

## APPENDIX A

### PROPOSED SUPREME COURT RULE 10.05(4)(m)

Supreme Court Rule 10.05 Board of Governors, Subparagraph (4) Functions:

Subparagraph (m), State Bar Assistance Programs

- (i) Establishment. The Board of Governors may provide assistance programs, including assistance in law office management, and assistance to judges, lawyers, law students and their families in coping with alcoholism and other addictions, mental illness, physical disability and other problems related to or affecting the practice of law. The Board may establish committees, hire staff, and obtain volunteers as reasonably necessary to provide assistance. The Board shall establish policies consistent with the purposes of the State Bar and in furtherance of the public interest in the competence and integrity of the legal profession.
- (ii) Privileges, immunity. Communications with an assistance committee, staff, or volunteers by any person providing information in good faith are privileged; no lawsuit based upon these communications may be instituted by any person. The Board, members of assistance committees, staff and volunteers designated by the board to provide assistance services are immune from suit for any conduct in the course of their duties.
- (iii) Confidentiality. All communications with an assistance committee, staff, or volunteer, and all records of program assistance to a person are confidential and shall not be disclosed, except with the express consent of the person provided assistance, when required as a condition for monitoring, when reasonably necessary to prevent death or substantial bodily harm to the person assisted or to another, when reasonably necessary to prevent child abuse or elder abuse and when reporting is mandated by other law.