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Rule 1. Scope Of Program.

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(A) Establishment. There is hereby established a statewide lawyer assistance program to be known as Arkansas Judges and Lawyers Assistance Program (JLAP) which shall provide immediate and continuing help to lawyers and judges (hereinafter "members of the legal profession") as well as students attending the University of Arkansas at Fayetteville School of Law and the UALR Bowen School of Law, who suffer from physical or mental disabilities that result from disease, substance abuse, disorder, trauma, or age and that might impair their ability to practice or serve.

(B) Purpose. JLAP has three purposes: (1) to protect the interests of clients, litigants, and the general public from harm caused by impaired lawyers or judges; (2) to assist impaired members of the legal profession to begin and continue recovery; and (3) to educate the bench and bar to the causes of and remedies for impairments affecting members of the legal profession.

(C)(1) Funding and Administration. JLAP shall be financed from the annual license fees paid by the members of the Bar of Arkansas in an amount as set by the Supreme Court.

(2) Funding for JLAP may also include gifts or bequests from any source and earnings on investments of the JLAP fund.

History. Adopted January 1, 2001; section (A) amended by Per Curiam Order November 11, 2010; amended and effective by Per Curiam Order January 15, 2015.

Rule 2. Jlap Committee.

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(A) Members. The Arkansas Supreme Court shall appoint committee members to administer the JLAP. Officers of the committee shall consist of a chair, vice chair, and secretary/treasurer. The chair shall be appointed by the Supreme Court. Each of the other officers shall be elected by the members of the committee annually.
(B) Composition. The committee shall consist of nine (9) members, chosen on the basis of geography and diversity and shall include three (3) citizens who are not members of the legal

profession. The members shall have diverse experience, knowledge and shall have demonstrated competence in the problems of addiction and other common difficulties that impair members of the legal profession.
(C) Terms. Each appointment shall be for a term of six years, unless otherwise designated by the Supreme Court. Members may not be appointed to successive six-year terms. Terms shall be staggered. Vacancies occurring from causes other than expiration of term of office will be filled by the Supreme Court as they occur, and the person so appointed shall serve the remainder of the term of his or her predecessor. Members shall continue to serve beyond their designated term until such time as their successor is qualified and appointed by the Court.
(D) Duties of the Committee. The committee shall have the following powers and duties:
(1) To establish JLAP policy and procedures consistent with the purposes of this program. Such policies and procedures shall be established after reasonable notice to the Arkansas bench and bar and opportunity for comment.
(2) To operate the program to achieve its purposes.
(3) To assure the duties listed under Rule 3 are carried out in the absence of a director of the program.
(4) To establish and administer a revolving loan fund as provided under Rule 9.
(5) To make reports to the Arkansas Supreme Court annually or as otherwise required.
(E) Meetings. The committee shall meet quarterly, upon call of the chair or upon the request of five (5) or more members.

History. Adopted January 1, 2001

Rule 3. Director Of The Program.
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(A) Appointment/Hire. The committee shall hire the JLAP director with the consent of the Supreme Court, and the director shall serve at the pleasure of the Court. The committee shall oversee and supervise the work of the director.
(B) Qualifications. The director shall have sufficient experience and training to enable the director to identify and assist impaired members of the legal profession and to work well with the volunteers.
(C) Duties and Responsibility. The director shall:
(1) Provide initial response to help-line calls.
(2) Help lawyers, judges, law firms, courts, and others to identify and intervene with impaired members of the legal profession.
(3) Help members of the legal profession and their families to secure expert counseling and treatment for chemical dependency and otherillnesses, maintaining current information on available treatment services, both those that are available without charge as well as paid services.
(4) Establish and maintain regular contact with other bar associations, agencies, and committees that serve either as sources of referral or resources in providing help.
(5) Establish and oversee monitoring services with respect to recovery of members of the legal profession for whom monitoring is appropriate under Rules 5(E) or 7.
(6) Plan and deliver educational programs for the legal community with respect to all sources of potential impairment as well as treatment and preventative measures.
(7) Provide information about JLAP services to members of the legal profession and their families.
(8) Recruit, select, train, and coordinate the activities of volunteers.
(9) Investigate other potential sources of income pursuant to Rule 1(C)(2).

History. Adopted January 1, 2001

Rule 4. Volunteers.
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The program shall enlist volunteers whose responsibility may include:
(A) assisting in interventions planned by JLAP;
(B) acting as twelve-step program sponsors;
(C) acting as a contact between JLAP and courts, bar organizations, and local committees;
(D) providing compliance monitoring when appropriate; or
(E) performing any other function deemed appropriate and necessary by the committee to fulfill its purposes.

History. Adopted January 1, 2001; amended by Per Curiam Order April 1, 2010.

Rule 5. Services.
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JLAP shall provide the following services:
(A) immediate and continuing assistance to members of the legal profession who suffer from physical or mental disabilities that result from disease, substance abuse disorder, trauma, or age and that impair their ability to practice;
(B) planning and presentation of educational programs to increase the awareness and

understanding of members of the legal profession to recognize problems in themselves and in their colleagues; to identify the problems correctly; to reduce stigma; and, to convey an understanding of appropriate ways of interacting with affected individuals;
(C) investigation, planning, and participation in interventions with members of the legal profession in need of assistance;
(D) aftercare services upon request, by order, or under contract that may include the following: assistance in structuring aftercare and discharge planning; assistance for entry into appropriate aftercare and professional peer support meetings; and assistance in obtaining a primary care physical or local peer counselor; and
(E) monitoring services under Rule 7 or under contract that may include the following: alcohol and/or drug screening programs; tracking aftercare, peer support and twelve-step meeting attendance; providing documentation of compliance; and providing such reports concerning compliance by those participating in a monitoring program as may be required by the terms of that program.

History. Adopted January 1, 2001

Rule 6. Referrals.
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(A) Self-referral. Any member of the legal profession may seek assistance from JLAP.
(B) Other Referrals. JLAP shall receive referrals concerning any member of the legal profession from family members, colleagues, friends, law firms, or any other source.

History. Adopted January 1, 2001

Rule 7. Referrals From The Professional Conduct Committee, Judicial Discipline And Disability Commission, Or Other Disciplinary Agencies.
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(A) Referrals. JLAP may accept referral of lawyers or judges under investigational, provisional, or probational status with the Arkansas Professional Conduct Committee, Arkansas Judicial Discipline and Disability Commission, or any disciplinary agency with disciplinary authority.
(B) Progress Reports. When JLAP accepts a referral under Rule 7(A), JLAP shall provide progress reports or reports of non-compliance. Notwithstanding Rule 10, these reports may be used as evidence in any proceeding or appeal relating to such referral from the Arkansas Professional Conduct Committee, the Arkansas Judicial Discipline and Disability Commission, or adisciplinary agency with disciplinary authority.

History. Adopted January 1, 2001

Rule 8. Cooperation With Local Bar Programs.
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JLAP shall coordinate its activities with local impaired lawyer programs.

History. Adopted January 1, 2001

Rule 9. Revolving Loan Fund.
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From the funds received under Rule 1, JLAP may establish a revolving loan fund. Such fund shall be made available to impaired lawyers and judges under rules and regulations established by the Committee, as a low interest loan for the purposes of defraying the cost of treatment.

History. Adopted January 1, 2001; amended January 29, 2004

Rule 10. Confidentiality And Immunity.
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Information and actions taken by JLAP shall be held in the strictest confidence and shall not be disclosed or required to be disclosed to any person or entity outside of JLAP, unless such disclosure is authorized by the member of the legal profession to whom it relates or as provided in Rule 7(B) hereof. Such information and actions shall be excluded as evidence in any complaint, investigation, or proceeding before the Arkansas Professional Conduct Committee, the Arkansas Judicial Discipline and Disability Commission, or their successor entities.

No information received, gathered, or maintained by the Committee, its members or volunteers, or by an employee of JLAP in connection with the work of the Committee may be disclosed to any person or be subject to discovery or subpoena in any administrative or judicial proceeding, except upon the express written release of the subject attorney. However, the Committee may refer an attorney to a professional assistance entity, and may, in good faith, communicate information to the entity in connection with the referral. If information obtained by a member of the Committee, a volunteer, or an employee of JLAP gives rise to reasonable suspicion of a direct threat to the health or safety of the subject attorney or other person, then the oblication of confidentiality set forth in this subsection shall not apply, and the Committee member, volunteer, or JLAP employee may make such communications as are necessary for the purpose of avoiding or preventing said threat. Further, JLAP Committee members, employees, or volunteers, who, as licensed health care professionals are mandated reporters pursuant to Arkansas statutes, may make such communications as are required by law.

Lawyers who are committee members, employees, or volunteers recruited under Rule 4 are relieved of the duty of disclosure of information to authorities as imposed by Rule 8.3 of the Arkansas Rules of Projessional Conduct. Nonetheless, the duty to disclose certain information may be reinstated as set out in Section (d) of Rule 8.3 of those rules. Judges who are committee members or volunteers recruited under Rule 4 are relieved of the duty to report as set forth in the relevant rules of Canon 2 of the Code of Judicial Conduct and Comment [3A] to Rule 2.15.

JLAP Committee members, employees, and volunteers recruited pursuant to Rule 4, are absolutely immune to suit or action for their activities in discharge of their duties hereunder to the full extent of judicial immunity in Arkansas.

History. Adopted January 1, 2001; amended December 1, 2005; amended April 1, 2010.

Rule 11. Facility.
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The JLAP office shall be so located as to be consistent with the privacy and confidentiality requirements of this rule.

History. Adopted January 1, 2001

Rule 12. Program Review.
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JLAP shall be reviewed annually by the Arkansas Supreme Court and shall cease to exist on December 31, 2006 unless the Arkansas Supreme Court provides otherwise.

History. Adopted January 1, 2001

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