

# ARDC Efforts to Assist Lawyers with Remedial Action

*By Christine P. Anderson*

The mission of the Attorney Registration and Disciplinary Commission (ARDC) is to promote and protect the integrity of the legal profession through attorney registration, education, investigation, prosecution, and remedial action. In furtherance of the goal of remediation, the Illinois Supreme Court and the ARDC have implemented several new rules and procedures.

## **ARDC Diversion Program**

In September of 2016, the ARDC adopted Commission Rule 56, which provides for a Diversion Program. Under this rule, the administrator and an attorney may enter into a diversion agreement at any stage of an investigation. The diversion program is designed to encourage early identification and resolution of issues that negatively affect an attorney's ability to properly represent clients. It is also designed to provide assistance to the attorney to rectify issues and engage with appropriate services.

A 2016 study examined substance abuse and mental health problems in the legal profession. *"The Prevalence of Substance Use and Other Mental Health Concerns Among American Attorneys,"* Journal of Addiction Medicine, February 2016 - Volume 10 - Issue 1 - p 46–52. The study surveyed lawyers across the country and found that 20.6% surveyed qualified as problem drinkers, 28% struggled with depression, 19% suffered from anxiety and 23% experienced symptoms of stress. All of these rates exceed what is found in the general population.

In light of the findings of the above study and an additional study conducted on law student well-being, a national task force was commissioned to address lawyer well-being. In its August, 2017 report, *"The Path to Lawyer Well-Being: Practical Recommendations for Positive Change,"* the task force proposed a slate of recommendations for legal regulators and others.

## **New Law Office Management CLE Initiative (aka "PMBR")**

The Illinois Supreme Court and the ARDC have implemented many of the recommendations for legal regulators outlined in the task force report. In addition to the new diversion program, in January of 2017, the Illinois Supreme Court amended Supreme Court Rule 756(e)(2) to provide for Proactive Management-Based Regulation (PMBR). One of the modules developed for the PMBR program is on attorney wellness. In April of 2017, the Court also amended Supreme Court Rule 794(d) to require lawyers to complete one hour of mental health and substance abuse education as part of their required continuing legal education. A free CLE on the topic of attorney wellness is available on the ARDC website at [www.iardc.org](http://www.iardc.org).

The ARDC has also increased its collaboration and referrals to the Illinois Lawyers' Assistance Program (LAP). In order to get lawyers the help they need, Supreme Court Rule 766 allows the Administrator to make referrals to the LAP during an otherwise confidential stage of a matter. Once referred, LAP intervenors are exempt from reporting to discipline and communications are confidential akin to the lawyer-client relationship. (IRPC 1.6(d)).

The new programs, outlined above, help lawyers thrive by providing them with the resources needed to be successful.

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