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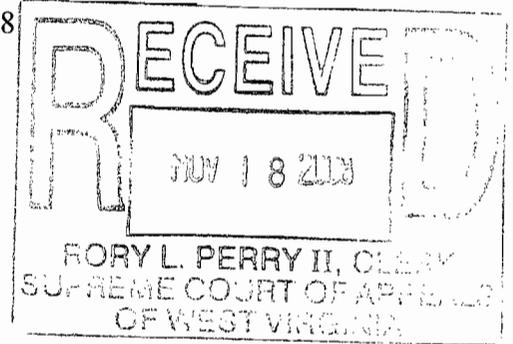
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Writer's Contact Information

November 18, 2008

VIA HAND DELIVERY

Rory L. Perry, Clerk
West Virginia Supreme Court of Appeals
State Capitol
Charleston, WV 25305



Re: Rules of the West Virginia Lawyer Assistance Program

Dear Rory:

As Chairman of the West Virginia State Bar Lawyer Committee on Assistance and Intervention (“Committee”), it is with great honor that, on behalf of the entire Committee, I present the enclosed *Rules of the West Virginia Lawyer Assistance Program* (“Rules”) for consideration of their adoption by the Supreme Court of Appeals. In order to assist you and the Court, I provide you here with a brief history of the genesis of the Rules. Further, I urge the Court to contact me should more detailed information be sought.

For over twenty years, Arch Riley Sr. of Wheeling was known throughout the state for many noble and worthwhile endeavors, but perhaps one of the roles most near and dear to his heart was his service as Chairperson of the State Bar Lawyer Committee on Assistance and Intervention. Informally known as the “Impaired Lawyers Committee,” Arch led a group made up mostly of recovering alcoholic attorneys who dispensed aid, assistance and intervention to struggling lawyers all over the state. Over the past few years, our Committee has become aware that more and more states were moving from solely peer assisted committees such as ours, to funded programs led by retained directors. In the fall of 2007, our Committee began discussing what steps might be necessary to bring such a change into West Virginia.

In December 2007, Arch died after a sudden and brief battle with lung cancer. I accepted the Committee’s nomination to assume the Chairman’s role and we began to implement the steps necessary to make the change in our State Bar from an all volunteer peer assistance committee to a funded program. To that end, we turned to the American Bar Association’s Commission on Lawyer Assistance Programs (“CoLAP”). I cannot begin to tell you here all the help we have received from the CoLAP staff and through it, from directors and members of lawyer assistance programs throughout the country as well as Canada. One of our significant discoveries was the existence of the *American Bar Association Commission on Lawyer Assistance Programs Commission on Mental Health & Physical Disability Law Standing Committee on Substance Abuse Model Lawyer Assistance Program Adopted by the ABA House of Delegates – February*

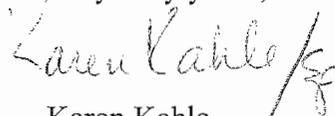
2004. The ABA model rules, the *Guiding Principles for a Lawyer Assistance Program*, approved by the ABA House of Delegates in February 1991, as well as the various rules adopted by a handful of other states which followed the ABA model rules, all served as templates in our preparation of the Rules which we present to you today.

In October of this year, I had the great privilege of attending the CoLAP Annual Conference in Little Rock, Arkansas. It is an understatement to say that I was bowled over by the support I received from literally everyone I spoke to at that conference about our impending change here in West Virginia. One of the persons with whom I spoke was the Honorable Janice M. Holder, Chief Justice of the Supreme Court of Tennessee. Justice Holder told me that she sat on the Tennessee committee analogous to ours during Tennessee's change from peer review to funded program. As you can see I have copied her here, because she expressed willingness to support the adoption of a program in West Virginia such as the program adopted years ago in Tennessee.

Significantly, these Rules also have strong support within our State Bar. They have been unanimously endorsed by the State Bar's Board of Governors. The State Bar Lawyer Disciplinary Board has also endorsed the concept of the program as expressed by these Rules. Because of this history, we believe that a 30 day public comment period is appropriate. We further request that, if at all feasible, these Rules be placed on the Supreme Court's docket for consideration by it before the end of 2008.

Once again, thank you for your attention and please do not hesitate to contact me should you have any questions, concerns or comments about these Rules.

Very truly yours,



Karen Kahle

KK/kk

Enclosure

cc/enc via e-mail: Honorable Chief Justice Janice M. Holder, Supreme Court of Tennessee
Anita Casey, Executive Director, West Virginia State Bar
Dwane Tinsley, President, West Virginia State Bar
Henry "Bucky" Morrow, Chair, Board of Governors' *ad hoc* Committee
Members, Lawyer Committee on Assistance and Intervention