

AGENDA ITEM

III (A) November

DATE: November 4, 2011

TO: Members, Task Force on Discipline System
Metrics and Monitoring

FROM: John Chiappetta, Director
Budget, Performance Analysis, and Internal Audit

SUBJECT: Task Force Scope and Work Plan

EXECUTIVE SUMMARY

At its meeting on September 18, 2011, the Board of Governors voted to establish the Task Force on Discipline System Metrics and Monitoring and charged it with “recommend[ing] changes and improvements in how we can measure and report on the OCTC’s productivity.” This agenda item proposes a scope statement and a work plan to guide the activities of the Task Force. Both are aligned to allow the Task Force to report its recommendations to the Audit Committee and to the full Board by the May 10th – 11th Board meeting, in time to be available when the legislature begins active consideration of the State Bar’s fee bill.

BACKGROUND

At its meeting on September 18, 2011, the Board of Governors voted to establish the Task Force on Discipline System Metrics and Monitoring, with the following charge:

This Task Force will focus on improving the quality of reporting information that is available to Board members in the area of discipline. Its charge will be (i) to review our current practices and capabilities for measuring productivity the area of discipline, (ii) to examine the form and the frequency in which such data is reported to the Regulation, Admissions and Discipline Committee (RAD) and to the Board as a whole, and (iii) to recommend changes and improvements in how we can measure and report on the OCTC's productivity. This task will require close examination and analysis of the quality and capabilities of our information technology systems and on how we present and communicate data to the RAD and to the Board. Because this is a systems analysis project that will require a large degree of cross-disciplinary collaboration with staff in many different parts of our organization (Finance, Personnel and IT, at least, in addition to OCTC),

and because we expect a very heavy work-load within RAD itself this year, the work of this proposed Task Force is best undertaken, at least initially, as a discrete project outside of RAD.

Currently, a number of metrics and performance objectives for the Office of the Chief Trial Counsel are set by statute. For example, B&P Code § 6041.2 mandates that “[t]he State Bar shall set as a goal the improvement of the disciplinary system so that no more than six months will elapse from the receipt of complaints to the time of dismissal, admonishment of the attorney involved, or the filing of formal charges by the State Bar Office of Trial Counsel.”

Therefore, full implementation of any Task Force recommendations will involve not only actions by the State Bar itself, but legislative action as well. To accomplish this goal in 2012, the Task Force will need to propose legislative language to conform the State Bar Act to its recommended metrics and benchmarks, and to do this in time for the results to be introduced in the 2012 legislative session.

ISSUE

Shall the Task Force on Discipline Metrics and Monitoring adopt the proposed scope and work plan attached (Attachment A and Attachment B, respectively), which target the May 10th – 11th meeting of Audit Committee and of the full Board for adoption of its recommendations?

DISCUSSION

Typically, the State Bar’s fee bill is introduced in February, with hearings beginning in May. If the full Board approves the Task Force’s recommendations and proposed legislative language at its May 10th – 11th meeting, it should be possible for the legislature to consider the amendments during its 2012 session.

FISCAL / PERSONNEL IMPACT:

None.

RULE AMENDMENTS:

None.

BOARD BOOK IMPACT:

None.

RECOMMENDATION

Staff recommends that the Task Force on Discipline Metrics and Monitoring adopt the proposed scope attached as Attachment A and the proposed work plan attached as Attachment B.

PROPOSED TASK FORCE RESOLUTION:

Should the Task Force on Discipline System Metrics and Monitoring agree with the above recommendation, the following resolution would be appropriate:

RESOLVED, that the Task Force on Discipline Metrics and Monitoring Task Force concurs with the staff recommendation and deems it approved; and it is

FURTHER RESOLVED, that the Task Force on Discipline Metrics and Monitoring (Task Force) recommends that the Audit Committee authorize the Task Force to proceed in accordance with the scope proposed in Attachment A and the work plan proposed in Attachment B.