

What is Monitoring?

It is a reality that the incidence of issues related to substance use and mental health disorders is disproportionately high among legal professionals. Such issues sometimes lead to impairment of personal and professional functioning. The Lawyers and Judges Assistance program (LJAP) recognizes that individuals who struggle with issues of impairment are not “bad” people, but human beings who are suffering from treatable physiological conditions. Recovery is possible. In the interest of protecting the public and supporting professionalism within the legal profession, the State Bar of Michigan Lawyers and Judges Assistance Program has developed a monitoring program.

Monitoring is offered for Bar Applicants (BA), Law Students (LS), Attorneys, and Judges. The purpose of a monitoring agreement is to provide a system of accountability and support. Monitoring provides a body of evidence that can be presented to the Law School, C&F, the AGC, or other monitoring authority. Bar Applicants and Law Students who have past and/or current issues pertaining to substance use and/or mental health that may require close scrutiny by the C&F Committee or may cause issues with their enrollment in law school can engage in the monitoring process.

The LJAP monitoring agreement should not be confused with a therapeutic treatment plan. Individualized treatment planning will take place within the context of treatment with a designated treatment provider, who is selected from LJAP’s list of preferred providers. In the event that an identified monitoree is already involved in a therapeutic relationship with a clinician, attempts will be made to accommodate continuity of care. The LJAP monitoring agreement is designed to identify a specific and effective system of support and accountability individualized to each monitoree’s needs. Failure to fully comply with the terms of said agreement may result in the following: formal discipline by the law school, delays in the Character and Fitness process or approval, or formal involvement with the AGC, including but not limited to suspension or denial/revocation of licensure to practice law.

LJAP is staffed by clinicians who are specifically trained and accustomed to working with members of the legal profession and are aware of resources that are available and tailored specifically for this population.

Access to the LJAP Monitoring Program

Voluntary: Individuals who have struggled with issues of impairment, are just embarking in recovery and/or treatment, or have experienced some success in recovery and/or treatment will present to the LJAP program requesting a monitoring agreement because they seek the added accountability and support that this can provide.

Court Referral: In the event that a Lawyer, Judge, Bar Applicant or Law Student finds him/ her self involved as a defendant in the criminal justice system, officers of the court may refer to LJAP for assessment and/or monitoring as a stipulation of probation.

AGC – Voluntary or Contractual Probation: An attorney who finds him/her self “in trouble” may contact LJAP prior to interaction with the AGC. At such time, the identified attorney will be advised of options available to them through LJAP and the State Bar of Michigan, including contractual probation, MCR 9.114. The attorney may choose to enter into a monitoring agreement, and when contacted by the AGC, as outlined by MCR 9.114, may then request diversionary probation via the LJAP monitoring agreement that is already in place. If the attorney’s circumstances match the criteria defined in MCR9.114, he/she may request contractual probation in lieu of formal sanctions. In this event, the AGC may refer the identified attorney to LJAP for assessment, referral, and monitoring.

Self-report to the LJAP in anticipation of Character and Fitness: A student who finds him/her self “in trouble” may contact LJAP prior to investigation by the C&F Committee. The student may choose to enter into a monitoring agreement, their assumed full compliance then providing a file of accountability.

Employer Referral: A concerned employer may refer a valued employee who is showing signs of impairment to LJAP. In such instances LJAP assumes the role of a neutral third party, and facilitation of the monitoring program enables the employee to seek help and establish recovery, thus protecting his/her employment, contingent on compliance with the monitoring agreement.

Structural Components

Assessment:

Any individual who wishes to enter into an LJAP monitoring agreement must first submit to a formal assessment conducted by a qualified member of the LJAP staff. Said assessment will be comprehensive in nature and is designed to identify possible mental health or substance use issues. The base cost of this assessment is \$300.00 for attorneys and \$150 for law students or bar applicants. ***SLIDING FEE SCALE AVAILABLE UPON SUBMISSION OF NOTARIZED LJAP INCOME ELIGIBILITY FORM*** Urinalysis may also be required, at additional cost to the individual who is seeking monitoring.

Reporting:

Each participant will coordinate a monitoring schedule with his/her Clinical Case Manager. It is the responsibility of the monitree to schedule and keep appointments with LJAP staff, Peer Monitors, and other provider(s) as stipulated within the monitoring agreement. The respective monitor(s) will document participant's attendance and progress accordingly, and these monthly reports will become a part of quarterly reports, which will be furnished by LJAP staff to identified monitoring authorities.

UDS/Urine Drug Screening and/or Breathalyzer Tests

Throughout the course of monitoring, participants may be required to submit to random UDS, ETG, Hair and/or breathalyzer tests. Proper releases allowing for the exchange of information between LJAP and the identified testing agency will be obtained, and all test results will be provided directly to LJAP.

Community Self Help Meeting Attendance

Participants may be required to attend a minimum number of twelve step or recovery based meetings. The number and frequency of these meetings will be determined by the LJAP staff and/or approved treatment provider, and such determinations will be made on an individualized basis.

Duplication of Services

In the event that a participant is already on criminal probation and/or involved in a therapeutic relationship, individual circumstances will be reviewed by the LJAP team and efforts may be made to ‘dovetail’ the terms of the agreement with those supports and systems of accountability which are already in place. This decision will be made at the discretion of the LJAP team. It is NOT the role of the LJAP to advocate for the participant with regard to criminal matters.

Fees

The base fees for LJAP monitoring services are as follows:

Attorney: \$150.00 per month

Bar Applicant/Law Student: \$75.00 per month

Participants are responsible for any expenses incurred for treatment and/or urinalysis/breathalyzer tests. LJAP does offer a sliding fee scale. An income eligibility form has to be filled out and notarized to be considered for the reduced assessment and monitoring fees.