



THE STATE BAR OF CALIFORNIA

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: June 27, 2014

RE: Status Report to RAD

Month-End Metrics

For purposes of this status report, I am highlighting key inventory numbers and workflows based upon statistical information as of May 31, 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 includes cases that originate from sources other than a complainant, the information provide herein distinguishes the source of complaints (complainant, SBI, RA).

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	1,062
State Bar Investigations (SBIs)	13
Reportable Actions (RAs)	213
TOTAL	1,288

Intake: Month-End Inventory

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

Jan	Feb	Mar	Apr	May
1,715	1,764	1,926	1,927	1,926

Intake: Call Center Volume

Intake staff responded to 4,028 telephone calls from the Complaint Hotline.

Jan	Feb	Mar	Apr	May
3,950	3,591	3,794	4,077	4,028

Investigations: Backlog

There were 85 matters in backlog status out of 1,314 total matters in the active investigation inventory. Nine of the backlog matters are assigned to outside examiners (OEX). The chart below reflects all investigation backlog matters, including those which are with OEX and, therefore, not handled by OCTC.

	Jan	Feb	Mar	Apr	May
Complainant	93	110	85	64	60
SBI	16	19	23	19	11
RA	20	25	25	14	5
OEX	19	15	13	8	9
TOTAL	148	169	146	105	85

The median time it took OCTC to complete an investigation was 171 days.

Jan	Feb	Mar	Apr	May
179 days	171 days	168 days	159 days	171 days

OCTC anticipates a surge in our investigation backlog over the next few weeks due to one respondent who has approximately 170 complaints pending. This respondent is not on active status and, therefore, is not currently practicing law.

Pre-Filing (Notice Open): Backlog

There were 230 matters in backlog out of 321 matters in active pre-filing status. As a reminder, commencing with the last Annual Discipline Report, OCTC now includes probation referral matters and reciprocal jurisdiction matters in its backlog count. Probation referral matters are cases from the State Bar's Office of Probation alleging violations of probation or reprobation conditions. Reciprocal jurisdiction (other jurisdiction) matters are cases based upon discipline imposed against the attorney in another jurisdiction.

	Jan	Feb	Mar	Apr	May
Complainant	100	134	171	173	148
SBI	26	25	25	18	24
RA	34	41	46	45	36
Probation Referral	11	14	12	18	9
Other Jurisdiction	12	12	12	11	13
OEX	0	0	0	0	0
TOTAL	183	226	266	265	230

Suspended Inventory

There were 1,796 cases in suspended status, involving 178 attorneys. Of the 178 attorneys, 126 of them were on inactive status or otherwise not-entitled to practice law. As a reminder, the majority of suspended cases are expected to close upon receipt of a disbarment order from the Supreme Court.

Suspension Reason	Jan	Feb	Mar	Apr	May
Default in other matter	127	142	154	145	136
Expected Disbarment	888	955	1,024	1,068	1,122
Disbarment Recommendation	528	314	259	170	215
Overlapping Litigation	193	210	245	254	256
6007 Order	156	159	105	101	67
TOTAL	1,892	1,780	1,787	1,738	1,796

Audit & Review: Second Look Inventory

There were 673 pending “second look” requests.

Jan	Feb	Mar	Apr	May
804	797	722	681	673

The median time it took OCTC to process a complaint through Audit & Review (“second look”) was 259 days. As I advised this Committee last month, the median time previously reported for the month of April was incorrect. The median time in April was 276 days.

Jan	Feb	Mar	Apr	May
301 days	314 days	293 days	276 days	259 days

Walker Petitions

There were two (2) Walker petitions filed, bringing the year-to-date total to 21. During the same time period last year, there were 48 Walker petitions filed.

Trial Level Disciplinary Decisions

OCTC received 82 disciplinary decisions recommending discipline.

Decision Type	# (by SBC proceeding)
By Trial	8
By Default Decision	25
By Stipulation	49
By ADP Decision	0
Dismissal After Trial	0

Training & Development

OCTC has developed an attorney training unit, under management of an Assistant Chief Trial Counsel and supervision of a Supervising Senior Trial Counsel. New hires are assigned to the training unit where they will participate in a new hire training program and complete a 12-month period of probation. In addition to the training unit, OCTC continues advocacy training through the development of trial skills workshops.