



# The State Bar *of California*

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**OPEN SESSION  
AGENDA ITEM  
SEPTEMBER 2019  
REGULATION AND DISCIPLINE COMMITTEE III.G**

**DATE:** September 19, 2019

**TO:** Members, Regulation and Discipline Committee

**FROM:** Justin Ewert, Principal Program Analyst, Office of Research and Institutional Accountability

**SUBJECT:** Regulation and Discipline Committee 2018-2019 Work Plan Review

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## **EXECUTIVE SUMMARY**

This agenda item presents the Regulation and Discipline Committee 2018-2019 Work Plan and reviews the accomplishments of the previous year.

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## **BACKGROUND**

To strengthen the Board committee process, each Board committee, with staff assistance, has developed a work plan summarizing the annual, recurring, and time-limited items to be undertaken, the strategic goal(s) and objective(s) furthered by each item and an estimated timeline for the completion of this work.

Work Plans for the 2018-19 Board year were developed in the fall of 2018 and approved by the Board Executive Committee in January, 2019.

## **DISCUSSION**

This item is intended as a discussion item for the Committee on Regulation and Discipline (RAD) and to begin informing the committee on the development of the 2019-2020 work plan.

Attached is the Work Plan developed by RAD in 2018 and approved by the Board Executive Committee. Staff to RAD will present the plan and discuss which items were accomplished and which remain to be accomplished. Members of RAD are encouraged to provide input regarding

how the work plan can be improved in the future and better used to guide the work of the RAD and advance the Strategic Plan of the State Bar.

### **FISCAL/PERSONNEL IMPACT**

None

### **RULE AMENDMENTS**

None

### **BOARD BOOK AMENDMENTS**

None

### **STRATEGIC PLAN GOALS & OBJECTIVES**

Goal: 1. Successfully transition to the “new State Bar” — an agency focused on public protection, regulating the legal profession, and promoting access to justice.

Objective: b. Implement and pursue governance, composition, and operations reforms needed to ensure that the Board’s structure and processes optimally align with the State Bar’s public protection mission.

### **ATTACHMENT(S) LIST**

- A. Regulation and Discipline Committee Work Plan

Annual / Recurring Items	To Committee? / By When?	To Board? / By When?	Link to Strategic Plan	Status
<ul style="list-style-type: none"> <li>• Discipline Day               <ul style="list-style-type: none"> <li>○ Orientation of new Board members to the functions of the discipline system</li> </ul> </li> </ul>	Yes / January 2019	Yes / January 2019	NA / Administrative	
<ul style="list-style-type: none"> <li>• Discipline Hearings               <ul style="list-style-type: none"> <li>○ Business &amp; Professions Code section 6095(a) says that the State Bar “shall annually hold at least two public hearings, one in southern California and one in northern California, to hear proposals on bar disciplinary procedures, attorney competency, and admissions procedures.”</li> </ul> </li> </ul>	NA	NA	NA /	Completed. Discipline hearings were held in LA and SF in December 2018. No comments to report.
<ul style="list-style-type: none"> <li>• Review of the Annual Discipline Report               <ul style="list-style-type: none"> <li>○ Business &amp; Professions Code section 6086.15 says that State Bar “shall issue an Annual Discipline Report by April 30 of each year describing the performance and condition of the State Bar discipline system, including all matters that affect public protection.”</li> </ul> </li> </ul>	Yes / March 2019	Yes / March 2019	NA / Compliance	
<ul style="list-style-type: none"> <li>• Performance review of the Chief Trial Counsel</li> </ul>	Yes / TBD	Yes / TBD	NA / Compliance	
<ul style="list-style-type: none"> <li>• Reports by entities within RAD’s purview               <ul style="list-style-type: none"> <li>○ March meeting - Professional Competence</li> <li>○ March meeting - Probation / LAP</li> <li>○ May meeting – SBC</li> <li>○ July meeting - CSF</li> </ul> </li> </ul>	Yes/ March 2019 March 2019 May 2019 July 2019	No	Goal 2 Objective C	

Time-Limited Items	To Committee? / By When?	To Board? / By When?	Link to Strategic Plan	Status
<ul style="list-style-type: none"> <li>Annual Discipline Report – update on ADR messaging and marketing</li> </ul>	Yes / March 2019	No	Goal 5	
<ul style="list-style-type: none"> <li>Monthly Discipline System Statistical Reports for RAD – Incorporate the approved Discipline System Metrics and standardize reports from all components of the discipline system</li> </ul>	Yes / March 2019	No	Goal 2 Objective C	Automation completed. Currently working on incorporating approved discipline metrics into the report.
<ul style="list-style-type: none"> <li>Case Management System Implementation for OCTC, State Bar Court and Office of Probation                             <ul style="list-style-type: none"> <li>Every meeting through end of implementation – Q1 2019</li> </ul> </li> </ul>	Yes / March 2019	No	Goal 2 Objective A	Go-live scheduled for February 11 <sup>th</sup> , 2019.
<ul style="list-style-type: none"> <li>Discussion of training programs for OCTC attorneys: prepare for discussion with the Board.</li> </ul>	Yes / May 2019	TBD		
<ul style="list-style-type: none"> <li>Evaluation of allegations charged and ultimate disposition of OCTC cases to determine:                             <ul style="list-style-type: none"> <li>The relationship between allegations and the final disposition of cases;</li> <li>The cost of achieving particular outcomes through litigation relative to cost of achieving similar outcomes through settlement.</li> </ul> </li> </ul>	Yes / March 2019 (For initial discussion)	TBD		
<ul style="list-style-type: none"> <li>Computational Law Logic Model – develop and evaluate possible algorithmic processes for identifying online complaints.</li> </ul>	Yes/ March 2019			