



## THE STATE BAR OF CALIFORNIA

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## OFFICE OF THE CHIEF TRIAL COUNSEL

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

FROM: Jayne Kim, Chief Trial Counsel, Office of the Chief Trial Counsel

DATE: February 19, 2013

RE: OCTC Status Report to RAD

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The Office of Chief Trial Counsel (OCTC) remains devoted to the State Bar of California Five-Year Strategic Plan and will continue to pinpoint ways to improve its overall performance. To that end, this year, OCTC is preparing for the implementation of a new case management system and the move to a new building in Los Angeles.

OCTC also continues to identify areas in the State Bar Rules of Procedure that create delay or slows down the processing of complaints to closure, settlement or the filing of disciplinary charges, as previously instructed by the Board Committee on Regulation, Admissions and Discipline Oversight (RAD). As one example, OCTC seeks to reduce unnecessary backlog delays by moving to a “notice pleading” practice and has recommended that RAD authorize, for public comment, the distribution of a proposed amendment to rule 5.41, Rules of Procedure of the State Bar of California, which clarifies that notice pleading is appropriate in State Bar disciplinary proceedings.

Working closely with RAD Chair Karen Goodman, OCTC is also working on ways to improve transparency within and public accessibility to State Bar disciplinary proceedings. As one example, OCTC seeks to amend the State Bar’s Policy Statement Re Posting of Notice of Disciplinary Charges on the State Bar’s Website so that notice of disciplinary charges are posted in a more timely fashion and that more public records are made available on an attorney’s State Bar profile page.

### **Backlog Summary**

OCTC ended January 2013 with 28 backlog complaints in its “investigation open” inventory and 287 backlog complaints in its “notice open” inventory.

As of February 18, 2013, the backlog inventories stood at 28 complaints in investigations and 293 complaints in notice open.

### **Walker Petitions**

As of February 18, 2013, there have been a total of 20 Walker petitions filed with the Supreme Court this year, which is the same number of petitions filed last year around this time (i.e. as of February 19, 2012).

As a reminder, in 2012, there were 103 petitions filed, compared to 193 petitions filed in 2011 and 435 petitions filed in 2010.

### **Building Alliances**

Following the success of OCTC's foreclosure and bankruptcy fraud summits in 2012, OCTC will be hosting another educational and interagency summit next month on immigration and the unauthorized practice of law.

The morning educational session will be open to the public with several law enforcement and other regulatory agencies participating in the summit.

### **Increased Trial Activity**

Last year was quite challenging as OCTC attorneys often found themselves double and triple set for trial during the latter half of 2012. OCTC ended the year having commenced 176 trials in 2012, which marked a significant increase in trial activity. To compare, OCTC commenced 101 trials in 2011 and 112 trials in 2010. So far, this year looks to be another busy year in trials. In January alone, OCTC commenced 33 trials.

OCTC is currently utilizing five contract attorneys – assigned to trial teams in both Los Angeles and San Francisco to assist with current workloads.

### **Continued Improvement**

This time last year, OCTC had moved toward a vertical model of prosecution and began a 12-month pilot program exploring the use of interim "lead" investigators. In the new vertical model, OCTC was able to maintain a low investigatory backlog and manage its notice open inventory as best it could under existing staffing and policies. This year, OCTC is exploring further ways to improve the quality of our work product and general performance. With each passing day, we aim to work smarter and better and will continue to keep RAD informed of our progress and productivity.