

IN THE SUPREME COURT, STATE OF WYOMING

April Term, A.D. 2014

In the Matter of the Adoption of the)
Rules of the Wyoming Lawyer)
Assistance Program)

ORDER ADOPTING RULES OF THE WYOMING LAWYER ASSISTANCE PROGRAM

The Officers and Commissioners of the Wyoming State Bar have recommended that the Court adopt the Rules of the Wyoming Lawyer Assistance Program. The Court, having carefully reviewed the proposed rules, finds that the Rules of the Wyoming Lawyer Assistance Program should be adopted. It is, therefore,

ORDERED that the attached Rules of the Wyoming Lawyer Assistance Program, attached hereto, be, and hereby are, adopted by the Court to be effective immediately; and it is further

ORDERED that this order and the attached rules be published in the advance sheets of the Pacific Reporter and in the Wyoming Court Rules Volume. This order and the attached rules shall also be published online at this Court's website, <http://www.courts.state.wy.us>. The rules shall thereafter be spread at length upon the journal of this Court.

DATED this 29th day of April, 2014.

BY THE COURT:

/s/

MARILYN S. KITE
Chief Justice

Rules of the Wyoming Lawyer Assistance Program

Rule 1. 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.

Rule 2. 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.

Rule 3. 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/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.

Rule 4. 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.

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).

Rule 6. 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.