



NEW JERSEY STATE BAR ASSOCIATION

November 21, 2023

Hon. Glenn A. Grant
Administrative Director of the Courts
Comments on Proposal to Permit Third-Party Referrals to the NJLAP
Hughes Justice Complex
25 W. Market Street
P.O. Box 037
Trenton, NJ 08625-003

Re: Proposal to Amend Rules 1:20-9 and 1:28B-3 to Allow
Third-Party Referrals to the NJLAP

Dear Judge Grant:

On behalf of the New Jersey State Bar Association (NJSBA), thank you for extending the time to comment on the proposal to amend Rules 1:20-9 and 1:28B-3 to allow third-party referrals to the New Jersey Lawyers Assistance Program (NJLAP). Attorney wellness and mental health are of particular importance to the NJSBA and we appreciate the opportunity to provide our views. The NJSBA wholeheartedly supports the proposal, with a recommendation for an important clarification.

The NJSBA notes that the 2023 Report of the NJSBA's Putting Lawyers First Task Force (the Report) uncovered a troubling decline in mental health and wellness among New Jersey's legal practitioners. The results revealed that while 51% of New Jersey lawyers feel enthusiastic about being a lawyer:

- 68% reported feeling anxious in the past two weeks;
- 56% reported a high prevalence of alcohol misuse;
- 49% reported feelings of isolation;
- 28% reported a high prevalence of depressive symptoms; and
- 10% reported thoughts of suicidal ideation.

The Report also found that:

- Lawyers who reported being younger than 34 years of age were four times as likely to report depression than a lawyer over the age of 65; and
- Lawyers who reported having 0-3 years of practice experience were six times as likely to report depression than those with 40 years of practical experience.

The NJSBA believes that allowing third-party referrals to the NJLAP, while maintaining the confidentiality of such referrals, is integral to supporting attorney wellness. We recognize that it can be difficult to ask for help when struggling, and a third-party referral to the NJLAP may make a significant difference in an attorney's wellbeing. This can be especially true for a younger or newer attorney who may be reluctant to reach out on their own for fear of a negative career repercussion.

The NJSBA recommends, however, that the language allowing for third-party referrals be clarified. While the proposal includes new language in R. 1:28B-3 about the ability of the NJLAP to accept referrals from any third party, we suggest additional language be added to make it clear third-party referrals are permitted in all instances and not only when there is a disciplinary action against an attorney. The language proposed for R. 1:20-9 coupled with the language in R. 1:28B-3 raises

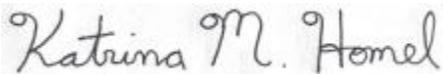
questions about whether a referral must be in connection with a potential disciplinary matter or not. We believe third-party referrals should be able to be made at any time, ideally resulting in a decreased need for certain disciplinary matters to arise in the first instance.

Again, thank you for the opportunity to provide these written comments and participate in this important process. The NJSBA stands ready to assist the Judiciary in whatever way it can to ensure that lawyers receive the support and resources needed to achieve optimal overall health and wellness, so that lawyers can better serve themselves, their clients, and the community.

Sincerely,

A handwritten signature in blue ink, appearing to read "Tim McGoughran".

Timothy F. McGoughran, Esq.
President, NJSBA

A handwritten signature in black ink, appearing to read "Katrina M. Homel".

Katrina M. Homel, Esq.
Chair, NJSBA Young Lawyers Division

cc: William H. Mergner Jr., Esq., NJSBA President-Elect
Angela C. Scheck, NJSBA Executive Director