

KENTUCKY LAW UPDATE



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ADVANCING THE PROFESSION THROUGH EDUCATION

How to Ethically and Practically Pause Your Practice

1 Ethics Credit

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HOW TO ETHICALLY AND PRACTICALLY PAUSE YOUR PRACTICE*

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I. PART I: ETHICALLY PAUSING YOUR PRACTICE

A. Introduction

The one thing every attorney has in common is that one day we will leave the profession. However, life is also unpredictable. Things may come up while you are in the prime of your career that could require practicing attorneys to pause their practice, *i.e.*, need to care for a sick family member; an extended vacation; need to practice some self-care due to depression; time to recover from surgery or other health challenges; the birth or adoption of a child, etc. Most lawyers think they are invincible, and most lawyers have done little to no planning for a break from practice, much less a succession plan needed when you are contemplating a more long-term or permanent leave.

Before you pause your practice [whether planned or unplanned], however, there are steps and considerations to take so that you, your practice, and your clients are positioned well for your leave. We want to help you make this transition as seamless as possible and provide you with information and resources you need to take time away from your practice – and to do so while discharging the duties owed to your clients per the rules of professional conduct. It is inevitable that over the course of a long and successful career, you will need to disengage from your practice and this presentation will help you navigate those pauses ethically and practically.

B. The Ethical Considerations of a Pause or Leave

Importantly, it is okay to pause your practice for whatever reason such need arises. Not pausing your practice, when necessary, may do more harm than good and presents circumstances where a lawyer is more likely to make a mistake and put his or her practice at risk of receiving a bar complaint or a malpractice claim. Please consider that pressing pause may be a valuable risk mitigation tool. However, pausing or departing lawyers have an obligation to ensure their clients are informed about the change and to protect their clients' interests.

Before taking a leave of absence, there are several ethical and practical obligations you need to fulfill. To ensure you cover all your bases, we suggest that you have a

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law practice transition plan. This will provide for a smooth transition for subsequent attorneys who are covering your matters in your time away and ensure that you meet all the guidelines required by the Rules of Professional Conduct.

1. Ethical rules to consider before pausing your practice.

The duties you owe to your clients are not paused during the time that you are on a pause from your practice. Planning is a must to ensure that the duties owed to your clients are not compromised when you are disengaged from the practice of law. First, however, is a reminder of the key duties a lawyer owes to his or her clients that are certainly implicated when taking time away from the work being done on behalf of these clients.

a. [Rule 1.1](#): Competence.

A lawyer “shall provide competent representation to a client.”

If you are away from your practice, then you remain responsible for representing your client in the matters for which you were engaged and to do so competently.

b. [Rule 1.3](#): Diligence.

A lawyer “shall act with reasonable diligence and promptness in representing a client.”

Comment (1): A lawyer “should pursue a matter on behalf of a client despite opposition, obstruction or personal inconvenience to the lawyer”

Comment (3):

... A client’s interests often can be adversely affected by the passage of time or the change of conditions; Even when the client’s interests are not affected in substance, however, unreasonable delay can cause a client needless anxiety and undermine confidence in the lawyer’s trustworthiness. A lawyer’s duty to act with reasonable promptness does not preclude the lawyer from agreeing to a reasonable request for a postponement that will not prejudice the lawyer’s client.

As with the duty of competence, a lawyer’s duty of diligence persists even when the lawyer is on leave or otherwise away from practice. Planning that avoids undue delays in the handling of your clients’ matters is key. Reasonable extensions of time and/or backup attorneys who can keep the clients’ matters moving forward while you are away are certainly tools to employ.

c. [Rule 1.4](#): Communications.

A lawyer shall “promptly inform the client of any decision or circumstance” that requires obtaining their informed consent by reasonably consulting with the client about how their objectives are to be accomplished. The attorney shall “keep the client reasonably informed about the status of the matter” and “consult with the client about any relevant limitation on the lawyer’s conduct . . .”

Comment 6 to [Rule 1.0](#) – Informed Consent: A lawyer

need not inform a client or other person of facts or implications already known to the client or other person; nevertheless, a lawyer who does not personally inform the client or other person assumes the risk that the client or other person is adequately informed, and the consent is valid.

It stands to reason that advising a client of your plans to step away from practice even temporarily and that another attorney may be handling the client’s case in your absence is a required communication.

d. [Rule 1.5](#): Fees.

Dividing a fee with a lawyer in another firm is permissible only if “(1) the division is in proportion to the services performed by each lawyer...; (2) the client agrees to the arrangement and the agreement is confirmed in writing; and (3) the total fee is reasonable.”

Consider how you will compensate any backup attorney who assists you while you are away from your practice and whether you are fully in compliance with [Rule 1.5](#). If sharing your fee with the backup attorney, the total fee paid by the client must be reasonable and it is a best practice to secure your client’s consent.

e. [Rule 1.6](#): Confidentiality.

A lawyer “shall not reveal information relating to the representation of a client unless the client gives informed consent . . .”

If the backup attorney assisting you while on leave is not in your office/firm, then obtain the clients’ consent to share attorney-client privileged information and/or work product before sharing the clients’ confidential information.

f. [Rule 1.7](#): Conflict of Interest: Current Clients.

A lawyer “shall not represent a client if the representation involves a concurrent conflict of interest.”

Take care to have your backup attorney (if not in your office/firm) run conflict checks before undertaking the representation of your clients.

g. [Rule 1.16](#): Declining or Terminating Representation.

A lawyer “may withdraw from representing a client” if the withdrawal “can be accomplished without material adverse effect on the interests of the client.” However, the lawyer “must comply with applicable law requiring notice to or permission of a tribunal” when terminating representation.

Upon terminating representation, a lawyer shall take steps to the extent reasonably practicable to protect a client’s interest, such as giving reasonable notice to the client, allowing time for the employment of other counsel, surrendering papers and property to which the client is entitled and refunding any advance payment of fee or expense that has not been earned or incurred.

Should your pause or leave be of a more long-term nature, consider whether withdrawal is the best protection for your clients. The Rules of Professional Conduct do not permit the kind of “abandonment” of your clients that an extended leave or pause without backup might cause.

To adequately discharge the many duties owed to your clients, several of which are set forth in the preceding paragraphs, it is exceedingly difficult to be absent from your practice even for a vacation of sufficient length to allow an attorney to recharge or time to recover from a brief illness. To borrow from the “location, location, location” saying in the real estate world, “planning, planning, planning” is the key when preparing to take a pause from practice. With appropriate planning, you can be prepared for both the planned and unexpected disengagements from your practice.

2. Law firm transition planning.

Having a plan provides an excellent framework for subsequent attorneys who are taking on your client(s) during your pause from practice, keeps affected clients informed, and ensures you follow the Rules of Professional Conduct. When planning to depart, even temporarily, from your firm and/or clients, it requires significant planning. Ensure that you have a backup attorney or multiple backup attorneys that you trust to fulfill all your duties to your clients and who you trust to adequately represent them. You will

need to let the attorney(s) know what cases you have active and when your next deadlines are. In doing all of this, it is wise to put everything in writing so they can easily refer to it later and maybe even develop procedure manuals for their use as well. Finally, when the day comes for you to take leave you will need to find an efficient way to notify key individuals.

- a. Types of transition.
 - i. Temporary transitions.
 - a) Illness, accident, temporary disability.
 - b) Extended leave (medical, parenting, etc.).
 - ii. Permanent transitions.
 - a) Death or disappearance.
 - b) Retirement – expected or unexpected.
 - c) Departure of key attorney, management, or personnel.
- b. Goals of transition planning.
 - i. Ensure continuity of the firm.
 - ii. Offer superior client services.
 - iii. Create long-term clients.
 - iv. Offer younger attorneys and partners room to grow and stability.
- c. Transition plan checklist.
 - i. **WHO** will be your backup lawyer(s)?
 - ii. **WHAT** cases are active and will need coverage?
 - iii. **WHEN** are your next deadlines?
 - iv. Get the plan in writing.
 - v. Develop procedure manuals.
 - vi. Notify key individuals – especially clients.

*** Special tip: It is a best practice to review and update any transition plan you have in place. An opportune time to do this is when you renew your professional liability policy!

3. Make plans to protect your clients' interests.

To help you complete the above-referenced transition plan checklist, consider the following:

a. **WHO?**

Every attorney should designate a backup attorney(s) to handle matters for when they want to pause their practice. It is recommended to develop a written agreement to define the scope and duration of the arrangement. This will help whoever subsequently handles the matters to refer to your recommendations and notes.

In the meantime, if you have not identified who your backup attorney will be then make it a priority to figure it out. You will want someone who you trust and feel like would be a good fit for your client(s). If you spend the entire time you are disengaged from your practice worrying about whether your backup attorney is doing what needs to be done, then he or she is probably the wrong person for the job. If you have identified your backup, reach out and set a time to discuss the agreement and confirm it is still a good fit. When you are determining the best fit you should identify an attorney that:

- i. You trust.
- ii. Has the appropriate qualifications to handle the matters in your practice (don't pick a criminal defense attorney to be a back up to your civil litigation practice).
- iii. Has the capacity to take on the caseload outlined in the agreement.
- iv. Is licensed to practice in Kentucky (and any other jurisdictions in which you also practice).
- v. Is in good standing with the KBA (and any other applicable jurisdiction).
- vi. Has sufficient professional liability insurance to be associated with your cases.

b. **WHAT?**

Every attorney who plans on taking a leave of absence needs to let the backup attorney know what cases are active and how they can access them. Plan to include this information in your written agreement with the other attorney. It is also suggested that you put this information in a clearly labeled second document so they can easily find it when needed.

If you utilize a case management or docketing system that only backs up to a local server, that information could be compromised or lost in a natural disaster. Consult your IT personnel to determine the best option for a secondary backup. Options for backups can range from uploading to a cloud server to routinely printing a docket of all active cases as well as client contact information.

c. **WHEN?**

Additionally, every attorney who plans on taking a leave of absence needs to let the backup attorney know of upcoming deadlines. Find a way to make immediate deadlines, court appearances, or other critical meetings easily identifiable for your backup attorney. Maintaining a calendar that backups to the cloud is often the best choice for ensuring you or your backup attorney can meet critical deadlines, even if local servers or case management systems are damaged or destroyed. The calendar can also act as a triage guide when the unexpected has occurred, ensuring the most critical items are addressed first.

If your leave is short enough, securing reasonable extensions of time on briefs and other more routine filings from opposing counsel may be the best option. Obviously, jurisdictional deadlines, *i.e.*, filing of complaints, answers, appeals, etc., the deadline for which should not and cannot be extended, must be covered in your absence. It is imperative that your backup attorney knows of the deadlines, and the two of you know what work the backup attorney will be accomplishing while you are away. This will also assist in determining how fees should be shared with the backup attorney.

In the case of a planned disengagement from practice, you may consider reducing the number of cases you accept in the run up to your leave to decrease the work any backup attorney will have to assume.

d. **PUT YOUR PLANS IN WRITING!**

After you have identified an appropriate backup attorney and reached a verbal agreement, we recommend formalizing the agreement in writing.

CHECKLIST: What to Include in the Written Agreement

- i. State the purpose and intent of the agreement.

The purpose should be limited to only addressing the duties of the backup attorney in your absence. Include language clarifying that the agreement is not intended to create a partnership or law firm.

ii. Define the scope of the agreement.

Although most attorneys will have a single backup attorney, it is possible one attorney may be right to help one area of your practice while a second attorney may be better suited for another area. You may also desire to have the scope limited to certain matters (litigation only, transactional matters only, etc.) Once you determine the best fit, describe it in the written agreement.

iii. Determine fee arrangements.

The agreement should cover when and how much the backup is to be compensated. Many attorneys agree to perform backup services for no or nominal compensation, which should be memorialized in the agreement. If a fee will be shared, consider the time spent on the matter by you, the backup, and whether the case is on a contingency fee basis. Identify the source of payment, *e.g.*, accounts receivable, settlements, or fees received for the backup services only. It is almost certain that [SCR 3.130\(1.5\(e\)\)](#) on fee sharing will apply. Be sure to comply with its disclosure and client consent provisions.

iv. Discuss how client funds will be handled.

Consider making arrangements for the backup to handle your client's trust account. One way is to make the backup a signatory on the trust account. A better way is a special power of attorney that permits the backup to act for you only in specified circumstances.

v. Outline any administrative or practice management duties.

For solo practitioners without administrative staff, will the backup also be handling payment for your office utilities or other firm bills? Are there other tasks that are not client-facing but still need to be handled? Provide a general description of these items and your expectations of the backup attorney.

vi. Identify what information has been exchanged.

Document what information you have shared. This could include items such as:

- a) Law office entry permission and information.
- b) Professional calendar location and access.
- c) Client file information and access.

- d) Contact information for your professional liability insurance provider including the policy number.
- e) Contact information for key individuals to be notified other than clients (which you may want to simply list in the agreement for ease of access).

Additional consideration:

If you plan to use this proposal with a backup attorney for a permanent transition in closing a practice due to the death of a sole practitioner, planning agreements designating a closing lawyer may become void. It will probably be necessary for the estate's executor to authorize the designated lawyer to close the practice. For this reason, we recommend that part of the planning process should include making sure there is a provision in the lawyer's will directing the executor to appoint the designated lawyer to close the practice.

e. **NOTIFY KEY INDIVIDUALS!**

Who should be informed of your plans for your practice while on a pause? First and foremost, your clients need to be aware of your plans and give consent for certain aspects, like use of a backup attorney. There are others, however, who should also be in the know about your transition plans to assist you in effectuating your plans – your staff, your professional liability insurer, and any other professional contacts with whom your backup may need to engage, like opposing counsel.

Backup arrangements can only be implemented with client consent. The best practice is to notify clients of the identity of your backup attorney and the agreed-upon scope of his or her work in advance of needing the backup attorney. Many lawyers do this through a written engagement letter and have the client acknowledge it with a signature. This provides the advantage of in-place client consent for a backup attorney to take over a matter without delay. Remember to update this clause in your engagement letter if the backup attorney changes. Additionally, if the backup attorney changes during the representation, provide written notice to those existing clients of the change and request their consent.

If you haven't included information about your use of a backup attorney in the engagement letter, then plan to send your clients a communication shortly before your leave informing them of your upcoming absence, explaining the backup arrangements and asking for their consent for same. This timing only works of course when you have the luxury of a planned leave. In the event of an emergent situation where a disengagement from practice is unplanned, having secured client consent in the engagement letter

is best. Even if you used the engagement letter for this purpose, it may be nice to follow up with your clients to serve as a gentle reminder of what is to happen. In either case, the backup attorney should always notify clients immediately upon taking over.

Sample Clause for Engagement Letter

Backup Attorney Notice:

In order to meet my ethical obligations to protect your interests in the event I am unavailable due to extended leave, I have appointed [INSERT NAME HERE] to act as my backup attorney. [INSERT NAME] will have the authority to [DESCRIBE SCOPE HERE. *EXAMPLE: Handle matters that arise during a planned leave and will step in to assist in wrapping up my practice should the need arise.*]

f. **DEVELOP PROCEDURE MANUALS.**

After identifying your backup attorney and executing a written agreement you will next need to determine what information he or she will need to effectively perform their duties and fill in for you.

We recommend compiling information on both administrative and practice procedures. For solo practitioners, this information can reside in a single document. However, for attorneys who have associates who are not involved in certain administrative tasks, the division can allow the practice procedures to be shared for practice management purposes, not only for disaster preparedness.

i. Have a thorough and up-to-date ***administrative procedures manual*** that includes information on:

a) Client information:

i) Prepare master contact list.

ii) Generate a list of active client files, including client names, addresses, and phone numbers.

iii) Where client ledgers are kept.

b) Financial records.

i) Where the safe deposit box is located and how to access it.

ii) The bank name, address, account signers, and account numbers for all law office bank accounts.

- iii) The location of all law office bank account records (trust and general).
 - c) Management information.
 - i) Contact information for your power attorney and the executor of your estate.
 - ii) Location of documents related to the ownership of the firm, including leases, a list of utilities, etc.
 - iii) Where insurance policies are located and the names of carriers.
 - iv) Procedures for payroll, if any.
 - v) List of employee benefit providers, if any.
 - d) Communications.
 - i) Where to find, or who knows about, the computer passwords.
 - ii) How to access email accounts.
 - iii) How to access docket or practice management software, if any.
 - iv) How to access your voicemail (or answering machine) and the access code numbers.
 - v) Where the post office or other mail service box is located and how to access it.
 - e) File management.
 - i) Where the files are located.
 - ii) Where the file backups are located.
 - iii) Contact information for anyone necessary to file access.
- ii. Have a thorough and up-to-date ***practice procedures manual*** that includes information on:
 - a) How to use the calendaring system.
 - b) How to check for a conflict of interest.

- c) How to use the docket or practice management system.

Note: Include any contact information for software support or directions to tutorials available from the vendor.

- d) How the open/active files are organized.
 - i) The typical subfolders in matters (*i.e.*, client communications, pleadings, research, notes, etc.).
 - ii) General guidelines for what is saved digitally versus paper copy, etc.
- e) How the closed files are organized and assigned numbers.
- f) Where the closed files are kept and how to access them.
- g) Where original client documents are kept.
- h) The office policy on keeping original client documents.

Finally, plan for periodic updates to your procedures manual(s). Such manuals are useless to your staff and your backup attorney(s) if the information contained in them is stale. For example, outdated password information is as good as no password information.

II. PART II: THE BUSINESSS CONSIDERATIONS OF LEAVE

Along with ethical considerations, the business consequences of taking a temporary leave from your practice may seem daunting. However, with proper preparation and a plan in place, attorneys can mitigate risks to ensure a smooth transition, allowing them to take the necessary time off while maintaining professional integrity and safeguarding their client's interests.

Whether you are a sole practitioner or employed at a firm with several attorneys, early communication with all involved allows for adequate time to plan and make necessary arrangements. The following list is based in part on a leave of absence risk management practice guide of our sister bar-related insurance company in North Carolina, Lawyers Mutual Liability Insurance Company of North Carolina. Aside from sharing their wisdom in the list below, their guide is attached hereto in its entirety for your use. We gladly share and exchange resources with the Lawyers Mutual Liability Insurance Company of North Carolina. They are happy to share these materials with Kentucky lawyers. The references to Secured Leave in the North Carolina materials will not apply to you as we do not have such a practice rule here in Kentucky.

A. Notify Clients

Client notification of a temporary leave of absence is not only an ethical imperative but also a vital business consideration for managing expectations, preserving client relationships, mitigating risks, and fulfilling professional obligations. Notify your clients of your leave both by phone and in writing – either by mail or email depending on how you normally communicate with a particular client. In the notification, provide a brief update on the status of their case and the plan moving forward. Offer your clients ample notice to allow them to contact you before your break with questions or concerns.

B. Notify Professional Contacts

Notifying professional contacts of your leave is essential for maintaining transparency and managing expectations within your network. By informing colleagues, opposing counsel, and other stakeholders about your upcoming absence, you demonstrate respect for their time, which is crucial in maintaining your professional connections. Remember to establish clear communications channels for clients or professional contacts who need assistance during your leave. When notifying them of your absence, provide contact information for the designated point of contact. A rule of thumb is to consider which professional contact may reach out to you in your absence and provide them notification of your plans.

C. Print a Master Client Contact List

Consolidate client contact information including names, phone numbers, email addresses, and other pertinent information, into a single easily accessible format. This will be beneficial for your designated attorney or colleague and yourself. Take this document with you on leave for any communication that may be necessary.

D. Update Your Calendar

Know what is on your calendar and plan accordingly. Give calendar access to all who will need it to conduct business on your behalf.

E. Update Voicemail and Email

Consider updating your voicemail and email to include out-of-office messages, ensuring clients and colleagues are informed of your absence and aware of any alternative contacts or arrangements. Utilize the automatic reply option for emails. It's crucial to make it clear whether you will be checking messages and if so when clients can anticipate a response. This will help manage your client's expectations.

Sample Voicemail Message: You have reached [Attorney's Name]. I am currently out of the office and will not be able to respond to your call immediately. If your matter is urgent, please contact [Alternative Contact] at [Phone Number]. Otherwise, I will return your call upon my return. Thank you.

Sample Email Message: Thank you for your email. I am currently on leave and may not be able to respond immediately. If you require immediate assistance,

please contact [Alternative Contact] at [Email Address]. Otherwise, I will respond to your email as soon as possible upon my return. Thank you for your understanding.

F. Arrange for Collection of Mail

Is mail received at your office? Can mail be delivered if your office is closed? Is there a P.O. box that should be checked while you are away? Before taking your leave, you should plan for the collection of mail to ensure important documents and correspondence are promptly received and handled. This may be another task you delegate to your designated attorney, or you may employ a professional mail handling service to regularly check and manage your incoming mail. Assess your situation and decide what will best serve your needs and your client's needs.

G. Delegation

While the decision to pause one's legal practice can be a prudent and necessary step, it's essential to recognize that certain aspects of legal affairs may demand ongoing attention despite one's absence. Whether it be court-mandated deadlines, time sensitive transactions, or legal emergencies, delegation is imperative to ensure your clients are properly assisted.

For sole practitioners planning a leave of absence, ensuring continuity of service is paramount. Establishing a trusted cover attorney to manage your practice during your absence is essential. This designated attorney will handle ongoing matters, client communications, and any urgent issues that may arise. There are important considerations when deciding who your designated attorney will be. It is preferable that their practice is similar in dynamic to yours and that they are competent in your area of law.

Your designated attorney may be more easily found if you work within a firm. When working within a firm, attorneys often have access to a network of colleagues with diverse skills and expertise, making delegation a strategic tool for optimizing workflow and delivering high-quality legal services. Attorneys must identify capable colleagues to delegate responsibilities to during their leave. Whether partners, associates, or support staff, having a clear understanding of each team member's expertise and availability is crucial.

Delegating the handling of your cases to another individual can present challenges, as maintaining control and oversight is integral to legal practice. To ease your mind during this transition, consider scheduling regular check-ins with your delegated attorney, if the circumstance of your leave allows you to do so. This can offer you the opportunity to review progress, address emerging issues, and provide guidance as needed. Most importantly, this will allow you to ensure client matters are managed in accordance with your expectations and standards of practice.

H. Consider Putting It in Writing

Consider whether you wish to put your arrangement in writing. Verbal agreements may suffice for straightforward delegations. However, if you seek more complex

coverage, documenting the terms and expectations in writing could help provide clarity, mitigate misunderstandings, and offer potential legal protection for all parties. If the delegated tasks involve interactions with clients or third parties, having a written agreement may provide them with reassurance and transparency.

I. Case Management

Mapping out and strategizing your cases will ensure that they are managed with the same level of meticulous attention and professionalism as if you were actively overseeing them, despite your absence. To effectively do so, consider taking the steps below:

1. Compile case information.

You may have unique organizational preferences or no organizational preferences at all. Upon your leave, you will want to ensure information about your cases is easily accessible and digestible. Gather all relevant documents, correspondence, and case notes for your active cases and organize them in an easily understandable manner. Consider creating a diagram or list detailing the organization of your files.

2. Create case status summaries.

Conduct a thorough review of active client matters and develop concise yet comprehensive summaries for each case. In these summaries highlight key details such as the status of the case, pending tasks, upcoming deadlines, and recent developments. Consider tailoring the level of detail to the needs of each client and the complexity of the case.

3. Strategizing current cases.

This task parallels your routine preparation of cases within the normal course of practice, where you typically engage in detailed analysis of the facts, legal issues, and procedural aspects of each case to determine the appropriate course of action. However, given your absence, it's imperative to formalize this process by documenting your brainstorming sessions and finalized strategies. This documentation should encompass a comprehensive assessment of case strengths and weaknesses, risk evaluations, and exploration of various legal avenues. By documenting these strategic insights, you ensure continuity and clarity for colleagues or designated attorneys who will manage the cases in your absence.

4. Mapping out cases and prioritization.

While reviewing active client matters, map out your cases by developing a comprehensive timeline that outlines the progression of each case, its specific requirements, and when these requirements must be met. Once you have mapped out all of your cases, consider creating a "master timeline," a compilation of all case timelines, to facilitate prioritization of tasks for your designated attorney or colleague. Task prioritization should be based on urgency and importance. Identify critical deadlines, court

appearances, or other urgent matters requiring immediate attention. This ensures timely handling of all matters and minimizes the risk of oversight.

Acknowledge that there are scenarios where client continuity and effective representation are best ensured by fully handing off the matter to another attorney. Prioritizing the best interests of your client may entail the decision not to retain certain matters yourself.

J. Financial Considerations

When planning for a leave of absence, attorneys should carefully consider and plan for various financial implications. The goal is to mitigate potential financial challenges or disruptions during this period. Specific considerations may vary by the nature of your practice, *i.e.* a solo practitioner or a firm attorney, but all should begin with an assessment of the impact of the leave on your income stream.

For sole practitioners, the impact of a leave of absence can be more directly felt on your individual finances. You bear the full responsibility of generating income and managing finances; therefore, you will need to plan for the potential reduction in billable hours and client retainers during your absence.

To adequately prepare, consider developing a budget that accounts for operating costs such as rent, utilities, salaries (if applicable) and other anticipated expenses such as filing fees. Identify areas where expenses can be reduced or deferred to accommodate any temporary decrease in revenues. In addition to a budget, consider arrangements for payment of bills, whether you enroll in an automatic payment system or make that a task you delegate to someone. Also plan for the processing of payments received while you are away so you do not miss out on any revenue.

Attorneys working within law firms may have additional financial support and resources available to them. If you do have access to such financial support and resources, be sure to utilize them to mitigate the impact on your income. Despite this, there are financial considerations that must be evaluated. You should review your employment contract or partnership agreement to understand how a leave of absence may impact your compensation and benefits. Some firms may offer paid leave options or provisions for unpaid leave with continued benefits, while others may require attorneys to use accrued paid time off or offer unpaid leave without benefits coverage.

You should also assess how leave will affect your billing targets and revenue generation goals. You may need to adjust your billing expectations or negotiate alternative arrangements to meet billing requirements. Proactively inquiring with firm leadership and colleagues into the options available will help to minimize financial impact to all involved and ensure a successful transition for yourself and for the firm.

K. Insurance and Benefits

Along with financial considerations, it's crucial to evaluate the implications for insurance coverage and benefits. Start by thoroughly reviewing your insurance

policies to ensure that you have adequate protection in place despite your absence. Determine whether any adjustments or updates are necessary to maintain continuous coverage during your absence. If appropriate, engage in discussions with your insurance provider to explore options for maintaining or suspending your insurance policies temporarily while you're on leave. By proactively addressing insurance considerations, you can ensure that you are adequately protected and minimize any potential gaps in coverage during your absence.

L. Marketing

Attorneys preparing for a leave of absence should consider halting ongoing marketing campaigns, whether that be online advertisements or leasing billboard spaces. This is an essential proactive step to take as it may not be feasible to take on new clients or provide immediate responsiveness to inquiries. Pausing marketing efforts can prevent potential conflicts or dissatisfaction while allowing you to focus on maintaining quality service for existing clients.

M. Professional Development and Advancements

Attorneys should consider how their leave of absence may impact their professional development and advancement within the firm. You may need to discuss your career goals and aspirations with firm leadership and explore options for maintaining visibility and involvement in firm activities during your absence to ensure continued career progression. This is not to say that a temporary leave may do more good than the harm that may be caused by pressing on in practice when time away is imperative for your mental and physical wellbeing.

III. PART III: RESOURCES

We hope that the only reasons you will need to pause your practice during a long and wildly successful career are for happy occasions like fantastic vacations and the birth or adoption of children. The reality is that many attorneys will need time away from practice for much less joyous occasions. Many of you will need to pause your practice to care for ailing parents or recover from your own illness for example. Unfortunately, we are all too familiar with the toll that a stressful practice can take on a lawyers' mental health and the depression and substance misuse that can be so prevalent in our ranks.

Attorney well-being is and always will be a risk mitigation and management issue. A lawyer who is unwell is more prone to mistakes and problems that can lead to bar complaints and malpractice allegations. It is imperative that a lawyer take care of him- or herself. Below is a myriad of resources to help you identify potential well-being issues in yourself or your fellow attorneys. We encourage you to not only take care of yourself but to also look out for your peers and intervene as appropriate. There is a wealth of resources and information available to you to assist in this endeavor, including the nationally recognized Kentucky Lawyer Assistance Program. Attached to this presentation is a summary of the services available to you as a practicing lawyer in the Commonwealth of Kentucky. Additionally, visit KYLAP's website at www.KYLAP.org for more information.

A. ABA Commission on Lawyer Assistance Programs Research

1. More than 45 percent of attorneys experience depression during their career in the legal field. Of those individuals, nearly 12 percent of them reported having suicidal thoughts at least once. The major issues of substance abuse in attorneys can be directly attributed to many of the same thoughts and feelings related to depression.
2. A recent study conducted by the ABA Commission on Lawyer Assistance Programs and the Hazelden Betty Ford Foundation showed that nearly 21 percent of lawyers and others in legal professions were considered problem drinkers. As more specific questions were relayed to the surveyed participants, that number jumped even higher to over 36 percent of attorneys struggling with alcohol abuse.
3. Nearly half of the lawyers in the study stated that the drinking issues began within their first 15 years in the industry, including their time in law school.
4. Many issues surrounding prescription drug abuse have risen for legal professionals due to the easy access and legality of these substances. Unlike illegal alternatives, prescriptions are obtainable with a note from a doctor.
5. While this issue isn't as common as alcohol addiction, 9 percent of attorneys have been found to struggle with prescription drug abuse. They're commonly used by lawyers who are trying to stay up later to complete their work or others to sleep at night as a means of stress relief. The biggest problems arise as individuals mix alcohol with prescriptions, leading to additional risks of dependence and even overdose.
6. Though reported numbers seem to rise and fall as time goes on, statistics about illicit drug use are much less reliable due to the simple fact that these substances are illegal. Most people who are taking them, including lawyers, aren't willing to admit it. But many legal professionals still resort to drugs for relief from their depression and the weight of their job.

<https://americanaddictioncenters.org/workforce-addiction/white-collar/lawyers>

B. Substance Use Disorders among Lawyers

One study from the *Journal of Addiction Medicine* found that more than one in five lawyers screened positive for problematic drinking. An even higher proportion said that they felt their alcohol use had been problematic at some point in their lives.

When it comes to weekly recreational drug use among lawyers, the results were even more troubling:

- 74.1 percent used stimulants
- 51.3 percent used sedatives
- 46.8 percent used tobacco

- 31 percent used marijuana
- 21.6 percent used opioids

Certain groups were at higher risk than others for alcohol problems. Men had higher rates of alcohol use disorders than women, and like with anxiety and depression, younger lawyers had significantly higher rates of alcohol-related problems than older lawyers.

For comparison, the study reported drinking rates among a similarly educated workforce: Among medical professionals, only 11.8 percent of the population screened for problematic drinking on the same instrument.

<https://apn.com/resources/lawyers/>

C. Signs and Symptoms of Drug Addiction

There are common signs of habitual drug use across all substances as well as signs that are unique to the type of substance abused. Knowing these signs can help to identify whether a loved one may be using drugs and risking harmful consequences to their health, school, job, and family life.

If a person is misusing any drug, there are some signs to look for. These include:

1. Difficulties at school, disinterest in school-related activities, and declining grades.
2. Poor work performance, being chronically late to work, appearing tired and disinterested in work duties, and receiving poor performance reviews.
3. Changes in physical appearance, such as wearing inappropriate or dirty clothing and a lack of interest in grooming.
4. Altered behavior, such as an increased desire for privacy.
5. Drastic changes in relationships.
6. A noticeable lack of energy when performing daily activities.
7. Spending more money than usual or requesting to borrow money.
8. Issues with financial management, such as not paying bills on time.
9. Changes in appetite, such as a decreased appetite and associated weight loss.
10. Bloodshot eyes, poor skin tone, and appearing tired or run down.
11. Defensiveness when asked about substance use.

<https://americanaddictioncenters.org/adult-addiction-treatment-programs/know-is-someone-on-drugs>

D. Signs of Addiction in Lawyers

1. Work performance issues.

People who are struggling with substance misuse often have a hard time staying focused and attentive. This can lead to a drop in their work performance, compared to their efforts prior to their addiction. You'll recognize this as they show a lack of productivity, missed deadlines, and receive complaints from people they work with, including clients.

Attendance problems may also become more consistent as they miss appointments and court hearings, show up late for work, or take extended breaks for lunch as well as other pauses in their workflow.

2. Multiple problems with co-workers.

While disagreements come as part of the job in any legal profession, lawyers struggling with substance misuse are more likely to repeatedly end up in conflicts with their team members. They may be less inclined to accept constructive feedback or other forms of criticism. The guilt that comes from addiction in lawyers frequently pulls them away from others in the industry. They'll consistently withdraw themselves and have trouble getting along with other attorneys.

3. Changes in behavior.

The way a person acts when they are having problems with addiction are often the most telling signs of substance misuse. They may begin to lie frequently, keeping secrets for unknown reasons and becoming overly defensive if caught.

Attorneys can also act strangely or inappropriately at social events, whether they have been drinking or not. The poor behavior may lead to broken connections with family and other acquaintances.

4. Lack of personal hygiene.

Though most of the addiction signs are mental and emotional, physical appearances can stand out as well. Individuals may begin to care less about their personal hygiene efforts, coming to work looking disheveled and out of place.

They may have bad breath or body odor and might even forget to cover up the smell of alcohol or other drugs.

5. Improper outlook on drugs and alcohol.

Someone who is struggling with addiction will look for any excuse or chance to partake in their substance of choice. For an attorney with alcohol addiction, they'll seek out any opportunity to celebrate with a drink or make

frequent claims that they need drinks to connect with co-workers and clients.

Meanwhile, prescription drug addiction in lawyers may be a bit less dramatic with explanations of pain or stress for the large doses they take.

<https://americanaddictioncenters.org/workforce-addiction/white-collar/lawyers/5-signs-to-look-for>

E. Signs and Symptoms of Depression

There are two main types of depression: situational and clinical.

As the name suggests, situational depression tends to arise in response to challenging situations like divorce or caring for a sick relative. While situational depression can be serious and require treatment, it may also be transitory in nature.

Clinical depression, on the other hand, is a chronic medical condition. It tends to interfere with daily life and will almost certainly require some sort of intervention.

Signs of clinical depression vary widely, but may include:

1. Inability to focus or concentrate on work.
2. Loss of interest in activities that used to bring great pleasure.
3. Feelings of sadness and hopelessness, sometimes culminating in suicidal thoughts.
4. Anger or extreme mood swings.
5. Inability to overcome or stop thinking about past failures.
6. Sleep disturbances and lack of energy.
7. Inexplicable pains or other health problems.
8. Overwhelming feelings of sadness that interfere with daily life.

Over time, clinical depression can interfere with your friendships, relationships, work life, and other social activities.

If you begin to experience any of these symptoms or other impacts of depression, it's a good idea to start journaling about your experiences so you can communicate your condition to a therapist or other mental health professional.

F. Signs and Symptoms of Anxiety

Much like depression, anxiety can be experienced in a variety of ways.

It is certainly not uncommon for attorneys and other legal professionals to feel the impact of looming deadlines, billable hour pressure, or other job-related stress. Some anxious feelings are normal when you're under a time crunch.

Having an anxiety disorder, however, is something else altogether. Anxiety disorders are characterized by:

1. Intense and persistent worrying.
2. Panic attacks (*i.e.*, sudden onset feelings of intense fear or terror).
3. Phobias.
4. Inability to go places that stimulate panic (*e.g.*, elevators or public places).
5. Increased heart rate.
6. Sweating, trembling, and shaking.
7. Inability to sleep.
8. Gastrointestinal problems.

Anxiety becomes problematic when you can no longer control it or do things to keep it at bay.

An anxiety disorder generally becomes diagnosable when symptoms persist for six months or more. Like depression, anxiety is considered a major problem when it begins interfering with your everyday activities.

<https://www.infotrack.com/blog/mental-health-warning-signs/>

G. Mental Health Diagnosis

1. Bipolar disorder.

Bipolar disorder, formerly called manic depression, is a mental health condition that causes extreme mood swings that include emotional highs (mania or hypomania) and lows (depression).

When you become depressed, you may feel sad or hopeless and lose interest or pleasure in most activities. When your mood shifts to mania or hypomania (less extreme than mania), you may feel euphoric, full of energy, or unusually irritable. These mood swings can affect sleep, energy, activity, judgment, behavior, and the ability to think clearly.

Episodes of mood swings may occur rarely or multiple times a year. While most people will experience some emotional symptoms between episodes, some may not experience any.

Although bipolar disorder is a lifelong condition, you can manage your mood swings and other symptoms by following a treatment plan. In most cases, bipolar disorder is treated with medications and psychological counseling (psychotherapy).

There are several types of bipolar and related disorders. They may include mania or hypomania and depression. Symptoms can cause unpredictable changes in mood and behavior, resulting in significant distress and difficulty in life. Mania or hypomania may also express itself in ways such as excessive shopping or spending.

a. Bipolar I disorder.

You've had at least one manic episode that may be preceded or followed by hypomanic or major depressive episodes. In some cases, mania may trigger a break from reality (psychosis).

b. Bipolar II disorder.

You've had at least one major depressive episode and at least one hypomanic episode, but you've never had a manic episode.

c. Cyclothymic disorder.

You've had at least two years – or one year in children and teenagers – of many periods of hypomania symptoms and periods of depressive symptoms (though less severe than major depression).

d. Other types.

These include, for example, bipolar and related disorders induced by certain drugs or alcohol or due to a medical condition, such as Cushing's disease, multiple sclerosis, or stroke.

2. Obsessive compulsive disorder.

Obsessive-compulsive disorder (OCD) features a pattern of unwanted thoughts and fears known as obsessions. These obsessions lead you to do repetitive behaviors, also called compulsions. These obsessions and compulsions get in the way of daily activities and cause a lot of distress.

Ultimately, you feel driven to do compulsive acts to ease your stress. Even if you try to ignore or get rid of bothersome thoughts or urges, they keep coming back. This leads you to act based on ritual. This is the vicious cycle of OCD.

OCD often centers around certain themes, such as being overly fearful of getting contaminated by germs. To ease contamination fears, you may wash your hands over and over again until they're sore and chapped.

If you have OCD, you may be ashamed, embarrassed, and frustrated about the condition. But treatment can be effective.

Obsessive-compulsive disorder usually includes both obsessions and compulsions. But it's also possible to have only obsession symptoms or only compulsion symptoms. You may or may not know that your obsessions and compulsions are beyond reason. But they take up a great deal of time, reduce your quality of life, and get in the way of your daily routines and responsibilities.

a. Obsession symptoms.

OCD obsessions are lasting and unwanted thoughts that keep coming back or urges or images that are intrusive and cause distress or anxiety. You might try to ignore them or get rid of them by acting based on ritual. These obsessions usually intrude when you're trying to think of or do other things.

Obsessions often have themes, such as:

- Fear of contamination or dirt.
- Doubting and having a hard time dealing with uncertainty.
- Needing things to be orderly and balanced.
- Aggressive or horrific thoughts about losing control and harming yourself or others.
- Unwanted thoughts, including aggression, or sexual or religious subjects.

Examples of obsession symptoms include:

- Fear of being contaminated by touching objects others have touched.
- Doubts that you've locked the door or turned off the stove.
- Intense stress when objects aren't orderly or facing a certain way.
- Images of driving your car into a crowd of people.
- Thoughts about shouting obscenities or not acting the right way in public.
- Unpleasant sexual images.
- Staying away from situations that can cause obsessions, such as shaking hands.

b. Compulsion symptoms.

OCD compulsions are repetitive behaviors that you feel driven to do. These repetitive behaviors or mental acts are meant to reduce anxiety related to your obsessions or prevent something bad from happening. But taking part in the compulsions brings no pleasure and may offer only limited relief from anxiety.

You may make up rules or rituals to follow that help control your anxiety when you're having obsessive thoughts. These compulsions are beyond reason and often don't relate to the issue they're intended to fix.

As with obsessions, compulsions usually have themes, such as:

- Washing and cleaning.
- Checking.
- Counting.
- Ordering.
- Following a strict routine.
- Demanding reassurance.

Examples of compulsion symptoms include:

- Handwashing until your skin becomes raw.
- Checking doors repeatedly to make sure they're locked.
- Checking the stove over and over again to make sure it's off.
- Counting in certain patterns.
- Silently repeating a prayer, word, or phrase.
- Trying to replace a bad thought with a good thought.
- Arranging your canned goods to face the same way.

3. Dementia.

Dementia is a term used to describe a group of symptoms affecting memory, thinking, and social abilities. In people who have dementia, the symptoms interfere with their daily lives. Dementia isn't one specific disease. Several diseases can cause dementia.

Dementia generally involves memory loss. It's often one of the early symptoms of the condition. But having memory loss alone doesn't mean you have dementia. Memory loss can have different causes.

Alzheimer's disease is the most common cause of dementia in older adults, but there are other causes of dementia. Depending on the cause, some dementia symptoms might be reversible.

Dementia symptoms vary depending on the cause. Common symptoms include:

- a. Cognitive changes.
 - Memory loss, which is usually noticed by someone else.
 - Problems communicating or finding words.
 - Trouble with visual and spatial abilities, such as getting lost while driving.
 - Problems with reasoning or problem-solving.
 - Trouble performing complex tasks.
 - Trouble with planning and organizing.
 - Poor coordination and control of movements.
 - Confusion and disorientation.
 - b. Psychological changes.
 - Personality changes.
 - Depression.
 - Anxiety.
 - Agitation.
 - Inappropriate behavior.
 - Being suspicious, known as paranoia.
 - Seeing things that aren't there, known as hallucinations.
4. Schizophrenia.

Schizophrenia involves a range of problems with thinking (cognition), behavior, and emotions. Signs and symptoms may vary, but usually involve

delusions, hallucinations, or disorganized speech, and reflect an impaired ability to function. Symptoms may include:

a. Delusions.

These are false beliefs that are not based on reality. For example, you think that you're being harmed or harassed; certain gestures or comments are directed at you; you have exceptional ability or fame; another person is in love with you; or a major catastrophe is about to occur. Delusions occur in most people with schizophrenia.

b. Hallucinations.

These usually involve seeing or hearing things that don't exist. Yet for the person with schizophrenia, they have the full force and impact of a normal experience. Hallucinations can be in any of the senses, but hearing voices is the most common hallucination.

c. Disorganized thinking (speech).

Disorganized thinking is inferred from disorganized speech. Effective communication can be impaired, and answers to questions may be partially or completely unrelated. Rarely, speech may include putting together meaningless words that can't be understood, sometimes known as word salad.

d. Extremely disorganized or abnormal motor behavior.

This may show in a number of ways, from childlike silliness to unpredictable agitation. Behavior isn't focused on a goal, so it's hard to do tasks. Behavior can include resistance to instructions, inappropriate or bizarre posture, a complete lack of response, or useless and excessive movement.

e. Negative symptoms.

This refers to reduced or lack of ability to function normally. For example, the person may neglect personal hygiene or appear to lack emotion (doesn't make eye contact, doesn't change facial expressions or speaks in a monotone). Also, the person may lose interest in everyday activities, socially withdraw, or lack the ability to experience pleasure.

Symptoms can vary in type and severity over time, with periods of worsening and remission of symptoms. Some symptoms may always be present.

In men, schizophrenia symptoms typically start in the early to mid-20s. In women, symptoms typically begin in the late 20s. It's uncommon for

children to be diagnosed with schizophrenia and rare for those older than age 45.

<https://www.mayoclinic.org/>

H. Outreach Resources

1. Kentucky Lawyer Assistance Program.

Kentucky [SCR 3.900-3.995](#) establish and implement the Kentucky Lawyer Assistance Program (KYLAP). KYLAP is a broad-brush program involving assistance for impairment that may result from addiction to alcohol or other drugs, chemical dependency, substance abuse, mental disease, mental disorder or defect, psychological or emotional illness that impairs, or may foreseeably impair, a person's ability to practice law or serve on the bench. Services are available for law students, lawyers and judges. The mission and purpose of KYLAP is to address impairment or potential impairment issues within the Kentucky legal community and to offer confidential assistance to those who are affected in a manner that serves to help insure a continuing high standard of professional competence. Strict confidentiality is assured by [SCR 3.990](#). Contact KYLAP 24 hours a day at (502) 226-9373 to get help for any Kentucky lawyer in need.

2. Substance Abuse and Mental Health Services Administration (SAMHSA).

SAMHSA offers a "free, confidential, 24/7, 365-day-a-year treatment referral and information service (in English and Spanish) for individuals and families facing mental and/or substance use disorders."

3. National Alliance on Mental Illness (NAMI).

NAMI is "the nation's largest grassroots mental health organization dedicated to building better lives for the millions of Americans affected by mental illness."

4. Anxiety and Depression Association of America (ADAA).

ADAA seeks to help those affected by anxiety and depression. They have programs providing education, resources, and support for people who need treatment options.

5. 988 Suicide & Crisis Lifeline (formerly National Suicide Prevention Hotline): If you are contemplating suicide, simply dial "988" for immediate help.

6. Alzheimer's Association (24/7).

Specialists and master's-level clinicians offer confidential support and information to people living with dementia, caregivers, families, and the public. Call (800) 272-3900, live chat (Monday-Friday, 8 a.m.-8 p.m. ET), or contact online.

7. HAMS (Harm reduction, Abstinence, and Moderation Support).
HAMS is a peer-led free support and informational group for anyone who wants to change their drinking habits for the better.
8. LifeRing Secular Recovery.
An abstinence-based, anonymous organization dedicated to providing a safe meeting space where you can experience a non-judgmental recovery conversation with your peers.
9. Moderation Management.
A lay-led non-profit dedicated to reducing the harm caused by the misuse of alcohol.
10. Refuge Recovery.
The Refuge Recovery program has adapted the core teachings of the Buddha as a treatment of addiction.
11. Secular Organizations for Sobriety (SOS).
A nonprofit network of autonomous, non-professional local groups, dedicated solely to helping individuals achieve and maintain sobriety/abstinence from alcohol and drug addiction, food addiction, and more.
12. SMART Recovery (Self-Management and Recovery Training).
Created for people seeking a self-empowering way to overcome addictive problems.
13. Women for Sobriety.
Helping women overcome alcoholism and other addictions.
14. International Lawyers in Alcoholics Anonymous.
Zoom meeting Mondays at 8 p.m. ET.
15. Alcoholics Anonymous (AA).
A 12-step based program to help people recover from alcohol addiction.
16. Chemically Dependent Anonymous.
12-step fellowship for anyone seeking freedom from drug and alcohol addiction.

17. Cocaine Anonymous (CA).
A 12-step based program to help people recover from cocaine addiction.
18. Crystal Meth Anonymous (CMA).
A 12-step based program to help people recover from methamphetamine addiction.
19. Heroin Anonymous (HA).
A 12-step based program to help people recover from heroin addiction.
20. Narcotics Anonymous (NA).
A 12-step based program that does not focus on any particular drug and offers an ongoing support network for addicts who wish to pursue and maintain a drug-free lifestyle.
21. Nicotine Anonymous (NicA).
A 12-step fellowship of men and women helping each other live nicotine-free lives.
22. Opiates Anonymous (OA).
A 12-step fellowship whose members have a desire to stop using opiates and all other mind-altering substances.
23. Pills Anonymous (PA).
A 12-step based program for people recovering from pill addiction.
24. Cleptomaniacs and Shoplifters Anonymous (CASA).
CASA is a unique, independent, secular weekly self-help group.
25. Clutterers Anonymous (CLA).
A 12-step program for people who share a common problem with the accumulation of clutter.
26. Emotions Matter.
Emotions Matter's mission is to support, educate, and advocate for people impacted by borderline personality disorder.

27. Gamblers Anonymous (GA).
A 12-step program for people who are recovering from compulsive gambling.
28. Workaholics Anonymous (WA).
A 12-step program to help people solve their common problems and help others to recover from workaholism.
29. Anxiety and Depression Association of America.
ADAA provides a list of support groups for those facing disorders related to anxiety and depression.
30. Depressed Anonymous (DA).
A 12-step based fellowship of people who share their experience, strength, and hope with each other that they may solve their common problem and help others to recover from depression.
31. Depression and Bipolar Support Alliance (DBSA).
Provides hope, help, support, and education to improve the lives of people who have mood disorders.
32. Emotions Anonymous (EA).
A 12-step program in which members attend support groups to help them cope with everyday emotions.
33. Obsessive Compulsive Anonymous (OCA).
A fellowship of people who share their experience, strength, and hope with each other that they may solve their common problem and help others to recover from OCD.
34. Schizophrenics Anonymous (SA).
A six-step program for persons with schizophrenia.
35. American Foundation for Suicide Prevention.
Whether you have struggled with suicide yourself or have lost a loved one, know you are not alone. Hear about personal experiences from people in your local community whose lives have been impacted by suicide.
36. Mental Health America (MHA).
Mental Health America's work is driven by its commitment to promote mental health as a critical part of overall wellness, including prevention

services for all; early identification and intervention for those at risk; integrated care, services, and supports for those who need them; with recovery as the goal.

37. National Alliance on Mental Illness (NAMI).

NAMI provides advocacy, education, support, and public awareness so that all individuals and families affected by mental illness can build better lives. Specifically, check out their recently-published book, *You Are Not Alone: The NAMI Guide to Navigating Mental Health*, by Ken Duckworth, M.D.

38. National Institute of Mental Health (NIMH).

The lead federal agency for research on mental disorders.

39. Partnership for Workplace Mental Health.

Setting the standard for mentally healthy workplaces.

40. To Write Love on Her Arms (TWLOHA).

A non-profit movement dedicated to presenting hope and finding help for people struggling with depression, addiction, self-injury, and suicide.

41. Mindfulness in Law Society.

Aims to enhance well-being in the legal profession by educating it about the benefits of mindfulness meditation, yoga, and other contemplative practices. Hosts two free, virtual mindfulness sessions every week.

42. IWIL (Institute for Well-Being in Law).

Presents an annual “Well-Being in Law” event every May and has resources at lawyerwellbeing.net.

43. Mindfulness for Lawyers.

Free resources on mindfulness and well-being.

44. Warrior One: Mindfulness for the Legal Mind.

45. Wellness, Mindfulness, Work-life Balance: A list of resources from the ABA.

46. Attention Deficit Disorder Association.

ADDA is the world’s largest organization dedicated exclusively to helping adults with ADHD to live better lives.

47. Neurodiversity Network.

Provides resources for neurodivergent job seekers and students, employers and universities, and supports the neurodiverse community.

48. Minnesota Lawyers Concerned for Lawyers (LCL).

Provides support, counseling, and resources for lawyers dealing with substance abuse and mental health issues.

49. Lawyers Depression Project.

A free, online peer support community for legal professionals; confidential member forum, weekly meetings.

SECURE LEAVE/EXTENDED LEAVE OF ABSENCE POLICY



RISK MANAGEMENT PRACTICE GUIDE OF LAWYERS MUTUAL

ABOUT THE AUTHOR

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SECURE LEAVE/EXTENDED LEAVE OF ABSENCE POLICY

RISK MANAGEMENT PRACTICE GUIDE OF LAWYERS MUTUAL

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DISCLAIMER: *This document is written for general information only. It presents some considerations that might be helpful in your practice. It is not intended as legal advice or opinion. It is not intended to establish a standard of care for the practice of law. There is no guarantee that following these guidelines will eliminate mistakes. Law offices have different needs and requirements. Individual cases demand individual treatment. Due diligence, reasonableness and discretion are always necessary. Sound risk management is encouraged in all aspects of practice.*



INTRODUCTION

A law office is the product of your life's work. Because of this, it can be difficult to think of being away from the office for an extended period of time. However, sometimes situations occur that make it necessary to take an extended leave of absence.

Clients and staff need to understand the situation in advance of your extended leave. Preparing them in advance will prevent questions and frustration during your time away from the office.

How to Use this Guide

This Lawyers Mutual Practice Guide will help you prepare for an extended leave of absence. It is designed as a tool for attorneys whose absences will affect client communication and staffing.

Here are some suggested uses:

- To instruct attorneys on the steps needed before taking a leave of absence.
- To help with client communication.
- To help with staff training.
- To use as a topic at a firm meeting or retreat.

This Guide offers general information that should benefit most practices. It is not intended as legal advice or opinion, nor does it purport to establish a specific standard of care for your practice.

Every law office is different. Your support staff needs are unique. This Guide suggests ways for your office to function better in the event of an extended leave of absence.

For more information – or if you have additional questions – please contact Lawyers Mutual's Client Services Team.

HOW TO PREPARE FOR EXTENDED LEAVE

I met my newborn daughter in April of 2014. Although I knew the approximate timeframe and duration I would be away from my firm for adoption/maternity leave, and I did what I could to plan accordingly, it was very challenging as a solo practitioner to manage everything while I was out of the office for nearly eight weeks.

I mistakenly thought that I could handle some tasks while I was out – surely I could keep up with email – but unreliable wifi coupled with a normal but crying newborn, made even that impossible. All work stopped, and I focused only on my baby girl, which was how I should have planned for it all along.

Like many solos, I do not have any employees – I’m really on my own. I share a receptionist and other office resources with several attorneys in my suite, but I do not have a person who can answer questions or return calls in my absence. No one but me has access to my email, my calendar or my files.

Because I was out for a joyful occasion (versus an illness, death or other crisis), I chose to share the reason for my extended leave with my clients and in my secured leave documents. It was my experience that everyone was very understanding, supportive and patient about my unavailability. I wasn’t afraid to “play the baby card,” but did not use it as an excuse for creating unnecessary delays. For reasons I’ll spare you, the secured leave dates I originally requested were ultimately incorrect and I had to make some adjustments on-the-fly. But because everyone knew what I was up to, no one complained.

Planning ahead was important for many reasons, among them, to keep current clients informed and satisfied, to protect my firm’s reputation for responsiveness, and to avoid potential malpractice claims. Further, the North Carolina Rules of Professional Conduct

imply, in Comment 5 to Rule 1.3 Diligence, that sole practitioners have a special duty to “prevent neglect of client matters.”

If you work with legal staff, it is important to prepare for their needs and protect their interests during your absence as well.

The following tips are offered based on my experience being on extended leave, and my work as a court-appointed trustee closing the practices of attorneys who became disabled or were disbarred. Coming in to close someone else’s firm showed me how many policies and procedures in my own office reside in my head alone, and no one else knows or could find out what they are. I have now documented at least some of my common practices in the event of an emergency that necessitates someone else stepping in to handle my affairs – just as I did prior to my adoption leave.

Practice TIPS



Extended leave is very challenging as a solo practitioner.

WHAT CAN YOU DO?

- **Plan ahead**
- **Keep current clients informed**
 - Keep clients satisfied
 - Protect firm’s reputation for responsiveness
 - Avoid potential malpractice claims

Extended Leave Checklist

1. **File for Secured Leave** (Rule 26, North Carolina General Rules of Practice) as early as practical and provide copies to all courts and counsel you have active cases with, as well as the public defender's office, prepaid legal programs, or any other entity which appoints, refers or assigns cases to you. Check local rules for any additional requirements. Although you may not be able to fully comply with the letter of the rule, in terms of providing 90 days notice, for example, the courts and attorneys I worked with were especially understanding of my adoption situation and no one objected to the "late" notice. See Form p. 9.
2. **Notify clients.** If practical, alert clients in two ways – by phone and in writing by mail or email. This minimizes the chance of a client later saying you did not tell them you would be gone. Give them ample notice so they can contact you prior to your departure, if necessary (Don't email them on your way out the door.) Provide a brief status report on their case – especially if they have a court date coming up. Samples attached, p. 6&7.
3. **Notify professional contacts.** If you are a real estate attorney, let your key realtors, lenders and underwriters know your leave dates. If you have a civil litigation firm, contact the insurance adjusters you have open cases with. Think about who might be looking for you while you are gone.
4. **Notify your malpractice carrier.** Discuss your plan with them to make sure you have your bases covered.
5. **Prepare employees.** Communicate the details of your leave and this checklist with staff. Ensure they are on message with what clients are to be told about your absence. Make sure arrangements are made in advance for them to receive regular paychecks and that payroll tax deposits and benefit payments are made.
6. **Print a Master List** – run a report from your case management system. Take a printed list of client names and contact info with you and leave a copy where someone else can access it. If your leave needs to be extended, it will be easy to let people know quickly.
7. **Create case status summaries** for each open file. This can be done using your case management system or a simple Word document. If an emergency arises, another attorney should be able to pick up a file and determine the status, how to reach the client, etc. Samples are attached, p. 8&9.
8. **Arrange for collection of mail.** Do you have a post office box? Do you receive mail in your office such that it cannot be delivered if your door is locked? Are you in a shared office situation where someone can sign for UPS or certified mail? Do you want them to do so if it may constitute acceptance of service? Do you have a post office or courthouse mailbox that needs to be checked? There are many things to consider.
9. **Use online bill-pay or auto-draft** for items becoming due while you are out, or label payments to be mailed by someone else on the appropriate dates.
10. Decide how to handle **incoming payments.** Is there someone who can open your mail and deposit checks? Does the individual have an endorsement stamp, deposit slips or account information? (It is not recommended that you give anyone your ATM card or PIN.)
11. **Update voicemail and email out-of-office messages.** Make it clear whether you are checking messages, and if so, when clients can anticipate a response. Example: "You have reached attorney Stacey Phipps. I am on vacation from

May 1 through May 15, 2015. I am not checking messages at this time. I will return your call on May 16, 2015.”

12. **Update calendar.** Take a printed version of your calendar with you and leave one where someone else can access it in an emergency. If, for example, your leave needs to be extended for a few days, you will know which matters need to be covered, rescheduled, continued etc.
13. Place a **sign** on your door indicating your status, if appropriate. It needs to be concise and professional-looking. Print it on cardstock and hang it neatly and securely. Example: “Stacey A. Phipps, Attorney at Law, is on maternity leave from April 10, 2014 until June 1, 2014. She will not be checking messages during this time. For emergency assistance, please contact Jane Doe at 555-111-1111. Ms. Doe cannot update you on your case status or answer specific questions about your case.”
14. **“Map” your files.** Make a diagram or a list of how your files are organized in case someone else has to access them. Example: “My open civil files are alphabetical in the 4-drawer lateral cabinets. Open criminal files are by court date in the 2-drawer cabinets. Closed files are in the basement. Files with May court dates are on my desk.”
15. **Backup your data.** Whatever you use – the Cloud, Dropbox, external hard drive – this is a good time to make an updated copy of everything. And don’t store your external drive in the same place as your laptop or desktop.
16. **Plan for emergencies.** Can you be reached, and, if so, how? Under what circumstances do you wish to be notified? Do you have access to email, fax, wifi, or printer? Will you be at an address that can accept Fed Ex or similar items? Who is the gatekeeper who will determine “emergencies?”
17. **Prepare for the unexpected.** What if you miss a flight or your cruise ship is detained in port for norovirus, or you lose your passport, or develop malaria? What if your newborn has some special needs that require you to extend your leave? Whatever the reason for your extended leave, it is important to have a person who can step in and deal with emergencies that may arise.



Practice TIPS

HAVE AN EXTENDED LEAVE CHECKLIST. COVER THINGS LIKE:

1. Filing for secured leave
2. Notify clients
3. Notify professional contacts and your malpractice carrier
4. Prepare employees
5. Print a master list of clients
6. Create case status summaries
7. Arrange for mail collection
8. Keep up with bills and payments
9. System for handling incoming payments
10. Update out-of-office messages (voicemail and email)
11. Update calendar
12. Put a sign on your door indicating your status
13. Map your files
14. Backup your data
15. Plan for emergencies
16. Prepare for the unexpected

SAMPLE CLIENT NOTIFICATION LETTER 1 – CRIMINAL

May 15, 2014

Dear *Ms. Sample*,

I wanted to let you know that I will be out of the office and unavailable during the month of *July*. You will not be able to reach me during this time. I will not be checking email or voicemail.

Your next court date is *August 15*. As you know, you still need to complete your community service hours at your church, and get a letter from your pastor verifying the dates, time, and tasks.

I will touch base with you when I return to the office the week of *August 1*, to discuss the details. I look forward to talking to you then.

Email follow-up:

As I indicated in my letter of *May 15* (attached), I will be out of the office and unavailable during the month of *July*. You will not be able to reach me during this time. I will not be checking email or voicemail. Thank you for your patience.

SAMPLE CLIENT NOTIFICATION LETTER 2 – CIVIL

March 1, 2014

Dear *Ms. Sample*,

I am going to be out on maternity leave from approximately *April 1, 2014* through *June 15, 2014*. You will not be able to reach me during this time. I will not be checking email or voicemail.

As you may recall, we are in the “discovery” phase of your case, and are awaiting responses from the defendants; no mediation or hearing has been scheduled at this time. I anticipate that when I return to the office, we will be ready to schedule the mediation and provide the court with a tentative hearing date.

I will touch base with you when I return to the office the week of *June 15*, to discuss the details. In the meantime, if you have any questions, my assistant Chelsea will be in the office on Mondays and Thursdays only, during my leave.

Email follow-up:

As I indicated in my letter of *May 15* (attached), I will be out of the office and unavailable during the month of *July*. You will not be able to reach me during this time. I will not be checking email or voicemail. Thank you for your patience.

SAMPLE CASE STATUS MEMO – CRIMINAL

Jackson, Charlene A. 919-555-5555, no email, ok to text

State v Jackson
13 CR 12345, 12346
DWI, left of center, speeding

ADA = Jessica Jones 919-792-1111, jessica.jones@nccourts.org

Continued until 7/1/15, last for all. Discovery completed. yClient needs to complete community service hours, assessment (Southlight). Awaiting insurance letter re property damage (requested).

SAMPLE CASE STATUS MEMO – CIVIL

Smith, Jessica A. 919-555-5555, sasmith@gmail.com

Smith v Jones et al
13 CVS 1234 (Wake)
MV/wrongful death

SOL: 12/31/13 (satisfied)

Opposing counsel – Jamie Jones at YM, 919-555-1111, jjones@ymlaw.com

Answered D's discovery, D responses to P pending and due 5/1/15. Awaiting add'l records from WakeMed and hospice (requested). Lien info complete, including Medicare.

Mediation set for 6/1/15 with Mike Johnson at D counsel office.

No trial date set; no motions pending.

CHECKLIST FOR PREPARING FOR EXTENDED LEAVE

- File for Secured Leave.
- Notify clients.
- Notify professional contacts.
- Notify malpractice carrier.
- Prepare employee(s).
- Print a master client/contact list.
- Prepare case status summaries.
- Arrange for collection of mail.
- Arrange for payment of bills.
- Arrange for processing of payments received.
- Update voice mail and email messages.
- Update calendar.
- Place a sign on your door.
- Map your files.
- Backup your data.
- Plan for emergencies.
- Prepare for the unexpected.

DESIGNATION OF SECURED LEAVE

NORTH CAROLINA)	IN THE GENERAL COURT OF JUSTICE
)	SUPERIOR COURT DIVISION
IREDELL, NEW HANOVER,)	
ORANGE, PITT AND)	
WAKE COUNTIES)	DESIGNATION OF SECURED LEAVE

TO THE TRIAL COURT ADMINISTRATORS:

NOW COMES the undersigned, pursuant to N.C.G.S. 7A-34 and the General Rules of Practice for the Superior Courts, Rule 26, and shows:

1. This request is made by and for *[Name]*, *[Firm Name]*, *[Address]*, *[City]*, *[State & zip code]*. XXX-XXX-XXXX phone, XXX-XXX-XXXX fax. NC Bar #XXXXXX. *[Email]*.
2. The secured leave is to begin on *[Day of week]*, *[Start date]*, and conclude on *[Day of week]*, *[End date]*.
3. There are no other periods of secure leave that have been previously designated by the undersigned for the calendar year *[Year]*.
4. The undersigned hereby states that the secured leave period is not being designated for the purpose of delaying, hindering, or interfering with the timely disposition of any matter in any pending action or proceeding.
5. The undersigned hereby states that, to her knowledge, no action in which the undersigned has entered an appearance has been scheduled, peremptorily set, or noticed for trial, hearing, depositions, or other proceedings during the designated period of leave.
6. Although this request is not tendered 90 days in advance of the leave as required by Rule 26, the undersigned respectfully requests that under (I) the Courts honor such request, which is instead submitted more than *50 days in advance*. *The undersigned represents that a personal matter out-of-state (infant adoption)* was not known in time to file this document a full 90 days before the beginning of the secure leave period.

This the *[Day]* day of *[Month]*, *[Year]*.

COUNSEL

[Name], *[Firm Name]*
[Address]
[City, State Zip Code]
 (XXX) XXX-XXXX phone
 (XXX) XXX-XXXX fax
[Email] NCBar #XXXXXX

Facts about Lawyer Impairment:

- 50% to 70% of all attorney disciplinary complaints are related to an impairment issue.
- Lawyers suffer from alcohol use disorder at a rate of 20-35%. The alcoholism/addiction rate for the general population is 10%.
- According to a 2015 Hazelden survey of 13,000 licensed attorneys.
- In the same study, the data reports lawyers top the list of professions when it comes to major depression – about 28% of the profession. The general population has major depression at the rate of about 8%.
- The rate of lawyers dying by suicide is approximately 6x the rate of suicide in the general population.
- Early intervention and treatment for the affected attorney often lead to sustained recovery and can help them avoid bar complaints or sanctions against their license.
- Depression is a medical issue. You can't think your way out of it. Treatment is effective for 80% to 90% of those seeking help.
- Chemical dependency and depression are treatable illnesses. They are neither moral defects nor lack of willpower.

KYLAP Staff

Yvette Hourigan, *Director*
Director's Cell: (859) 221-0806
yhourigan@kylap.org

Ashley Cooper, *Program Administrator*
(502) 226-9373
abeitz@kylap.org

**For Mental Health Emergencies,
call or text 988**



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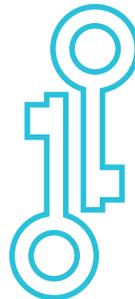
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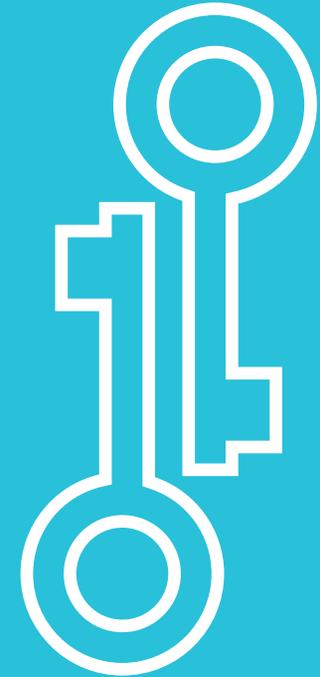


Contact:
(502) 226-9373

P.O. Box 1437
Frankfort, KY 40602
www.kylap.org

the Key to Recovery

**For Mental Health Emergencies,
call or text 988**



the Key to Recovery

KYLAP

Kentucky Lawyer Assistance Program

**A CONFIDENTIAL Service for the
Kentucky Legal Community
S.C.R. 3.990(1)**

(502) 226-9373

ANSWERED 24/7

www.kylap.org

The Kentucky Lawyer Assistance Program (KYLAP)

KYLAP is an agency of the Kentucky Supreme Court that offers help to members of the Kentucky legal community (including law students) who are struggling with mental health concerns, such as depression, alcohol and drug use, stress, compulsive gambling or any other condition that may adversely impact the individual's personal or professional life. KYLAP contact is confidential and there are no fees for services.

Confidential referrals to KYLAP may be made by the individual in need or anyone concerned about an impaired attorney, judge or law student. It is a safe place to turn for confidential assistance.

The bedrock of KYLAP is a network of volunteer counselors. Most of KYLAP's volunteers are members of the legal community who have recovered from alcoholism, drug addiction and/or other mental disorders. KYLAP, its staff, and the volunteers stand ready to assist their colleagues in all facets of recovery.

Pursuant to Supreme Court Rule 3.990, all calls to KYLAP are strictly confidential.

Signs of Substance Use Disorder

Ask yourself:

- Because of my drinking or drug use, have I felt any of the following?
- Regret the morning after; guilt; remorse; depression; real loneliness; severe anxiety; terror; or a feeling of impending doom?
- Does my drinking or drug use lead me to questionable environments?
- Do I ever feel I need a drink or drug to face a certain situation?
- Do I need a drink or drug to steady my nerves?
- Do I plan my office routine around my drinking or drug use?
- Have I missed, cancelled, or adjourned closings, court appearances or other appointments because of my drinking or drug use?
- Do I want or need to take a drink or drug the next morning?

Signs / Symptoms of Depression

- Loss of pleasure or interest in things one used to enjoy;
- Changes in eating or sleeping habits and/or fatigue or decreased energy;
- Difficulty concentrating and/or slowed movements or restlessness;
- Persistent sadness and/or depressed mood;
- Feelings of guilt or worthlessness and/or thoughts of death or suicide.
- Feelings of hopelessness such as: "I feel like I'm in a hole and I can't get out."

CONFIDENTIAL MENTAL HEALTH ASSISTANCE

The Kentucky Bar Association, through the Kentucky Lawyer Assistance Program, has partnered with an employee assistance program (EAP) to offer an opportunity for mental health support to Kentucky's lawyers and judges. **All of the assistance remains COMPLETELY CONFIDENTIAL, S.C.R.3.990.**

You may also qualify for up to 4 free mental health visits if you meet certain financial criteria. You may also qualify for additional financial assistance through the KYLAP Foundation, Inc., for continuing treatment. **See our website at www.KYLAP.org.**

This partnership provides additional mental health support for Kentucky's lawyers and judges. The employee assistance program will offer **CONFIDENTIAL** phone assistance during regular business hours, after hours, and on weekends. Call the KYLAP office anytime, night or day, on our **DIRECT PHONE NUMBER**—no operators required—and after hours you will be directly connected to our employee assistance program. **Our DIRECT NUMBER IS (502) 226-9373.** You may also continue to call through the main switchboard at the Kentucky Bar Association at (502) 564-3795, ext. 266.

Someone will answer your call
24 hours a day, 7 days a week.

How can KYLAP Help?

Assessment and Referral
Interventions

Peer Support Network

Education and Prevention

Structured Compliance Supervision

Students with Bar Application Issues

Recovery Group Meetings

Recovery Meetings:

KYLAP hosts 3 private online meetings each week for lawyers and judges only. Attendance is by invitation only.

Visit www.KYLAP.org for details!

**For Mental Health Emergencies,
call or text 988**



How can KYLAP Help?

Among the services KYLAP can offer the individual in need are:

- Assessment and Referral
- Interventions
- Peer Support Network
- Education and Prevention
- Structured Rehabilitation Program
- Recovery Group Meetings
- Students with Bar Application Issues

Recovery Meetings:

KYLAP hosts 3 confidential online recovery meetings (one is live and on Zoom in Lexington) for lawyers and judges. Attendance is by invitation only. Visit our www.kylap.org for details!

For Mental Health Emergencies, call or text 988

The Kentucky Lawyer Assistance Program (KYLAP)

KYLAP is an agency of the Kentucky Supreme Court that offers help to members of the Kentucky legal community (including law students) who are struggling with mental health issues such as depression, alcohol and substance abuse, stress, compulsive gambling or any other condition that may adversely impact the individual's personal or professional life. KYLAP contact is confidential and there are no fees for services.

Confidential referrals to KYLAP may be made by the individual in need or anyone concerned about an impaired attorney, judge or law student. It is a safe place to turn for confidential assistance.

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All calls to KYLAP are strictly confidential. SCR 3.990

The Key to Recovery

Contact:

P.O. Box 1437
Frankfort, KY 40602
www.kylap.org

Office: (502) 226-9373
Director's Cell: (859) 221-0806

Depression has many faces

For life's problems, confidential help is available 24/7 at (502) 226-9373 For Mental Health Emergencies, call or text 988



KYLAP

Kentucky Lawyer Assistance Program

All calls to KYLAP are strictly confidential. SCR 3.990

Depression is...

An illness: Just like diabetes or high blood pressure. Depression is not a character flaw.

Common: One out of ten adults experience depression, the rate is much higher for legal professionals.

Insidious: People are often unaware that what they are experiencing is depression.

Ignored: 65% of those with severe depression never seek treatment and suffer needlessly.

Treatable: 80% to 90% with depression respond well to treatment.

According to a Hazelden/Betty Ford Foundation and ABA study, **attorneys suffer from depression** at a rate almost **4 times higher** than the general population, and **11.5% of lawyers** surveyed **have contemplated suicide** at some point during their career.

For Mental Health Emergencies, call or text 988

All contact with KYLAP is confidential.
Supreme Court Rule 3.990.

Mental Health Stigma is a huge barrier to treatment.

Too often people don't get help for their depression because they don't recognize the symptoms, struggle to ask for help, blame themselves, or don't know that treatment is available and effective.

Help is available through KYLAP by calling (502) 226-9373.

Signs and Symptoms of Depression

- Persistent sadness or apathy, crying, anxiety
- Feelings of emptiness, helplessness and hopelessness, worthlessness or guilt
- Loss of interest or pleasure in usual activities
- Trouble concentrating or remembering things
- Marked increase or decrease in sleep and/or appetite
- Fatigue or loss of energy
- Recurrent thoughts about death or suicide

Depression is Treatable

- Early treatment can make a positive difference
- A combination of therapy and medication has been shown to be effective in decreasing depression
- Mindfulness meditation is growing in frequency as an effective measure to treat anxiety and depression
- Seek confidential help through your doctor, a therapist or KYLAP.

Suicide Warning Signs

- Verbal threats or comments such as "You'd be better off without me" or "Maybe I won't be around"
- Direct threats to do harm to self-such as "I will just kill myself"
- Untreated or unmanaged depression
- Expressions of hopelessness and/or helplessness
- Personality change (withdrawal, aggression, moodiness)
- Giving away life's possessions, "getting one's affairs in order"
- Lack of interest in the future
- Previous suicide attempts

Suicide Can Be Prevented

In the majority of cases, suicide is a tragic result from a common and treatable mental illness and/or substance use disorder

If you are concerned about someone:

- Ask the person if they are thinking about killing themselves; ask about suicide directly.
- If they answer yes, convince them to seek help immediately. Agree to take them to help or call for 988 immediately.

If you are considering suicide:

- Tell someone.
- Call or text the National Suicide Crisis Line at 988.
- Go to the nearest hospital emergency room.

FOR YOUR INFORMATION ...

The Kentucky Law Update: Continuing Legal Education for All Kentucky Lawyers

The Supreme Court of Kentucky established the Kentucky Law Update Program as an element of the minimum continuing legal education system adopted by Kentucky attorneys in 1984. The KLU program is now offered in a hybrid format. The 2024 Kentucky Law Update is offered as a one-day, in-person program at nine different locations across the state. The 2024 On-Demand Kentucky Law Update is offered virtually on the Kentucky Bar Association website from September 1st until December 31st. These two programs offer every Kentucky attorney the opportunity to meet the 12 credit CLE requirement, including the 2 ethics credit requirement, **close to home and at no cost!** Judges can also earn continuing judicial education credits at the Kentucky Law Update.

This program was designed as a service to all Kentucky attorneys regardless of level of experience. This service is supported by membership dues and is, therefore, each member's program. The program is a survey of current issues, court decisions, ethical opinions, legislative and rule changes, and other legal topics of general interest that are faced by the Kentucky practitioner on a daily basis. As such, the program serves both the general practitioner and the practitioner who limits his or her practice to a particular field of the law. The Kentucky Law Update program is not intended, nor designed, to be an in-depth analysis of a particular topic. It is designed to alert the lawyers of Kentucky to changes in the law and rules of practice that impact the daily practice of law.

About the Handbooks and Presentations

Handbook materials are the result of the combined efforts of numerous dedicated professionals from around Kentucky and elsewhere. The KBA gratefully acknowledges the following individuals who graciously contributed to this publication:

Nicole S. Bearse	Stephen Embry	Bruce Simpson
Robbie O. Clements	Yvette Hourigan	Rebecca Adams Simpson
Don H. Combs, III	James K. Murphy	Jordyn Smith
Larry C. Deener	Mary Ellis Patton	Henry L. Stephens, Jr.
Laura Day DelCotto	Damon Preston	Robert P. Stith
Haley Dennis	Shari Polur	Eleanore Stoess
Sean Dennis	Lou Anna Red Corn	Judge Thomas Lee Travis
Laurel S. Doheny	Lori J. Reed	B. Scott West
Angela Logan Edwards	Jeffery L. Sallee	

Special Acknowledgments

Special thanks to the following KBA Sections, Committees, and other organizations whose participation and assistance with the 2024 Kentucky Law Update programs have been invaluable:

KBA AI Task Force	KBA Office of Bar Counsel
KBA Alternative Dispute Resolution Section	KBA Well Being Committee
KBA Criminal Law Section	Kentucky Court of Appeals
KBA Elder Law Section	Kentucky Lawyer Assistance Program
KBA Ethics Committee	Lawyers Mutual of Kentucky
KBA Family Law Section	Legislative Research Commission
KBA Law Practice Committee	NAELA – Kentucky Chapter
KBA Military Law Committee	Supreme Court of Kentucky

Presentations are also made on a voluntary basis. To the individuals who volunteer in this capacity, special gratitude is owed. Individuals contributing to this program are contributing to the professional development of all members of the Kentucky Bar Association. We wish to express our gratitude in advance to these individuals.

A special thank you to all of the organizations, authors, presenters, moderators, and other 2024 Kentucky Law Update program volunteers will appear in the January 2025 issue of the *Bench & Bar*.

CLE and Ethics Credit

The one-day, in-person 2024 Kentucky Law Update Program is accredited for 7 CLE credits, including 2 ethics credits. The 2024 On-Demand Kentucky Law Update is accredited for 7.75 CLE credits, including 3 ethics credits. One credit is awarded for each 60 minutes of actual instruction as noted on the agendas provided on the KBA website.

The Kentucky Bar Association 2024 Kentucky Law Update programs are accredited CLE activities in numerous other jurisdictions. Credit categories and credit calculations vary from state-to-state. CLE reporting information for other states will be provided at the registration desk at the in-person programs. The out of state information for the on-demand sessions will be available on the program website.

Kentucky Judges, don't forget you can claim CJE credit for attending this program.

REMEMBER! Reporting attendance credits is now online. Reporting information and activity numbers will be available at each respective in-person event. The on-demand reporting information and activity number will be located on the program website.

Evaluations

The 2024 Kentucky Law Update is *your* program and your input *is* valued and needed. Links to the program evaluations for the live, in-person programs and the on-demand program will be provided to all registrants via email. PLEASE take a few minutes to complete the evaluation questionnaire upon receipt. We appreciate your assistance in improving this service.

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