



THE STATE BAR
OF CALIFORNIA

OFFICE OF THE CHIEF TRIAL COUNSEL

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TO: Members, Committee on Regulation, Admissions and Discipline Oversight

FROM: Jayne Kim, Acting Chief Trial Counsel, Office of the Chief Trial Counsel (OCTC)

DATE: April 25, 2012

RE: OCTC Status Report to RAD

The Office of Chief Trial Counsel (OCTC) continues to manage its backlog inventories and to implement new training programs for staff, as described in more detail below. This month, OCTC hired three new trial attorneys and have four new investigators scheduled to start on April 30th. We are still in the process of obtaining contract attorneys to assist us during a six-month period while we continue adjusting to organization changes and improving our overall performance. Attached is a copy of OCTC's monthly report to RAD for the month of March 2012. As you may recall, as of March 29, 2012, OCTC's inventory numbers were as follows:

- Investigations Backlog = 45 Complaints (average monthly number);
- Notice Open Backlog = 228 Complaints (average monthly number);
- Inventory of Inquiries = 1,659 pending inquiries in Intake, involving 1,915 members;
- New Inquiries Opened = 1,086 new inquiries involving 1,222 members were opened in March;
- Calls Received = 4,812 calls received on Intake Complaint Hotline in March.

As of April 24th, OCTC's *standing* inventories were as follows (compared to March month-end numbers):

	April 24th	March 29th
Investigations Backlog of Complaints:	50	46
Notice Open Backlog of Complaints:	199	249
Inventory of Inquiries Pending:	1,476	1,659
Number of Members Involved:	1,676	1,915
Audit & Review "Second Look" Inventory:	570	628
Walker Petitions Filed:	7	5
A&R Requests Received:	26	146
Number of Inquiries Opened:	831	1,086
Number of Members Involved:	922	1,222
Number of Hotline Calls Received:	3,517	4,812

In addition, as of April 24, 2012, OCTC's April output numbers were as follows:

Inquiries Opened by Member:	922
Inquiries Closed/Resolved:	815
Investigations Opened:	384
Investigations Closed/Resolved:	100
Investigations Forwarded to Notice Open:	71
Notice Open Complaints Closed/Resolved:	13
Complaints Filed by NDC or Stipulation:	106
By NDC:	90
By Stipulation:	16

As reflected in these numbers, OCTC continues to move through a significant volume of cases each month and we are working diligently to complete our cases in a timely manner. We remain focused on our backlog challenges and are mindful of our A&R inventory. We have a committed team of four attorneys currently assigned to A&R and have recently designated our appeals team to handle overflow of A&R work. In addition, due to recent filling of job vacancies, we will be assigning additional staff to the A&R unit to help control our inventory and to ensure that adequate time and attention are given to each case.

Updates on Training Development

On April 16, 2012, OCTC began training newly hired attorneys through an improved training program. Currently, there are five new attorneys going through the new-hire training program, which runs through May. In addition, on April 27th, OCTC will host its first full-day Trials Skills Seminar in the Los Angeles office. All LA-based attorneys are required to attend. The morning session is devoted to lectures/presentations (with the assistance of the Los Angeles County District Attorney's Office) and the afternoon session is devoted to working breakout groups (with volunteers from the United States Attorney's Office).

On April 30th, OCTC will begin training four new investigators through an improved training program. In addition, like our new attorney hires, the new investigators will be assigned a mentor to help them through their probationary period. Moreover, OCTC's interim lead investigators will be assisting the new hires through training and development.

Updates on Metrics/Performance Measures

OCTC will continue working with the Office of Budget and Performance Analysis (OBPA) to improve performance measures and efficiency. In addition, the Metrics Task Force will recommend a specific set of performance measures to be reported by OCTC.

Board Action Items

Since the January board meeting, OCTC has been working on two action points intended to raise the standards for discipline:

1. Enhanced integration of OCTC enforcement with law enforcement

In January, OCTC management designated key staff, with experience in the criminal justice system, to serve as law enforcement liaisons and tasked an experienced investigator in the Los Angeles office to serve as the office's Law Enforcement Coordinator (LEC). Some examples of our recent efforts include:

- The LEC currently tracks all OCTC referrals to law enforcement agencies and has begun tracking all requests from outside agencies for investigative assistance;
- The LEC has been scheduling meetings with local district attorney offices to discuss protocol for receiving and sharing information between offices;
- Earlier this year, at the request of the Los Angeles County Sheriff's Department, the LEC coordinated a team of OCTC staff to attend a town hall meeting with parents of children at Miramonte Elementary School. OCTC staff provided educational information about capping and improper solicitation;
- The LEC attended a January meeting with the Southern California Real Estate Fraud Task Force;
- The LEC coordinates with the Southern California Foreclosure Fraud Task Force and helped host its February 2012 meeting. OCTC's law enforcement liaisons are coordinating a similar meeting with the Northern California Foreclosure Fraud Task Force.

2. Increased detection and prosecution of professional misconduct

In January, OCTC management designated key staff to serve as standing court representatives to help build better channels of communication. For example, OCTC has a standing representative with the United States Central District Standing Committee on Discipline and may be participating in a future meeting with the federal bench in the Eastern District. We are seeking to develop on-going meetings with superior courts and are currently working with the Los Angeles County Public Defender's Office to develop ethics training specific to the concerns of appointed counsel.

In conclusion, OCTC is closely monitoring its productivity and remains committed to managing its backlog without sacrificing the quality of our work and our commitment to public protection. OCTC intends to do this through improved quality control measures such as: (1) management review and approval of charges and settlements, (2) calibration of stipulations and court orders; (3) implementation of standardized goals and performance measures; (4) enhanced training and development of staff; and (5) increased accountability by staff. OCTC will continue to provide RAD with monthly reports reflecting month-end inventory and output numbers.