

RULES OF THE WYOMING LAWYER ASSISTANCE PROGRAM

TABLE OF CONTENTS

Rule	Rule
1. (Effective until February 1, 2021) Wyoming Lawyer Assistance Program.	4. (Effective until February 1, 2021) WyLAP Director.
1. (Effective February 1, 2021) Wyoming Lawyer Assistance Program.	4. (Effective February 1, 2021) WyLAP Director.
2. (Effective until February 1, 2021) WyLAP Advisory Committee.	5. Confidentiality.
2. (Effective February 1, 2021) WyLAP Advisory Committee.	6. (Effective until February 1, 2021) Immunity.
3. (Effective until February 1, 2021) WyLAP Services.	6. (Effective February 1, 2021) Immunity.
3. (Effective February 1, 2021) WyLAP Services.	7. (Effective February 1, 2021) Citation to these Rules.

Editor's notes. — These rules were adopted by order of the Supreme Court and became effective dated April 29, 2014.

Rule 1. (Effective until February 1, 2021) Wyoming Lawyer Assistance Program.

The Wyoming Supreme Court hereby establishes an independent Wyoming Lawyer Assistance Program (“WyLAP”), which shall be funded by the Wyoming State Bar. The goal of such program is:

- (a) To protect the interests of clients, litigants and the general public from harm caused by impaired attorneys or judges;
- (b) To assist impaired members of the legal profession to begin and continue recovery; and
- (c) To educate the bench, bar and law students regarding the causes of and remedies for impairments affecting members of the legal profession.

(Added effective April 29, 2014.)

Rule 1. (Effective February 1, 2021) Wyoming Lawyer Assistance Program.

The Wyoming Supreme Court hereby establishes an independent Wyoming Lawyer Assistance Program (“WyLAP”), which shall be funded by the Wyoming State Bar. The goals of the program are:

- (a) To protect the interests of clients, litigants and the general public from harm caused by attorneys or judges who have impairment or mental health challenges;
- (b) To assist impaired members of the legal profession, or those having mental health challenges, to begin and continue recovery or treatment, as appropriate; and
- (c) To educate the bench, bar and law students regarding the causes of and remedies for impairments and mental health challenges affecting members of the legal profession, as well as providing information about available resources in these areas.

(Added effective April 29, 2014; amended December 8, 2020, effective February 1, 2021.)

Rule 2. (Effective until February 1, 2021) WyLAP Advisory Committee.

WyLAP and its Director shall be under the supervision of an Advisory Committee comprised of three members of the Wyoming State Bar appointed by the President of the Wyoming State Bar. When the Advisory Committee is first selected, one of the members shall be appointed for a term of three years, one for a term of two years, and one for a term of one year. All subsequent appointments to the Advisory Committee shall be for a term of three years. No member shall be appointed to more than two consecutive terms.

(Added effective April 29, 2014.)

Rule 2. (Effective February 1, 2021) WyLAP Advisory Committee.

WyLAP and its Director shall be under the supervision of the Bar's Executive Director in consultation with an Advisory Committee comprised of three members of the Wyoming State Bar appointed by the President of the Wyoming State Bar. When the Advisory Committee is first selected, one of the members shall be appointed for a term of three years, one for a term of two years, and one for a term of one year. All subsequent appointments to the Advisory Committee shall be for a term of three years. No member shall be appointed to more than two consecutive terms. The Executive Director, the WyLAP Director and the Advisory Committee shall meet as necessary to monitor the effectiveness of WyLAP and to conduct strategic planning regarding WyLAP's operations.

(Added effective April 29, 2014; amended December 8, 2020, effective February 1, 2021.)

Rule 3. (Effective until February 1, 2021) WyLAP Services.

WyLAP shall provide the following services:

(a) Assistance to members of the legal profession who suffer from physical or mental disabilities that result from addiction, disease, 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 appropriately-timed interventions with members of the legal profession in need of assistance;

(d) Coordination of 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 physician or local peer counselor; and

(e) Monitoring services that may include the following: alcohol and/r 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.

(Added effective April 29, 2014.)

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WyLAP shall provide the following services:

(a) Assistance to members of the legal profession who suffer from physical or mental disabilities that result from addiction, disease, disorder, trauma, age or mental health challenges 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 appropriately-timed interventions with members of the legal profession in need of assistance;

(d) Coordination of 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 physician or local peer counselor; and

(e) Monitoring services that may include the following: alcohol and 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 or applicable order.

(Added effective April 29, 2014; amended December 8, 2020, effective February 1, 2021.)

Rule 4. (Effective until February 1, 2021) WyLAP Director.

(a) *Employment.* — The Advisory Committee shall have authority to hire, retain, supervise and terminate a WyLAP Director, who shall serve at the pleasure of the Advisory Committee as an at-will employee. The Advisory Committee shall set the Director's annual salary within the parameters authorized by the Board of Officers and Commissioners, subject to periodic review. The Director shall coordinate the annual budget of WyLAP with the Advisory Committee subject to the approval of the Board of Officers and Commissioners of the Wyoming State Bar.

(b) *Qualifications.* — The Director shall have sufficient experience and training to enable the Director to identify and assist impaired members of the legal profession.

(c) *Powers and duties.* — The Director shall act in accordance with these Rules and shall:

(1) Provide initial response to help line calls.

(2) Help attorneys, judges, law firms, courts and others to identify and intervene with impaired members of the legal profession.

(3) Help members of the legal profession to secure expert counseling and treatment for chemical dependency and other illnesses, 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) Coordinate monitoring services with respect to recovery of members of the legal profession for whom monitoring is appropriate.

(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) Perform such other duties as the Advisory Committee may direct.

(Added effective April 29, 2014.)

Rule 4. (Effective February 1, 2021) WyLAP Director.

(a) *Employment.* — The Executive Director, in consultation with the Advisory Committee, shall have authority to hire, retain, supervise and terminate the WyLAP

Director, who shall serve at the pleasure of the Executive Director as an at-will employee. The Executive Director shall set the WyLAP Director's annual salary within the parameters authorized by the Board of Officers and Commissioners, subject to periodic review. The WyLAP Director shall coordinate the annual budget of WyLAP with the Executive Director and the Advisory Committee subject to the approval of the Board of Officers and Commissioners of the Wyoming State Bar.

(b) *Qualifications.* — The WyLAP Director shall have sufficient experience and training to enable the WyLAP Director to implement and oversee the provision of WyLAP services.

(c) *Powers and duties.* — The WyLAP Director shall act in accordance with these Rules and shall:

(1) Provide initial response to help line calls.

(2) Help attorneys, judges, law firms, courts and others to identify and intervene with impaired members of the legal profession.

(3) Help members of the legal profession to secure expert counseling and treatment for chemical dependency and other challenges, 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, committees and individuals that serve either as sources of referral or resources in providing help.

(5) Coordinate monitoring services with respect to recovery of members of the legal profession for whom monitoring is appropriate.

(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) Recruit, train and supervise other individuals as necessary to facilitate the fulfilment of WyLAP's goals.

(8) Perform such other duties as the Advisory Committee may direct.

(Added effective April 29, 2014; amended December 8, 2020, effective February 1, 2021.)

Rule 5. Confidentiality.

Information and actions taken by WyLAP shall be privileged and held in strictest confidence and shall not be disclosed or required to be disclosed to any person or entity outside of WyLAP, including the Office of Bar Counsel and the Commission on Judicial Conduct and Ethics, unless such disclosure is authorized by the member of the legal profession to whom it relates, or is required by law (e.g., Wyo.Stat. Ann. § 33-1-115). (Added effective April 29, 2014.)

Rule 6. (Effective until February 1, 2021) Immunity.

(a) Any person reporting information in good faith to WyLAP employees or agents including volunteers is immune from any liability that might otherwise result by reason of such report.

(b) The Advisory Committee, the Director and all WyLAP employees and agents including volunteers are immune from any liability that might otherwise result from good faith acts permitted by these Rules.

(c) All persons acting in good faith as permitted by these Rules are relieved of the duty of disclosure of information to authorities as imposed by Rule 8.3 of the Wyoming Rules of Professional Conduct

(d) In the event that a claim of any kind is asserted against any person for acts permitted by these Rules, the good faith of such person shall be presumed.

(Added effective April 29, 2014.)

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(a) Any person reporting information in good faith to WyLAP employees or agents including volunteers is immune from any liability that might otherwise result by reason of such report.

(b) The Advisory Committee, the Executive Director, the WyLAP Director and all WyLAP employees and agents including volunteers are immune from any liability that might otherwise result from good faith acts permitted by these Rules.

(c) All persons acting in good faith as permitted by these Rules are relieved of the duty of disclosure of information to authorities as imposed by Rule 8.3 of the Wyoming Rules of Professional Conduct

(d) In the event that a claim of any kind is asserted against any person for acts permitted by these Rules, the good faith of such person shall be presumed.

(Added effective April 29, 2014; amended December 8, 2020, effective February 1, 2021.)

Rule 7. (Effective February 1, 2021) Citation to these Rules.

These rules shall be known and cited as the “WyLAP Rules.”

(Added December 8, 2020, effective February 1, 2021.)