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# TLAP's Efficacy Rates Reflect Best Practices

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When the Tennessee Supreme Court Justices hired me in 2020 to run the Tennessee Lawyer's Assistance Program (TLAP), at the outset I was given specific marching orders to support the Court in providing a top-tier program to the profession. TLAP reviewed its operations top to bottom. At the Court's directive, and informed by national medical experts and clinical studies, TLAP's programming has been successfully revitalized to reflect the current "Gold Standard" for assisting licensed professionals and protecting the public.



Confirming the success of TLAP's progress, we are very excited to announce that in fiscal year 2021-2022, TLAP's monitoring program generated an unprecedented **85% no-relapse success rate in alcoholism and addiction cases.**

While astonishing, and perhaps even unbelievable to some (considering relapse is often accepted as the likely outcome of addiction treatment for the general public), an 85% no-relapse recovery rate is in fact the expected outcome in monitoring programs that implement best practices for licensed professionals.

At the core of TLAP's current programming, individualized services are key. The facilitation of objective and reliable diagnostics and treatment is provided on a case-by-case basis. It is imperative that individualized diagnostics, and treatment if indicated, provide a solid foundation that precedes TLAP monitoring. Also, TLAP has upgraded the terms of its monitoring agreements, adjusted lengths of monitoring to reflect clinical best practices and includes individualized components as needed.

Monitoring is purely clinical. It is not punishment or probation. It is clinically designed to support long-term recovery without relapse, not only during the monitoring period but going forward in life thereafter. Think of monitoring as post-surgery antibiotics that should be fully completed even if you are feeling

better. A number of TLAP's monitoring participants are totally confidential and voluntary, and are not involved in any bar admissions or disciplinary matter. They are not bound to TLAP and are fully protected by confidentiality. They can always quit monitoring at any time with no questions asked, but most want the benefit of TLAP and its 85% no-relapse recovery rate.

Of course, in addition to supporting recovery and mental health, monitoring also provides the participant with an opportunity to generate an independent and objective record of fitness to practice if need be. TLAP compliance supports the possibility of licensure or reinstatement despite a prior history of impairment and/or impairment-related unethical conduct.

Change is difficult, especially when standards and requirements are enhanced. The disease of addiction always seeks to negotiate "an easier, softer, way" and bristles when it is denied. The most challenging TLAP monitoring cases involve formal referrals to TLAP by the Board of Law Examiners (BLE) or Board of Professional Responsibility (BPR). Per Tennessee Supreme Court rules, these regulatory agencies can make an official referral to TLAP.

Some of these official referrals do not want help and want no part of TLAP. Others want to design their own attenuated monitoring program and have TLAP endorse it. Still others try to bully and attack TLAP, instead of cooperating. A fair amount of fragmented, negative and inaccurate misinformation gets spread around about TLAP in these cases. Behind the scenes, however, you can rest assured that there is always a complete record that supports TLAP's recommendations.

To ensure that accurate information is available about TLAP and its monitoring services, TLAP's website includes a Frequently Asked Questions (FAQ) page located at: <https://tlap.org/faqs>. If you or someone you know has a question or concern about TLAP that is not answered on the website, please call us directly and we will be happy to help.

It is heartwarming to witness the progress of TLAP's monitoring participants. In the fullness of time, even formal BLE and BPR referrals who were initially angry about TLAP monitoring can and do come to appreciate TLAP's invaluable

support. The following is a sampling of feedback from a person formally referred to TLAP (presented here anonymously and with permission). This person has completed a journey that began in resistance, transitioned to cooperation and arrived at appreciation and gratitude:

*I was so incredibly lucky to have TLAP on my side and in my corner. I was not happy or in the best state of mind when I came to them in the beginning, and I could not have been easy to work with. But now, I cannot thank the staff at the Tennessee Lawyers Assistance Program enough for everything they have done for me.*

*For over two years they have collaborated with me, guiding and helping me with my struggles, giving me perspective and encouragement, holding me accountable and never giving up on me. More importantly, they never let me give up on myself. They understood my struggles and never judged. They genuinely cared about me, and I could feel that they were just as invested in helping me reach my goals and digging myself out of the hole that I had created as I was. They gave me hope and courage and always reminded me that if I just continue to do the next right thing I will be exactly right where I am supposed to be!*

And while a lot of discussion ensues about TLAP's monitoring in cases involving disciplinary referrals, it is very important for the profession to know that those cases are by far the smallest percentage of TLAP's case load. The majority of TLAP's support is rendered quietly behind the scenes in totally confidential cases wherein the person has discretely reached out to TLAP voluntarily and needs TLAP's help. In total privacy, all of us begin working collaboratively together toward solutions and recovery.

In fact, in fiscal year 2021-2022, 56% of TLAP's new cases were totally confidential self-referrals, and 13% were confidential cases referred by concerned third parties such as friends, family or law firm members. Thus, the vast majority of TLAP's cases do not have any BLE or BPR involvement. Twelve percent of TLAP's cases were BLE referrals, and another 12% were BPR referrals. Seven percent were referrals from law school deans, judges, the Board of Judicial Conduct and other state lawyers assistance programs (LAP).

Also, of important note, 53% of TLAP's new cases were limited to mental health issues such as depression and anxiety. These cases did not have any component of alcohol or drug issues. Only 33% of TLAP's new cases last year included substance use disorders. The other 14% of cases presented with myriad issues such as marital conflict, financial distress, performance productivity, cognitive impairment, stress, eating disorder, domestic abuse and compulsive behaviors.

These statistics bear witness to the fact that issues such as depression, anxiety, compassion fatigue, burnout, vicarious trauma and others have outstripped alcohol and addiction issues in our profession.

In response to all of these mental health issues, TLAP, like many other state LAPs, has long been a full-service, comprehensive support program that facilitates help with any type of mental health issue. In fact, TLAP even offers a brand-new category of monitoring support via mental health monitoring agreements tailored to support recovery from issues such as depression or anxiety.

Another very important development is the creation of the new TLAP Foundation. It is an independent 501(c)(3) corporation that was formed under the auspices of the Supreme Court with a mission to provide loans and financial support to participants who do not have health insurance or cannot otherwise afford to follow TLAP's recommendations. This component of support is indispensable to providing a path forward in cases where the participant is fully cooperative and wants to take advantage of TLAP but does not have the financial ability to do so.

Against the backdrop of all the above, it is clear that TLAP has made significant progress in implementing best practices as a full-service professionals' program. Of course, TLAP's staff could not have moved the program forward without strong leadership and endorsement by the Tennessee Supreme Court, Administrative Office of the Courts, TLAP Commission and advisory members, TLAP Foundation and all of TLAP's peer monitors and volunteers. But for their strong support, TLAP could not have achieved these exciting advances in 2022.

TLAP is also very grateful for the opportunity to serve other stakeholders in the

profession such as the Board of Law Examiners, Board of Professional Responsibility and the Tennessee Bar Association. TLAP certainly appreciates their strong support as well. It is TLAP's humble honor to be of service and it is TLAP's pledge to always maintain the integrity and reliability of its programming, not only to support recovery at exceptional rates but also to help protect the public from the harm that impaired professionals can cause.

There is still much work to do! In 2023 TLAP will remain focused on educating the profession about TLAP's programming and TLAP will continue on its mission to develop and provide the best and most effective life and career-saving services possible to the lawyers, judges, law firms and law students in Tennessee.



**BUDDY STOCKWELL** was appointed by the Tennessee Supreme Court in July 2020 as executive director of the Tennessee Lawyers Assistance Program (TLAP). He comes from south Louisiana where he has been a volunteer and

program monitor for the state's Committee on Alcohol and Drug Abuse and the executive director of Louisiana's comprehensive Judges and Lawyers Assistance Program (JLAP) peer professionals' program. He is a certified clinical interventionist through "Love First" training at the Betty Ford Center and has personally been in recovery from alcoholism for over 38 years. Stockwell earned his law degree from LSU Law School in 1993. He practiced in both large and small firm settings, including a solo practice in Baton Rouge where he focused heavily on domestic litigation. Read more about him at [tba.org/Stockwell](http://tba.org/Stockwell).

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