

2013

Commission on Lawyer Assistance Programs Panel on Best Practices Engaging Law Schools

David Jaffe

Larry Dubin

Amy Timmer

Tish Vincent

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Recommended Citation

Jaffe, David, Larry Dubin, Amy Timmer, and Tish Vincent. "Commission on Lawyer Assistance Programs Panel on Best Practices Engaging Law Schools." *American University Journal of Gender Social Policy and Law* 21, no. 3 (2013): 609-636.

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COMMISSION ON LAWYER ASSISTANCE PROGRAMS PANEL ON BEST PRACTICES ENGAGING LAW SCHOOLS

The transcript that follows is taken from Common Practices, Best Practices and Other Ideas from the Student Frontlines, a panel presented during the American Bar Association (ABA) Commission on Lawyer Assistance Programs (CoLAP) 25th Annual National Conference on October 11, 2012. CoLAP “has the mandate to educate the legal profession concerning alcoholism, chemical dependencies, stress, depression and other emotional health issues, and assist and support all bar associations and lawyer assistance programs in developing and maintaining methods of providing effective solutions for recovery.”¹

BEGIN TRANSCRIPT:

DAVID JAFFE: Good morning, and welcome to the panel “Common Practices, Best Practices, and Other Ideas from the Student Frontlines.” Part of the work that the CoLAP Law School Assistance Committee completed over the course of the year was a LAP survey. We reached out to the LAP programs throughout the fifty states seeking basic information with respect to outreach to law schools: what are you doing, when are you doing it, have you found that it’s effective? The survey was helpful in framing some of the conversation that we’re going to have today. Most of you, I think, were very modest in the information you provided, as I have learned more in the last two to three days about some of the really excellent practices that a number of you have with respect to interacting with your students. And so the goal of this panel is to interact on that level. We’re going to leave plenty of time for sharing what you feel has been working well at your school so that we can have those as takeaways as you look to continue engaging with the various law schools and the students at your

1. *Commission on Lawyer Assistance Programs*, AM. BAR ASS’N, http://www.americanbar.org/groups/lawyer_assistance.html (last visited Mar. 1, 2013).

schools.

But a couple of quick takeaways, and a bit of summary of the survey. It appears that the majority of you are presenting at orientation, although a number of you are also presenting at opportunities when invited at other sessions, such as for ethics or professional responsibility classes. And that whole issue about orientation, whether it's the right time or the wrong time, the best time or whatnot, is, I think, indeed one of the talking points that we could have with the panel today. On the one hand, students are excited. They're coming in; this is a time of transition. The Dean of most law schools doesn't want this to be part of orientation, because all of a sudden, boom, they're getting hit with, "By the way, do you know how many of you are going to be depressed, how many of you are going to be drinking, how many of you are going to need help by the time you graduate?" And so we have the first obstacle with some schools that say, "No, not at my orientation." And then of course on the flip side you have those who say, "Orientation is the one opportunity where you have the entire class together, and so let's take advantage of that." The problem, of course, is that our students, when they're entering and particularly during orientation, are getting slammed with information. They're getting either buckets of print, or a thumb drive, whatever it is, and oftentimes this information is getting tucked away, maybe never to be seen again. So I think part of our conversation needs to be about when we do what we do. If orientation is the only time and it's not being effective, do we need to consider other times, and when should those other times be?

Another takeaway from the survey: we noticed that about half of the LAPs appear to be taking the initiative in reaching out to law schools in advance of each year. "Hey, we want to remind you we're here. We'd like to come out during x, y, and z times. Can we work with you and do that?" While another half seem to be taking more of a passive approach. "We're here, the law school knows that we're here, if they want us all they need to do is call us." Now, I don't want that observation to be seen as a criticism. To the contrary, in my capacity as Dean of Students, I believe that we have the initial role and obligation. These are our students at the end of the day; we have the obligation to get this information out, to invite the LAPs in and to get the information out. But I will tell you that not all of my counterparts necessarily share that view, and not all of the bosses—the deans again, as I shared—feel that the LAP presence is something that is necessary. And so some of you may want to consider, is the passive approach the most effective? Are there other ways we maybe need to be reaching out? And maybe it's not the school's fault. Maybe you have a Dean of Students who doesn't care enough about it. Maybe you have a school that is more "conservative" or "traditional" and just doesn't feel there's an issue. And so you may need to take these same responsibilities

of reaching out to law firms and working with judges with respect to law schools as well.

There were a variety of responses in the survey with respect to the medium used, how to impart the information. Obviously brochures. There are some videos that are out there that I think have been effective. But I think the personal story, a volunteer coming out, seems to lead the way. And I will tell you from first-hand experience in attending these sessions, our students are ninety-eight to ninety-nine percent sitting behind a laptop, right? They're taking notes. Well, they're surfing. Some of them are taking notes. But I will tell you, in the sessions that I've attended, when it's the volunteer's turn to speak in these classes, the laptops, they don't literally get closed, but all of a sudden the eyes come up. And to me it's a most compelling moment. I've been there afterwards where the students are coming out. And if it's a private moment they might say, "Can I get your card and talk to you?" If it's more of a public setting, it's typically something like, "I've been trying to figure out how to help my friend and this is really helpful and can I get back in touch?" And of course we're finding out it's about that student. So I think it has been extremely helpful when those presentations have been held.

We also noted the importance in the development of LAP and law school administration relationships, so that you do have some continuity; it's not something that's being recreated each year. Just the notion that we want to be working with you on an ongoing basis, we want to be there for you, as I referenced a couple of minutes ago. There was also a reference that some of the LAPs around the country were looking at peer volunteer programs. And when I looked a little deeper, I unfortunately wasn't seeing them as much as I had hoped. The goal of the Law School Assistance Committee heading into next year and moving forward is actually to look to law schools to establish peer mentors at the schools, ideally students in recovery. Maybe they've been in recovery since before they came to school, maybe they're starting down that path while they're in school. I've been in student affairs now for fifteen years, and I have learned that students don't want to listen to an administrator on a lot of issues. And they certainly don't want to come to me if they believe when they share an issue that they're having with respect to substance abuse-related issues, that I'm going to have an obligation or a likely obligation to turn around and report it to the Character and Fitness portion of the bar.

So if the numbers that are out there in terms of the percentage of students who are drinking, who are smoking, who are being affected by mental health issues—if those numbers are accurate, I can tell you that those students on a percentage basis are not coming to their Dean of Students. I do believe, however, that a larger number of those students would meet with a classmate, understanding that those conversations would be

confidential, and of course with the ulterior goal and motive of getting those students into LAP or certainly into some kind of counseling.

There are challenges inherent in that. Law school is three to four years, which means you might just start getting in the loop of finding a student who is, one, in recovery, two, willing to out him or herself on a confidential basis, and three, having that period of time, a remaining two, maybe three years at the most before we have to turn it over again. I don't think that's enough of a reason not to pursue that avenue, and so you're going to start hearing from the Committee on this. And we can explore LAPs asking law student clients well into recovery, "Hey, working with your Dean of Students, would you consider serving as a volunteer at your school? Here's what we're thinking about."

We have a terrific panel, set up as a continuum of what a student can expect to have either available to him or her, or at least the type of professionals who are looking for and/or seeing the type of students who we know need help. And the question is for the panel to share with you what we perceive, what we think can be helpful. We've drawn from a number of individuals who are both here in Michigan and who have worked with each other.

By way of quick introduction: Larry Dubin is Professor of Law at the University of Detroit Mercy School of Law; Amy Timmer is Associate Dean of Students and Professionalism and Professor of Law at Thomas Cooley Law School; Tish Vincent is a recently appointed Director for the Lawyers and Judges Assistance Program, the LAP program for Michigan; and Diane Van Aken, known as "The Hammer" in her position of Manager of Character—and I say that actually in a very positive way—Manager of Character and Fitness for the State Bar of Michigan.

We've been having our conversations about the folks at the back end. The Character and Fitness folks are the gatekeepers. And the challenges I think we have, if we're not doing our jobs as deans of students—maybe arguably as LAPs in terms of working with these students and getting them help—the last folks we have at the back end are the Character and Fitness folks who say, "I can't admit this individual if I'm not comfortable that he or she can represent clients in my jurisdiction." And there are other settings where folks say, "Well, if the Character and Fitness questions were a little bit easier to answer, if it didn't ask for what kind of counseling I've been in for the last five years, or disciplinary actions or whatnot, then I would more comfortably come out for help." Well, that's not going to work that way. And so, if somebody's not doing their job along this continuum, it unfortunately falls to the folks in Diane's position to make sure we're doing that. I'm looking forward to this panel, and we're going to start things off with Larry.

LARRY DUBIN: Good morning. I must admit, it's a challenge to be told that I should speak for only ten minutes. As you probably know, law professors are a pedantic group who may like to hear the sound of our own voices possibly more than our audiences. In preparation for today, I've been flooded with ideas about the topic that this panel will be discussing. So I'm really interested to hear what I have to say, because it'll reflect my thoughts as of this moment. [laughter] I want to share my personal history of why I'm very interested in the subject of how law professors and lawyers assistance program personnel can work together to help future lawyers learn important information about mental health and addiction issues. I have not personally had the need to go through the recovery process, but I think our discussion today concerns one of the most important subjects that law schools should be educating our students about, and currently in my opinion we are not adequately doing so.

I graduated from the University of Michigan Law School in 1966. I practiced law for about eight years before joining the faculty at the University of Detroit Mercy School of Law in 1975. The first class I was assigned to teach was Professional Responsibility. I'm sure that was because no one on the senior faculty wanted to teach it. The course was only recently required by the American Bar Association as a result of the many lawyers in the Nixon Administration who had committed various crimes that led to criminal convictions and/or disciplinary sanctions. It was believed that law schools were not doing enough to teach "legal ethics," and that's why some of the best and brightest lawyers in the country involved in Watergate were so blinded from being able to make good ethical judgments. A course in legal ethics was mandated to prepare law students for understanding their professional responsibilities. Having been assigned to teach this course at that time was a wonderful opportunity for me to get in on the ground floor of what has become a very important area of the law.

In the late 1970s, I was very honored to be appointed by the Michigan Supreme Court to be a member of the Michigan Attorney Grievance Commission, which is the entity that investigates and prosecutes lawyer misconduct. I observed in that capacity that there were a number of lawyers who never responded to grievances they received. A lawyer who is not capable of answering a grievance that has been filed against him or her and that threatens the continued existence of his or her law license raises an important question: Is that lawyer's inability to respond to disciplinary authorities also indicative of an inability to properly represent clients? My belief has always been that these lawyers who neglected their own interests were likely to be suffering from serious addiction and/or mental health issues. It also became clear to me that whatever the reason

was that prevented a lawyer from providing competent legal representation to a client not only placed that lawyer at risk within the disciplinary system, but also deprived a client of receiving adequate representation. Since lawyers are reluctant to disclose and seek help for addiction and mental health issues due to either denial or embarrassment, this failure to receive appropriate assistance presents a serious societal problem.

As a law professor, it became clear to me that the traditional law school texts filled with appellate cases were not sufficient to help law students understand their professional responsibilities to clients, courts, and themselves. In an effort to provide additional material, I decided to produce a documentary (*What Went Wrong: Conversations with Disciplined Lawyers*, reviewed in the *Georgetown Journal of Legal Education*, Vol. 1, No. 3, 1988) about lawyers who had been professionally disciplined to candidly discuss what had gone wrong in causing them to lose their law licenses, as well as suffer the humiliation of breaching the sacred trust that was reposed to them in being granted the privilege of practicing law.² Over a hundred law schools have shown this program in Professional Responsibility classes. What you see in the program is that the lawyers who I interviewed and who candidly spoke about what led to their professional downfall were severely depressed and had mental health issues, and/or were addicted to alcohol or drugs. Some were overly ambitious, which exacerbated their other problems by causing them to clearly act outside of the parameters of good lawyering. One of the lawyers I interviewed spoke about being an alcoholic throughout his entire law school career. No one ever called him on it. What ultimately got him into trouble was that after *Bates v. State Bar of Arizona*³ was decided by the United States Supreme Court in 1977, permitting lawyers the right to advertise, he was able to amass an enormous amount of business by offering routine legal services at ridiculously low prices. This strategy for obtaining clients brought forth hundreds of people who thought they were purchasing legal services at an affordable rate only to find out that their lawyer lacked the capacity to competently represent them. While I was a member of the Attorney Grievance Commission, I remember that we received large numbers of grievances complaining about this lawyer from

2. I produced two other documentaries related to the subject of addiction and mental health. The first was "The Legal Profession's Hidden Secret: Substance Abuse," which featured my former student, Steve, as well as another lawyer who was Steve's sponsor, and a third lawyer who Steve sponsored in AA. The second program was "Disgrace to Redemption: A Tale of Two Lawyers." One of the featured lawyers was Michael Burke, a former Michigan lawyer who has become a well-known speaker and author on the subject of addiction and its consequence to the life of a lawyer and his/her clients. I also authored *The Legal Profession's Hidden Secret: Substance Abuse*, MICH. B. J., Sept. 2004.

3. 433 U.S. 350 (1977).

his unhappy clients alleging his neglect of their interests. After he was ultimately disbarred, he became a roofer but left behind many clients who suffered greatly as a result of his personal problems.

I also had the experience of running into a former student of mine named Steve while in the cafeteria of a local courthouse. Steve had been the best student in my class the first time I taught Civil Procedure. I was delighted to see him again and eager to hear about his accomplishments as a lawyer. Instead, he informed me that he had lost his license due to his crack cocaine addiction, and also had his parental rights terminated because he had taken his children to a crack house. Since losing his law license and coming close to death, he was trying to rehabilitate himself. I was deeply saddened by his losses and thought my law students could benefit from hearing Steve's story of self-destruction. Steve appreciated my invitation to come to my Professional Responsibility class since he believed talking openly about his downfall was an important part of his path to a successful recovery. For the next five years, he came to my class every semester and continued to come even after being reinstated as a lawyer. He was candid about his personal and professional problems and the students were riveted by his story. After he left, there would always be a student or two who wanted to talk privately to me about some personal issues of concern. I learned that the most effective way to encourage law students to confront addiction and psychological issues was to bring in guests who have gone through the recovery process and were willing to openly share that experience. Law school is a very intellectual endeavor, and everyone learns that to survive, you need to have your game face on by hiding vulnerable feelings. Bringing in a guest who is emotionally open about struggling with mental health and addiction issues is a very profound and powerful experience for law students.

The challenge we face is to help law students learn important information about how to maintain good mental health while engaged in high work stress activities, including an understanding of the ways to prevent or treat depression and addiction. I've come to the conclusion that law schools need to do a lot more than what currently is being done. We need to do more than just bring in the fine experts from the LAP programs to speak to law students during orientation and in Professional Responsibility classes. Law students should be required to acquire some expertise about the subjects of addiction and depression not only for their own benefit, but also to better help their clients who become entangled in the legal system due to their own personal problems. A client who presents a criminal, bankruptcy, matrimonial, or employment issue may have an addiction or mental health problem as the underlying cause. A lawyer who understands this correlation may be able, in carrying out the role as counselor, to refer the client to an appropriate professional, thereby

providing a valuable service that transcends merely acting as a legal technician.

I have had recent discussions with Tish Vincent, Director of Michigan's Lawyers & Judges Assistance Program, about developing a class or a series of lectures that law schools should mandate for their students, whether it be a one-hour credit course, or an extra hour attached to a Professional Responsibility class. Subjects could include: the emotional pressures and stresses in being a law student and a lawyer; how alcohol and drugs and other addictive forms of behavior can raise character and fitness and disciplinary issues; understanding the addictive personality, the science of addiction, the psychology of addiction including denial, anger, personality changes, and available treatments; and ways to support mental health including rest, recreation, diet, exercise, and social activities. Law professors need the knowledge, experience, and expertise of members of Lawyers Assistance Programs to be willing to collaborate with them and even propose these types of educational modifications to the typical law school curriculum. LAP members are more likely to be aware of the need for this information to be disseminated to law students than most members of a law school faculty. In the absence of such participation, it is likely that law schools in the current environment of dwindling applicants will not see a competitive advantage in raising student awareness to the dangers facing them concerning addiction and mental health issues.

AMY TIMMER: Hi everybody. I first have to tell you about an e-mail I got yesterday that made me so happy to come here today. I just returned from a mentoring conference, a legal mentoring conference last week, and it was a great conference, one of the best I'd ever been to. And so many of us were sharing e-mails about how we were glad we met one another and how great the conference was. And one woman wrote, "That mentoring conference was almost as good as the CoLAP conferences that I go to, [laughter] that I'm looking forward to going to next week." And she went on to describe effusively how supportive and—you know, that it's a team, it's a team of people who come together to try to help each other do their jobs better. And I thought, well, this is great, I get to go and meet some of you all. So I'm really very happy to be here.

When David Jaffe was planning this panel with all of us, he emphasized that he'd really like us to give you some takeaways. And so I want to do two things today. I want to give you a list of seven takeaways that I came up with that I think would be helpful to you, and then I want to talk a little bit about the evolution of the character of a law student. I'm at a rather large law school; it's the largest one in the country, and we have 4000 students and five campuses, and I've been the Dean of Students for 18

years. So just from the numbers alone, I've had a lot of good experience seeing what law students are like and how they evolve, in particular how their character evolves. So I thought that might be helpful to you too.

But let me start with the takeaways. And first, let me say that this list of seven things I came up with—I don't do all of them. And that's another reason I was very happy to have been asked to be here, because it forced me to think about the things I could be doing more directly with our LAP program in Michigan that I haven't done. So when I leave here it will be with my own list of tasks that I'm going to go over with Tish Vincent when I get back to my office. So the list is, where are the seven points in a law student's law school career where a LAP program could be introduced to them? And my reason for sharing this list with you is that if you have law schools that you aren't working with and you want to, or that you are working with and you want to do more with, I hope that this list will give you points of entry where you can attempt to reach out to the school at these seven different points and offer your help.

The first one is in the admissions process. Law schools are bombarded with applicants who have a substance abuse issue in their background, and the admissions committees struggle with what to do with these applicants. Do we admit them or not? At Cooley, one of the steps that we've taken that seemed to work fairly well is that we admit many people on what we call administrative probation, and it's right in their acceptance letter. And what that means is, don't repeat the behavior that you've engaged in already or you may be immediately dismissed from the school.

And we're a private law school, so it's easier for us to exercise a discipline procedure, although we have all the due process built in that a public school has to have too. So one of the things you might do is approach whoever heads up the admissions office at your law schools and say to them, "Is there a way to work into your acceptance letters a mention of a LAP program, so that it can say, 'you're on probation and, by the way, one of the great things that you ought to do as a probationer is reach out to the Lawyers and Judges Assistance Program while you are enrolled'?" Now, I don't have that in my letter, and that's one of the things I'd like to go back and think about doing, is when someone's been admitted on administrative probation because of a substance abuse issue, let me mention right in the letter that they may want to reach out to the LAP program.

The second thing on the list is of course orientation. David already mentioned it. Probably everybody in this room has done it or thought about it. At Cooley, we've gone back and forth on whether to have our LAP program folks in orientation. We've done programs with them and without them, and I can be persuaded either way. So you may be facing

schools who say, absolutely not, and I get why they say that.

But if they do say absolutely not to orientation, the next step that you can offer, the third thing on the list, is their professional responsibility course. As Larry mentioned, a lot of schools have decided that that is the course where they will reach out and tackle some of these issues. At Cooley, for example, we did add the extra hour onto the course. We changed the name to “Personal and Professional Responsibility.” We cover addictive behaviors and financial irresponsibility, sexual irresponsibility, stress, discipline. We cover all that stuff in addition to the rules of professional conduct. So, if you are facing a school who says absolutely don’t come to my orientation, the next proposal could be then, “Can I come to your professional responsibility course?” It’s generally required for every student so you’ll reach every single student. And even at a school that has four campuses in Michigan, our LAP people managed to get to every branch campus for every PR class if and when we asked them to. So it can be done and it’s a great place to do it.

It’s not that—you don’t get the reaction that you do at orientation that you hate to see, where these people are so excited to go to law school and then bam! The LAP people come in and hit them with these kind of issues that are so scary. By the time they get to PR, they’re well aware of what these issues are—well, they ought to be. But they’re willing to listen, and I almost think that the PR course is a better time to do it. The issue you’ll face is that most schools I think still teach PR in the third year. We’ve moved it to the first year, and this is one of the reasons we’ve done it, so that we can address these issues early on.

The fourth place in a law school where you could have a presence is on that school’s internal webpage, or what we call our portal page. Every resource in the school is listed on that webpage. We have a wellness webpage. Right up there we have a link right to our LAP program. We have the names of people in it so that students feel like they know who these people are. It’s a very private way for them to find out about the resource. So maybe talk to your schools about whether they have such a page and could you have a presence on it.

You all know, I think, that during a law student’s enrollment in law school they are required—I think at most schools if not every school—they are required to keep the school informed about changes to their application answers. And by that I mean, most law school applications ask about arrests, convictions, pleas and so on, criminal conduct. And so if a law student is arrested during enrollment they have to report that to their school. That is a wonderful, wonderful time for the school to tell that student about the LAP program. And this part, I have to say, we do pretty well. It’s the only thing on the list I’m really proud of actually, because we

could do so much, so much better. But every time a student discloses an alcohol or substance-related offense, they have to talk to me and I'm talking to them about getting to the State Bar. And I'll talk more about this when I get to the second part of what I want to do, which is sort of the evolution of the character of a law student.

But I have to tell you, this is extraordinarily effective because the student is so scared at that moment; they believe they are not going to graduate from law school. And chances are they will, which is ironic—that now that this has happened to them, now they really believe they're not going to. They are extremely vulnerable, they're extremely willing to do anything that you ask them to do at that moment. And so, if the law school will work into their pitch getting to the LAP program, you'll have a very effective way, I think, of drawing people into that program.

As it turns out, the campus where I teach is in Lansing, Michigan, and right down the road is East Lansing, Michigan, where MSU is. And there are a lot of drunk driving offenses in a college town, as you can imagine. And the judges in East Lansing have become very good about finding out if the person in front of them is a law student, as opposed to an undergraduate student, and saying to the law student, "You need to go to the State Bar LAP program." So, by the way, that's not a law school thing you can do, but you could be talking with the judges in the courts that handle these cases near your law schools to ask them if they would make those references.

A sixth place where this can come in—and here's where I think LAP program people might want to reach out, not just to the admissions committee, not just to the Dean of Students—but in this case, maybe ask for a time to meet with all the faculty of the law school or/and all the staff. Students who have academic difficulty are often abusing substances. I can look at a student's transcript and say, "Fall of 2008, that's when you started drinking, right?" And they say, "Yup." And boom, their grades just bottomed out right in that term. You can see it. Law students have relationships with faculty members, and they have relationships with staff of the law school, and they often go to those people when they're in trouble. They don't usually come to me. And so one of the things that I think would be so fantastic is if every staff person in my law school knew about Michigan's LAP program, so that when a student confides in them that they're having terrible trouble, and when a student is being counseled by their faculty advisor, these people can say to them, this is the program where you need to go.

And number seven, I think just generally if you get that entrée into the law school generally, mention to these law school people that we should be connecting academic problems with outside problems. I mean, all faculty

members advise for a living, and none of us know—you know, we're not counselors, we just academically advise, you know, "Here are the classes you should take," and so on. But inevitably faculty deal with personal problems that students are having, so the more you can, I think, help train those of us in a law school environment to connect the dots between academic difficulty and substance abuse, the more likely we will be to get that message across to folks.

So in my last few minutes, let me talk about the evolution of the character of a law student. First of all, I want to tell you that character evolves. I get so fed up with especially law school people who think they cannot impact the character of a law student. Of course they can. I mean, we're in business because we think we're teaching people how to think like lawyers. That's the line we always say: "We're trying to get you to think like a lawyer." Well, if you think you can change someone's thinking, certainly you can change their character. And I've seen it. I've seen it over and over and over. I know it's real, I know it works, and I want you folks to sort of know where in there, in my impression anyway, you might have an opportunity to really impact somebody.

I'm going to speak in broad generalities because I don't know how else to do this. But generally, when students apply to law school they're very defensive if they have something in their background. They don't want to tell it, they find a lawyer who tells them they don't have to tell it, then they spend the first year defending the decision they made not to tell it, and they're just like this. I mean, they won't let you in, they just are—they think this is being lawyerly, they think they're being a lawyer by refusing to speak. And, you know, to break that down, and get law students to realize that it's the candor that will get them the license that they want, it's really a task. That's how they are at the beginning. At the end, if we've done our job and if they've paid any attention at all, they're just the opposite. They are saying, "What else can I do? Can I do more counseling? I've got this in-school DUI, I did everything the judge said, what else should I be doing?" And I say, "Here's twenty more things you could do," and oh god, they go and they do them. And they tell the truth, and they want to tell the truth inside their hearts. And, I mean, everything has changed. And I've watched the ones who are most defensive in the first year become the ones who totally get it in the third year.

So my first message is that people change. I guess you guys know that or you wouldn't be in the business that you're in. [laughter] But the second part of this is, how you can help people like me help them change? And here's what I mean. I sit in my office with these students who are saying, "I know it's my third DUI, but I don't have a drinking problem, and I don't want to say that I do because then I'll never get my license." And so I say to them—you know, after eighteen years of this you kind of lose your

patience, so I say, “Look, here’s what you’re going to do. You’re going to write me a letter and you’re going to say ‘I have a problem, I’m an idiot, this is everything I did wrong. I put a drink before my law career. I want to change. Here’s the seventeen things I’m going to do to change.’” And I say, “I don’t care if you believe one word that you’re writing, I want you to write this to me. And we’re going to tear it up, nobody’s ever going to see it, but you’re going to write it to me.”

Well, what that evolves into is a letter that I do officially put into their file. But I have to beat them on the head for a long, long time before they can actually say it. And my belief—and maybe the counselors in this room are going to think I’m a dangerous person to have loose in public—but I believe that if you keep saying something that after a while maybe you’ll believe it. So I figure, I’m going to give them the script. I’m going to tell them exactly what they ought to be saying, especially when they get to the character and fitness part of this, in hopes that maybe if they say it enough times they’ll begin to believe it. People like me who are doing this to students could benefit from people like you who could say to me, “That’s a good thing to do,” or, “That’s a really bad thing to do.” I don’t know. I don’t know if I ought to be doing this or not. But what I do know is that the closer I am with folks who really know how to help people—and let me disclose to you what I tell many, many students. I went to therapy in my late 30s and it was the best thing I ever did in my whole life. Every day I reap benefits from having gone to that six months of therapy. I tell this to every student I meet to try to break down that barrier and get them to not be afraid of it.

But I love what you folks do. I am a huge fan of what you do; you saved my life. And I didn’t even have a drinking problem. I just had the stress that normal people have. And I think everybody who goes to law school ought to have therapy because we’re all crazy to do this anyway. [laughter] So I want to end by welcoming a relationship. To say to you that I hope you will welcome a relationship with the folks at your law schools who could really benefit from input from you about how to help these students get the help that they need. And I’ll end there, thank you. [applause]

DAVID JAFFE: We had a hand up and we promised this would be interactive.

AUDIENCE MEMBER: Thank you. First of all, I really appreciate, agree with, and emphasize everything you said. I have found personally at the University of Hawaii Law School, if I show up twice in the law students’ career when they need help, whether it’s in law school or later on in their career, they know I’m there and they have a feeling of comfort that

there is a safe place for them to go. It started when a third-year student committed suicide, and they started bringing me in during orientation for first-year students. And I talked the ethics professor into bringing me in during professional responsibility, and I've just found two exposures seems to work at that.

I'll tell you a quick story in a minute about something that happened when they didn't have me come into orientation last year. But a problem that I perceived at the University of Hawaii Law School, which I bet is nationwide, is drinking culture has adopted this irresponsible practice. Responsible normal drinkers do not do ten and twenty shots an hour of hard liquor. And there's some culture going on that's making that part of the competitive spirit of law school, and huge disasters are occurring as a result of it. I had a male student who passed out after drinking fifteen or twenty shots at one of the law school parties and got raped by another male student, woke up, blamed it on Facebook and LinkedIn, and of course now the victim and perpetrator are out there forever. And we talked about that. I think the underlying problem is this culture of irresponsible drinking. I think drinking has always been part of college and law school, but ten to twenty shots of tequila in an hour?

AMY TIMMER: David asked if we could repeat the question or the comment for the recording, and so let me summarize. If you agree I'm doing this appropriately, the issue you raise is irresponsible drinking and, I think, its relationship to law school activities. And yeah. Oh my goodness, yeah. You know, law students and lawyers—I'm sure you know this—choose alcohol, I think, primarily because it's legal. But it's relatively cheap, it's socially acceptable, it works fast, and hopefully it remains legal throughout the night, and it doesn't become illegal at some point. But it will always be the substance of choice for most people in this profession who are under stress.

And so law schools I think have a responsibility to face that and at least not sanction alcohol on campus. For student activities, I mean. I mean, we certainly have many activities on a campus, and sometimes there will be alcohol involved. But there are still schools whose student activity fee is spent for student parties sponsored by student groups that buy alcohol with that money. So the school is in this position of collecting the fee. These are fees that every school collects to support their Student Bar Association. The Student Bar Association divvies that money up to the student groups, who in many schools can spend that money any way they want, and so they often choose to spend it on alcohol. So a real simple—add this to the list, maybe number eight—a wonderful thing you could do with law schools is say to them, “Have you thought about maybe not using the student activity

fee to buy alcohol? Have you thought about asking your student government to find different ways to entertain the students at events where you're not sanctioning the use of alcohol?" So we've at least done that. But of course, this is another thing where I say this is why a relationship with you folks is so good for us, because you may be able to give us more about what we could be doing. Yes, ma'am?

AUDIENCE MEMBER: Hi. What would you say about giving advice on an institution that has the attitude you described about defensiveness about applying to the Bar? You know, when I work on people, I've had your experience of having an interview with a student come from real defensiveness and not want to be honest, and I've had to—you know, as they come into recovery, I think they've learned that that really is the best thing to do of anything else, and I've found myself in a class with resistance. You have resistance from the institution on this. The institution teaches them to be defensive about the very things I'm—you know, so I just find it very disconcerting pushing back against that. I just say what I need to say and that seems to help a little bit with people who need to hear it.

AMY TIMMER: So the institution is the law school? Yeah? You know, if you look at what we do for a living, we sort of do teach that. I mean, the worst thing I ever see is a student who's in trouble with the school who hires a criminal defense lawyer because the criminal defense lawyer only knows to say, "Don't talk. Don't say a word. You have a right not to speak." And I think, "Well, of course." You know, even if they don't end up with a criminal defense lawyer, of course a law student is going to be conflicted about, "I'm going to class and I'm learning all these Constitutional rights, including my right not to speak, that I'm innocent until proven guilty, why on earth would I say to my law school, 'Yes, I admit it, I'm guilty?'" So what you describe as an institutional problem of defensiveness I'm sure is out there.

And Diane Van Aken, she doesn't even know this, but she's the one who really turned my head around. And it's because she and I have developed a relationship over the years about—and I think also my being on the Character and Fitness Committee and on the Attorney Discipline Board has helped me take that message back to my school—that those of us in the administration really—you know, we have a whole professionalism program, and we start in the first year having our students write a code of conduct, and we talk then about the importance of candor and honesty. So we're addressing that, but I totally understand that there may be many law schools that don't, and I understand too that it's the environment that they

not only are in but that they create through their teaching that will cause that. And my only advice that I can think of right now is for you to try to do with them what Diane has done with me and her folks have done with me over the years, which is keep giving me the message of what these students are going to face when they get to Character and Fitness. They have to know how to be honest, and if they don't they're not going to get their license. And I know that's not a great answer. It's the best I can do. But maybe the panel has—

TISH VINCENT: Okay. Shall we go forward? Okay, we're going to move on to my section. My name is Tish Vincent. I am the Lawyers Assistance Program Director in Michigan. I am a licensed attorney in the State of Michigan and a licensed Clinical Social Worker. To become credentialed with a Masters in Social Work, a student must complete two years of graduate study and two years of clinical experience supervised by a professional who holds the same or an equivalent credential. Upon graduation with my Masters in 1992, I secured employment at St. Lawrence Health Systems Adult Psychiatry Unit in Lansing, Michigan. In early 1993, my position was written out of the budget and I was offered a transfer to the Adult Addictions Unit to complete my two years of supervision necessary for my ACSW.

The position on the Addictions Unit was a three-year commitment for me. I learned volumes about diagnosing and treating addictions. Working with a team of clinicians from various professions sharpened my skills and deepened my knowledge of myself, others, mental illness, and addiction. As a nontraditional graduate, a new clinical social worker in her forties with much life experience, I was seen as mature and capable of handling challenging cases. Referrals to work with impaired professionals soon filled my schedule. Doctors, nurses, executives, university professors, lawyers, judges, and teachers passed through my door. My growing areas of expertise included the treatment of eating disorders, mental illness, addictions, and impaired professionals.

Frustrations in collecting reimbursements owed by managed care companies for my work took me to law school in 2003. In 2006, I earned my Juris Doctor from Michigan State University College of Law with a concentration in Health Law. My goal was to understand the maze of laws that constrain the healthcare industry.

An unexpected area of study for me became the culture of law school itself. From 2003 through 2006, I found myself in the unique position of being an addictions and mental health therapist who was also a law student. Naively, I had anticipated that the professional educational experience in law school would have some similarities to my graduate school experience

in social work or my husband's medical school experience. Nothing could be further from the truth!

Many people enjoy doing some of their Christmas shopping on Black Friday, the day after Thanksgiving. Imagine a cold, snowy day after Thanksgiving somewhere in the Midwest. The store is Best Buy and the Thanksgiving Day advertisements have publicized the fact that Best Buy will be selling ten flat screen televisions for \$100 each on Black Friday. 500 people are lined up outside of Best Buy in the cold. They are bundled up with travel mugs of hot liquids jostling about, talking among themselves and waiting for the door to open. When the door opens they will stampede into the store, each shopper intent on nabbing one of those flat screen televisions. Ten people will be successful and go home with what they came for. 490 people will be unsuccessful and go home with something else, nothing, or a bitter aftertaste from the experience.

Ten Flat Screen Televisions is my metaphor for the experience of law school. My class had 350 students. At the end of the first year 20 of those students were on law review, enjoying on-campus interviews, and offered summer positions. Another 30 students had flunked out. 100 students had lost full-time merit scholarships that they were told they could earn back but mysteriously never did.

During our orientation all 350 of us were herded into an auditorium and a parade of administrators and faculty spoke to us en masse. There was no personal connection with any staff or faculty member for weeks. The behavior engendered in the 350 students gathered in that auditorium and in the months to come was very like the 500 people stampeding into Best Buy in our hypothetical. The social conditions created competition, hostility, stress, a sense of being overwhelmed, and an increase in anxiety and depression. Worse, the conditions established a belief that the system was unfair and that the administration and faculty wanted a certain percentage of students to fail.

I'll tell you a story about one day during my second year of law school. It was a cold, blustery, February afternoon at 1:20 p.m. The law school building had a snack bar on the first floor and it was my habit to stop and buy a container of hummus and pita chips as my lunch and eat it in my afternoon class. I was rushing to get to class on time balancing my stack of heavy law books, my purse, my winter coat, my lunch, and a beverage. As I stepped off the elevator someone called my name. A young woman stood near the lockers, pale with distress. I did not have a friendship with her but recognized her as one of my section mates. She pulled me around the corner, asked for help, and she began to cry.

My clinical, listening mind clicked in as she talked. She had grabbed her boyfriend's cell phone by mistake and when she listened to the messages it

became clear to her that he was selling drugs. She was terrified. They lived together and she was afraid of what would happen to him, to her, and that she would somehow get drawn into legal troubles that would harm her chances of passing Character and Fitness. I listened and began offering referrals to places she could go in town to seek counseling, to take him to insist on treatment, and referrals to agencies that might help her get health insurance or some type of financial assistance. She had no health insurance, no primary care physician, and no means to secure these things. I felt so helpless and concerned for her well-being. I suggested that she call the Lawyers Assistance Program and she absolutely refused, stating they would then know and it would be dangerous to her.

As we stood in the hallway engaged in this conversation, the professor who taught us Civil Procedure came along. He saw her tears and her distress and approached us. He said to her, "Can I help you? Is there any way I can be of assistance to you?" She literally shrunk back away from him, throwing her hands in front of her face. "No, no, please go away. Please go away! I only want to talk to Tish." He left shaking his head and we continued to talk. After we finished speaking we went on to our class. She got called on that day and was not prepared with her reading. She sat up behind me in an auditorium style classroom, pale, distressed, and frightened. I followed up with her after that and asked how she was doing and each time she would whisk my concern away with the same statement, "Everything is fine." I suspected it was not.

This interaction with my classmate lives in my mind. Evaluating law students, traveling to orientation to speak, conferring with the deans of students, I remember her tears and her desperate attempt to get help but keep her need for it private from the school and the bar. It was a living example of the chilling effect our current system has on a law student's willingness to seek help for mental health, substance abuse, or social problems they are encountering in their lives. Just as they live out this *10 Flat Screen Television* experience with growing debt, deteriorating living conditions, fear of losing their scholarship, their rank, or eventually failing the bar, we raise the specter of failing to pass Character and Fitness scrutiny into the mix.

Moving on from my own experience, I'll talk about the Michigan Lawyers and Judges Assistance Program and what our outreach is and our attempted outreach to the law students of the State of Michigan.

The Lawyers and Judges Assistance Program (LJAP) is a program of the State Bar of Michigan (SBM) designed to assist lawyers, judges, and law students experiencing issues of substance abuse or other addictive behaviors, mental health, or other stress-related difficulties that are impacting their ability to effectively discharge their duties and responsibilities. LJAP provides a toll-free confidential telephone line

through which callers can obtain referral information about various levels of services available through third parties, as well as schedule an onsite appointment for assessment and consultation with one of LJAP's credentialed clinicians. Callers include not only the affected person but concerned coworkers, family members, and judges familiar with the prospective program participant. In addition to assessments, which can come about as a result of self-reporting or referral, LJAP staff can provide recommendations tailored to the assessment and, where appropriate, work with the prospective program participant in designing a monitoring agreement that addresses the concerns raised by the assessment. Many referrals to LJAP come from the Attorney Grievance Commission (AGC) pursuant to MCR 9.114(b). Initial contacts are typically received through the toll free line or via email.⁴

LJAP offers the following services as direct outreach to law students:

- Presentations on pertinent topics
- LJAP presence with a table at student fairs
- Anonymous phone consultations
- Referrals to law student friendly support group meetings
- Extremely reduced rate counseling sessions
- Bio-psycho-social evaluations
- Monitoring contracts
- Referrals to clinicians on our panel of providers who are properly licensed and credentialed and whose work has proved helpful
- Toll-free hotline

We make the states' law students aware of our services by speaking at orientation, at professional responsibility classes, at student organization fairs, and in every other venue to which we are invited. Whenever we go out to speak to the law students we take our program giveaways, hand sanitizers, tabbie booklets, and stress balls with the toll free telephone number for the program.

LJAP compiles data on treatment providers and treatment facilities with a proven track record of helping our program participants. We compile a list of attorneys who are able and willing to serve as attorney peer monitors to our program participants. In our interactions with these individuals and programs, we get a working sense of who actually helps, and who understands monitoring and is committed to serving as a component of the monitoring team. We check to be certain that the providers and peer monitors are properly trained and licensed and have a reputation of helping people heal.

LJAP acts as a central clearing house for information on twelve-step

4. See STATE BAR OF MICHIGAN, LAWYERS AND JUDGES ASSISTANCE PROGRAM, POLICIES AND PROCEDURES 1 (2012).

meetings for lawyers, judges, and law students or meetings that are friendly to this group. We act as a central clearinghouse for peer monitors also.

LJAP has a number of presentations that we give at orientation and to law school classes. We are willing to develop presentations on topics of interest to students also. We are at the ready. When a law school Dean, professor, or student calls and asks us to present, we go out and present. In the summer of 2012 we got a call from a local law school that a student had died unexpectedly of natural causes. One of our clinicians who specializes in grief counseling went to the school and facilitated a group dealing with the grieving process. The student's spouse came to the group and she was able to provide him with her counseling presence at this sad time in his life.

Dean Amy Timmer has laid out some take-aways in this presentation. In my years of clinical practice, I have been lucky to work with some of the law students referred by Dean Timmer. Law students referred by her have a helpful mix of remorse, concern about passing Character and Fitness, respect for the procedures that safeguard the public, and a reverence for the law. These students came to therapy in my private practice ready to work, with a sense of what the work needed to be and gratitude that help was available to them. They come to their therapeutic work humble and teachable.

There is an element of tragedy when one considers the number of law students, attorneys, and judges who are struggling with addictions, mental health diagnoses, or social problems, and the number of providers and recovering attorneys ready to help, and then realizes how many individuals in need of help go without it. They tough it out alone out of fear of being seen as vulnerable, or due to a lack of financial resources, lack of time, shame, fear of stigma, or worst of all, out of a toxic mix of arrogance and ignorance.

Just let me wind up quickly with one thing, because I'm a little bit over, with best practices. In May 1993, the Special Committee on Problems of Substance Abuse in the Law Schools reported to the Executive Committee of the Association of American Law Schools their findings regarding the incidences of substance abuse in the nation's law schools. Included in that report are twenty-one recommendations for addressing this serious and growing problem. This 1993 survey of the nation's law students indicates that lack of confidentiality regarding substance abuse or mental health treatment keeps a significant number of students in need from seeking help.

In the Law Student Survey, students were asked whether they would seek assistance from a law school or university substance abuse program if they believed that they had a substance abuse problem. Only ten percent answered an unqualified yes. However, forty-one percent responded that they would seek assistance if they were assured that bar officials would not

have access to the information.⁵

The realities of the Character and Fitness process cancel any confidentiality a law student has when it comes to his or her substance abuse and mental health history. A practicing attorney can rely on the confidentiality of his or her treatment records even in an Attorney Grievance Commission action. A law student cannot. When they apply for admission to the bar in the state in which they will take the bar exam, they waive all their confidentiality and must provide information about all mental health and substance abuse treatments.

Best practices for outreach to law students have to be multi-faceted. The challenges lay in the relationships among law schools, state bar associations, lawyer assistance programs, and law students. The solutions lay in the relationships among these stakeholders. Each group has a stake in this problem and a stake in the solution.

The 1993 Association of American Law Schools Study on Substance Abuse in the Law Schools made the following twenty-one recommendations:

Internal Law School Policies

- Even if its affiliated university has a substance abuse policy, a law school should promulgate its own supplemental written policy.
- The law school should designate at least one person as substance abuse coordinator and highly publicize that designation.
- The law school should institute an educational program about the consequences and treatment of substance abuse. If resources permit, the school should seriously consider also implementing a general wellness program.
- The law school should be prepared to intervene early to assist students with substance abuse problems.
- Following intervention, a medical evaluation should be completed and the student should be advised regarding appropriate counseling and treatment.
- The law school should consider adopting an alcohol policy.
- Whatever disciplinary sanctions the law school adopts for substance abuse should be consistent with the disease model emphasizing counseling and treatment.
- The law school should highly publicize its substance abuse programs to students, faculty, and staff.
- The law school should review the Americans with Disabilities Act (ADA) to ensure that the school's policies and practices comply

5. ASS'N OF AM. LAW SCHS., REPORT OF THE AALS SPECIAL COMMITTEE ON PROBLEMS OF SUBSTANCE ABUSE IN THE LAW SCHOOLS 22 (1993).

with the requirements of this Act.

External Relations with the Bar

- The law schools should consider coordinating their substance abuse programs with relevant lawyer assistance programs.
- Law schools should endeavor to persuade the relevant state bar admission authorities to agree that:
 - The authorities will maintain the general confidentiality of substance abuse information divulged to them.
 - Any inquiries that bar admission authorities make concerning an applicant's history of substance abuse or treatment for substance abuse will be limited to reasonably recent events (such as over the past five years), and
 - Otherwise qualified applicants who are recovering from substance abuse will be admitted to practice.
- At the national level, the Association of American Law Schools should cooperate with the American Bar Association Section of Legal Education and Admission to the Bar, and the National Conference of Bar Examiners, to urge bar admission authorities to provide assurances that otherwise qualified applicants who are recovering from substance abuse will not be denied admission to practice.
- A law school should inform its students of the substance abuse policies of the bar examiners in the jurisdictions where the students most frequently apply.

Law School Programs for Faculty

- The law school or affiliated University should have a written policy regarding faculty substance abuse.
- The written policy shall be communicated to faculty members on a regular basis.
- The law school should have a plan for dealing with an impaired faculty member.
- A person should be identified as responsible for implementing the faculty substance abuse policy.
- The plan in the law school should provide for early informal intervention.
- The health insurance program for law school faculty should be reviewed to ensure that it covers treatment of substance abuse problems.
- Disciplinary action should be employed only as a last resort in the plan, as a sanction to ensure the faculty member participates in a treatment program.

- The law school should develop a close relationship with the lawyer assistance programs that are available in the locale.

Remember my classmate from Wills and Estates? Remember how frightened she was of turning to anyone from the school? What was she so frightened of that she turned to a classmate she knew was a substance abuse therapist? She was afraid for her physical safety. She was afraid for her boyfriend's mental health. She was desperate about money because she did not have enough and was accumulating increasing debt with each semester. She was most strongly afraid that anyone at the school would find out about her situation.

This young woman approached me in 2005. This report was released in 1993. Twenty-two years later, the law school I attended had no alcohol policy, had no designated person to administer the policy, had no policy regarding impaired faculty, had no trained staff ready to intervene on her behalf, and, according to the report of my colleagues, had rebuffed presentations given by the lawyers assistance program at that time.

Best practices for outreach to law students have been outlined in the twenty-one recommendations I listed. As a clinician, when I see a person, assess their difficulties, and make recommendations, I expect them to try those recommendations. If they were to go away for a number of years and return for treatment, I would inquire if the recommendations had been tried. If not, why not? Why haven't the nations' law schools implemented these recommendations?

My recommendation for best practices is that they do! My recommendation to law school professors, deans, lawyers assistance program directors, board of law examiners professionals, and state bar professional staff is that they hold the nation's law schools accountable for addressing this problem.

DIANE VAN AKEN: Okay. My name is Diane Van Aken, and I am not "The Hammer." We consider ourselves to be the gatekeepers of the profession. You know, we have to protect the public, and so that's our primary concern. We want to make sure that the applicants have a fair process to go through, but we're charged with protecting the public. I've been doing this for about twenty-two years. I've been involved in Character and Fitness, so I've seen a lot of people with really bad conduct that have changed and have gone on to be licensed. So it is possible. Candor is the biggest thing that is the stopper. So to the extent that you can convince people to tell the truth in the Character and Fitness process, it goes a lot better for everybody concerned.

Law students with substance abuse issues are not uncommon in the Character and Fitness process, but the applicants that have the best chance

of obtaining the Character and Fitness recommendation in their favor are those who recognize that they have a problem and are prepared to demonstrate a track record of sobriety. We don't want any applicant to feel that they should be afraid to seek treatment because we're going to find out about it in the Character and Fitness process. We want them to realize that seeking treatment can assist them in helping to prove that they have the requisite character and fitness to practice law.

In Michigan, the future applicants are sometimes assisted along the way to getting treatment by their faculty and some of the judges—that was mentioned previously—and our LJAP staff. They do the outreach to the law schools. It's very useful for our process when the courts and the faculty encourage the future applicants to contact LJAP for an assessment when they are arrested or when the faculty member becomes concerned that there might be a substance abuse issue or some other type of problem. If an applicant becomes involved with LJAP, and obtains treatment before the process of Character and Fitness begins, we are better able to assess if the applicant has recognized that his or her behavior is an issue and that he or she is addressing the problem. This might not eliminate the need for a Character and Fitness interview or a hearing, but the information that we obtain can be useful in showing the Character and Fitness committee any progress that has been made.

In Michigan—I don't know if it's like this in other states, but Character and Fitness and the Lawyers and Judges Assistance program staff are in the same division of the State Bar, and our offices are on the same floor. But this doesn't mean that we casually trade files and information about people. Both processes have very strict rules about confidentiality, and releases are required to obtain information from each other. Character and Fitness will not know of a future applicant's participation in LJAP until the Bar application process begins, and then only if the applicant discloses this information to us, or if our investigation somehow leads us to believe that the applicant has sought treatment, such as a notation that an assessment was required by a court or suggested by a law school.

If an applicant presents to the Character and Fitness process with several instances related with substances, and especially if something happened during law school—if they've had an arrest or a conviction during law school—it will generally be required that the applicant seek a substance abuse assessment through LJAP if the applicant has not already provided this type of information to us during the investigation. If the assessment concludes that further treatment is recommended, the Character and Fitness process will not proceed until a period of compliance has passed, usually six months or a year, and then the interview or hearing process will begin or continue. So applicants who have already begun a contract with LJAP at the time of their applications don't usually encounter that significant delay,

other than that which is inherent in the process.

The Character and Fitness committees really appreciate receiving information from LJAP on the applicants who appear before them because they're a known commodity. We know the testing instruments that they use, and trust has been built with the treatment providers and monitors, and we can rely on them to be truthful about the applicants' progress and prognosis. There are other providers, certainly, but when those entities aren't forthcoming with information about their programs, documentation, testing results or treatment plans, it is more difficult to accept that the applicant is receiving the quality care that they need and that they'll be able to meet the requirements of the practice of law.

Character and Fitness staff and LJAP staff do work together to share information about our processes. Our Character and Fitness committee invites the LJAP staff to observe our entire committee training process so that they can learn about the issues and the concerns that we have. And we also invite their staff to put on a training session for our committee members so that the committee members are fully educated about how the LJAP process works and the comprehensive care that is offered by entering into a contract. We also informally discuss the Character and Fitness process with LJAP staff when they have general questions. This seems to help them to debunk the myths about the Character and Fitness process and helps them provide a level of comfort to their clients, who are our applicants. We also seek general information from LJAP staff when we receive information from these unknown commodities who are providing treatments to the applicants that we see, and they can let us know if they are well-established professionals or if we should be skeptical about the treatment that they're receiving.

So I told you this would be pretty brief. We greatly appreciate when an applicant comes to the process already involved in an LJAP program, and we would hope that he or she would not be reluctant to seek treatment because the Character and Fitness process is looming. By obtaining his or her records from this trusted source, we can see the progress that has been made. We do understand and recognize that it sometimes takes a while for the applicants to realize that going through an assessment and embracing the provisions of the contract is a good thing and may very well have saved their life. But if that process has already begun prior to the Character and Fitness process, in many instances the significant delays that they are fearing can be avoided. And that's all I have. [applause]

DAVID JAFFE: I had mentioned off the top that this conference continues to be incredibly rich, as is just meeting some of you, catching up with some of you, and exploring some of the issues. I think a number of

you are engaging in wonderful practices, or at least looking to suggest and to impose them, and we need to have an ongoing dialogue about when those are taking place. And so whether we're using the CoLAP listserv, or perhaps sharing them on the Dean of Students' side because we have a national listserv as well, we could get those out there.

I did want to throw out a couple of ideas that were picked up here, which I really appreciate, and some additional ones. We know that one of the issues we have among law schools and law students is that the Thursday night bar review is traditional. And whether or not the school is actually providing the funds, the students are finding out that the bar on the corner downtown is providing rail drinks at a discounted rate so let's all go get trashed.

And the challenge we've discussed is that there is no gathering, there's no social gathering that doesn't have a drinking component that law students will gravitate to. A couple of you have thrown out the idea of the Barista Review, or trying to solicit local Starbucks coffee shops, Panera Bread, whatever it might be, and asking, "Will you allow us to have, you know, fifty, a hundred students descend there?" And they're all going to buy coffee, not alcohol. Maybe that's—we need to explore that culture and try to turn some of that irresponsible drinking around by finding avenues and opportunities for these individuals to gather. And maybe we can get those who are already converted to try to lead the way among the law students and bring the others with them. So the Barista Review or other types of non-alcohol events is one suggestion.

A couple of you have mentioned the idea of AA sessions being held at law schools. I will submit to you that there are challenges there, but I think it's something that should continue to be considered. I think the likelihood, if you have multiple schools that are within proximity to each other, students are unwilling to out themselves, won't go to their own school, but might be willing to go to a school across town and vice versa, so it's certainly something worth considering. Another idea: how many of you have considered bringing together the relevant officials in your jurisdiction? So your Dean of Students and/or Dean, your bar admissions individual, your LAP individual, to talk about what we are doing that's not working well. I had the pleasure of helping to kick off a conversation that the folks at Kansas were going to do just that, and I know there are others of you who are doing it. It's a great buy-in to get the folks sitting down at a table to talk about the issues, maybe find some common ground in ways that outreach to students can be met in that regard.

I also know some of you said, "Listen, I've gotten a full stop. The Dean at the law school I'm trying to approach has said, 'Not interested. We're not bringing that here.'" Now, you can decide to take that as we'll try

again next year, in a couple of years perhaps the Dean is not going to be there. Or, if you want to be either persistent or find another end around, if you already have a “no,” it’s going to be very hard to further offend a school. [laughter] If they say you can’t come to them then you can’t come.

And so one very basic suggestion that I suggested to a colleague a couple of days ago: virtually every law school has its classes posted online, and most law schools are going to have the professors listed, and most of them are going to have contact information because that’s where the students are getting that same information. Go online, find the professional responsibility or ethics classes, and send an email directly to the professor. Introduce yourself as, “I understand you teach your course. I assume you’re having at least one session on substance abuse. We’d love to come in and help. Again, if they say no, or if they forward it to the Dean and Dean says, “I already told them no,” you’re no worse off than where you were to begin with, but you may find some inroads.

Finally: attendance policies at law school. The default for most schools is no more than 25 percent absences from any particular class. So if a class is meeting twice per week over a 14-week session, 28 sessions, 7 absences. That’s pretty significant. At a minimum, you might want to propose where you have good relationships, “Do you have an attendance policy at all and do you enforce it?” As some of you have educated me, particularly for the morning classes, absences are a sure sign of some issues taking place with some students. So work with the faculty who are predisposed or well-disposed to working with you in saying, “Do you have an attendance policy? Would you consider a more restrictive one? And if not, would you at least consider the fact that ongoing absences are probably correlated to something; it’s not just academics or something else that’s going on?” Use that as the opportunity to have those professors submit the information to the Dean of Students.

AUDIENCE MEMBER: I wanted you to know, a point of contact I’d like to recommend is the ABA Law Student Mental Health Day, which is typically March 27th. And it can be—it’s a good way to connect with the ABA student rep as well as the law—the student center. And we’ve got four law schools in Minnesota. We have had from nothing to a week full of lots and lots of activities around all of this.

AUDIENCE MEMBER: Thank you for the information. We’ve been doing these things in Nebraska since the 1980s. But we have developed a pamphlet that we distribute to the law students and in many of our continuing education productions called “Are You Fit to Be a Lawyer?” And I’m sure that several of the LAPs love that. We took it, I think, from

Minnesota, and it's a great pamphlet. It gets them thinking. Because we're seeing way too many students who admitted to these issues that probably are going to keep them out of the practice.

AUDIENCE MEMBER: An avenue with perhaps deans who are not real receptive is perhaps to the alumni who may have been LAP participants and who can privately share what benefit it would be in the schools.

DAVID JAFFE: So a comment about reaching out to alumni for schools where deans may be resistant, perhaps you can work with the alumni kind of backwards in and tease those alumni out to speak to the Dean and say, one of the great consequences, one of the great experiences I had was actually having some support while I was in school and you really need to supporting this. Great, thank you.

AUDIENCE MEMBER: And now I give them money.

AMY TIMMER: I just want to make one last comment to all of you. I think it would be helpful to law schools if you would add "law student" to the name of your programs. Lawyers, judges, and law students.

DAVID JAFFE: I'm going to just invite you to join me in thanking the panel for their time this morning into this afternoon. [applause] And we will continue this dialog. Thank you.

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