCL, fundraising, strategic planning and overseeing LCL's various programs.

### **B. Staff**

Currently, LCL is managed by an Executive Director and Assistant. While the Executive Director is responsible for case management, budget preparation and management, overseeing marketing and outreach activities and membership activities, both staff persons share in the management of day-to-day operations. Activities include: client intake, referral and follow-up, compilation of data for reporting purposes, board and member materials; financial monitoring, curriculum development and presentations.

## **C. Board Committees**

### *1. Education and Outreach Committee*

The Education and Outreach committee is responsible for developing curriculum for continuing legal education (CLE) and general presentations to lawyers, judges and law students; developing and maintaining partnerships with legal education providers and other entities and providing training and development of the board and members. In an effort to meet the evolving needs of the legal profession, LCL's CLE curriculum can be adapted to the audience and legal organization needs. The committee also addresses promotion, publication and community relations. A more detailed listing of outreach achievements is contained elsewhere in this report.

### *2. Nominations Committee*

The role of the Nominations committee is to identify and recruit board members and promote a balance in the board's diversity. Our belief is that the organization's strength and vitality will be advanced by a regular infusion of new members who bring energy, diversity, specific skill sets, resources and interests to ensure appropriate composition of committees and specialties. This year, nominations committee work resulted in new board members who better reflect the diversity of the profession, establishment of an optimal board size, term limits and procedures to ensure a broad base of nominations. The LCL board includes mental health professionals, judges and law professors and continues to become diverse in other areas.

### *3. Cases and Interventions Committee*

The LCL Cases and Interventions committee performs two related functions: it is a resource to LCL staff, the Board and the LCL community to assist concerned persons in planning, coordinating and implementing mental health and chemical dependency interventions and other outreach and it oversees the organization and training of LCL volunteers in these activities. As with all other aspects of LCL's work, the Committee maintains the highest standards of confidentiality in its activities,

### *4. Fundraising Committee*

The Fundraising committee adheres to a clear and consistent statement of LCL's mission and goals, to educate potential donors about the importance of their support. The impact increased donations have on the quality of LCL programs and services and the consequent impact on client quality of life, is consistently relayed to our financial stakeholders.



## **Lawyers Concerned for Lawyers: History and Mission**

"There is help and there is hope." These are the watchwords of Lawyers Concerned for Lawyers, founded by 14 attorneys in 1976 "to aid and assist chemically dependent lawyers and judges in the State of Minnesota to understand and arrest the disease which afflicts them." Recognizing that lawyers can best help each other to escape the prison of addiction, founder Jerry Freeman may have said it best: "It takes another lawyer to crack through their well-honed arguments for not doing something about a problem." Minnesota's LCL was one of the first such programs in the nation; now every state and most Canadian provinces have their own organization of volunteer lawyers committed to helping their colleagues. Most of these programs are also supported by their courts or their bar associations.

Over the years the confidential network grew and came to include lawyers in recovery and many others who understood, valued and assisted with the mission of LCL: to rescue lawyers and judges from the deadly grip of alcoholism, addiction, depression, pathological gambling and other serious emotional and mental illness. We save lives, we reunite families, and we restore careers. In doing so, we save money otherwise spent on lawyer discipline and compensating injured clients and we protect the reputation of the profession.

In the early years, as lawyers, judges and law students in trouble were identified, LCL volunteers rallied to offer support, counsel and sometimes to intervene. Relationships developed and thrived around recovery and many successful lawyers credited LCL for their ability to return to or remain in practice, and often for saving their lives.

As the century drew to a close and with a growing awareness of the magnitude of depression in the profession, the MSBA's Life and the Law Committee formed a Depression Task Force, which also included LCL members, judges and the Director of the Office of Lawyers Professional Responsibility to study the incidence of depression and other mental illnesses in the profession, and to formulate a strategy for the future. As a result, the MSBA unanimously adopted a proposal and recommendations for a lawyer-funded Minnesota Lawyer Assistance Program at its 1999 convention.

In 2000 the Minnesota Supreme Court ordered the establishment of a Lawyer Assistance Program (LAP) in Minnesota, funded through attorney license fees. LCL was awarded the contract and officially began to deliver services in November of 2001. As the Lawyer Assistance Program, LCL continues to maintain strict confidentiality for all clients. While maintaining this confidentiality, LCL is accountable to the Supreme Court. It provides statistical reports to the Lawyers Trust Account Board which administers the grant.

The services the Lawyers Assistance Program of LCL provides to lawyers, judges and law students are:

**Intake:** When a lawyer, judge, law student or concerned person first contacts LCL we discuss the concern and make appropriate referrals to peer and professional services.

**Assessment and Referral:** Licensed professional counselors, through the clinical subcontractor Total Employee Assistance Management, Inc. (TEAM), perform chemical dependency and other assessments and make treatment and other referrals to community resources as appropriate.

**Short-Term Counseling:** Counselors may provide up to four sessions to help the lawyer resolve the problem and/or to motivate him/her to accept a referral for more extended therapy.

**Crisis Counseling:** A twenty-four hour crisis telephone line is answered by a licensed professional counselor to assist lawyers with urgent or emergent problems. LCL has worked to educate this network of counselors about issues facing lawyers, judges and law students.

**Mentoring:** One-on-one peer support often supplements on-going treatment or therapy or can be of particular help when treatment is delayed. The volunteer lawyer may enhance the recovery and healing process by sharing his or her own story and providing support and guidance. LCL makes every effort to connect a client with a volunteer lawyer, judge or law student who has a similar profile including personal issues.

**Interventions:** Trained LCL volunteers work with concerned persons and licensed professionals, if appropriate, to plan, rehearse and facilitate an intervention to educate the affected person about his or her issues and motivate him/her to accept professional help. This process, while developed for individuals with substance abuse problems, is also sometimes helpful for those with other behavioral health disorders. In addition, volunteers may initiate other less formal methods of reaching out to a lawyer, judge or law student in trouble.

**Support Groups:** LCL offers lawyer-facilitated support groups that focus on mental and chemical health and stress issues.

**Therapy Groups:** LCL hosts therapy groups to focus on mental health and/or addiction recovery issues. A licensed mental health professional with substance abuse training leads these groups.

**Follow-up:** LCL staff maintains contact with lawyers receiving services to assure the quality of those services, to determine that the lawyer is getting his/her needs met, and that he/she is supported in continuing to access appropriate services.

**Education and Prevention:** LCL is committed to expanding its educational efforts to address mental and chemical health concerns of lawyers. Research offers convincing evidence of the role played by chronic stress and several lawyer characteristics in the development of substance abuse and depression. CLEs and other educational programs can help lawyers identify risk factors and learn new behaviors and attitudes to reduce their risk level. Through bar groups, law schools and private employers we are reaching out to lawyers, judges and law students across the state

## **Finance**

### **A. Overview**

LCL achieved two major financial goals this year in the operation of the Minnesota Lawyer Assistance Program (LAP). First, LCL successfully negotiated a contract renewal with the Minnesota Supreme Court Lawyers Trust Account Board (LTAB), thanks to the many hours volunteers spent in meetings working on various budget options and in negotiations with LTAB. The initial contract began in November of 2000 and expired in June of 2004. The current contract will be up for renewal in June of 2006. The terms of the contract extension include a modest increase in the grant total (\$194,000 for 2003-04 vs. \$195,000 for 2004-05 and \$200,000 for 2005-06). LCL had requested additional funds to support expansion of services, chiefly in the areas of additional staff time for maintaining closer contact with clients, especially during early stages of recovery, increased advertising, and an expanded interactive web presence. The current grant funded approximately 84% of 2004-2005 levels of operation, which are the minimum mandated by the Minnesota Supreme Court.

The second major achievement is that LCL raised the balance of its needed funding from the generous donation of individuals, law firms, bar associations, and foundations, many of whom were contacted by volunteer lawyers assisting with fundraising.

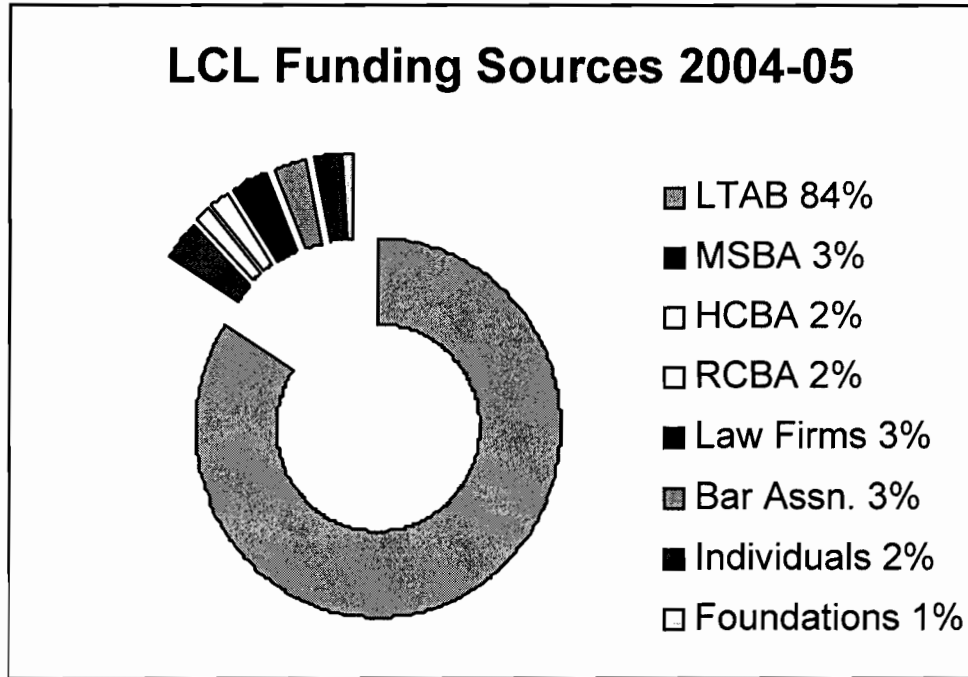
LCL finished the year under budget while meeting all of its obligations including increased demands for its services. This allows LCL to maintain its emergency cash reserve with which it began the LAP in November of 2001. These reserves are also used to fund expenses such as staff transitions. LCL also continued its relationship with the accounting firm of Larson Allen LLC.

### **B. Source of funds**

As described above, the Minnesota Supreme Court grant administered by LTAB comprised the largest share of LCL's funding. The chart below (Table 1 LAP Funding Sources) presents the proportionate shares of all sources.



**Table 1: LAP Funding Sources 2004-2005**



*Each funding source listed in the legend corresponds to the chart in a clockwise direction, starting with the largest part of the circle.*

### **C. 2004-05 Financial**

Total income from all sources was \$237,396.00. Donations from bar associations were generally at the level of the previous year. Non-member contributions and foundation grants increased.

Overall expenses did not change dramatically. Outreach and education expenses hovered at similar levels to last year. LCL did experience an increase in calls for information and services as a result of expanded general and CLE presentations at bar association meetings around the state. Accounting costs were lower as staff training needs were reduced. Computer systems were upgraded and replaced as indicated by wear.

(2004-5 Financial Statement in Appendix B)

## **Education & Awareness Programs**

### **A. Overview**

In January, the Board expanded the responsibility of the Education Committee to include outreach. Relationships with district judges were expanded through appearances at the annual Judicial Conference and an invitation to join the Judicial Peer Assistance Committee.

LCL was represented at the Minnesota State Bar Association Annual Conference in Duluth. The CLE program, "An Introduction to Mindfulness for Lawyers: Enhancing Resiliency & Reducing Stress" facilitated by an LCL volunteer generated many positive comments.

Four CLEs: 1) Disabilities Related to Chemical Dependency and Mental Health in the Legal Community; 2) Crisis Intervention for Lawyers and Those Who Live and Work with Them; 3) Attitudes, Feelings and Behaviors that Impair Legal Professionals and 4) Developing and Maintaining Life Balance: Charting a Healthy Course in the Practice of Law were presented at law firms, district bar associations and conferences. The second, third and fourth CLEs are recent developments at LCL.

*Crisis Intervention for Lawyers and Those Who Live and Work with Them* addresses suicide and the illness of depression within the legal profession. Participants learn a proven intervention technique: QPR (Question, Persuade, Refer). Studies show that the rate for suicide among lawyers is six times the rate for the general population.

*Attitudes, Feelings and Behaviors that Impair Legal Professionals* is another CLE developed this year. Research finds that lawyers often display traits that contribute to chronic stress and harmful behavior. These in turn can lead to health problems like substance abuse and depression. This program opens the door for lawyers to make choices that can lead to a more satisfying and healthy life.

*Developing and Maintaining Life Balance: Charting a Healthy Course in the Practice of Law* looks at the impact of stress and burnout on lawyers and provided resources and information for not only managing but proactively responding to stress in a legal context.

LCL developed or participated in numerous programs focusing on isolation, solo practice issues, career health concerns for lawyers in law firms, public and alternative settings and impaired lawyers. As exhibitors, staff and volunteers spoke with numerous judges at the annual judiciary conference and with new lawyers at bar admission ceremonies. LCL also introduced a workshop, "Your Career and Your Health: Responding to Job Distress," consisting of 6 sessions designed by an LCL volunteer. This workshop assists lawyers with chemical or mental health concerns in making meaningful career changes.

Law school outreach grew with the introduction of LCL's first brochure focusing on the specific challenges of law school. Volunteers and staff responded to requests for information about LCL through presentations in legal writing and professional responsibility courses and circulated over 2,500 brochures to students. LCL student volunteers have conducted research and shared information about LCL with their fellow students.

LCL continues to participate in the MSBA Life and the Law Committee and its Student Working Group. LCL staff and Working Group members assisted each other in the creation of two law student brochures. Representatives from each law school are working with LCL to play a role in new student orientation programs to identify LCL as a resource assisting distressed students and faculty. LCL distributed lawyer's assistance program stickers, produced by the ABA with the involvement of LCL members, to law schools.

LCL regularly advertises in Minnesota legal publications. In addition, staff and volunteers have written articles which were published in the Ramsey County *Barrister*, the *Hennepin Lawyer* and Minnesota Women Lawyers' quarterly journal *With Equal Right*, among others. The articles describe LCL services, the challenges that occur in carrying out programs and a snapshot of some of our successes.

LCL's program services and self-assessment brochures have been distributed at bar association meetings, CLE programs, counseling centers, treatment and detox centers, legal education centers and many other locations where lawyers have contact. LCL's newsletter, *Witness to Recovery*, was published twice. The newsletter is a valuable source of information to more than 300 members as well as bar associations, courts and other state legal offices and entities. Two printings totaling 1500 were required due to increased demand. Both the newsletter and web site enhancements have led to a higher call volume in addition to law firm requests for CLEs or general presentations. Applications for membership and LCL brochures are available on the web site.

## **B. Education and Outreach Snapshot**

- 36 continuing legal education courses presented
  - 12 presentations to law students
- LCL's first law student brochure published (5,000 printed)
  - Pilot career transitions workshop
- Volunteers and staff exhibited at 18 legal conferences/institutes and new lawyer admission ceremonies (over 5,000 LCL program services and self assessment brochures distributed)
- LCL recognized in Journal of MN Women Lawyers, Ramsey Barrister and Hennepin Lawyer: *Lawyers Concerned for Lawyers: Minnesota's Lawyer Assistance Program*
- 2 issues of LCL newsletter *Witness to Recovery* (1,500 copies printed)
- Website enhancements: LCL membership application, brochures available on web site; published articles posted

## **Client Services**

### **A. Client Service Overview**

This year has seen an increase in calls from lawyers, judges and law students on their own behalf. But regardless of whether the call comes from a concerned person or the lawyer who is suffering, the issues identified as the cause for concern are evenly divided between substance abuse and other mental health disorders, mainly depression. A small number of lawyers prefer to call TEAM directly to arrange an assessment and when possible are also then referred back to LCL for ongoing support.

Nearly every presentation LCL makes produces at least one call. Almost every call is about a lawyer, judge or law student exhibiting symptoms of substance abuse or another mental health disorder. The situations are often complex and require significant exploration with the caller to determine the presenting issue, the details of the situation, the people involved, and what services may help the lawyer. While it is not always the case that a caller is ready for all of the services, he or she may be heartened by the knowledge that they exist and, when the time is right, can take advantage of them. Occasionally the lawyer is distressed to the point that immediate action must be taken and procedures are in place for that. Follow-up calls are important to assure that the lawyer has acted on the referral and the referral has been helpful. They also serve to assist in identifying other services that are appropriate and provide the opportunity to answer questions.

### **B. Confidentiality**

The promise and provision of confidentiality is the backbone of everything we do. To this end LCL has instituted policies to limit information gathered and retained and to limit access to any client data to that required to serve the client. For those who have such limited access, signed contracts are executed to assure an understanding of and commitment to confidentiality.

These facts are presented in each venue and to every audience where LCL speaks and to every caller who inquires about services for him or herself and for another lawyer. Even so, there are those who choose to bypass LCL and call TEAM Inc. directly. There are also those who call and choose to remain anonymous by withholding any identifying data. Sadly, there are those very few individuals who call, but are so fearful they cannot complete even an initial general conversation.

LCL is proud of its record of twenty-nine years of service to lawyers while maintaining confidentiality and its reputation of doing so which support those hundreds of people who entrust us with their personal stories

### C. Selected Case Statistics

The following Table (Table II) provides some statistics gathered during the year. It is important to recognize that the constraints imposed by confidentiality result in significant understatement of some events.

**Table II - LCL Service**

*June 1, 2004 to May 31, 2005*

156 Clients	
Self-referred	69%
Referred by others	31%
Lawyer	75%
Judge	6%
Law Student	13%
Family Member/Other	6%
Primary Presenting Issue	
Alcohol/Drugs	42%
Depression	20%
Anxiety	4%
Other Mental Illness	11%
Sex/Gambling Addiction	2%
Financial Issues	4%
Grief/Loss/Marital/Family	7%
Job/Legal	2%
Other	8%

## D. Personal Vignettes

Each lawyer has his or her unique story and it is not possible to capture the full range of client experience with even many of their stories. Yet it is important to illustrate the fact that the numbers and problems of which we speak are the “stuff” of lawyer’s lives—there are many individual lives in which suffering happens for each caller we speak with daily. Therefore, within the requirements of confidentiality and with permission, we offer the following vignettes with a sense of awe at the strength and courage of the people involved and in many cases the synchronicity of events with which they unfold.

In response to a call from a lawyer in greater Minnesota, LCL placed several calls to clinics in the client’s home town and nearby towns, but was unable to secure an appointment for a medication evaluation sooner than five or six weeks hence. The client was unwilling to go to a hospital emergency department for an evaluation. The client agreed to make an appointment with a family physician and to tell the MD his depressive symptoms. This seemed the best possible outcome under the circumstances. With the client’s consent, LCL placed a call to a volunteer lawyer who lived and practiced in the same area and who had successfully recovered from an episode of serious depression. The lawyer responded enthusiastically to the opportunity to be of assistance and immediately called the client. The next day LCL contacted the client to determine the outcome of the volunteer contact. While difficult to describe accurately, the client hardly seemed like the same person. His speech had quickened, his attitude had become optimistic, and he reported feeling much better just from the extended conversation he told of having with the LCL volunteer. He reported his absolute sense of isolation had diminished and he slept better the previous night than at any time in the past several months; and he had made his appointment to see his physician.

The Executive Director attended the therapy group to gather assessments from participants of the group’s value to them. One member spoke of his acceptance by the group: “I have never been so accepted as a whole person as I have been in this group. This is a safe place where I can come and share my true self.” This sentiment was echoed by other members as well. “The other ...(group members)...truly care about me and one another. Their caring is genuine and honest.” In each case one or more heads would nod assent as members spoke of the qualities of caring, honesty, and trust they experienced and, obviously, contributed to as well. Newer members noted the initial presence of a warm welcome and immediate acceptance. More than once the contrast was made with the outside world...a place where understanding was lacking, where one needed to maintain a façade of acceptability, where judgment and rejection were always present. More than one member alluded to the group as “life saving.” While no one spoke directly of prior struggles with suicidal thoughts, the implication that the group assisted them in moving beyond this stage of distress was clear. Such observations might have come from any successful therapy group, yet these people also mentioned the power and relevance of being in the presence of fellow lawyers. “There people really understand what I am going through when I talk about my work...” More than one participant spoke of the facilitator as caring, honest, compassionate, dedicated and skillful. As they spoke they evidenced profound respect for the counselor who had been with them since the group first formed.

LCL referred a call regarding the behavior of a colleague in court to a volunteer lawyer who contacted the client and encouraged a call to LCL. The following day, the client contacted LCL to find out what services might be helpful to him. The client indicated that he did not realize how his behavior was impacting his performance and was committed to making some changes. LCL offered and searched for a mentor. Following an initial meeting with the mentor, the client called LCL and expressed heartfelt appreciation for the concern others have shown to him and the connection he has with his mentor. Since this case was first presented, the client has made dramatic changes in his work habits and has stated that having another lawyer to talk to that can relate to his experience has been life-changing.

A client called LCL after being cited for driving under the influence. He was committed to getting help because he has a son and didn't want to cause his son any hardship. LCL informed him about LCL programs and treatment options. The client followed-through, attending outpatient treatment and attending AA meetings regularly. The client repeatedly expresses his appreciation for LCL when contacted for check-in calls. He says he feels healthier and is productive at work, and has joined LCL as a member.

## **Volunteers & Members**

Volunteer lawyers, judges, and law students are the core of the Minnesota LAP and a majority of other LAPs in the US and Canada. Since its inception in 1976 with a focus on lawyers impaired by alcoholism and drug addiction and its dedication to the mission of the LAP in 2000, LCL has helped over two thousand lawyers, judges, and law students, many of whom successfully began a recovery process as a result. These individuals, with the experience of chemical dependency, depression, or other behavioral health disorders and their effects on their personal and professional lives, have become the active volunteers ready to confidentially help others and the organization that creates such opportunities. Their unique experiences as lawyers-in-distress who received help from LCL make them qualified to carry the message of help and hope to other lawyers. They do this through presentations and CLEs, by individual conversations with their peers, through mentoring others newly in recovery, by facilitating interventions, by leading support groups, and through their own examples of lives reclaimed. Indeed when lawyers present relevant information and personal stories to other lawyers, those who hear the message become volunteers in their own right, reaching out to others, passing on what they have learned, and asking for advice from LCL in dealing with troubled colleagues.

The dedication of the volunteer lawyers and judges is exemplified through education as well as organizational tasks like office work, committee meetings, board meetings, research and recruiting, and fundraising. While a few volunteers are retired, many make the time out of work and personal life to do the 'homework' and attend the sessions needed to do the planning and carry LCL forward. In excess of 2000 hours was spent this past year in performing the business of LCL and related activities. At an hourly rate of \$200.00, which some would call low for experienced lawyers; the monetary value of this work exceeds \$400,000.00.

## FRED ALLEN DISTINGUISHED SERVICE AWARD

The Distinguished Service Award, established in 1980 and later renamed after Mr. Allen, recognizes one individual whose exemplary service has made a real difference for LCL and its members. The 2005 recipient was The Honorable James A. Gilbert, former associate justice of the Minnesota Supreme Court. Prior recipients include:

1980 Warren Eustis  
 1981 Dave O'Connor  
 1982 David Nord  
 1983 Warren Eustis  
 1983 James Noonan  
 1984 Patricia Ann Burke  
 1985 Thom Gmeinder  
 1987 Gerald R. Freeman  
 1988 Fred Allen and Paul Van Valkenburg  
 1989 Roger Sax  
 1990 Bill Milota  
 1991 Tom Healy and Kevin Green  
 1992 Jack Burke  
 1993 Ralph Stenseth  
 1994 Don Lamm  
 1995 Charlie Spring  
 1996 Paul Van Valkenburg  
 1997 Gerald R. Freeman  
 1998 Emil Jalonen  
 1999 Gerald R. Freeman  
 2000 Gerald R. Freeman  
 2001 George Widseth  
 2002 Charles Steffey  
 2003 Wayne Johnson  
 2004 Judith Rush

Service Awards are given on an annual basis to recognize volunteers for outstanding service to LCL

## **External Relations**

### *1. MSBA – Life and the Law Committee*

The Lawyer Assistance program developed from the joint efforts of the Minnesota State Bar Association Life and the Law Committee and LCL in the Depression Task Force. This close cooperation continues to this day. The Life and the Law Committee has as its mission "to stimulate discussion and provide resources to the legal community regarding job satisfaction, mental and chemical health, balance and other quality of life issues." While LCL maintains its independence from the MSBA and other organizations, it is from Life and



the Law Committee that enhanced programming around stress and balance has arisen. The Committee and LCL have worked together on programs and on a successful effort to expand Minnesota's CLE rules regarding professional development. The Committee's law student working group has assisted LCL with enhanced outreach to law students and the law school staff who encounter problems in the areas of mental and chemical health. This year the Committee held its 4<sup>th</sup> annual MSBA Convention Bike Ride, dedicated to the memory of Jerry Freeman, to promote balance and adventure for lawyers, judges, and law students and to support the educational efforts of LCL.

LCL also maintains ties with state and district bar associations as well as specialty bars through educational and other efforts. Many of these organizations also provide critical financial support to the program.

### *2. Judicial Committees*

The Executive Director worked with the Minnesota Judicial Stress Committee and assisted in the development of a program to help judges with issues of "judicial demeanor." The program, initially called the Peer Assistance Committee (PAC), was designed to be used by chief judges as their first "line of action" when they became aware of allegations relating to a judge's improper behavior, either in or out of the court room. A committee would be formed of the judge's peers, whose members would meet with the judge to explore the basis for the behavior and help the judge locate resources to deal with any problem. The Minnesota LAP would be one such resource to be offered when appropriate.

### *3. Lawyers Trust Account Board*

Lawyers Concerned for Lawyers' grant to serve as Minnesota's Lawyer Assistance Program is administered by the Lawyers Trust Account Board. LCL provides monthly financial, statistical and narrative reports to LTAB which then reimburses LCL for program expenditures.

### *4. Minnesota Lawyers Mutual*

Lawyers Concerned for Lawyers cooperates with Minnesota Lawyers Mutual (MLM), Minnesota's largest malpractice insurer to present programming and resources to assist lawyers with avoiding situations due to impairment that can lead to malpractice. MLM has also provided financial support to LCL.

### *5. Commission on Lawyers Assistance Program*

LCL is an active member of the ABA's Commission on Lawyer Assistance Programs (Co-LAP). This year that involvement included service on the Annual Conference Planning Committee and the proposal and adoption of a program on "mindfulness and meditation" as a tool for stress management. The recommendation was based on a growing body of research and anecdotal evidence in the legal community supporting meditation as a powerful tool in stress management, producing such results as greater memory retention, improved concentration, enhanced problem solving, and a host of significant physiological benefits as well. In addition, both LCL's 2005 Board Chair Judith Rush and Chair Elect Ted Collins will be presenting at the Annual Conference on Conditional Admission and Volunteering.

## **2006 and Beyond**

Lawyers Concerned for Lawyers has reached many judges, lawyers and law students with our message of help and hope with emphasis on LCL's core purpose of assisting those with chemical and mental health challenges. There are many opportunities along this road to provide assistance, not just at the point of crisis or disability. Our members and other volunteers, our most valuable resource, are key to being able to provide an ear, mentoring, information and sometimes a life line. We look forward to giving our members additional training and opportunities to serve the organization and their local legal communities.

We will continue our ambitious outreach plan throughout Minnesota. Expanded advertising in a variety of legal publications will allow us to reach out through repeated messages. By offering a larger CLE menu to include more programming on issues such as stress, we can deliver our message in new venues to audiences statewide. We are continuing to build and develop relationships with core and specialty bar associations, judicial and law student organizations. We will seek a larger and consistent presence among these constituencies through CLE programming, committee involvement and in other ways. Our communication efforts will take advantage of greater opportunities available through technology while staying true to the strategies that have always worked for us. When asked what they would do about a colleague who seems impaired, we want every lawyer, judge and law student in Minnesota to be able to say "I would call LCL."

## **Appendix A**

### **Lawyers Concerned for Lawyers**

#### **Minnesota Lawyer Assistance Program**

##### **Board of Directors 2004-05**

Andrew H. Mohring, Chair

Judith Rush, Chair-elect

Nils Grossman, Secretary

Jon M. Tynjala, Treasurer

David R. Brink

Theodore J. Collins

Gerald R. Freeman

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Wayne R. Johnson

David Kuduk

Warren Maas

Joanne Smith

John Speakman

Charles E. Steffey

Richard Williams

**Appendix B**

**Lawyers Concerned for Lawyers**

**Minnesota Lawyer Assistance Program**

**Financial Statement 2004-05**

**LAWYERS CONCERNED FOR LAWYERS**  
**FINANCIAL STATEMENTS**  
**YEARS ENDED MAY 31, 2005 AND 2004**

**LAWYERS CONCERNED FOR LAWYERS  
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# LarsonAllen<sup>SM</sup>

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## ACCOUNTANTS' COMPILATION REPORT

Board of Directors  
Lawyers Concerned for Lawyers  
St. Paul, Minnesota

We have compiled the accompanying balance sheets of Lawyers Concerned for Lawyers, (a not-for-profit organization) as of May 31, 2005 and 2004, and the related statements of activities, functional expense, and cash flows for the years then ended, in accordance with Statements on Standards for Accounting and Review Services issued by the American Institute of Certified Public Accountants.

A compilation is limited to presenting in the form of financial statements information that is the representation of management. We have not audited or reviewed the financial statements and, accordingly, do not express an opinion or any other form of assurance on them.

*Larson, Allen, Weishair & Co., LLP*  
LARSON, ALLEN, WEISHAIR & CO., LLP

Minneapolis, Minnesota  
July 25, 2005

**LAWYERS CONCERNED FOR LAWYERS  
BALANCE SHEETS  
MAY 31, 2005 AND 2004  
(SEE ACCOUNTANTS' COMPILATION REPORT)**

	2005	2004
<b>ASSETS</b>		
<b>CURRENT ASSETS</b>		
Cash	\$ 99,178	\$ 70,361
Grants Receivable	30,708	15,252
Other Receivable	962	-
Prepaid Expenses	4,515	2,415
Total Current Assets	135,363	88,028
<b>EQUIPMENT AND LEASEHOLD IMPROVEMENTS, Net</b>	11,479	16,726
<b>OTHER LONG-TERM ASSETS</b>		
Security Deposit	3,786	3,786
Total Assets	\$ 150,628	\$ 108,540
<b>LIABILITIES AND NET ASSETS</b>		
<b>CURRENT LIABILITIES</b>		
Accounts Payable	\$ 4,967	\$ 4,855
Accrued Payroll and Related	-	125
Total Current Liabilities	4,967	4,980
<b>NET ASSETS</b>		
Unrestricted	130,268	102,375
Temporarily Restricted	7,500	-
Permanently Restricted	7,893	1,185
Total Net Assets	145,661	103,560
Total Liabilities and Net Assets	\$ 150,628	\$ 108,540

See accompanying Notes to Financial Statements.



**LAWYERS CONCERNED FOR LAWYERS  
STATEMENTS OF ACTIVITIES  
YEARS ENDED MAY 31, 2005 AND 2004  
(SEE ACCOUNTANTS' COMPILATION REPORT)**

<b>CHANGES IN UNRESTRICTED NET ASSETS</b>	Unrestricted 2005	Unrestricted 2004
<b>SUPPORT AND REVENUE</b>		
Contributions and Grants:		
Annual Grant - Lawyers Trust Account Board	\$ 212,266	\$ 194,872
Donations	30,262	15,186
Grants	17,400	36,047
Investment Income	-	65
Miscellaneous Income	43	304
Total Support and Revenue	259,971	246,474
<b>EXPENSE</b>		
Program Services	187,377	175,462
Support Services:		
Management and General	40,412	44,702
Fundraising	4,289	4,318
Total Support Services	44,701	49,020
Total Expense	232,078	224,482
<b>CHANGE IN UNRESTRICTED NET ASSETS</b>	27,893	21,992
<b>CHANGES IN TEMPORARILY RESTRICTED NET ASSETS</b>		
Donations	7,500	-
<b>CHANGES IN PERMANENTLY RESTRICTED NET ASSETS</b>		
Donations	6,708	1,185
<b>TOTAL CHANGE IN NET ASSETS</b>	42,101	23,177
Net Assets - Beginning	103,560	80,383
<b>NET ASSETS - ENDING</b>	\$ 145,661	\$ 103,560

See accompanying Notes to Financial Statements.

**LAWYERS CONCERNED FOR LAWYERS  
STATEMENT OF FUNCTIONAL EXPENSE  
YEAR ENDED MAY 31, 2005  
(SEE ACCOUNTANTS' COMPILATION REPORT)**

	2005				Total All Services
	Total Program Services	Support Services		Total Support Services	
		Management and General	Fundraising		
Salaries	\$ 79,447	\$ 20,503	\$ 2,563	\$ 23,066	\$ 102,513
Payroll Taxes	6,059	1,563	195	1,758	7,817
Employee Benefits	8,272	2,135	267	2,402	10,674
Total Personnel Costs	<u>93,778</u>	<u>24,201</u>	<u>3,025</u>	<u>27,226</u>	<u>121,004</u>
Rent	17,688	4,565	571	5,136	22,824
Telephone	3,805	982	123	1,105	4,910
Office Supplies and Equipment	4,509	1,164	145	1,309	5,818
Insurance	5,047	1,302	163	1,465	6,512
Accounting	-	5,673	-	5,673	5,673
Outside Professional Services	1,430	-	-	-	1,430
Staff Development	1,740	435	-	435	2,175
Member Events and Meetings	2,325	-	-	-	2,325
Other Public Awareness	8,821	-	-	-	8,821
Printing	80	21	3	24	104
Postage	269	69	9	78	347
Travel	3,683	951	119	1,070	4,753
Advertising	6,412	-	-	-	6,412
Mental and Chemical Health Services	33,723	-	-	-	33,723
Total Expense Before Depreciation	<u>183,310</u>	<u>39,363</u>	<u>4,158</u>	<u>43,521</u>	<u>226,831</u>
Depreciation Expense	4,067	1,049	131	1,180	5,247
Total Expense	<u>\$ 187,377</u>	<u>\$ 40,412</u>	<u>\$ 4,289</u>	<u>\$ 44,701</u>	<u>\$ 232,078</u>

See accompanying Notes to Financial Statements.

**LAWYERS CONCERNED FOR LAWYERS  
STATEMENT OF FUNCTIONAL EXPENSE  
YEAR ENDED MAY 31, 2004  
(SEE ACCOUNTANTS' COMPILATION REPORT)**

	2004				
	Total Program Services	Support Services		Total Support Services	
		Management and General	Fundraising		
Salaries	\$ 74,214	\$ 19,152	\$ 2,394	\$ 21,546	\$ 95,760
Payroll Taxes	5,978	1,543	193	1,736	7,714
Employee Benefits	13,552	3,497	437	3,934	17,486
Total Personnel Costs	<u>93,744</u>	<u>24,192</u>	<u>3,024</u>	<u>27,216</u>	<u>120,960</u>
Rent	16,477	4,252	532	4,784	21,261
Telephone	3,291	849	106	955	4,246
Office Supplies and Equipment	5,050	1,303	163	1,466	6,516
Insurance	4,385	1,132	141	1,273	5,658
Accounting	-	9,396	-	9,396	9,396
Outside Professional Services	500	-	-	-	500
Staff Development	3,029	757	-	757	3,786
Member Events and Meetings	707	-	-	-	707
Other Public Awareness	3,560	-	-	-	3,560
Printing	1,782	460	57	517	2,299
Postage	615	159	19	178	793
Travel	4,832	1,247	156	1,403	6,235
Advertising	2,310	-	-	-	2,310
Mental and Chemical Health Services	31,481	-	-	-	31,481
Miscellaneous	766	198	25	223	989
Total Expense Before Depreciation	<u>172,529</u>	<u>43,945</u>	<u>4,223</u>	<u>48,168</u>	<u>220,697</u>
Depreciation Expense	2,933	757	95	852	3,785
Total Expense	<u>\$ 175,462</u>	<u>\$ 44,702</u>	<u>\$ 4,318</u>	<u>\$ 49,020</u>	<u>\$ 224,482</u>

See accompanying Notes to Financial Statements.

**LAWYERS CONCERNED FOR LAWYERS  
STATEMENTS OF CASH FLOWS  
YEARS ENDED MAY 31, 2005 AND 2004  
(SEE ACCOUNTANTS' COMPILATION REPORT)**

	2005	2004
<b>CASH FLOWS FROM OPERATING ACTIVITIES</b>		
Change in Net Assets	\$ 42,101	\$ 21,992
Adjustments to Reconcile Change in Net Assets to Net Cash Provided by Operating Activities:		
Depreciation	5,247	3,785
Permanently Restricted Contributions	(6,708)	-
(Increases) Decreases in Current Assets:		
Grants Receivable	(15,456)	18,266
Accounts Receivable - Other	(962)	-
Prepaid Expenses	(2,100)	(430)
Increases (Decreases) in Current Liabilities:		
Accounts Payable	113	1,869
Accrued Payroll	(126)	(4,875)
Net Cash Provided by Operating Activities	22,109	40,607
<b>CASH FLOWS FROM INVESTING ACTIVITIES</b>		
Purchase of Leaseholds and Equipment	-	(4,684)
Website Development Costs	-	(5,951)
Proceeds from Sale of Investments	-	260
Security Deposit Paid	-	-
Net Cash Used by Investing Activities	-	(10,375)
<b>CASH FLOWS FROM FINANCING ACTIVITIES</b>		
Proceeds from Permanently Restricted Assets	6,708	1,185
<b>NET INCREASE IN CASH</b>	28,817	31,417
Cash - Beginning of Year	70,361	38,944
<b>CASH - END OF YEAR</b>	\$ 99,178	\$ 70,361

See accompanying Notes to Financial Statements.

**LAWYERS CONCERNED FOR LAWYERS**  
**NOTES TO FINANCIAL STATEMENTS**  
**MAY 31, 2005 AND 2004**  
**(SEE ACCOUNTANTS' COMPILATION REPORT)**

**NOTE 1 SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES**

**Organization**

Lawyers Concerned for Lawyers (LCL) was organized August 1, 1976 and has been determined to be a charitable, not for profit organization exempt from income taxes under Section 501(c)(3) of the Internal Revenue Code. Contributions to Lawyers Concerned for Lawyers' purpose, as stated in its by-laws, is to assist lawyers and judges in the State of Minnesota who are suffering from alcoholism and/or chemical dependency and/or mental afflictions. Lawyers Concerned for Lawyers operates to fulfill this function through referrals, investigation, contact, confrontation and intervention. Funding has come from contributions by members and non-members in the legal profession and by grants from foundations and firms interested in this program.

On November 10, 2001, the organization entered into an agreement with Lawyer Trust Account Board, an instrumentality of the Minnesota Supreme Court to establish and operate a "Lawyer Assistance Program" (LAP) to provide consultation and assessments and facilitate access to extended mental health and chemical dependency services to Minnesota lawyers and their families, and in connection therewith, to coordinate the activities of the volunteer network of LCL for peer support. This agreement was originally set to expire on June 30, 2004, but was extended to September 30, 2004. Then a new agreement was made to extend the resources provided by LTAB to June 30, 2006.

Effective June 30, 2005, the Organization changed its fiscal year end to June 30th.

**Financial Statement Presentation**

The Organization follows Statement of Financing Accounting Standards (SFAS) 116, and *Accounting for Contributions Received and Contributions Made*, and SFAS 117, *Financial Statements of Not for Profit Organizations*. Under the provisions of these standards, net assets and revenues, gains and losses are classified based on donor imposed restrictions. Temporarily restricted contributions received during the year, whose restrictions are released during the same year, are recorded as a change in unrestricted net assets. Accordingly, net assets of the Organization and changes therein are classified and reported as follows:

Unrestricted – Those resources over which the Board of Directors has discretionary control.

Temporarily Restricted – Those resources subject to donor imposed restrictions which will be satisfied by actions of the Organization or passage of time. At May 31, 2005, the Organization had temporarily restricted net assets and in 2004, the Organization had no temporarily restricted net assets.

Permanently Restricted – Those resources subject to a donor imposed restriction that they be maintained permanently by the Organization. The donors of these resources permitted the Organization to use all or part of the income earned, including capital appreciation, or related investments for unrestricted purposes.

**LAWYERS CONCERNED FOR LAWYERS**  
**NOTES TO FINANCIAL STATEMENTS**  
**MAY 31, 2005 AND 2004**  
(SEE ACCOUNTANTS' COMPILATION REPORT)

**NOTE 1 SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES (CONTINUED)**

**Cash**

The Organization maintains its cash balances with one financial institution. At times the amounts on deposit may exceed the Federal Deposit Insurance Corporation limit.

**Grants Receivables**

Grants and receivable are stated at net realizable value. Accounts are individually analyzed for collectibility. No allowance for doubtful accounts has been provided as all accounts and grants receivable are considered collectible. At May 31, 2005 and 2004, all grants receivable were from one organization.

**Equipment and Leasehold Improvements**

All major expenditures for equipment are capitalized at cost while contributions of equipment are recorded at fair market value at date of donation. If donors stipulate how long the assets must be used, the contributions are recorded as restricted support. In the absence of such stipulation, contributions of property and equipment are recorded as unrestricted. Depreciation of equipment is provided through the use of the straight-line method. Leasehold improvements are depreciated by the straight-line method using estimated useful lives, or they are amortized over the remaining term of the lease, whichever is shorter.

**Lawyers Trust Account Board Grants**

Lawyers Trust Account Board grants are recorded as revenue when earned. Revenue is earned when the terms of the grant is met. Expenditures under this contract are subject to review by the granting authority. To the extent, if any, that such a review reduces expenditures allowable under these contracts, the Organization will record such disallowance at the time of the final assessment.

**Other Contributions and Grants**

Contributions are recorded as support when received or pledged. If donor-imposed restrictions accompany the contribution, the amount is recorded as temporarily or permanently restricted until the donor-imposed restrictions expire or are fulfilled. Contributions that are restricted by the donor are reported as increases in unrestricted net assets if the restrictions expire in the same reporting period in which the revenue is recognized. Temporarily restricted net assets are reclassified to unrestricted net assets in the period the donor-imposed restrictions expire or are fulfilled.

**Functional Allocation of Expense**

Salaries and related expenses are allocated based on job descriptions and the best estimate of management. Expenses, other than salaries and related expenses, which are not directly identifiable by program or support service, are allocated based on the best estimates of management.

**LAWYERS CONCERNED FOR LAWYERS  
NOTES TO FINANCIAL STATEMENTS  
MAY 31, 2005 AND 2004  
(SEE ACCOUNTANTS' COMPILATION REPORT)**

**NOTE 1 SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES (CONTINUED)**

**Estimates**

Management uses estimates and assumptions in preparing financial statements in accordance with accounting principles generally accepted in the United States of America. Those estimates and assumptions affect the reported amounts of assets and liabilities, the disclosure of contingent assets and liabilities, and the reported revenues and expenses. Actual results could vary from the estimates that were used.

**Advertising**

Advertising costs are expensed when incurred.

**Tax Exempt Status**

The Organization has a tax exempt status under Section 501(a) as an organization described in 501(c)(3) of the Internal Revenue Code and Minnesota Statute. Charitable contributions are tax deductible.

**Reclassifications**

Certain amounts in 2004 have been reclassified for comparative purposes to conform with the presentation in 2005. The reclassifications have no effect on the previously reported net income or equity.

**NOTE 2 EQUIPMENT AND LEASEHOLD IMPROVEMENTS**

The Organization owns the following as of May 31:

	<u>2005</u>	<u>2004</u>	<u>Estimated Useful Lives</u>
Equipment	\$ 14,963	\$ 14,963	5 Years
Leasehold Improvements	3,480	3,480	64 Months
Website Development Costs	5,950	5,950	3 Years
	<u>24,393</u>	<u>24,393</u>	
Less: Accumulated Depreciation	<u>(12,914)</u>	<u>(7,668)</u>	
	<u>\$ 11,479</u>	<u>\$ 16,725</u>	

**NOTE 3 TEMPORARILY RESTRICTED NET ASSETS**

During the year ended May 31, 2005, the Organization received \$7,500 in contributions to produce a video to notify the public of the aid to lawyers, judges and law students in gaining access to treatment that they need but cannot afford. The amounts had not been expended as of May 31, 2005.

**LAWYERS CONCERNED FOR LAWYERS  
NOTES TO FINANCIAL STATEMENTS  
MAY 31, 2005 AND 2004  
(SEE ACCOUNTANTS' COMPILATION REPORT)**

**NOTE 4 PERMANENTLY RESTRICTED NET ASSETS**

At May 31, 2005 and 2004, the Organization had received \$7,893 and \$1,185, respectively, in contributions to establish the Founder Memorial Fund. The earnings of this fund will be used to aid lawyers, judges and law students in gaining access to treatment that they need but cannot afford.

**NOTE 5 LEASE OBLIGATIONS**

An office facility was leased at 2550 University Avenue W., St. Paul, Minnesota beginning November 1, 2002. The minimum rental obligation dating from May 31, 2005 is as follows:

<u>Year Ending May 31,</u>	<u>Amount</u>
2006	\$ 13,123
2007	13,399
2008	10,217
Total	<u>\$ 36,739</u>



# **Lawyers Concerned for Lawyers**

**2005-06 Annual Report**

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## **Minnesota's Lawyer Assistance Program**

Celebrating 30 years  
Help & Hope

**EXHIBIT E**

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## Chair's Report

LCL's long and wonderful history and the incredible contributions of its volunteer members and staff make the Board Chair's job an easy one. We continue the momentum—we educate, we save lives, and we take care of our own. We respect the past and seek to improve the future of those we serve.

We took care of more of our own than ever before. Our education and outreach efforts in the law firms, law schools, bar associations, and CLE programs around the state bore fruit, as we served half again as many lawyers, judges, and law students as the year before. We tripled the number of CLE programs and increased our outreach by more than 4,000 individuals, and were invited (or invited ourselves) to speak with groups not previously reached.

We saw a similar increase in the number of individuals who were paired with mentors and a phenomenal increase in the number of volunteers involved in every aspect of what LCL does. We increased donors in number and contributions that allowed us to send our "stories" mailing to all lawyers in Minnesota, and begin work on a video. The increases in numbers of those we help has necessarily decreased the time our incredible staff has to coordinate and follow up, and we put in place a plan to add a case manager to coordinate volunteers and provide important follow up with our clients.

We have provided a solid foundation for our members and volunteers in the form of training programs and educational programs that give us the tools to improve the lives of others and ourselves.

Our pledge of absolute confidentiality ensures that no information regarding those we serve is shared outside the organization. We have nonetheless established positive relationships with the state boards who serve the profession that enable us to give input and provide education that benefits the profession as a whole.

Our committees have been very active. The Cases and Interventions committee stands ready to help at almost a moment's notice and saves lives. Education and Outreach has never been stronger, and a Confidentiality Task Force has taken on the task of updating our external requests for information. Fundraising put together an incredible "stories" brochure and launched an annual fund drive. The Nominations committee continues to recruit diverse, talented new members to take us into the future.

It has been my pleasure to work with individuals who give so freely of themselves for others.

Judith M. Rush  
LCL Board Chair, 2005 – 2006

## Executive Summary

Statewide education and outreach took center stage during the 2005-06 fiscal year. We were involved in over 100 CLE or other presentations to lawyers and dozens of law school presentations ranging from legal writing groups to Professional Responsibility classes. Our new "Inspirational Stories" brochure was included in a statewide mailing that brought us new clients as well as some contributions. We began planning for our 30<sup>th</sup> anniversary celebration. Other highlights include:

**Finances:** Once again, our finances are in good shape. We proposed and received approval for a budget which allowed the addition of a part-time case manager. We selected and began working with a new accounting firm. Our fundraising committee completed an annual mailing, sent to all registered attorneys in Minnesota. We received more financial support from bar associations and made the final touches on clearer financial reports.

**Education & Outreach:** LCL completed a second printing of the law student brochure, updated, revised and distributed to students at the regional law schools. We continued to attend the Fall and Spring New Lawyer Admissions Ceremonies. We exhibited and spoke at two judicial conferences. Our dedicated volunteers spent many hours at conferences and institutes, and handed out brochures, LCL pens and other educational materials. We reached out to paralegal schools and organizations and have been invited to address these audiences on several occasions. The producer for our video was selected and preproduction began. This media will be used throughout the state to provide a glimpse into what LCL is about and does.

**Board Governance & Leadership:** in January, LCL members were treated to a one day visioning retreat held at William Mitchell College of Law. Those in attendance generated great ideas and a focus for the year- a push for statewide membership involvement in volunteer activities. The LCL executive director also participated in the LINC (Leaders Impacting the Nonprofit Community) program through the Hennepin County Bar Association. The director joined other legal professionals in learning about how board members can be more effective participants on non profit boards. Board members were intimately involved in preparing LCL's budget and service proposal to the Lawyers Trust Account Board (LTAB)

**Clients/Services:** The volume of referrals to counseling and other professional services continued to grow as did the volume of our mentoring and other peer support. This year more legal professionals contacted LCL for help than ever before. We continued to see a variety of issues, though mental and chemical health concerns make up the majority of case management. Two therapy groups meet weekly for individuals who need additional mental health support and lack resources. A law student 12 step group meets weekly. We continued to develop best practices for service with our EAP provider.

We are heartened, knowing that more of those in the legal field are learning about us and responding to our educational efforts but there is still more to do. As you will see in this report, the time, energy and expertise used by our volunteers in aiding their colleagues, planning CLEs and outreach events continues to strengthen LCL and offer help and hope to members of the legal profession in Minnesota.

# Governance

## A. Board

The LCL Board is comprised of 18 members. We strive to maintain a board that reflects the diversity of the profession we serve, and has a broad base of skills, experience and interests. As with many non-profits, the Board is responsible for the financial state of LCL, fundraising, strategic planning and overseeing LCL's various programs.

## B. Staff

The employees of LCL are an Executive Director and an Assistant. The Executive Director oversees program operations, including: case management, accounting and budget preparation, education and outreach and perhaps most importantly volunteer development-membership activities. The director and assistant share in the management of day-to-day operations, such as: client intake and follow-up, report development for board meetings and funder information, board and member materials; financial monitoring, curriculum development and presentations.

## C. Board Committees

### *1. Education and Outreach Committee*

The Education and Outreach committee is responsible for developing curricula for continuing legal education (CLE) and general presentations to lawyers, judges and law students; developing and maintaining partnerships with legal education providers and other entities and providing training and development of the board and members. In an effort to meet the evolving needs of the legal profession, LCL's CLE curriculum can be adapted to the audience's needs. The committee also addresses promotion, publication and community relations. A more detailed listing of outreach achievements is contained elsewhere in this report.

### *2. Nominations Committee*

The role of the Nominations committee is to identify and recruit board members and promote a balance in the board's diversity. Our belief is that the organization's strength and vitality will be advanced by a regular infusion of new members who bring energy, diversity, new ideas and interests. The LCL board includes mental health professionals, judges, law professors and those with expertise in other areas.

### *3. Cases and Interventions Committee*

The LCL Cases and Interventions committee performs two related functions: it is a resource to LCL staff, the Board and the LCL community to assist concerned persons in planning, coordinating and implementing mental health and chemical dependency interventions and other outreach, and it oversees the organization and training of LCL volunteers in these activities. As with all other aspects of LCL's work, the Committee maintains the highest standards of confidentiality in its activities.

#### 4. Fundraising Committee

The Fundraising committee adheres to a clear and consistent statement of LCL's mission and goals to educate potential donors about the importance of their support. The impact increased donations have on the quality of LCL programs and services and the consequent impact on client quality of life, is consistently relayed to our financial stakeholders.

#### 5. Finance Committee

This committee assisted with selection of a new accounting firm, the evaluation of banking options, and was involved in assessing the need for increased staffing to meet increased client and community needs.

## Lawyers Concerned for Lawyers: History and Mission

Lawyers Concerned for Lawyers was founded by 14 attorneys in 1976 "to confidentially aid and assist chemically dependent lawyers and judges in the State of Minnesota." Minnesota's LCL was one of the first such programs in the nation. Now every state and most Canadian provinces have their own organization of volunteer lawyers committed to helping their colleagues. Most of these programs are also supported by their courts or their bar associations.

Over the years the network grew and came to include lawyers in recovery and many others who understood, valued and assisted with the mission of LCL: to rescue lawyers and judges from the grip of alcoholism, addiction, depression, pathological gambling and other serious emotional and mental illnesses. We save lives, we reunite families, and we restore careers. In doing so, we save money otherwise spent on lawyer discipline and compensating injured clients, and we protect the reputation of the profession.

In the early years, as lawyers, judges and law students in trouble were identified, LCL volunteers rallied to offer support, counsel and sometimes to intervene. Relationships developed and thrived around recovery and many successful lawyers credited LCL for their ability to return to or remain in practice, and often for saving their lives.

With a growing awareness of the magnitude of depression in the profession, the Minnesota State Bar Association (MSBA) Life and the Law Committee formed a Depression Task Force, which also included LCL members, judges and the Director of the Office of Lawyers Professional Responsibility, to study the incidence of depression and other mental illnesses in the profession, and to formulate a strategy for the future. As a result, the MSBA unanimously adopted a proposal and recommendations for a lawyer-funded Minnesota Lawyer Assistance Program at its 1999 convention.

In 2000 the Minnesota Supreme Court ordered the establishment of a Lawyer Assistance Program (LAP) in Minnesota, funded through attorney license fees. LCL was awarded the contract and officially began to deliver services in November of 2001. As the administrator of the Lawyer Assistance Program, LCL continues to maintain strict **confidentiality** for all clients. While maintaining this confidentiality, LCL is accountable to the Supreme Court. It

provides statistical reports to the Lawyers Trust Account Board which administers the grant agreement.

The services the Lawyers Assistance Program of LCL provides to lawyers, judges and law students, and their immediate family members, are:

**Intake:** When a lawyer, judge, law student or concerned person first contacts LCL we discuss the concern and make appropriate referrals to peer and professional services.

**Assessment and Referral:** Licensed professional counselors, through a clinical subcontractor, perform various chemical dependency, mental health and other assessments, making referrals to treatment centers or other community resources as needed.

**Short-Term Counseling:** Counselors may provide up to four sessions to help the client resolve the problem and/or, if extended therapy is called for, make a referral based on individual needs

**Crisis Counseling:** A twenty-four hour crisis telephone line is in place and licensed professional counselors assist lawyers, judges and law students with urgent or emergent problems.

**Mentoring:** One-on-one peer support often supplements on-going treatment or therapy or can be of particular help when treatment is delayed. The volunteer lawyer, judge or law student may enhance the recovery and healing process by sharing his or her own story and providing support and guidance. LCL makes every effort to connect a client with a volunteer lawyer, judge or law student who has a similar profile including personal issues.

**Interventions:** Trained LCL volunteers work with concerned persons and licensed professionals, if appropriate, to plan, rehearse and facilitate an intervention to educate the affected person about his or her issues and motivate him/her to accept professional help. This process, while developed for individuals with addiction problems, can also be helpful for those with other behavioral health disorders. In addition, volunteers may initiate other less formal methods of reaching out to a lawyer, judge or law student in trouble.

**Therapy Groups:** LCL hosts therapy groups to focus on mental health and/or addiction recovery issues. A licensed mental health professional with addiction training leads these groups.

**Follow-up:** LCL staff maintains contact with legal professionals receiving services to evaluate the quality of those services, to determine that the lawyer is getting his/her needs met, and that he/she is supported in continuing to access appropriate services.

**Education and Prevention:** LCL is committed to expanding its educational efforts to address mental and chemical health concerns of lawyers. Research offers convincing evidence of the role played by chronic stress and several lawyer characteristics in the development of substance abuse and depression. CLEs and other educational programs can help lawyers identify risk factors and learn new behaviors and attitudes to reduce their risk level. Through bar groups, law schools and private employers, we are reaching out to lawyers, judges and law students across the state.

# Finance

## A. Overview

LCL completed the final year of our current contract with LTAB in good fiscal shape. As in the past, LCL successfully negotiated a contract renewal with the Minnesota Supreme Court Lawyers Trust Account Board (LTAB), thanks to the many hours volunteers spent in meetings working on various budget options and in negotiations. The terms of the contract extension include a stepped up level in the grant total, \$200,000 for 2005-06. LCL renewed the request of additional funds to support expansion of services, chiefly in the areas of additional staff time for maintaining closer contact with clients, especially during early stages of recovery. The current grant funded approximately 75% of 2005-2006 levels of operation.

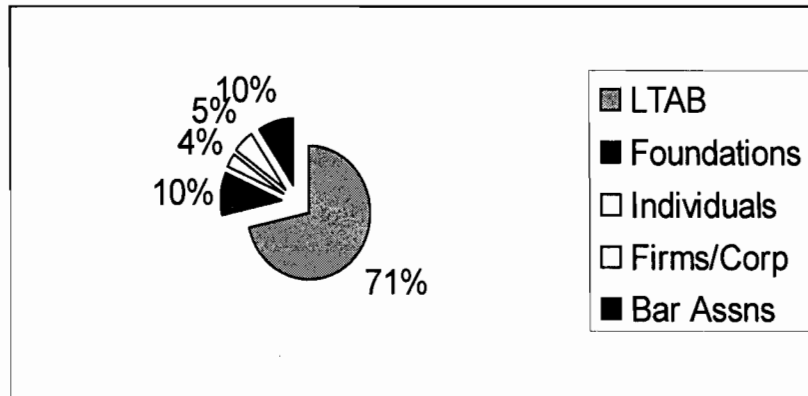
The funding from the Supreme Court was supplemented by financial support from individuals, law firms, bar associations, and foundations, many of whom were contacted by volunteer lawyers assisting with fundraising. LCL also reviewed banking services and concluded that a second interest bearing account is an appropriate tool for nonprofit financial fitness.

LCL finished the year within budget. This allows LCL to maintain its emergency cash reserve with which it began the LAP in November of 2001.

## B. Source of funds

The Minnesota Supreme Court grant administered by LTAB comprised the largest share of LCL's funding. The chart below (Table 1 LAP Funding Sources) presents the proportionate shares of all sources.

**Table 1: LAP Funding Sources 2005-2006**



*Each funding source listed in the legend corresponds to the chart in a clockwise direction, starting with the largest part of the circle.*



## C. 2005-06 Financial Summary

Total income from all sources was \$281,439.00. Donations from bar associations and foundations increased. Contributions from individuals and firms were consistent with earlier levels.

Expenses rose as a result of statewide outreach, education and awareness opportunities. LCL intended to reach all attorneys registered in Minnesota as well as the judiciary and law students, to make sure those in the legal profession know about the availability and value of our programs and services. While expenses rose, so did the demand for information and services (as a result of expanded general and CLE presentations at bar association meetings around the state). Our accounting contract and insurance packages were reviewed to determine if changes in funding structure or systems called for different provider services packages.

2005-06 Financial Statements are attached as Appendix B.

## Education & Awareness Programs

### A. Overview

The highlight of the year was a statewide CLE tour through Minnesota CLE. In the morning, the Office of Lawyers Professional Responsibility (OLPR) presented the new rules for 3.0 ethics credits and in the afternoon, LCL presented *Disabilities Related to Chemical Dependency and Mental Health Issues in the Legal Community*. The LCL program qualifies for 2.0 Elimination of Bias credit. This CLE or an adapted version was delivered, by request, at district bar associations, Minnesota CLE institutes, bar sections, committees and firms. LCL was again invited to host a booth at the Annual Conference of Judges and presented a program at the Judicial College which included suicide awareness and prevention.

LCL developed or participated in other legal organization programs that focused on chronic stress, stress and life balance. Staff also provided input towards the retooling of *When Lawyers Can't or Shouldn't Continue to Practice* CLE. Programs are generally done by request or as part of our outreach to all sectors of the legal profession including law firms, regular and specialty bar associations, and other legal organizations.

We also attended CLE institutes as an exhibitor and sometimes had the opportunity to make public service announcements. To add another level of support during times notorious for stress, LCL and MWL organized and led a workshop on Holiday Stress.

Law school outreach continued with the second printing of LCL's law student brochure focusing on the specific challenges of law school. LCL strives to reach law students at orientation and through professional responsibility classes. We also attend forums such as

the William Mitchell Perspectives on Learning the Profession and respond to any other invitation to visit with law students.

LCL continued to participate in the MSBA Life and the Law Committee (LATL), hosting one of the Brown Bag lunches- Stress and Life Balance. LCL staff also contributed to the design and content of the LATL *Are You Fit to be a Lawyer* brochure. Staff also spoke to paralegal classes, where, as front line workers, they are often among the first to notice changes in professional or personal behaviors of attorneys.

In the area of program administration, LCL staff and board members have been in the forefront of planning for ABA Commission on Lawyer Assistance Programs (CoLAP) meetings. LCL staff and board members have been directly involved in workshop development and facilitations-both for annual and midyear meetings. In addition to staff participation on panels, *Conditional Admission* and the *Effective Utilization of Volunteers* were both formulated as breakout sessions, and presented by LCL board members, at the 2005 CoLAP conference in South Carolina.

LCL regularly advertises in MN Lawyer and the Ramsey Barrister. We plan to expand into other legal publications in the future. Advertising and marketing by mailings have permitted us to promote our various CLE programs and our services. Two grant driven large mailings-one to those who are members of the RCBA and a statewide mailing to all attorneys registered in Minnesota-took place. We were able to do this with the help of our volunteers and fundraising committee members who provided copy and gathered personal success stories to include in the *Inspirational Stories* brochure. Members of our Education Committee contributed ideas to staff for creating an appealing and informative display booth. Preparatory work was done on a video that will be coordinated and filmed in the next fiscal year.

LCL's program services and self-assessment brochures have been updated and distributed at bar association meetings, CLE programs, counseling centers, legal education centers and many other locations where lawyers have contact with other legal professionals. LCL's newsletter, *Witness to Recovery*, covered topics ranging from mentoring to conditional admission. The newsletter has been a source of information on LCL events, activities and professional development to more than 300 members as well as bar associations, courts and other state legal offices and entities. Website additions included activity statistics and a regular listing of upcoming events and updated resource lists. Both the newsletter and web site enhancements have led to a higher call volume in addition to law firm requests for CLEs or general presentations. Applications for membership and LCL brochures are available on the web site.

Other collaborative efforts include the LCL retreat held in Jan 2006 on *The Tradition of Service*. A group of LCL members and staff came together on a Saturday to talk about our mission statement and where we would like to be in five years. A professional facilitator organized and led the group through exercises and focal points. The executive director applied for and was selected to participate in the LINC (Leaders Impacting Nonprofit Communities), a program of the HCBA teaching lawyers how to affect positive leadership as a board member or nonprofit leader.

## B. Education and Outreach Snapshot

○ 73 Education & Outreach Activities
○ Inauguration of Inspirational Stories brochure; 2 <sup>nd</sup> printing of law student brochure
○ Website Enhancements: program activity statistics, new recovery stories and resources

## Client Services

### A. Client Service Overview

With extended outreach, calls from lawyers, judges and law students continued to come in and in higher numbers. But regardless of whether the call comes from a concerned person or the lawyer/law student who is suffering, the issues identified as the cause for concern are evenly divided between addiction, primarily alcohol, and other mental health disorders, mainly depression. A small number of lawyers continue to prefer to call the EAP directly to arrange an assessment and when possible are also then referred back to LCL for ongoing support.

Nearly every presentation LCL makes produces at least one call. The situations are often complex and require significant exploration with the caller to determine the presenting issue, the details of the situation, and what services may help the lawyer. While it is not always the case that a caller is ready for all of the services, he or she may be heartened by the knowledge that they exist and, when the time is right, can take advantage of them. Occasionally the lawyer is distressed to the point that immediate action must be taken and procedures are in place for that. Follow-up calls are important to assure that the lawyer has acted on the referral and the referral has been helpful. They also serve to assist in identifying other services that are appropriate and provide the opportunity to answer questions.

### B. Confidentiality

The promise and provision of confidentiality is the backbone of everything we do. To this end LCL has instituted policies to limit information gathered and retained and to limit access to any client data. A confidentiality task force is studying our policies and practices to ensure confidentiality under a wide range of circumstances.

Confidentiality is stressed to every audience where LCL speaks and to every person who inquires about services for him or herself and for another lawyer, judge, law student or family member. Sometimes a caller wishes to remain anonymous and LCL will provide whatever services we can in those circumstances.

## C. Selected Case Statistics

**Table II - LCL Service**

*July 1, 2005 to June 30, 2006*

249 Clients

Self-referred	70%
Referred by others	30%
Lawyer	80%
Judge	2%
Law Student	10%
Family Member/Other	8%
Primary Presenting Issue	
Alcohol/Drugs	48%
Depression	24%
Anxiety	9%
Other Mental Illness	14%
Sex/Gambling Addiction	.5%
Financial Issues	10%
Grief/Loss/Marital/Family	14%
Job/Legal	18%
Other	3%

\*\*Presenting issues add up to more than 100% because some people list more than one

## Volunteers & Members

Volunteer lawyers, judges, and law students are the core of Lawyers Concerned for Lawyers and a majority of other LAPs in the US and Canada. Since its inception in 1976 with a focus on lawyers impaired by alcoholism and its dedication to the mission of the LAP in 2000, LCL has helped over two thousand lawyers, judges, and law students, many of whom successfully began a recovery process as a result. Many of these individuals, with the experience of chemical dependency, depression, or other behavioral health disorders and their effects on their personal and professional lives, have become active volunteers. They are ready to confidentially help others and the organization that creates such opportunities. Their unique experiences as lawyers-in-distress who received help from LCL make them qualified to carry the message of help and hope to other lawyers. They do this through presentations and CLEs, by individual conversations with their peers, through mentoring others newly in recovery, by facilitating interventions, by leading support groups, and through their own examples of lives reclaimed. Indeed when lawyers present relevant information and personal stories to other lawyers, those who hear the message become volunteers in their own right, reaching out to others, passing on what they have learned, and asking for advice from LCL in dealing with troubled colleagues.

The dedication of the volunteer lawyers and judges is exemplified through education as well as organizational tasks like office work, committee meetings, board meetings, research and recruiting, and fundraising. While a few volunteers are retired, many make the time out of work and personal life to do the 'homework' and attend the sessions needed to do the planning and carry LCL forward. Nearly 2000 volunteer hours were reported this past year in performing the business of LCL and related activities, and many more go uncounted.

### FRED ALLEN DISTINGUISHED SERVICE AWARD

The Distinguished Service Award, established in 1980 and later renamed after Mr. Allen, recognizes one individual whose exemplary service has made a real difference for LCL and its members. The 2006 recipient was Andrew Mohring, LCL's Board Chair for 2004-2005.

Prior recipients include:

1980 Warren Eustis	1993 Ralph Stenseth
1981 Dave O'Connor	1994 Don Lamm
1982 David Nord	1995 Charlie Spring
1983 Warren Eustis	1996 Paul Van Valkenburg
1983 James Noonan	1997 Gerald R. Freeman
1984 Patricia Ann Burke	1998 Emil Jalonen
1985 Thom Gmeinder	1999 Gerald R. Freeman
1986 William Orme	2000 Gerald R. Freeman
1987 Gerald R. Freeman	2001 George Widseth
1988 Fred Allen and Paul Van Valkenburg	2002 Charles Steffey
1989 Roger Sax	2003 Wayne Johnson
1990 Bill Milota	2004 Judith Rush
1991 Tom Healy and Kevin Green	2005 Justice James A. Gilbert
1992 Jack Burke	2006 Andrew H. Mohring

Additional service awards are given on an annual basis to recognize volunteers for outstanding service to LCL

## **External Relations**

### **1. MSBA – Life and the Law Committee**

The Lawyer Assistance program developed from the joint efforts of the Minnesota State Bar Association Life and the Law Committee and LCL in the Depression Task Force. This close cooperation continues to this day. The Life and the Law Committee has as its mission "to stimulate discussion and provide resources to the legal community regarding job satisfaction, mental and chemical health, balance and other quality of life issues." While LCL maintains its independence from the MSBA and other organizations, it is from the Life and the Law Committee that enhanced programming around stress and balance has arisen. The Committee and LCL have worked together on programs and on a successful effort to expand Minnesota's CLE rules regarding professional development. The Committee's law student working group has assisted LCL with enhanced outreach to law students and the law school staff who encounter problems in the areas of mental and chemical health. This year the Committee again held its annual MSBA Convention Bike Ride, to promote balance and adventure for lawyers, judges, and law students and to support the educational efforts of LCL.

LCL also maintains ties with state and district bar associations as well as specialty bars through educational and other efforts. Many of these organizations also provide critical financial support to the program.

### **2. Judicial**

LCL reaches out to the judiciary through programs and exhibits at conferences. Judges on LCL's board assist with judicial communications and outreach and advise staff on opportunities.

### **3. Lawyers Trust Account Board**

Lawyers Concerned for Lawyers' grant to serve as Minnesota's Lawyer Assistance Program is administered by the Lawyers Trust Account Board. LCL provides monthly financial, statistical and narrative reports to LTAB which then reimburses LCL for program expenditures.

### **4. Commission on Lawyers Assistance Program**

LCL is an active member of the ABA's Commission on Lawyer Assistance Programs (Co-LAP). This year that involvement included service on the Annual Conference Planning Committee.

## 2007 and Beyond

Lawyers Concerned for Lawyers has reached many judges, lawyers and law students with our message of help and hope with emphasis on LCL's core purpose of assisting those with chemical and mental health challenges. There are many opportunities along this road to provide assistance, not just at the point of crisis or disability. Our members and other volunteers, our most valuable resource, are key to being able to provide an ear, mentoring, information and sometimes a life line. We look forward to giving our members additional training and opportunities to serve the organization and their local legal communities.

We will continue our ambitious outreach plan throughout Minnesota. Expanded advertising in a variety of legal publications will allow us to reach out through repeated messages. By offering a larger CLE menu to include more programming on issues such as stress, we can deliver our message in new venues to audiences statewide. We are continuing to build and develop relationships with core and specialty bar associations, judicial and law student organizations. We will seek a larger and consistent presence among these constituencies through CLE programming, committee involvement and in other ways. Our communication efforts will take advantage of greater opportunities available through technology while staying true to the strategies that have always worked for us. When asked what they would do about a colleague who seems impaired, we want every lawyer, judge and law student in Minnesota to be able to say "I would call LCL."

## **Appendix A**

### **Lawyers Concerned for Lawyers**

#### **Minnesota Lawyer Assistance Program**

##### **Board of Directors 2005-06**

Judith Rush, Chair

Theodore Collins, Chair-Elect

Daniel Ganter, Secretary

Juan Hoyos, Treasurer

David R. Brink

Donovan Frank

John Gilsdorf

Thom Gmeinder

Celeste Grant

Ann Iijima

Wayne R. Johnson

David Kuduk

Warren Maas

Andrew Mohring

Joanne Smith

Charles E. Steffey

Jon Tynjala

Richard Williams



**Appendix B**

**Lawyers Concerned for Lawyers**

**Minnesota Lawyer Assistance Program**

**Financial Statement 2005-06**

LAWYERS CONCERNED FOR LAWYERS

FINANCIAL STATEMENTS

JUNE 30, 2006 AND MAY 31, 2005

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**STATEMENTS OF ACTIVITIES AND  
CHANGES IN NET ASSETS**

**STATEMENTS OF FUNCTIONAL EXPENSE**

**STATEMENTS OF CASH FLOWS**

**NOTES TO FINANCIAL STATEMENTS**

Larry E. Messerli, CPA  
Chris M. Schadow, CPA

Andrea R. Kulig, CPA  
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## ACCOUNTANT'S COMPILATION REPORT

Board of Directors  
Lawyers Concerned for Lawyers  
St. Paul, Minnesota

We have compiled the accompanying statement of financial position of Lawyers Concerned for Lawyers, (a not-for-profit organization) as of June 30, 2006, and the related statements of activities and changes in net assets, functional expense, and cash flows for the year then ended, in accordance with Statements on Standards for Accounting and Review Services issued by the American Institute of Certified Public Accountants.

A compilation is limited to presenting in the form of financial statements information that is the representation of management. We have not audited or reviewed the financial statements and, accordingly, do not express an opinion or any other form of assurance on them.

The May 31, 2005 financial statements of Lawyers Concerned for Lawyers were compiled by other accountants, whose report dated July 25, 2005, stated that they did not express an opinion or any other form of assurance on those statements. Portions of this information have been restated, see Note 2.

*Messerli & Schadow, PLLP*

MESSERLI & SCHADOW, PLLP  
Certified Public Accountants

September 10, 2006

LAWYERS CONCERNED FOR LAWYERS  
STATEMENTS OF FINANCIAL POSITION  
JUNE 30, 2006 and MAY 31, 2005  
(Unaudited)

ASSETS

	<u>JUNE 30,</u> <u>2006</u>	<u>Restated</u> <u>MAY 31,</u> <u>2005</u>
<b>CURRENT ASSETS</b>		
Cash	\$ 110,195	\$ 99,178
Grants Receivable	-	30,708
Other receivable	-	962
Prepaid expenses	2,764	4,515
	<u>\$ 112,959</u>	<u>\$ 135,363</u>
<b>FIXED ASSETS</b>		
Equipment	\$ 14,963	\$ 14,963
Leasehold improvements	3,480	3,480
Website development costs	5,950	5,950
Accumulated depreciation	(18,596)	(12,914)
	<u>\$ 5,797</u>	<u>\$ 11,479</u>
<b>NONCURRENT ASSETS</b>		
Security deposit	<u>\$ 3,786</u>	<u>\$ 3,786</u>
<b>TOTAL ASSETS</b>	<u>\$ 122,542</u>	<u>\$ 150,628</u>
 <u>LIABILITIES AND NET ASSETS</u> 		
<b>CURRENT LIABILITIES</b>		
Accounts payable	\$ 6,196	\$ 4,967
Accrued expenses	4,241	-
	<u>\$ 10,437</u>	<u>\$ 4,967</u>
<b>NET ASSETS</b>		
Unrestricted	\$ 77,839	\$ 115,268
Temporarily restricted	34,266	30,393
	<u>\$ 112,105</u>	<u>\$ 145,661</u>
<b>TOTAL LIABILITIES AND NET ASSETS</b>	<u>\$ 122,542</u>	<u>\$ 150,628</u>

See accountant's compilation report and accompanying notes to financial statements.

**LAWYERS CONCERNED FOR LAWYERS**  
**STATEMENTS OF ACTIVITIES AND CHANGES IN NET ASSETS**  
**FOR THE YEARS ENDED JUNE 30, 2006 AND MAY 31, 2005**  
(Unaudited)

	JUNE 30, 2006			Restated MAY 31, 2005			
	Unrestricted	Temporarily Restricted	Total	Unrestricted	Temporarily Restricted	Permanently Restricted	Total
<b>PUBLIC SUPPORT AND REVENUE</b>							
Annual grant - Lawyers Trust Account Board	\$ 200,000	\$ -	\$ 200,000	\$ 212,266	\$ -	\$ -	\$ 212,266
Donations	48,484	6,650	55,134	15,262	29,208	-	44,470
Grants	7,600	3,500	11,100	17,400	-	-	17,400
Interest income	148	-	148	-	-	-	-
Miscellaneous income	1,074	-	1,074	43	-	-	43
Net assets released from restriction	7,662	(7,662)	-	-	-	-	-
	<u>\$ 264,968</u>	<u>\$ 2,488</u>	<u>\$ 267,456</u>	<u>\$ 244,971</u>	<u>\$ 29,208</u>	<u>\$ -</u>	<u>\$ 274,179</u>
<b>FUNCTIONAL EXPENSES</b>							
Program services	\$ 222,652	\$ -	\$ 222,652	\$ 187,377	\$ -	\$ -	\$ 187,377
Management and general	51,487	-	51,487	40,412	-	-	40,412
Fundraising	8,207	-	8,207	4,289	-	-	4,289
	<u>\$ 282,346</u>	<u>\$ -</u>	<u>\$ 282,346</u>	<u>\$ 232,078</u>	<u>\$ -</u>	<u>\$ -</u>	<u>\$ 232,078</u>
<b>CHANGES IN NET ASSETS</b>	<u>\$ (17,378)</u>	<u>\$ 2,488</u>	<u>\$ (14,890)</u>	<u>\$ 12,893</u>	<u>\$ 29,208</u>	<u>\$ -</u>	<u>\$ 42,101</u>
<b>NET ASSETS, BEGINNING OF YEAR</b>							
Beginning of year as previously stated	\$ 95,217	\$ 31,778	\$ 126,995	\$ 102,375	\$ -	\$ 1,185	\$ 103,560
Prior period adjustment	-	-	-	-	1,185	(1,185)	-
Beginning of year as adjusted	<u>\$ 95,217</u>	<u>\$ 31,778</u>	<u>\$ 126,995</u>	<u>\$ 102,375</u>	<u>\$ 1,185</u>	<u>\$ -</u>	<u>\$ 103,560</u>
<b>NET ASSETS, END OF YEAR</b>	<u>\$ 77,839</u>	<u>\$ 34,266</u>	<u>\$ 112,105</u>	<u>\$ 115,268</u>	<u>\$ 30,393</u>	<u>\$ -</u>	<u>\$ 145,661</u>

See accountant's compilation report and accompanying notes to financial statements.

LAWYERS CONCERNED FOR LAWYERS  
STATEMENTS OF FUNCTIONAL EXPENSE  
FOR THE YEARS ENDED JUNE 30, 2006 AND MAY 31, 2005  
(Unaudited)

	JUNE 30, 2006				MAY 31, 2005			
	Total Program Services	Management and General	Fundraising	Total All Services	Total Program Services	Management and General	Fundraising	Total All Services
Salaries	\$ 83,368	\$ 21,514	\$ 2,689	\$ 107,571	\$ 79,447	\$ 20,503	\$ 2,563	\$ 102,513
Payroll taxes	6,126	1,581	198	7,905	6,059	1,563	195	7,817
Employee benefits	21,144	5,457	682	27,283	8,272	2,135	267	10,674
Rent	18,449	4,761	595	23,805	17,688	4,565	571	22,824
Telephone	3,035	783	98	3,916	3,805	982	123	4,910
Office supplies and equipment	7,896	2,038	255	10,188	4,858	1,254	157	6,269
Insurance	4,101	1,058	132	5,292	5,047	1,302	163	6,512
Accounting	-	5,865	-	5,865	-	5,673	-	5,673
Outside professional services	1,409	352	-	1,761	1,430	-	-	1,430
Staff development	2,569	642	-	3,211	1,740	435	-	2,175
Member events and meetings	2,773	-	-	2,773	2,325	-	-	2,325
Public awareness	24,264	4,853	3,235	32,352	15,233	-	-	15,233
Travel	5,943	1,534	192	7,669	3,683	951	119	4,753
Mental and chemical health services	37,509	-	-	37,509	33,723	-	-	33,723
Expenses before depreciation	\$ 218,586	\$ 50,438	\$ 8,076	\$ 277,100	\$ 183,310	\$ 39,363	\$ 4,158	\$ 226,831
Depreciation	4,066	1,049	131	5,246	4,067	1,049	131	5,247
Total expenses	<u>\$ 222,652</u>	<u>\$ 51,487</u>	<u>\$ 8,207</u>	<u>\$ 282,346</u>	<u>\$ 187,377</u>	<u>\$ 40,412</u>	<u>\$ 4,289</u>	<u>\$ 232,078</u>

See accountant's compilation report and accompanying notes to financial statements.

LAWYERS CONCERNED FOR LAWYERS  
STATEMENTS OF CASH FLOWS  
FOR THE YEARS ENDED JUNE 30, 2006 AND MAY 31, 2005  
(Unaudited)

	<u>JUNE 30,</u> <u>2006</u>	<u>Restated</u> <u>MAY 31,</u> <u>2005</u>
<b>CASH FLOWS FROM OPERATING ACTIVITIES</b>		
Changes in net assets	\$ (14,890)	\$ 42,101
Adjustments to reconcile changes in net assets to net cash provided by operating activities:		
Depreciation	5,246	5,247
Increase (decrease) in cash from changes in:		
Grants receivable	-	(15,456)
Accounts receivable - other	773	(962)
Prepaid expenses	1,751	(2,100)
Accounts payable	2,445	113
Accrued expenses	4,241	(126)
	<u>\$ (434)</u>	<u>\$ 28,817</u>
 <b>CASH FLOWS FROM INVESTING ACTIVITIES</b>	 <u>\$ -</u>	 <u>\$ -</u>
 <b>CASH FLOWS FROM FINANCING ACTIVITIES</b>	 <u>\$ -</u>	 <u>\$ -</u>
 <b>NET INCREASE IN CASH AND CASH EQUIVALENTS</b>	 \$ (434)	 \$ 28,817
 <b>CASH AND CASH EQUIVALENTS AT BEGINNING OF YEAR</b>	 <u>110,629</u>	 <u>70,361</u>
 <b>CASH AND CASH EQUIVALENTS AT END OF YEAR</b>	 <u>\$ 110,195</u>	 <u>\$ 99,178</u>
 <b>SUPPLEMENTAL DISCLOSURE OF CASH FLOW INFORMATION</b>		
Cash paid for:		
Interest	<u>\$ -</u>	<u>\$ -</u>
Income taxes	<u>\$ -</u>	<u>\$ -</u>

See accountant's compilation report and accompanying notes to financial statements.



LAWYERS CONCERNED FOR LAWYERS  
NOTES TO FINANCIAL STATEMENTS  
JUNE 30, 2006 AND MAY 31, 2005

NOTE 1. SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES

Organization

Lawyers Concerned for Lawyers (LCL) was organized August 1, 1976 and has been determined to be a charitable, not for profit organization exempt from income taxes under Section 501(c)(3) of the Internal Revenue Code. Contributions to Lawyers Concerned for Lawyers' purpose, as stated in its by-laws, is to assist lawyers and judges in the State of Minnesota who are suffering from alcoholism, chemical dependency and/or mental afflictions. Lawyers Concerned for Lawyers operates to fulfill this function through referrals, investigation, contact, confrontation and intervention. Funding has come from contributions by members and non-members in the legal profession and by grants from foundations and firms interested in this program.

On November 10, 2001, the organization entered into an agreement with Lawyer Trust Account Board, an instrumentality of the Minnesota Supreme Court to establish and operate a "Lawyer Assistance Program" (LAP) to provide consultation and assessments and facilitate access to extended mental health and chemical dependency services to Minnesota lawyers and their families, and in connection therewith, to coordinate the activities of the volunteer network of LCL for peer support. This agreement was originally set to expire on June 30, 2004, but was extended to September 30, 2004. Then a new agreement was made to extend the resources provided by LTAB to June 30, 2008.

Effective June 30, 2005, the Organization changed its fiscal year end to June 30th, see Note 7.

BASIS OF PRESENTATION

Financial statement presentation follows the recommendations of the Financial Accounting Standards Board in its Financial Accounting Standards (SFAS) No. 117, Financial Statements of Not-for-Profit Organizations. Under SFAS No. 117, the Organization is required to report information regarding its financial position and activities according to three classes of net assets; unrestricted net assets, temporarily restricted net assets, and permanently restricted net assets.

Unrestricted net assets – Net assets that are not subject to donor-imposed stipulations.

Temporarily restricted net assets – Net assets subject to donor-imposed restrictions that may or will be met, either by actions of the Organization and/or the passage of time. When a restriction expires, temporarily restricted net assets are reclassified to unrestricted net assets and reported in the statement of activities as net assets released from restriction.

Permanently restricted net assets – Net assets subject to donor-imposed restrictions that they be maintained permanently by the Organization. Generally, the donors of these assets permit the Organization to use all or part of the income earned on any related investments for general or specific purposes.

LAWYERS CONCERNED FOR LAWYERS  
NOTES TO FINANCIAL STATEMENTS  
JUNE 30, 2006 AND MAY 31, 2005

NOTE 1. SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES (CONTINUED)

Cash and Cash Equivalents

The Organization considers unrestricted currency, demand deposits, money market accounts, and certificates of deposit with an initial maturity of three months or less to be cash and cash equivalents.

The Organization maintains its cash balances with two financial institutions. At times during the year the amounts on deposit with one institution exceeded the Federal Deposit Insurance Corporation limit.

Grants Receivables

Grants and receivable are stated at net realizable value. Accounts are individually analyzed for collectibility. No allowance for doubtful accounts has been provided as all accounts and grants receivable are considered collectible. At June 30, 2006 the Organization had no grants receivable and at May 31, 2005 grants receivable were from two organizations.

Equipment and Leasehold Improvements

All major expenditures for equipment are capitalized at cost while contributions of equipment are recorded at fair market value at date of donation. The Organization uses a capitalization threshold of \$500. If donors stipulate how long the assets must be used, the contributions are recorded as restricted support. In the absence of such stipulation, contributions of property and equipment are recorded as unrestricted. Depreciation of equipment is provided through the use of the straight-line method. Leasehold improvements are depreciated by the straight-line method using estimated useful lives, or they are amortized over the remaining term of the lease, whichever is shorter.

Lawyers Trust Account Board Grants

Lawyers Trust Account Board grants are recorded as revenue when earned. Revenue is earned when the terms of the grant are met. Expenditures under this contract are subject to review by the granting authority. To the extent, if any, that such a review reduces expenditures allowable under these contracts, the Organization will record such disallowance at the time of the final assessment.

Other Contributions and Grants

Contributions are recorded as support when received or pledged. If donor-imposed restrictions accompany the contribution, the amount is recorded as temporarily or permanently restricted until the donor-imposed restrictions expire or are fulfilled. Contributions that are restricted by the donor are reported as increases in unrestricted net assets if the restrictions expire in the same reporting period in which the revenue is recognized. Temporarily restricted net assets are reclassified to unrestricted net assets in the period the donor-imposed restrictions expire or are fulfilled.

Functional Allocation of Expense

Salaries and related expenses are allocated based on job descriptions and the best estimate of management. Expenses, other than salaries and related expenses, which are not directly identifiable by program or support service, are allocated based on the best estimates of management.

LAWYERS CONCERNED FOR LAWYERS  
NOTES TO FINANCIAL STATEMENTS  
JUNE 30, 2006 AND MAY 31, 2005

NOTE 1. SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES (CONTINUED)

Estimates

Management uses estimates and assumptions in preparing financial statements in accordance with accounting principles generally accepted in the United States of America. Those estimates and assumptions affect the reported amounts of assets and liabilities, the disclosure of contingent assets and liabilities, and the reported revenues and expenses. Actual results could vary from the estimates that were used.

Advertising

The Organization uses advertising to promote public awareness and further its program purpose. Advertising costs are expensed when incurred. Expenses for advertising were \$3,871 and \$6,412 for the years ended June 30, 2006 and May 31, 2005, respectively and are classified in public awareness in the accompanying statements of functional expense.

Tax Exempt Status

The Organization has a tax exempt status under Section 501(a) as an organization described in 501(c)(3) of the Internal Revenue Code and Minnesota Statute. Contributions to the Organization are tax deductible.

Reclassifications

Certain amounts in the May 31, 2005 financial statements have been reclassified to conform with the current presentation for comparative purposes. The reclassifications have no effect on the previously reported net income or net assets.

NOTE 2. PRIOR PERIOD ADJUSTMENT AND RESTATED INFORMATION

The Organization had accounted for donations received under the Founders Memorial Fund as permanently restricted in prior years. Upon review of the documents supporting the donations and applicable accounting principles, these donations are temporarily restricted. A prior period adjustment is being made as of the beginning of the period covered by the May 31, 2005 financial statements to correct this error and the May 31, 2005 information has been restated to reflect this change. Total income for the period does not change, however, the classification of income shifts from permanently restricted to temporarily restricted for the year ended May 31, 2005. The effect of this adjustment for periods prior to May 31, 2005 is shown as an adjustment to the beginning net assets for the year ended May 31, 2005.

The amount of donations received under the Founders Memorial Fund that have been reclassified to temporarily restricted donations is \$6,708 for the year ended May 31, 2005. The amount of donations received prior to the year ended May 31, 2005 that have been reclassified to temporarily restricted net assets is \$1,185.

LAWYERS CONCERNED FOR LAWYERS  
NOTES TO FINANCIAL STATEMENTS  
JUNE 30, 2006 AND MAY 31, 2005

NOTE 3. EQUIPMENT AND LEASEHOLD IMPROVEMENTS

The Organization owns the following equipment and leasehold improvements:

	<u>June 30,</u> <u>2006</u>	<u>May 31,</u> <u>2005</u>	<u>Estimated</u> <u>Useful Lives</u>
Equipment	\$ 14,963	\$ 14,963	5 Years
Leasehold Improvements	3,480	3,480	64 Months
Website Development Costs	<u>5,950</u>	<u>5,950</u>	3 Years
	24,393	24,393	
Less accumulated Depreciation	<u>(18,596)</u>	<u>(12,914)</u>	
	<u>\$ 5,797</u>	<u>\$ 11,479</u>	

NOTE 4. TEMPORARILY RESTRICTED NET ASSETS

Temporarily restricted net assets consist of the following as of June 30, 2006 and May 31, 2005:

	<u>June 30,</u> <u>2006</u>	<u>May 31,</u> <u>2005</u>
Founders Memorial Fund	\$ 10,928	\$ 7,893
Video production	20,258	22,500
Public awareness		
Ramsey Bar Association	<u>3,080</u>	<u>--</u>
	<u>\$ 34,266</u>	<u>\$ 30,393</u>

NOTE 5. LEASE OBLIGATIONS

An office facility was leased at 2550 University Avenue W., St. Paul, Minnesota beginning November 1, 2002. The minimum rental obligation including operating expenses dating from June 30, 2006 is approximated as follows:

<u>Year Ending June 30,</u>	<u>Amount</u>
2007	\$ 24,338
2008	<u>16,363</u>
Total	<u>\$ 40,701</u>

NOTE 6. MAJOR CONTRIBUTOR

A major portion of the Organization's revenue is received from the Lawyer Trust Account Board. The loss of this funding source would have an adverse effect on the Organization. During the years ended June 30, 2006 and May 31, 2005, the Lawyer Trust Account Board contributed revenue of \$200,000 and \$212,266, respectively, which accounted for approximately 76% and 78% of total revenue. As of June 30, 2006 and May 31, 2005, the Organization had receivables of \$ -0- and \$15,708, respectively, from the Lawyer Trust Account Board.

LAWYERS CONCERNED FOR LAWYERS  
NOTES TO FINANCIAL STATEMENTS  
JUNE 30, 2006 AND MAY 31, 2005

NOTE 7. YEAR END CHANGE TO JUNE 30 AND COMPARATIVE INFORMATION

Effective June 30, 2005, the Organization changed its fiscal year end to June 30th. These financial statements compare the 12 months ended June 30, 2006 with the 12 months ended May 31, 2005. The results for the month June 30, 2005 are listed below.

	<u>Unrestricted</u>	Temporarily <u>Restricted</u>	<u>Total</u>
Public Support and Revenue	\$ 5,181	\$ 1,385	\$ 6,566
Expenses	<u>25,232</u>	<u>--</u>	<u>25,232</u>
Changes in net assets	\$ (20,051)	\$ 1,385	\$ (18,666)
Net assets beginning of month	<u>115,268</u>	<u>30,393</u>	<u>145,661</u>
Net assets end of month	<u>\$ 95,217</u>	<u>\$ 31,778</u>	<u>\$126,995</u>

- LCL Education and Outreach Achievements

LCL makes numerous CLE and other presentations throughout the year. Here are some examples from the past year:

- Several presentations of a 2 Hour program on mental health and addiction including at the Criminal Justice and Employment Law Institutes
- Stress, mental health and addiction programs for 1 hour of Elimination of Bias credit at several greater Minnesota district bar meetings, MSBA sections, and associations such as the Hispanic Bar and Public Defenders Conference.
- Several CLE webcasts of the above presentations resulting in very high attendance
- LCL information is given during Minnesota Lawyers Mutual's presentation on lawyer malpractice
- Presentations to paralegal schools and association meetings including the national convention
- Full day CLE program: "Impaired Lawyers: When Lawyers Cannot and Should Not Continue To Practice"
- Half day program on depression for the HCBA
- Ethics program for the Minnesota Attorney General's Office
- Numerous one-hour presentations to law school Professional Responsibility classes and short announcements to incoming students
- Two New programs were developed and presented at William Mitchell College of Law "Alcoholism: It might not be you, but it will affect you" and "Stress management for law students"
- Presented to a family orientation session at William Mitchell's and the U of M's orientation for new students.

As part of LCL's continuing efforts to develop relationships with Minnesota Judges and provide education to the bench, we met with the District Judges Association to begin cooperation and prepare future programs. The Judges Helpline was established and the Minnesota Judges Assistance Program brochure was printed.

We taped and Minnesota CLE provided access via their website to five ten minute vignettes on suicide, addiction, depression and LCL services. These vignettes are available to viewers at no cost.

LCL had an opportunity to attend the Upper Midwest Regional Employee Assistance Association Holiday luncheon in order to provide education to EAPs regarding LCLs services and what they may need to understand when working with attorneys.

LCL provides information and outreach through exhibit tables at a variety of conferences and workshops. The exhibit tables are staffed with LCL volunteers or staff members to

answer questions and outreach. The tables include LCL brochures and a variety of resources on mental health and chemical health issues. The LCL exhibit tables were present at:

- Probate and Trust Conference
- MSBA Convention
- Criminal Justice Institute
- Family Law Institute
- Annual Solo Small Conference
- Intellectual Property Institute
- New Lawyer Admission Ceremony
- Real Estate Institute
- The New Lawyer Experience
- Employment Law Institute
- New Lawyers Admission Ceremony in May and October
- The Judicial College
- State Judges Conference

LCL's Director joined the steering committee of American Disabilities Association-Minnesota in an effort to extend outreach and education in the area of legal employees and disabilities.

We engaged in ongoing relationship building with local treatment centers to educate them on LCL so that when an attorney is receiving services they are also informed of LCL's services

We have active involvement in the MSBA Life and Law Subcommittee of the Law Student Working Group involved in policies and education to law school students on chemical health, life balance, mental health issue, accommodations and related issues.

We hosted a workshop on Best Practices for counselors who assist law school students in the rigors of the law school experience. Representative of counseling centers for all of the local law schools attended.

We helped to organize and promote a Law Student AA/12 step Group

We held a successful 30<sup>th</sup> anniversary celebration which raised funds for our Founders Memorial Fund which provides treatment assistance for those unable to afford it.

# MWL Calendar of Events

Board and Committee Meetings

Registration Form

-----  
*Lawyers Concerned for Lawyers & Minnesota Women Lawyers Present*

## **Holiday Stress: It's Coming . . . What You Can Do to Minimize It**

Date: Monday, November 12th, 2007

Time: 12:00 noon

Location: MWL Office (600 Nicollet Mall, Suite 390B in Minneapolis; 3<sup>rd</sup> floor of City Center, inside the HCBA office area)

Fee: FREE; Feel free to bring your lunch.


Pre-Registration is Appreciated: 651/646-5590

Media Images will soon portray happy families gathered in perfect settings where everyone loves their gifts. For lawyers who can be particularly busy at year end, expectations and details can cause significant stress and set off reactions that are anything but harmonious. This program will offer insight into some of the triggers of holiday stress (financial, emotional, time pressures) and offer practical strategies and tactics to prepare for meeting them head on. Participants will also learn personal techniques for setting priorities and handling stressful situations.

-----  
[http://www.mwlawyers.org/UpcomingEventsAndNews/CalendarOfEvents/calendar\\_of\\_events1.htm](http://www.mwlawyers.org/UpcomingEventsAndNews/CalendarOfEvents/calendar_of_events1.htm)



**From:** CLEinfo@minncle.org [mailto:CLEinfo@minncle.org]  
**Sent:** Monday, October 22, 2007 5:09 PM  
**To:**  
**Subject:** Elimination of Bias Webcast 10/25 - Disabilities Related to Mental Health & Addiction

MINNESOTA CLE  Webcast Seminars  
ELIMINATION OF BIAS

## ***Elimination of Bias - Disabilities Related to Mental Health and Addiction***

***Presented by Joan Bibelhausen and Christopher Bell***

***Thursday, October 25, 2007, 12:00 - 2:00 p.m. CDT***

***2.0 elimination-of-bias credits***

***Tuition: \$135***

Lawyers have to deal with substance abuse on a regular basis. It may be the alcohol-fueled incident that lands a client in a lawyer's office, or it may be the substance abuse of a partner, associate, or the attorney herself. Substance abuse is a constant issue in the legal profession, but lawyers can work to detect, treat and prevent it. This program will help lawyers:

- Identify the classic warning signs of substance abuse
- Help others get the help they need
- Avoid much of the stress from which the problem often starts

Presented by [Joan M. Bibelhausen](#), Minnesota Lawyers Concerned for Lawyers, St. Paul, and [Christopher G. Bell](#), Attorney at Law, Roseville, Minn.

**REGISTER ON-LINE**

Full registration link to copy and paste in your browser: <http://www.minncle.org/AABuy0.asp?ITEMTYPE=S&ITEMNMBR=126130801>

**HOW DO I REGISTER?** Registration and payment for Minnesota CLE webcast seminars are processed solely online. If you haven't already, you will need to create your free [Minnesota CLE account](#) (an easy process). After registering (use the links above or the [listings](#) on our website) you will receive an e-mailed confirmation notice with complete instructions for viewing the webcast. You can sign up right before the webcast, or even during the seminar!

**WHAT EQUIPMENT DO I NEED?** You need an Internet connection, preferably broadband (DSL, cable, or faster). Webcasts are streamed in Windows Media format, so you will need the free [Windows Media Player](#) installed on your computer. We recommend using a Windows-based machine and either the free Microsoft [Internet Explorer](#) or [Firefox](#) browser. While we do not officially support Macintoshes, we have had reports of viewers successfully watching our webcasts on Macs running OS-X with the [Windows Media Player for Mac](#) installed. Please review our [system requirements](#).

EXHIBIT H

**HOW DO WEBCASTS WORK?** After you register online for your chosen webcast and log in, on our [home page](#) you will see a link to the webcast under the heading "Your Upcoming Live Webcast Seminars." A short while before the webcast start time, the "Join Webcast" link on the home page will become active. Just click the link to enter the seminar page and join the live webcast. You'll see and hear the seminar in real time, and will be able to e-mail questions to the presenter.

**WHAT ABOUT WRITTEN MATERIALS?** You will be able to download, print (if you wish), and review the written materials (if any) prior to the webcast. You will need the free [Acrobat Reader](#) to view and print materials.

**HYPERLINKS:**

Minnesota CLE home: <http://www.minncle.org>

Webcast listings:

[http://www.minncle.org/SeminarsSearch.asp?szInterestAreaIDs=&SearchCity=Online+Class&SearchMonthYear=\\*&sSort=DATE](http://www.minncle.org/SeminarsSearch.asp?szInterestAreaIDs=&SearchCity=Online+Class&SearchMonthYear=*&sSort=DATE)

Account login screen: <http://www.minncle.org/AALogin.asp>

System requirements: <http://www.minncle.org/AAWebcastHowTo.asp>

Windows Media Player download: <http://www.microsoft.com/windows/windowsmedia/download/default.asp>

Windows Media Player for Mac download:

<http://www.apple.com/downloads/macosx/video/windowsmediaplayerformacosx.html>

Internet Explorer download: <http://www.microsoft.com/windows/ie/ie6/downloads/default.msp#ENC>

Firefox download: <http://www.mozilla.com/en-US/firefox/>

Acrobat Reader download: <http://www.adobe.com/products/acrobat/readstep.html>

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**Questions about webcasts?** Call us at (651) 227-8266 or (800) 759-8840, or e-mail our customer service department at [cservice@minncle.org](mailto:cservice@minncle.org).

**MINNESOTA CONTINUING LEGAL EDUCATION** Main Office: 2550 University Ave. W #160-S, Saint Paul, MN 55114-1098

Phone (800) 759-8840 / (651) 227-8266 | Fax (651) 227-6262 | Web [www.minncle.org](http://www.minncle.org) | E-mail [info@minncle.org](mailto:info@minncle.org)

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**From:** HCBA Offices [HCBA\_registrar@hcba.org]  
**Sent:** Wednesday, October 17, 2007 10:01 AM  
**To:**  
**Subject:** HCBA CLE: Understanding Depression in the Legal Profession

**Continuing Legal Education**

**Hennepin County Bar Association • CLE Seminars**  
600 Nicollet Mall, #390, Minneapolis, MN 55402 • 612-752-6600 • www.hcba.org

**Depression:  
What Is It, and Why Is  
It an Issue for the Legal  
Profession?**

**CLE Video Replay:  
A Second Chance to See  
this Great Program!**

The advertisement features a photograph of a man in a dark suit and tie, looking directly at the camera with a weary expression, resting his head on his hand. The background is a plain, light-colored wall.

## Depression: What Is It, and Why Is It an Issue for the Legal Profession?

Video Replay on:

**Friday, November 9**

8:30 to 11:45 a.m. at the HCBA office.

3.0 CLE credits applied for, including 3.0 Elimination of Bias credits.

### TOPICS TO BE COVERED:

- Defining depression: signs, symptoms, and stigma.
- How does depression affect the legal profession, from law schools to the legal workplace?
- How does depression manifest from within and without?
  - What it feels like and what it looks like.
- Chronic stress and other risk factors.
- Related problems: manic depression, anxiety disorder, and suicide.
- When depression arises in the disciplinary context.
- How you might encounter depression in the workplace with clients and colleagues.
- Help and hope with clients and colleagues: what is available and what you can do.

### FEATURING:

- **Joan Bibelhausen** (course chair), Lawyers Concerned for Lawyers
- **Emil Jalonen**, Hazelden
- **Mark Sanstead**, Hazelden
- **Bob Burns**, The Purpose Project

10/31/2007

EXHIBIT I

**HCBA members: \$95 Non-members: \$115 CLE ONE CARD holders: No charge**

REGISTER: Online or by calling 612-752-6600. [View/print PDF Flyer with mail-in registration form](#)

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10/31/2007



# Confidential Assistance for Minnesota Judges

Minnesota  
Judges' Assistance Program  
877-6JUDGES  
877-658-3437

Free and confidential services  
administered by  
Lawyers Concerned for Lawyers  
2550 University Avenue West  
Suite 313N  
St. Paul, MN 55114  
[help@mncl.org](mailto:help@mncl.org)

Prepared in cooperation with the Judges'  
Resource Committee of the Minnesota  
District Judges' Association



**EXHIBIT J**



### About Depression and Anxiety



### Ethics



### Alcohol, Medications and Health



### Confidentiality

“Confidentiality is a very serious concern for any judge but sometimes you need to talk to someone when things aren’t going well. I didn’t know where or who to call but I was desperate for some help with a personal problem. Finally, I called LCL. Their help was immediate, confidential and remains so to this day. I dealt with only one person who totally understood the need for complete confidentiality.

They listened to me, helped me develop a plan and connected me to additional resources. I was so relieved and grateful for their assistance. Confidentiality never became an issue. I am glad I called.”



### Stress



### Support and Services



### Purpose



### Assistance to Minnesota Judges

Minnesota judges now have access to free and completely confidential assistance through a new judges’ helpline.

We all have problems from time to time whether they result from personal and family issues, everyday stress or just the circumstances of being human. Community leaders and other helpers are often too busy tending to the troubles of others to acknowledge their own needs. Now there is help for members of the judiciary.

Lawyers Concerned for Lawyers has been helping lawyers, judges and law students in Minnesota for

MINNESOTA



877-6JUDGES

877-658-3437

CONFIDENTIAL  
JUDGES’ ASSISTANCE





## About Depression and Anxiety

Depression is the leading cause of disability in the U.S., affecting about 10% of the population. Two-thirds of those affected never seek treatment and suffer needlessly. No one is completely immune. Women are twice as likely to be diagnosed and treated for major depression. Men, who are less likely to acknowledge depression, may sometimes mask symptoms through the use of alcohol and drugs. Anxiety disorders are also among the most common mental illnesses in America, and among the most treatable. Left untreated, they can become debilitating.

Some signs of depression are:

- Inability to meet professional obligations
- Persistent sadness, apathy or anxiety
- Difficulty concentrating
- Significant changes in sleep patterns or appetite
- Loss of interest or pleasure
- Feeling overwhelmed, confused, isolated, paralyzed and helpless
- Thoughts of suicide

Some signs of anxiety disorders are:

- Constant exaggerated, worrisome thoughts
- Patterns of unwanted or repetitive behaviors
- Stress reactions following an incidence of trauma
- Repeated episodes of intense fear that strike without warning

The vast majority of people with mental illnesses such as depression, anxiety or bipolar disorder improve significantly with appropriate treatment. The Judges' Assistance Program can provide free and confidential screening and consultation and referral to appropriate resources.

**Confidential Judges' Helpline:  
1-877-658-3437 (1-877-6JUDGES)**



## Ethics

In addition to other services which it offers, the Judges' Assistance Program has worked with the MDJA to offer referral services for judges who are dealing with stress issues arising from actual or potential allegations of unethical conduct by the Board on Judicial Standards. Judges may also contact The Judges' Assistance Program or MDJA to receive referral information for judges who wish to discuss or seek advice on any potential ethics issues or questions. These referral services have been arranged by the MDJA and include a panel of active and retired judges who have served on the Board of Judicial Standards and who have offered to provide advice to judges dealing with the stress of ethics issues. In addition, MDJA has a listing of attorneys who have experience with ethics issues and can offer legal advice or representation for a judge. This referral information is also available directly from the Judges' Resource Committee of the MDJA by contacting the Administrative Director of the MDJA at 651-426-1746. Ethics issues can also involve other areas of stress for which the Judges' Assistance Program offers services.

**Confidential Judges' Helpline:  
1-877-658-3437 (1-877-6JUDGES)**



## Alcohol, Medications and Health

Alcohol and medication problems are often an un-addressed health concern. Your Judges' Assistance Program can provide you with resources to help you or a family member.

Problems with alcohol or drugs are among the most sensitive issues a person can encounter. Misuse that is initially inadvertent and unintended can lead to dependency and addiction. The Judges' Assistance Program is ready to discuss and address these problems.

Some prescription medications may cause unforeseen hazards and dependency. Often there is a progression. The earliest call for help will address the issues before serious social, professional and medical problems result.

Experience proves that outcomes are improved with ongoing help and support. The Judges' Assistance Program combines appropriate professional techniques with thoughtful, caring and confidential support.

Confidential help and ready access to the most effective and convenient resources are a phone call away.

**Confidential Judges' Helpline:  
1-877-658-3437 (1-877-6JUDGES)**



## Confidentiality

"Confidentiality is a very serious concern for any judge but sometimes you need to talk to someone when things aren't going well. I didn't know where or who to call but I was desperate for some help with a personal problem. Finally, I called LCL. Their help was immediate, confidential and remains so to this day. I dealt with only one person who totally understood the need for complete confidentiality. They listened to me, helped me develop a plan and connected me to additional resources. I was so relieved and grateful for their assistance. Confidentiality never became an issue. I am glad I called."

-a Minnesota District Court Judge

**Confidential Judges' Helpline:  
1-877-658-3437 (1-877-6JUDGES)**





## Stress

Stress is an expected part of normal daily life. Unhealthy stress is also one of the most preventable and treatable causes of many major illnesses. Unresolved chronic stress is the #1 predictor for clinical depression. Reducing or managing stress is challenging but can be life-saving. Recognizing symptoms and seeking solutions are the first steps in avoiding problems.

According to a study conducted by Minnesota District Court Judge James Hoolihan, judges report that particular sources of stress include being overworked and overloaded (75%), isolation (54%), the burden of necessary decisions (71%) and emotional trauma (56%). Each individual reported several sources of stress.

Some signs of unhealthy stress include:

- Headaches and other physical pain and sleep disturbance
- Difficulty making decisions or constant worry
- Feeling cynical, apathetic or empty
- Feeling more isolated, lonely and less social than normal
- Feeling nervous, irritable, anxious or short-tempered.

To manage stress, one must have rest, an opportunity to process feelings and a sense of security; in other words, a safe and confidential place to process feelings. The Judges' Assistance Program provides assessment, free short term counseling, peer support and referrals in a safe confidential environment.

**Confidential Judges' Helpline:  
1-877-658-3437 (1-877-6JUDGES)**



## Support and Services

Our services include help for a broad range of professional and personal issues such as:

- Alcohol and Drugs
- Depression
- Stress or Burnout
- Gambling
- Eating Disorders and Addictions
- Sexual Disorders and Addictions
- Anger Management
- Work and Family Balance
- Grief
- Transition Issues
- Family Concerns

A staff member answers the helpline during business hours and immediate access to counseling is available at other times. Services include:

- Early identification of impairment
- Intervention and motivation for judges to seek help
- Assessment, evaluation and development of an appropriate treatment plan
- Short-term counseling and referral to appropriate community resources for judges and their family members
- Ongoing, confidential, professional and peer support
- Training programs on addiction, mental health, stress management and other areas.

**Confidential Judges' Helpline:  
1-877-658-3437 (1-877-6JUDGES)**



## Purpose

The purpose of the Judges' Assistance Program of Lawyers Concerned for Lawyers is to assist judges who are affected by

- abuse and addiction concerning areas such as alcohol, drugs, eating, sex or gambling;
- mental illnesses such as depression, bipolar disorder, anxiety or obsessive compulsive behaviors
- stress and related concerns such as family and financial issues, unresolved anger or grief and isolation.

The goal is to provide confidential help early and to prevent health, family and work related problems that can arise as a result of addiction or abuse, mental illness or intense stress.

The Judges' Assistance Program is

- Confidential
- Free
- Administered by Lawyers Concerned for Lawyers which serves all Minnesota judges, lawyers and law students and their immediate family members.

**Confidential Judges' Helpline:  
1-877-658-3437 (1-877-6JUDGES)**



## Assistance to Minnesota Judges

Minnesota judges now have access to free and completely confidential assistance through a new judges' helpline.

We all have problems from time to time whether they result from personal and family issues, everyday stress or just the circumstances of being human. Community leaders and other helpers are often too busy tending to the troubles of others to acknowledge their own needs. Now there is help for members of the judiciary.

Lawyers Concerned for Lawyers has been helping lawyers, judges and law students in Minnesota for 30 years. Through additional outreach and dedicated assistance to judges, we hope to expand those services.

Your Judges' Assistance Program is designed for ease of access, utmost confidentiality and guidance to the most effective, economic and convenient resources. Participation is free and confidential.

**Confidential Judges' Helpline:  
1-877-658-3437 (1-877-6JUDGES)**





## Facts About Impairment

- Lawyers, judges, and law students suffer from substance abuse and depression at much higher rates than the general population.
- Many lawyers who come before bar disciplinary committees suffer from mental illness or are chemically dependent.
- Most who suffer from depression or addiction can be effectively treated, but only about one-third seek help.
- The #1 cause of suicide is untreated depression.
- Every year, 500 Minnesotans die of suicide - and 30,000 suicide deaths occur nationally.
- Intervention educates concerned persons about addiction and motivates people to accept professional help.
- Many people who suffer from behavioral health problems feel a sense of relief when they learn the facts about their medical illness.
- Many people who seek counseling can put their marriages and families back together.
- Chronic stress and work-related problems have life and career saving solutions, but if unresolved can lead to serious problems.

**It takes courage to face your human limits and ask for help.**

**IF** you are concerned that you may have depression or another mental health problem...

**IF** you are concerned about your own use of alcohol/drugs...

**IF** you are concerned about the use of alcohol/drugs, or about depression or other mental health problems in an attorney, judge, or law student...

**IF** you are concerned that your life has become unmanageable, making you and others suffer...

**THEN** you owe it to yourself, your family, your friends, your profession, and your clients to contact your Lawyers Assistance Program.

### Free Confidential Help

is available to you or any lawyers, judges, or law students who may be having problems with alcohol/drugs, depression, anxiety or any other major life problem. Professional and peer assistance can help bring about a positive, even life saving, change.

### LAWYERS CONCERNED FOR LAWYERS (LCL)

24-hour crisis line  
LCL: 651-646-5590  
Toll Free: 866-LCL-MINN (866-525-6466)

[www.mnlcl.org](http://www.mnlcl.org)  
[help@mnlcl.org](mailto:help@mnlcl.org)

2550 University Ave. W 313N St. Paul

After hours, you may call directly:

DOR: 612-332-4805

Toll Free: 1-800-367-3271

By request, we acknowledge the support of the Hennepin County Bar Association and the many other bar associations, law firms, foundations, organizations and individuals who have generously supported LCL.

# LAWYER ASSISTANCE PROGRAM

## Lawyers Concerned for Lawyers



### Program Services

EXHIBIT K



# Lawyers Assistance Program

Lawyers Concerned For Lawyers (LCL) offers free confidential help to lawyers, judges, and law students. Our mission is to help members of the legal community who suffer from alcohol/drug and mental health disorders, marriage and family problems, financial difficulties, stress, and work-related problems. Our goal is to improve their lives and the delivery of justice.

## Our Services Include:

- Crisis Response
- Assessments
- Referrals
- Interventions
- Short Term Counseling
- On Going Support
- Consultations
- Education

Because of embarrassment and fear of discovery, lawyers are often reluctant to seek help. Confidentiality is vital. LCL maintains strict confidentiality in dealing with the identities of, and information about, those who contact us. LCL does not report to any individual or organization, disciplinary authority or otherwise threaten the career or reputation of any lawyer, judge, or law student who seeks assistance.

The foundation of LCL is a network of volunteer lawyers, judges, and law students throughout the state of Minnesota who are in recovery. LCL members who have experienced the same problems can often help by supporting other legal practitioners through the process of accessing care and maintaining their recovery.



LCL contracts with licensed mental and chemical health professionals for: crisis counseling, assessment, referral, and short-term counseling on a 24-hour basis. Assistance is available throughout Minnesota.

## There is help and there is hope

Chemical dependency, mental illness (such as depression, anxiety disorders, post-traumatic stress), and behavioral addictions (such as gambling or sex) are not evidence of moral "weakness." They are, instead, treatable illnesses that, untreated, may cause a deterioration of ethical values, personal relationships, professional competencies, and physical health. Untreated, such illnesses continue to worsen, even with temporary remissions.

Marital and family problems, financial difficulties, chronic stress, and work-related issues are facts of contemporary life. They can and do become overwhelming. When this happens lawyers, like others, can choose to sink alone or swim with the help of peer and professional support.



## LCL can help

The Lawyers Assistance Program of LCL provides services at no cost to impaired lawyers, judges, or law students:

### Crisis Response

Licensed professional counselors staff a 24-hour crisis line.

### Assessment and Referral

Professional staff will assess the client and recommend appropriate professional evaluation, treatment, and rehabilitation options.

### Short-Term Counseling

Professional counselors will, when appropriate to the situation, provide free focused counseling for up to four sessions.

## Interventions

In appropriate situations, trained LCL volunteers, LCL staff, and/or professionals will coach and facilitate a formal intervention to assist the concerned persons in helping the afflicted person recognize his or her problem and begin the recovery process. Less formal options are also available, including coaching a concerned person who wants to reach out.

## Support, Counseling, and Therapy Groups

LCL operates lawyer-led support groups, which meet to focus on mental health and/or addiction recovery issues. A licensed therapist leads therapy groups.

## Mentoring

LCL volunteers are matched when possible, by gender, age, type of practice, clinical issues, and other characteristics to the lawyer, judge, or law student to best enable a supportive relationship. Such support is often both personal and professional.

## Education and Prevention

LCL works with law firms, the courts, MSBA committees and sections, local bar associations, and law related organizations to provide education concerning lawyer impairment and recovery. In addition, LCL makes regular presentations at law schools concerning chemical dependency and mental health problems and their effects on lawyers, judges, and law students. LCL encourages legal employees to offer a supportive environment for self-identification and personal efforts to access help. LCL is also available to work with organizations to support lawyers in recovery.





## Alcohol / Drug Self-Assessment

✦ If, within a 12-month period, you experience any of the following symptoms, contact your Lawyers Assistance Program for a professional evaluation of your chemical use. If you're avoiding this section because of uneasiness about your own use, it may be even more important for you to consider the possibility of a problem.

### ✦ Personally

- Have you tried, but failed to maintain, control, or stop your use?
- Do you need to use more of the substance (alcohol and/or drugs) to achieve the same effect, or have decreased effect from the same amount of use?
- Have you experienced withdrawal symptoms (felt shaky, sick, anxious), or used to relieve or avoid withdrawal symptoms?
- Have you driven a vehicle or operated a machine while under the influence of alcohol and/or drugs?
- Have you ever had a loss of memory about what happened while you were drinking/using?
- Do you continue to use in spite of problems related to your use with family relationships, professional responsibilities or performance, social activities/friendships, legal consequences, or physical harm?

### ✦ Professionally

- Is your use impacting your work? Have clients, associates, or support personnel expressed concern?
- Have you used prior to meetings or court appearances to calm your nerves, gain courage, improve performance, or feel good?
- Has your use caused you to miss closings, court appearances or other appointments?
- Has your use resulted in neglecting administrative responsibilities or misusing funds?
- Has your ambition or efficiency decreased as a result of your use?

**Use includes being actively under the influence as well as behavior to facilitate use and later effects of use. Call LCL to discuss your situation.**

## Free confidential help to lawyers, judges, and law students

■  
Alcohol/other drugs  
■  
Depression, anxiety,  
other mental health disorders  
■  
Marriage & family  
■  
Financial  
■  
Stress  
■  
Work  
■

**Call now for yourself  
or someone you care about!**

**Get free, confidential advice  
about a personal problem  
before it goes public!**

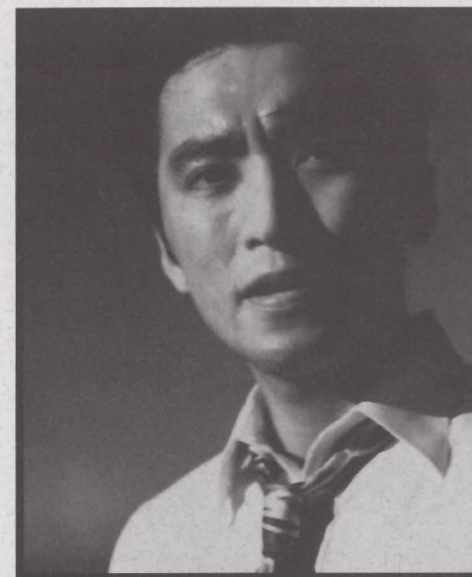
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Toll Free: 866-LCL-MINN (866-525-6466)  
[www.mnlcl.org](http://www.mnlcl.org)  
[help@mnlcl.org](mailto:help@mnlcl.org)  
2550 University Ave. W 313N St. Paul  
After hours, you may call directly:  
DOR: 612-332-4805  
Toll Free: 1-800-367-3271

By request, we acknowledge the support of the Hennepin County Bar Association and the many other bar associations, law firms, foundations, organizations and individuals who have generously supported LCL.

## LAWYER ASSISTANCE PROGRAM

# Lawyers Concerned for Lawyers



## Self-Assessment

EXHIBIT L



# Self-Assessment Questions for Common Mental Health Disorders and Alcohol/Drug Abuse

- Disorders may coexist
- Absence or presence of willpower does not cause and cannot cure these disorders
- Time and denial are your problem's best friends
- Treatment works
- Help is available now
- Call now for free confidential help
- 



**There is help  
and there is hope!**

## Mental Health Self-Assessment

✦ One out of five Americans will experience a major depressive episode at least once during his/her lifetime. Has there been at least a 2-week period of time in which you experienced either depressed mood, or loss of interest or pleasure? Are you:

- feeling sad, empty and/or irritable?
- feeling a loss of interest or pleasure in activities or work you once enjoyed?
- experiencing changes in weight and/or appetite?
- having increased difficulty sleeping, or sleeping more than usual?
- experiencing increased restlessness or is there a decrease in level of activity noticeable to others?
- feeling more fatigued or with less energy?
- having difficulty concentrating, remembering or making decisions?
- feeling overwhelming guilt, hopelessness or worthlessness?
- thinking of suicide or death?



***If you answered yes to the last item, you should seek help immediately, regardless of your answer to any other questions.***

***If you answered yes to even a few of these questions, you may suffer from depression. A professional assessment can tell.***

✦ Has there been a distinct period of at least four consecutive days in which you felt excessively or unusually excited or irritable? This mood change may or may not have resulted in significant impairment in level of functioning. Are you:

- experiencing an inflated sense of self-worth or grandiosity?
- needing significantly less sleep?

- talking more than usual or feeling an increased need to keep talking?
- having racing thoughts?
- having increasing difficulty staying focused?
- feeling driven to take on unnecessary work or social activities; or engaging in spending sprees, poor business investments, or sexual promiscuity?

***Even a few yes answers could indicate a bipolar mood disorder. A professional assessment can tell.***



✦ According to the National Institute of Mental Health, "anxiety disorders, as a group, are the most common mental illness in America." There are different types of anxiety disorders which, if left untreated, can become debilitating. Anxiety is also one of the most successfully treatable mental health problems.

- Have you had at least a six-month period in which you experienced constant, exaggerated, worrisome thoughts and tension about everyday routine life events and activities?
- Have you been trapped in a distressful and time-consuming pattern of unwanted thoughts or compulsive behaviors?
- Have you experienced or witnessed a traumatic event such as a criminal assault, child abuse, natural or human-caused disasters; after which you have had persistent nightmares, flashbacks, feelings of depression or irritability? Have you become distractible or easily startled?
- Have you experienced repeated episodes of intense fear that strike often and without warning? Physical symptoms can include chest pain, heart palpitations, shortness of breath, dizziness or abdominal distress.



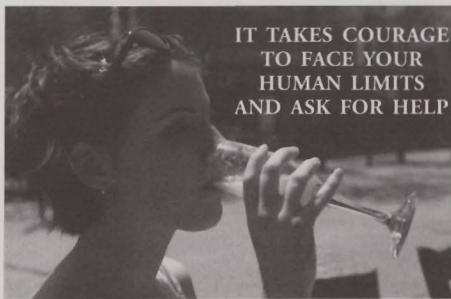
***If you are experiencing any of the above, consult your Lawyers Assistance Program for free, confidential help.***



## FACTS ABOUT IMPAIRMENT

- ❖ Law students suffer from substance abuse and depression at a much higher rate than the general population.
- ❖ Chronic stress and work-related problems have life and career saving solutions.
- ❖ Up to 90% of those who suffer from depression or addiction can be effectively treated, but only about one-third of them seek help.
- ❖ The #1 cause of suicide is untreated depression.
- ❖ Every year, 500 Minnesotans die from suicide and 30,000 suicide deaths occur nationally.
- ❖ Many people who suffer from behavioral health problems feel a sense of relief when they learn the facts about their illness.
- ❖ Many people who seek counseling can put their marriages and families back together.

*"A few students think that once they get treatment they are on a blacklist. On the contrary, the problem lies in those who don't get help...it was incredible relief to have found that there are others out there like me...lawyers, judges, students..." — Allison*



IT TAKES COURAGE  
TO FACE YOUR  
HUMAN LIMITS  
AND ASK FOR HELP

**THERE IS HELP AND THERE IS HOPE.  
CALL 651-646-5590 TODAY.**

## LCL WEB BYTES & OTHER RESOURCES

LCL's web site [www.mnlcl.org](http://www.mnlcl.org) offers a wealth of information about addictions, and other major life problems, as well as therapeutic options such as individual and group therapy. Additional resources are described below.

**Workplace Discrimination** — Discrimination can take many forms - a racial slur, an offensive joke, hostility and harassment. If the quality of your life is impaired by possible discrimination in your work environment, the Minnesota Department of Human Rights is a click away. [www.humanrights.state.mn.us](http://www.humanrights.state.mn.us).

**Domestic Violence** — Four women die every day in the United States as a result of domestic violence. Surprised? Almost 90% of those who batter others have witnessed or experienced violence in the household as children, and it can happen in any type of relationship. Learn more by visiting the National Domestic Violence Hotline web site [www.ndvh.org](http://www.ndvh.org).

**Eating Disorders** — Admitting that you have anorexia, bulimia or a problem with overeating is difficult. Risk factors include: low self-esteem, troubled relationships, and unrealistic expectations for achievement. There are many forms of treatment available. Visit the Eating Disorder Referral and Information Center at [www.EDReferral.com](http://www.EDReferral.com).

**Gambling** — Have you ever gambled to escape worry or trouble? Insecurity and the inability to accept reality often lead to gambling as a source of comfort. If you are concerned that gambling has affected your home life or finances, contact the National Compulsive Gamblers Association at [www.ncpgambling.org](http://www.ncpgambling.org).

**Sex Addiction** — Like other addictions, the sex addict experiences powerlessness over a compulsive behavior. Many addicts say their unhealthy behavior has been a progressive process. It may involve the Internet or personal contact. Does each new relationship continue to have the same destructive patterns which prompted you to leave the last relationship? Visit [www.sexaa.org](http://www.sexaa.org) for help.

**Post Traumatic Stress Disorder** — PTSD may develop after exposure to a traumatic event, and can arise in law school even after counseling or treatment. If you are experiencing persistent, frightening thoughts or feelings of detachment, visit the National Institute of Mental Health at [www.nimh.nih.gov](http://www.nimh.nih.gov).

## LAWYERS CONCERNED FOR LAWYERS Lawyer Assistance Program

### For Law Students



**FREE, CONFIDENTIAL HELP FOR LAW STUDENTS WHO SUFFER FROM ALCOHOL, DRUG, MENTAL HEALTH, CHRONIC STRESS OR OTHER MAJOR LIFE PROBLEMS**

**LCL OFFICE & 24-HOUR CRISIS LINE**  
2550 University Ave. W., Suite 313N., St. Paul  
651-646-5590

**TOLL FREE**  
866-LCL-MINN (866-525-6466)

**WEB PAGE**  
[www.mnlcl.org](http://www.mnlcl.org)

**E-MAIL**  
[help@mnlcl.org](mailto:help@mnlcl.org)

### EXHIBIT M

By request, we acknowledge the support of the MSBA Life & the Law Committee Law Student Working Group, Hennepin County Bar Association, and the Ramsey County Bar Association. We also acknowledge the many other bar associations, law firms, foundations, organizations, and individuals who generously support LCL.

## LCL CAN HELP

Lawyers Concerned For Lawyers (LCL) offers **free confidential** help to law students. Our mission is to help members of the legal community who suffer from alcohol or drug addictions, mental health disorders, chronic stress from work, family, school or other behavioral problems. Our goal is to improve their lives and the delivery of justice.

### FREE SERVICES

**Crisis Response:** Licensed professional counselors staff a 24-hr crisis line.

**Assessments/Referrals:** Counselors perform in-office assessments and make treatment referrals as needed.

**Short-Term Counseling:** Professional staff provide up to four free sessions.

**Interventions:** Trained LCL volunteers, licensed professionals, and others who are concerned, will plan, rehearse and facilitate an intervention to educate the affected person about his or her problem behaviors.

**Therapy Group:** A licensed therapist leads a therapy group to help participants learn effective coping strategies.

**Support Group:** Volunteer lawyers lead support groups that focus on mental health and addiction recovery.

**Mentoring:** One-on-one support by volunteer law students or lawyers often supplements treatment or therapy. LCL makes every effort to connect a client with a mentor to provide support and guidance.

**Education & Prevention:** LCL offers CLEs and other educational programs to members of the legal profession.

**DOR (Delivering Organization Results)** provides crisis counseling, assessments, referrals, and short-term counseling on a 24-hour basis for LCL clients. DOR staff are licensed mental health and chemical dependency counselors, available throughout Minnesota. DOR may be called directly for assistance: (612) 332-4805 or 800-367-3271.



## BEHAVIORAL Self-Assessment



Studies show that stress is a major factor in many chronic, deadly diseases. Heart disease, cancer, rheumatoid arthritis, depression and addiction are only a few of the diseases linked to chronic, long-term stress

### STRESS ARE YOU:

- ❖ experiencing sleep disturbances?
- ❖ feeling fatigued or having trouble thinking clearly?
- ❖ encountering conflict with classmates?
- ❖ increasingly tense, with back, shoulder or neck pain?
- ❖ experiencing eczema, psoriasis or itching?
- ❖ over-reacting to situations?
- ❖ nervous, irritable or moody?
- ❖ feeling overwhelmed?
- ❖ getting tension/migraine headaches?

*If you answered yes to even a few of these questions, you may suffer from chronic stress. Contact LCL for more information.*

## CONFIDENTIALITY IS KEY

All contacts with LCL are CONFIDENTIAL. LCL does not report to any organization, or individual when a law student seeks assistance. Embarrassment or fear of discovery should not preclude students from getting help. The MN Board of Law Examiners encourages lawyers and law students to get the treatment they need.

Call 651-646-5590 or 866-525-6466

## MENTAL HEALTH Self-Assessment



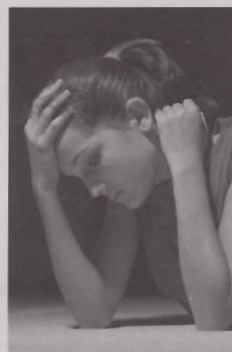
One out of five Americans will experience a major depression at least once during his or her lifetime. Has there been at least a two-week period of time in which you experienced either a depressed mood, or loss of interest or pleasure?

### DEPRESSION ARE YOU:

- ❖ feeling sad, empty or irritable?
- ❖ losing interest or pleasure in enjoyable activities?
- ❖ experiencing changes in weight or appetite?
- ❖ having difficulty sleeping or are you sleeping more?
- ❖ increasingly restless or decreasingly active?
- ❖ feeling more fatigued or less energized?
- ❖ having difficulty concentrating, remembering or deciding?
- ❖ feeling overwhelming guilt, hopelessness or worthlessness?
- ❖ thinking of suicide or death?

*If you answered yes to even a few of these questions, you may suffer from depression. Contact LCL for more information. If you answered yes to the last question, you should call 911 or seek other help immediately, regardless of your answers to any other question.*

## SUICIDAL THOUGHTS?



### UNTREATED DEPRESSION IS THE #1 CAUSE OF SUICIDE.

IF YOU ARE HAVING OR HAVE HAD ANY THOUGHTS OF SUICIDE OR DEATH, THERE IS HELP 24 HOURS A DAY.

CALL LCL OR  
THE NATIONAL  
SUICIDE PREVENTION  
HOTLINE AT  
1-800-273-TALK

## MENTAL HEALTH Self-Assessment



Has there been a distinct period of at least four consecutive days in which you felt excessively or unusually excited or irritable? This mood change may or may not have resulted in significant impairment in your level of functioning

### BIPOLAR ARE YOU:

- ❖ experiencing an inflated sense of self-worth?
- ❖ needing significantly less sleep?
- ❖ talking or needing to talk more than usual?
- ❖ having racing thoughts?
- ❖ having increasing difficulty staying focused?
- ❖ driven to take on activities?
- ❖ engaged in spending sprees, ill-advised investing, or promiscuity?

*Even a few yes answers could indicate a bipolar mood disorder. Contact LCL for more information.*

The National Institute of Mental Health advises that anxiety disorders are the most common form of mental illness. Some anxiety disorders left untreated can be debilitating. Treatment, however, is typically very successful.

### ANXIETY HAVE YOU:

- ❖ had at least a six-month period of constant, exaggerated, worrisome thoughts and tension?
- ❖ been trapped in distressful, consuming thought patterns or compulsive behaviors?
- ❖ had nightmares, flashbacks, depressed feelings or irritability precipitated by a traumatic event?
- ❖ become distracted or easily startled?
- ❖ had frequent, unexpected episodes of intense fear that strike often and without warning?
- ❖ had chest pain, heart palpitations, shortness of breath, dizziness or abdominal distress?

*If you are experiencing any of the above, consult LCL for free, confidential help.*

## ALCOHOL/DRUG Self-Assessment



If, within a 12-month period, you experience any of the following symptoms, contact Lawyers Concerned for Lawyers.

### PERSONALLY HAVE YOU:

- ❖ tried, but failed to maintain, control or stop using?
- ❖ needed to use more to achieve the same effect, or have decreased effect from the same amount?
- ❖ experienced withdrawal symptoms or used to relieve or avoid withdrawal symptoms?
- ❖ driven a vehicle or operated a machine under the influence?
- ❖ experienced a blackout?
- ❖ continued to use despite problems from your use?

*The ABA has a listserv for law students to exchange ideas on getting and staying sober. During the school year, a law student 12-step group meets. Contact LCL for details.*

### ACADEMICALLY IS YOUR USE:

- ❖ interfering with performance in classes?
- ❖ your primary way of dealing with stress?
- ❖ occurring to calm your nerves, gain courage, improve performance or feel good?
- ❖ causing you to miss class or other appointments?
- ❖ increasing since attending law school?
- ❖ causing you to neglect your studies?
- ❖ causing a decrease in ambition or efficiency?
- ❖ a way of self-medicating?



# LAWYERS CONCERNED FOR LAWYERS

## MINNESOTA'S LAWYER ASSISTANCE PROGRAM

### INSPIRATIONAL STORIES

THERE IS HELP & THERE IS HOPE



"[Y]ou saved my life . . . by being there when I had given up hope. The confidential, caring support I received during my crisis made the difference."

#### EXHIBIT N

LAWYERS CONCERNED FOR LAWYERS  
COURT INTERNATIONAL BUILDING  
2550 UNIVERSITY AVENUE WEST  
SUITE 313N  
ST. PAUL, MN 55114  
651-646-5590 or 1-866-525-6466  
www.mnlcl.org

# LAWYERS CONCERNED FOR LAWYERS

## MINNESOTA'S LAWYER ASSISTANCE PROGRAM

Lawyers Concerned for Lawyers (LCL) was launched in 1976, making it one of the oldest lawyer assistance programs in the nation. It provides confidential help to lawyers, judges, and law students who suffer from chemical dependency or mental health problems, as well as to their families, colleagues, and organizations.

LCL services include crisis response, intervention, short-term counseling, peer support, referrals to appropriate professionals and programs, and educational programming. Volunteers are an integral part of everything we do. They help us increase our effectiveness and maximize our resources.

These services promote professional satisfaction and save lives, health, careers, relationships, and law firms. They help prevent malpractice, losses to clients and the public, and improve the profession and its public image.

LCL's vital services are partially supported by funding administered through the Minnesota Supreme Court, but we rely on donations to carry out our mission to reach out and help law students and legal professionals in need and education of the legal community.

Additional funds are urgently needed to optimize our direct assistance to the lawyers who have called upon us, to expand our outreach and education and to provide help such as funds for chemical dependency treatment for indigent lawyers. Please contribute at the highest level you can afford.

*LCL would like to thank the Minnesota lawyers who allowed LCL to use their stories in this brochure.*

I would like to contribute to Lawyers Concerned for Lawyers at the following level:

- Benefactor ..... \$ 2,500 and above
- Barrister ..... \$ 1,000
- Advocate ..... \$ 500
- Please contact me to learn about foundation or other funding opportunities through my organization
- Please contact me regarding volunteer opportunities, educational programs for my organization or to apply for membership
- Counselor ..... \$ 250
- Supporter ..... \$ 100
- Friend (up to \$99) ..... \$ \_\_\_\_\_

Name: \_\_\_\_\_

Organization \_\_\_\_\_

Address: \_\_\_\_\_

Address 2: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

Phone Number: \_\_\_\_\_ Email Address: \_\_\_\_\_



## I received an LCL flyer.

Sometime around 2000 or 2001 I received an LCL flyer. I had been through a bitterly contested divorce, had become clinically depressed, and had been seriously abusing alcohol. Although still very much in denial about the extent of my problems, something deep inside told me that I should hold onto this flyer. I put it on a shelf in my office, but periodically and frequently took a peek at it.

While I was still functioning as a competent lawyer, my energy level continued to sink. I was simply moving from one self-created emergency to the next, barely meeting deadlines, and fearing client calls.

In 2003, I was preparing to try a case that I knew I wasn't adequately prepared to handle. I filed a motion seeking an extension of the discovery deadline with the conviction that, if the motion was not granted, I would have no alternative but to kill myself. I calmly settled on a plan. If the judge denied my motion, I would simply get in my car, drive south along Highway 61, wait for a locomotive to come along, and inch onto the tracks at the last minute.

The order denying my request arrived. I calmly got into my car with the firmly fixed idea that I would end my pain. As I got close to the split between I-94E and I-94W, I thought about the only remaining reasons to live: my wonderful children. The LCL offices came to mind. I was sobbing. I fell into the I-94W lanes of I-35E and drove to the LCL office.

LCL connected me with a psychologist who got me into the emergency room and an attorney who offered to assist or intervene with the court case in question. I also began attending the truly wonderful lawyer AA meetings.

As a result of my ongoing sobriety, the personal growth I've derived from the recovery program, and the strong support network I've acquired, my life has improved dramatically. My practice has expanded exponentially, as have the rewards, interpersonal and emotional as well as financial. I truly love what I do, helping people as an attorney. I now embrace life and look forward to the opportunities and enjoyment to be found in each new day.

If LCL hadn't sent out those flyers, I almost certainly would not be alive today. Thank you ever so much for being there for me and for other suffering lawyers like me.

## I heard an LCL volunteer deliver a lecture about alcoholism.

I had my first experience with an LCL volunteer 25 years ago. My firm was a hard-drinking one. To a practicing alcoholic like me, a newly minted lawyer, it was perfect. But the level of drinking going on concerned a partner, and he asked an LCL volunteer to come to our annual fall retreat and talk about alcohol abuse in the legal profession.

The LCL volunteer, Bill, delivered a dispassionate, friendly, after dinner lecture about alcoholism: its symptoms and problems it causes. Many of us listening were "feeling no pain," having already had several drinks at dinner. It must have been hard for the LCL volunteer, since many of us were in the conference room with drinks in our hands as we listened. A couple of people actually went out to "freshen up" their drinks while he spoke.

I remember his warmth and humor – and the message. That lecture planted, for me, the first seeds of realization that I was, in fact, an alcoholic. I recognized the symptoms were ones I was experiencing personally. For the first time I can recall, I was uncomfortable with the fact that I drank too much.

Not much later, an employee of the firm went into treatment. After seeing her success, it was only a matter of time when I would follow. Then, I was convicted for DUI and remember actually feeling relieved because I knew what my options were and what I needed to do. This was thanks, in no small part, to the information I got from the LCL volunteer that night.

About a year after I sobered up (some 23 years ago), I called LCL to become a member and made an appointment. I am sure LCL expected to see a helpless drunk, but they found instead a drunk in recovery who wanted to give something back for what had been given to me. I've been grateful to be a part of the organization ever since.

651-646-5590  
or  
1-866-525-6466

## I heard of LCL through its work with the MSBA.

Depression and suicidal ideation have been part of my life since my childhood. However, I did not begin therapy until the age of 16. During my twenties I made at least a dozen suicide attempts. My psychiatrist was my life coach and helped me manage my depression.

When my psychiatrist died I was devastated. A new psychiatrist and a therapist saw me through more difficult times as a depressive trying to survive in a "normal" world. I became disabled by my illness and did very little, other than therapy, for five years. Spurred on by my therapist, I returned to school and chose to become a paralegal, but my passion for the law grew and I made the decision to attend law school. I continued to receive support from my psychiatrist and anti-depressant medication through law school and beyond.

My first experience as an attorney was difficult and found me with few clients and little income. I could no longer afford psychiatric care or medication. I felt very capable of managing my depression. Then, I lost my job and the world seemed to crumble. I knew there were other options to get help, but I was still determined to do it on my own.

I became acquainted with the staff at LCL through their work with the Minnesota State Bar Association. During my difficult times LCL staff approached me on several occasions offering help. I thanked them but brushed off their suggestions. Unbeknownst to anyone at LCL, I was on the verge of committing suicide. My life had spiraled out of control and I knew that I was not capable of effectively representing a client and I sought help from LCL.

The LCL staff helped arrange other resources for my clients. LCL staff made a call to arrange a therapy session. Several days later a therapist helped me find a psychiatrist to take me as a patient. LCL, through a law firm foundation grant, pays for medication management for indigent attorneys. The therapist helped me to diffuse the situation and focus on solutions to my problems.

I also began attending LCL membership meetings and actively supporting LCL when opportunities arose. The continued support of LCL staff and the membership has proven invaluable to me.