

Rule 206

State Court Rules

Rules Relating to Discipline of Attorneys

Rule 206 IMPAIRED LAWYERS ASSISTANCE PROGRAM

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(a) There is hereby established an assistance program to be known as the Kansas Lawyers Assistance Program (KALAP), which shall provide immediate and continuing assistance to lawyers needing help with issues related, but not necessarily limited to, physical or mental disabilities that result from disease, addiction, disorder, trauma, or age and who may be experiencing difficulties in their ability to perform their professional duties. KALAP shall have the following purposes:

(1) To protect citizens from potential harm that may be caused by lawyers in need of assistance;

(2) To provide assistance to lawyers in need; and

(3) To educate the bench and bar to the causes of and services available for lawyers needing assistance.

(b) The Supreme Court shall appoint a Board known as the Kansas Lawyers Assistance Board. The Board shall be comprised of no fewer than 11 members who are lawyers, active or retired, appointed for three-year terms or such other period as determined by the Supreme Court, and may include 2 or fewer students currently attending law school in Kansas, appointed for two-year terms. The members shall have diverse experience and knowledge, and demonstrate an understanding of and ability to assist lawyers in the problems of physical or mental disabilities that result from disease, addiction, disorder, trauma, or age. The Board shall designate a chairperson, a vice-chairperson, and a secretary. A majority of those who have been duly appointed shall constitute a quorum and any action taken by the Board shall require a majority of those present and eligible to vote.

The Board shall exercise the following powers and duties:

(1) Advise and recommend to the Supreme Court candidates for appointment as members of the Board and Executive Director;

(2) Establish policy and adopt procedural rules not inconsistent with this rule;

(3) Oversee the operation of the program to achieve the purposes stated in subsection (a); and

(4) Make reports to the Supreme Court as the court may require.

(c) The Supreme Court shall appoint an Executive Director who shall serve at the pleasure of the court. The Executive Director shall be a lawyer, preferably with several years experience in assisting individuals with physical or mental disabilities that result from disease, addiction, disorder, trauma, or age. The Executive Director must have sufficient experience and training to assist the Board in fulfilling its purpose.

(d) The Executive Director and program staff shall receive such salaries as may be determined by the Supreme Court and be reimbursed for actual travel and other expenses incidental to their duties. The Board members and the KALAP volunteers shall receive per diem and expenses. The KALAP budget shall be paid out of fees collected under the provisions of Rule 208.

(e) The responsibilities of KALAP volunteers may include:

(1) Assisting in interventions;

(2) Serving as a 12-step program sponsor;

(3) Acting as a contact or liaison with KALAP and the courts, bar organizations and local committees, law firms, and law schools;

(4) Providing compliance monitoring where appropriate; and,

(5) Performing any other function deemed appropriate and necessary by the Board to fulfill the program purposes.

(f) The KALAP shall provide the following services:

(1) Immediate and continuing assistance at no cost to lawyers;

(2) Planning and presenting educational programs to increase the awareness and understanding of members of the bench and bar about problems of lawyers with physical or mental disabilities as defined in section (a), to enable members of the legal profession to recognize and identify problems in themselves and in their colleagues, to reduce the stigma associated with addiction and other physical and mental disabilities, and to enable members of the legal profession to understand appropriate ways of interacting with affected individuals.

(3) Provide assistance to lawyers and their firms, including lawyers against whom disciplinary complaints are pending.

(g) Confidentiality.

(1) All records and information maintained by KALAP, its Board, employees, agents, designees, volunteers, or reporting parties, shall be confidential and privileged and not subject to discovery or subpoena. All communications between a participant and the aforementioned individuals shall be privileged against disclosure to the same extent and subject to the same conditions as confidential communications between attorney and client. However, the Executive Director may compile and disclose statistical information, devoid of all identifying data.

(2) The Executive Director, the Board, employees, agents, designees, volunteers, or reporting parties are relieved from the provisions of Rule 8.3 of the Kansas Rules of Professional Conduct and Supreme Court Rule 207 as to work done and information obtained in carrying out their duties and responsibilities under this rule.

(3) Any person violating subsection (g)(1) may be subject to punishment for contempt of the Supreme Court.

(h) Immunity. The duties and responsibilities of the Executive Director, members of the Board, employees, agents, designees, volunteers, or reporting parties, are owed to the Supreme Court and the public in general, not to any individual lawyer or another person. Nothing in these rules shall be construed as creating a civil cause of action against the aforementioned individuals; and, they shall be absolutely immune from liability for any omission or conduct in the course of carrying out their official duties and responsibilities or failing to fulfill their duties and responsibilities under these rules.

(i) Local Committees. Any local bar association in this state may establish and fund a committee for providing assistance to any Kansas attorney needing help by reason of physical or mental disabilities that result from disease, addiction, disorder, trauma or age that impact their ability to perform their professional duties. A committee formed under this rule shall be subject to the requirements of sections (f) and (g). The Executive Director may request that local committees compile and disclose to KALAP statistical information, devoid of all identifying data. Local Committees shall furnish statistical information upon request of the Executive Director. Local Committees, their members, and volunteers are entitled to the immunities of section (h), so long as the requirements of this rule are met. Upon request, the KALAP shall provide assistance to a committee established under this section.

(j) The KALAP office shall be in a location where the privacy and confidentiality requirements of this rule can be maintained.

[History: Prior Rule 206 was repealed and combined with Rule 207 as amended effective March 1, 1988; New Rule effective March 1, 1988; Am. effective January 4, 1994; Am. effective January 1, 2002; Am. effective September 11, 2002.]