

LCL EXTERNAL CONFIDENTIALITY POLICY

BACKGROUND

In the early 1970's, a number of recovering alcoholic lawyers and judges began meeting to determine what, if anything, they might do in order to help other lawyers recover from the disease of alcoholism and reduce the devastation alcohol and drugs were having on their profession. In the beginning, they followed the example of Alcoholics Anonymous: sharing their own stories of what it had been like before recovery and what it was like afterward. What they discovered was that a common theme emerged: the using person, family members, partners and employers had a deep fear of disclosure and distrusted everyone, especially the Office of Professional Responsibility and the Bar Association. At that time there was an ethical requirement that all lawyers report immediately to the Office of Professional Responsibility any wrongdoing by a lawyer.

With this information as a guide, this group of lawyers and judges expressed to the Supreme Court and the Office of Professional Responsibility their findings and their desire to start an organization, not affiliated in any way with the Bar Association, the Office of Professional Responsibility or the Supreme Court. The purpose of this organization would be to take a public stance on educating lawyers and judges about alcohol and drug addiction, assist lawyers, judges, family members, law partners, and others to overcome the stigma of addiction and get help before they died, destroyed families or law firms, or became a problem for the office of Professional Responsibility. They also decided that, as an organization, they would make no recommendation as to any individual's discipline or license to practice law. The group was

formed and became known as Lawyers Concerned for Lawyers (LCL). The original purpose of LCL was to assist lawyers, their firms or families to get help for the deadly disease of alcohol and drug addiction. The Supreme Court encouraged LCL to move forward and agreed that LCL should keep absolutely confidential any and all information discovered in the process of helping another lawyer. This program has now been successful in Minnesota for over 30 years.

LCL has now expanded its work and is helping lawyers with other problems, including mental health issues where, again, social stigma, fear of disclosure, and inability to recognize the condition may result in a reluctance to acknowledge and address the need for help. As a result, the need for LCL's independence from the Office of Professional Responsibility, the Supreme Court, and the State Bar Association remains even greater than before. Absolute confidentiality and the perception of absolute confidentiality is critical to the success of any future work by LCL. We must never forget what worked and lose the opportunity to continue to help lawyers.

POLICY

1. This policy will govern the application and interpretation of section 8.02(a) of the corporate bylaws insofar as it applies to requests from outside parties or organizations.
2. LCL will not provide any individually identifiable information with respect to:
 - a. any contacts made with LCL; or
 - b. any referrals or services provided by LCL.
3. No LCL member, officer, or employee is authorized to disclose any individually identifiable information about any case on behalf of LCL.
4. In the event that an individual who has contacted LCL desires to provide a release to the Lawyers Responsibility Board, the Board of Law Examiners, or the Board of Judicial

Standards, a release must be directed to a specific individual, i.e., therapist, group leader, etc. LCL will, upon written request of the person providing the release, forward the release to the individual to whom the release is directed. The individual to whom the release is directed will be governed by the professional and/or legal standards applicable to him/her in determining what information may or may not be released.

5. Nothing in this policy will prevent a member of LCL from verifying an individual's attendance at a meeting, if requested to do so by him or her. However, such verification is made in a personal capacity by that member and not on behalf of LCL.