

SUBSTANCE ABUSE GUIDELINES
(AS ADOPTED AT THE JULY 1995 BOARD MEETING)

The Board adopted a Substance Abuse Protocol in 1985 with assistance from experts in the chemical dependency field. In June 1995 the Board re-evaluated the protocol with the assistance of experts and with input from The Florida Bar, the Florida law schools, defense attorneys, and recovering former applicants.

The following are the revised Substance Abuse Guidelines as adopted by the Board at its July 1995 Policy Session:

A positive response to Item #26 shall require documentation of length of sobriety and review by the Board. A contract with Florida Lawyers Assistance, Inc. (FLA, Inc.) is an example of such documentation.

The substance abuse protocol should be used for any applicant who does not admit to a substance dependency or addiction but whose background investigation reveals the following:

1. Within 5 years prior to filing an Application for Admission to The Florida Bar, the applicant has had more than one suggested substance intoxication episode that resulted in law enforcement contact or a law enforcement contact with a recorded Blood Alcohol Level of 0.30 percent or higher.
2. The applicant has behavior patterns or past employment history suggesting substance dependency or addiction.

The substance abuse protocol evaluation shall be done only by medical and other professionals at facilities that specialize in the evaluation of drug and alcohol addiction. The substance abuse evaluation protocol shall include at least:

1. Biological drug screens for drugs and alcohol. One such screen is to be completed on the first day of the evaluation with at least one follow-up screen administered on a random basis.
2. A complete medical history and physical examination.
3. Psychiatric evaluation with psychological testing if not in detox or intoxicated or if diagnosis is not established and psychosocial testing.
4. An addiction evaluation.
5. A family support assessment (optional).

A complete report shall be submitted to the Florida Board of Bar Examiners and shall include at least the following:

1. An opinion of the applicant's current addiction status and its physical impact if any.
2. The applicant's psychiatric examination and diagnosis.
3. Documentation of and conclusions of any psychological testing done.
4. History of treatment for addiction/abuse.
5. An evaluation of the applicant's current coping mechanisms and support and the adequacy thereof.
6. A comprehensive diagnostic review of all testing and evaluation done.
7. An opinion on whether the applicant's current condition would preclude the independent practice of law.
8. Specific recommendations regarding further treatment, testing, monitoring and restrictions prior to or during independent practice of law and whether these recommendations are more extreme than the norm of your practice.
9. An opinion on whether the applicant's current condition would preclude the independent practice of law even with short-term therapy, testing and follow-up.
10. Medications that the applicant is taking, including a description of effects and side effects.

Based upon an evaluation of the individual facts of a particular case, the Board may exercise discretion in the application of these guidelines.