



THE STATE BAR OF CALIFORNIA

OFFICE OF THE CHIEF TRIAL COUNSEL

Jayne Kim, *Chief Trial Counsel*

845 S. FIGUEROA STREET, LOS ANGELES, CALIFORNIA 90017
180 HOWARD STREET, SAN FRANCISCO, CALIFORNIA 94105

TELEPHONE: (213) 765-1468
(415) 538-2063

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

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

DATE: April 25, 2014

RE: Status Report to RAD

I. Annual Performance Metrics

At the suggestion of Chair Heather Rosing and Vice Chair Dennis Mangers and pursuant to Board action last month, the State Bar is supplementing its annual Attorney Discipline Report to provide a more complete picture of the volume of work in the discipline system.

Historically, the report focused on the inventory of complaints as of December 31 of each year and the movement of complaints at various stages of the discipline system. This year, however, the report will include matters that enter the discipline system from sources other than a complainant. As a result, this year's report will reflect complaint count numbers modestly higher, but not significantly, than previously reported.

II. Backlog and Monthly Metrics

The Office of Chief Trial Counsel (OCTC) will follow the same methodology for its month-end reports and is working with Chair Rosing and Vice Chair Mangers to refine the formatting of the report. The scope of month-end case inventory and workflows will be augmented to reflect the expanded complaint count as explained above. For purposes of this status report, I am highlighting key inventory numbers and workflows based upon statistical information as of March 30, 2014.

Intake: New Cases Initiated

As a reminder, the majority of complaints come from public complainants. In addition to complainant-initiated cases, however, OCTC may initiate an investigation without a complainant which is often referred to as a State Bar investigation or SBI. Distinct from both a complainant-initiated complaint and a SBI, OCTC routinely receives statutorily required reports from licensed attorneys, financial institutions, courts, and insurers. These matters are often referred to as reportable actions or RAs.

Although the complaint count will now include cases that originate from sources other than a complainant, it may be useful to see the volume of incoming complainant-sourced complaints compared to that from non-complainant sources. For that reason, the information provide herein distinguishes the source of complaints (complainant, SBI, RA).

In March, the volume of new cases that entered OCTC's Intake Department was as follows:

Case Initiation Type:	Month-End Number of New Cases:
Complaints from Complainants	1,110
State Bar Investigations (SBIs)	153
Reportable Actions (RAs)	187
TOTAL	1,450

Intake: Month-End Inventory

As of March 30, the standing inventory of pending matters against individual attorneys was 1,926. A comparison to previous months is provided below.

Jan	Feb	Mar
1,715	1,764	1,926

Intake: Call Center Volume

In March, Intake staff handled 3,794 telephone calls from the Complaint Hotline.

Jan	Feb	Mar
3,950	3,591	3,794

Investigations: Backlog

Using the newly expanded complaint count (complainant, SBIs and RAs), there were 146 matters in backlog out of 1,471 matters in active investigation status.

Source Type	Jan	Feb	Mar
Complainant	106	121	96
SBI	19	22	24
RA	23	26	26
TOTAL	148	169	146

Pre-Filing (Notice Open): Backlog

Using the newly expanded complaint count (complainant, SBIs and RAs), there were 242 matters in backlog out of 273 matters in active pre-filing status.

Source Type	Jan	Feb	Mar
Complainant	100	134	171
SBI	26	25	25
RA	34	41	46
TOTAL	160	200	242

Suspended Inventory

As of March 30, OCTC had 1,787 cases in suspended status, involving 168 attorneys. Of the 168 attorneys, 119 of them were on inactive status or otherwise not-entitled to practice law. The majority of suspended cases are expected to close upon receipt of a disbarment order from the Supreme Court.

Suspension Reason	Jan Month-End #	Feb Month-End #	Mar Month-End #
Default in other matter	127	142	154
Expected Disbarment	888	955	1,024
Disbarment Recommendation	528	314	259
Overlapping Litigation	193	210	245
6007 Order	156	159	105
TOTAL	1,892	1,780	1,787

Audit & Review: Second Look Inventory

As of March 30, OCTC had 722 pending “second look” requests, a reduction of 75 from the previous month.

Jan	Feb	Mar
804	797	722

Walker Petitions:

There were five (5) Walker petitions filed in March, bringing the January-to-March total to 13. During the same time period last year, there were 28 Walker petitions filed.

Trial Level Disciplinary Decisions:

In March, OCTC received 63 disciplinary decisions recommending discipline.

Decision Type	# (by SBC proceeding)
By Trial	9
By Default Decision	9
By ADP Decision	0
By Stipulation	45
Dismissal After Trial	0

III. Technology Initiatives

Director of Budget and Performance Analysis John Chiappetta and I continue to assist with the project management of OCTC’s new case management system, working with Sustain Technologies, Inc. and our IT department. A more detail report will be provided at the May meeting.