

RULE 1:28B. New Jersey Lawyers Assistance Program

1:28B-1. Board of Trustees; Purpose; Administration; Annual Assessment

(a) Appointments. A Board of Trustees shall oversee the financial operation and administration of the New Jersey Lawyers Assistance Program (LAP) by the New Jersey State Bar Association (NJSBA). The Supreme Court shall appoint eight of the nine members of the Board. At least five of the Trustees appointed by the Supreme Court shall be members of the bar of this State. The initial Trustees shall be appointed to terms of one, two, or three years. At the expiration of such terms, all subsequent appointments and reappointments shall be for a term of three years. No Trustee who has served four full three-year terms shall be eligible for immediate reappointment. A vacancy occurring during a term shall be filled for the unexpired portion thereof. The Court shall annually designate members of the Board of Trustees to serve as Chair and Vice-Chair.

In addition to the Trustees appointed by the Supreme Court, the President of the New Jersey State Bar Association or a designee shall serve as an ex officio member of the Board. The Administrative Director of the Courts, or a designee, shall serve, ex officio, as Treasurer of the LAP.

(b) Purpose; Administration. The purpose of the New Jersey Lawyers Assistance Program is to provide assistance to attorneys, full-time members of the State Judiciary, law students, and law school graduates with alcohol, drug, gambling, emotional, behavioral, or other personal problems that affect well-being and professional performance. NJSBA shall operate LAP through a Director and appropriate staff pursuant to a contract with the Judiciary that is subject to the review and approval of the Supreme Court.

(c) Meetings. The Board of Trustees shall conduct meetings at the call of the Chair. Except as may be otherwise provided by this Rule or by regulations promulgated by the Trustees, five of the nine Trustees shall constitute a quorum and may transact all business of the Board. In the Chair's absence or inability to serve, the Vice-Chair shall preside.

(d) Compensation. The Trustees shall serve without compensation.

(e) Annual Assessment. Every attorney admitted to practice law in the State of New Jersey, including those holding a plenary license, those admitted pro hac vice in accordance with Rule 1:21-2, those holding a limited license as in-house counsel under Rule 1:27-2, those registered as multijurisdictional practitioners under RPC 5.5(b), those certified as Foreign Legal Consultants under Rule 1:21-9, and those permitted to practice under Rule 1:21-3(c), shall be assessed and shall pay annually to the Lawyers Assistance Program a fee in a sum that shall be determined each year by the Supreme Court. All fees so paid shall be used for the administration of the Lawyers Assistance Program. This assessment shall be collected administratively in the same manner as and subject to the same exemptions as provided under Rule 1:28-2, except that no such fee shall be assessed to attorneys during the first calendar year of their admission. The fee shall be assessed to all attorneys in their second through forty-ninth calendar year of admission. The names of any and all attorneys failing to comply with the provisions of this rule shall be reported to the Supreme Court for inclusion on its Ineligible to Practice Law List. Any attorney who fails to pay the annual assessment for seven consecutive years shall be subject to the license revocation procedures contained in Rule 1:28-2(c).

Note: Adopted July 15, 1999, to be effective September 1, 1999; caption amended and new paragraph (e) added July 12, 2002 to be effective September 3, 2002; paragraph (b) amended February 4, 2003 to be effective immediately; paragraph (e) amended July 28, 2004 to be effective September 1, 2004; paragraph (a) amended December 5, 2006 to be effective immediately; paragraph (e) amended November 27, 2007 to be effective immediately; paragraph (e) amended July 23, 2010 to be effective September 1, 2010.

1:28B-2. Duties of Trustees and Treasurer

(a) Regulations. The Board of Trustees shall adopt regulations governing the Board's oversight of the administration of LAP. The regulations shall be consistent with these Rules and be subject to the approval of the Supreme Court.

(b) Annual Budget. The NJSBA shall, on or before September 30 of each year, present to the Board of Trustees a proposed budget for LAP in a form approved by the Board. The Board shall review the proposal, make such modifications as it deems necessary or appropriate, and forward the recommended budget to the Supreme Court for its review and approval no later than November 15. As approved, the budget shall cover the fiscal year beginning each July 1.

(c) Quarterly Reimbursement of Expenses. The NJSBA shall submit to the Board of Trustees quarterly reports seeking reimbursement of expenses incurred on behalf of LAP. The Board shall make recommendations on the NJSBA reports to the Supreme Court, which shall direct the payment to the NJSBA of all appropriate expenses.

(d) Audit and Report. The Board of Trustees shall arrange for an independent financial audit annually and at such other times as the Supreme Court shall direct, such audits to be at the expense of LAP. The annual financial audit shall be included in a report to be submitted annually by the Board to the Supreme Court, reviewing in detail the administration of LAP during the preceding year.

(e) Reports from LAP Director. On a quarterly basis, the Director of LAP shall file a report with the Board of Trustees in a form approved by the Board. The report shall cover LAP operations but shall neither identify program clients nor otherwise disclose information that is confidential under the regulations of the program.

(f) Applications to the Supreme Court. The Board of Trustees may apply to the Supreme Court for interpretations of these Rules and of the extent of their powers thereunder and for advice regarding the proper administration of LAP.

(g) Treasurer's Duties. The Treasurer shall maintain the assets of LAP in one or more separate accounts and shall disburse monies from them only at the direction of the Supreme Court pursuant to these Rules.

Note: Adopted July 15, 1999, to be effective September 1, 1999.

1:28B-3. Confidentiality.

The records, documents, and meetings of LAP and the Board of Trustees are confidential, with the following exceptions:

(a) Annual audit reports;

(b) Annual reports of the Board of Trustees to the Supreme Court;

(c) Quarterly reports to the Board of Trustees from the LAP Director; and

(d) All materials relating to the budget process that do not identify clients of the program or otherwise disclose information that would compromise the confidentiality of the program as detailed in regulations adopted by the Board of Trustees and approved by the Supreme Court.

In no event, however, shall the identity of program clients be disclosed in the above reports.

Note: Adopted July 15, 1999, to be effective September 1, 1999.

1:28B-4. Immunity.

Members of the LAP Board of Trustees, program employees and other staff, agents, program volunteers, attorney peer counselors, and attorneys providing practice assistance shall be absolutely immune from suit, whether legal or equitable in nature, based on their respective conduct in performing their official LAP duties. The Supreme Court shall request the Attorney General to represent those covered by this Rule in all civil or criminal litigation in any court or tribunal.

Note: Adopted July 15, 1999, to be effective September 1, 1999; amended July 12, 2002 to be effective September 3, 2002.