



# The State Bar of California

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## **OPEN SESSION AGENDA ITEM SEPTEMBER 2020 REGULATION AND DISCIPLINE COMMITTEE III.F**

**DATE:** September 24, 2020

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

**FROM:** Lisa Chavez, Director, Office of Research & Institutional Accountability

**SUBJECT:** Regulation and Discipline Committee 2020 Work Plan Review

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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 2020 were approved by the Board Executive Committee in January, 2020.

### **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 2021 work plan.

Attached is the work plan developed by RAD in fall 2019 and approved by the Board Executive Committee in January, 2020. The RAD Committee coordinator 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.

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

- A. Regulation and Discipline Committee 2020 Work Plan

State Bar of California  
Committee on Regulation and Discipline

2020 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 System Statistical Report (DSSR) – This bimonthly report includes approved Discipline System Metrics and additional data points from all components of the discipline system</li> </ul>	Yes / Distribute via RAD Committee Agenda	No	Goal 2 Objective C	Completed
<ul style="list-style-type: none"> <li>Review of the Annual Discipline Report (ADR)               <ul style="list-style-type: none"> <li>Business and 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 2020	Yes / March 2020	NA / Compliance	Completed
<ul style="list-style-type: none"> <li>Performance review of the Chief Trial Counsel               <ul style="list-style-type: none"> <li>Article 3, Section 3 of the Policy Manual gives RAD responsibility for conducting the Chief Trial Counsel’s evaluation.</li> </ul> </li> </ul>	Yes / March 2020	Yes / TBD	NA / Compliance	Completed
<ul style="list-style-type: none"> <li>Reports by entities within RAD’s purview               <ul style="list-style-type: none"> <li>Professional Competence</li> <li>Probation/Lawyers Assistance Program</li> <li>State Bar Court</li> <li>Client Security Fund</li> </ul> </li> </ul>	Yes/ March 2020 March 2020 May 2020 July 2020	No	Goal 2 Objective C	Partially completed
<ul style="list-style-type: none"> <li>ADR messaging and marketing               <ul style="list-style-type: none"> <li>Is the ADR effectively reporting the work of the State Bar? If not, what should be included in the ADR?</li> </ul> </li> </ul>	Yes/ March 2020	No	Goal 5	Completed
<ul style="list-style-type: none"> <li>Discussion of OCTC hiring and retention.</li> </ul>	Yes/ May 2020	TBD	Goal 2	Will be completed November 2020

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2020 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>• Conduct analyses that will inform understanding of fairness in the discipline system, predictive analytics related to discipline, challenges of aging attorneys, and incidence of substance abuse in the discipline system. For example: examine initial charges 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 role the charge of moral turpitude plays in final disposition; and</li> <li>○ The cost of achieving particular outcomes through litigation relative to cost of achieving similar outcomes through settlement.</li> </ul> </li> <li>• These projects will be also informed by in-depth review of case files to capture data points not available in electronic files.</li> </ul>	<p>May 2020 – Report out on exploratory analyses</p> <p>July 2020 – Report out on alignment of data with categories of research (fairness, elder attorneys, substance abuse, efficiency)</p> <p>November 2020 – Report out on overall findings</p>	<p>TBD</p>	<p>Goal 2</p>	<p>Partially completed</p>
<ul style="list-style-type: none"> <li>• Computational Law Logic Model – develop and evaluate possible algorithmic processes for identifying online complaints.</li> </ul>	<p>Yes/ TBD</p>		<p>N/A</p>	<p>Completed</p>
<ul style="list-style-type: none"> <li>• Study Recommendations made in light of Farkas report on disparities in the discipline System.</li> </ul>	<p>Yes/July 2020</p>		<p>Goal 2</p>	<p>Completed</p>