

IN THE SUPREME COURT, STATE OF WYOMING

October Term, A.D. 2020

In the Matter of Amendments to the)
Rules of the Wyoming Lawyer)
Assistance Program)

**ORDER AMENDING THE RULES OF THE WYOMING
LAWYER ASSISTANCE PROGRAM**

The WyLAP Advisory Committee, the WyLap Director, and the Executive Director of the Wyoming State Bar, through Bar Counsel for the Wyoming State Bar, have recommended this Court amend the Rules of the Wyoming Lawyer Assistance Program. This Court finds that the proposed amendments should be adopted. It is, therefore,

ORDERED that the amendments to the Rules of the Wyoming Lawyer Assistance Program, attached hereto, are adopted by the Court to be effective February 1, 2021; and it is further

ORDERED that this order and the attached amendments shall be published in the advance sheets of the Pacific Reporter; the attached amendments shall be published in the Wyoming Court Rules Volume; and that this order and the attached amendments shall be published online at the Wyoming Judicial Branch's website, <http://www.courts.state.wy.us>. The amendments shall also be recorded in the journal of this Court.

DATED this 8th day of December, 2020.

BY THE COURT:

/s/

MICHAEL K. DAVIS
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 goals of ~~such~~ the program is are:

- (a) To protect the interests of clients, litigants and the general public from harm caused by ~~impaired~~ 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.

Rule 2. 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.

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 or mental health challenges ~~and~~ that impair their ability to practice;
- (b) ~~P~~lanning 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 or applicable order.

Rule 4. WyLAP Director.

(a) *Employment.* The ~~Advisory Committee~~ Executive Director, in consultation with the Advisory Committee, shall have authority to hire, retain, supervise and terminate a the WyLAP Director, who shall serve at the pleasure of the ~~Advisory Committee~~ Executive Director as an at-will employee. The ~~Advisory Committee~~ 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 ~~identify and assist impaired members of the legal profession~~ 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 ~~illnesses~~ 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, ~~and 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.

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 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.

Rule 7. Citation to these Rules.

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