

Regulation & Discipline Oversight Committee Goals and Objectives

2014-2015

Note that the goals and objectives set forth below are quite ambitious and likely will not all be achieved in the coming year. Instead, the aim in preparing this document is to establish a longer trajectory for RAD-related objectives that can guide the committee's work for the next few years. The hope is that the items below will at least be initiated in the year ahead, with proactive prioritizing and adjustments occurring as the year continues.

- 1. Case Management System (CMS) – coordination with the Office of Chief Trial Counsel (OCTC)**
 - (a) Work with the CMS oversight working group to help facilitate implementation of the new CMS system
 - (b) Interface as appropriate with the State Bar Court (SBC) and the Office of Chief Trial Counsel (OCTC) in regard to the work of the CMS oversight working group
- 2. Client Trust Account (CTA) Auditing**
 - (a) Continue consideration and development of proposed auditing system
 - (b) Hold regular meetings with the CFO and consultant Kurt Sjoberg
 - (c) Continue to examine the staged selection approach recommended by Sjoberg for workability, efficiency, and non-discrimination
 - (d) Assess the internal resources necessary to do the audits in a conscientious manner
 - (e) Consult with Professor Kevin Mohr in regard to any ethics issues or concerns; secure Professor Mohr's assistance in regard to review of questionnaires and the proposed audit process and program
 - (f) Obtain advice in regard to any possible legal issues and ensure that the audit implementation and designated audit criteria don't trigger equal protection or other concerns regarding discriminatory selection or application
 - (g) Interface as appropriate with stakeholders and the media as the project progresses
 - (h) Provide regular updates to RAD and the BOT
 - (i) Assuming presidential approval, ultimately bring the matter to a vote of RAD and the BOT
 - (j) Explore and develop training for attorneys in regard to applicable requirements, limitations and processes that apply to client trust accounts and consider ways to implement training and other mechanisms that enhance prevention of CTA violations

3. **Client Security Fund (CSF)**

- (a) Continue to examine the potential underfunding and delayed payment issues and consider possible solutions
- (b) Work closely with the Client Security Fund Commission, and ensure its representatives regularly interface with RAD and the BOT

4. **Metrics and Quantitative and Qualitative Information**

- (a) Continue to fine tune the revised metrics for OCTC, CSF, and the SBC so RAD and the BOT can more easily monitor achievements, identify and address challenges, and use metrics to effectively and holistically achieve the Bar's regulatory role
- (b) Continue to develop the simplified metrics overview, with an examination of whether performance should be measured against internally set goals
- (c) Begin to examine ways, working closely with OCTC, to assess quantitative as well as qualitative metrics that can determine performance and ensure the most effective and efficient operation of the Bar's regulatory function
- (d) Develop ways to gather and consider internal and external views and feedback, commentary from stakeholders and the regulated community and other sources of information in regard to the Bar's performance of its regulatory function

5. **OCTC Performance and Objectives**

- (a) Carefully monitor active inventory backlog and work toward further reduction in backlog % of active inventory
- (b) Work to minimize the median number of days matters are in Audit and Review, and the number of matters in Audit and Review, while considering whether it might be appropriate to revisit the number of cases in this process and while also ensuring and maintaining a high quality of "second look" evaluation
- (c) Continue to monitor the number of *Walker* petitions and work to maintain the current low level of these filings
- (d) Work with OCTC to consider ways to examine, ensure and support the highest quality in the handling of disciplinary matters including examining the consistency and effective operation of the investigation, initiation, settlement negotiation and application of discipline

Work with OCTC to assess ways to promote longer term strategic planning

6. **Chief Trial Counsel (CTC)**

- (a) Work with the CTC to accomplish her 2014-2015 Goals for OCTC
- (b) Work with the CTC to help ensure she has adequate resources to meet her goals, as well as the goals of, RAD and the BOT
- (c) Continue discussions with the CTC about the expiration of her term (likely in May 2016) and her future plans, to ensure the smooth operation of OCTC
- (d) Continue to refine the evaluation process for the CTC, to ensure it is meaningful and helpful

7. **SBC Relations**

- (a) Continue regular meeting with the Presiding Judge of the SBC, to ensure good relations and appropriate dialogue on issues and concerns

8. **Discipline System Training for Trustees**

- (a) Consider preferred format, content and emphasis
- (b) Underscore Trustee role as a regulator

9. **Prevention Strategies**

- (a) Work with OCTC and the State Bar to develop strategies for increasing outreach, detection and prevention in regard to potential future attorney misconduct

10. **Miscellaneous Projects/Issues**

- (a) Ensure issues are adequately addressed as they arise
- (b) Consider establishing liaisons or 2-member working groups within RAD to further engage RAD members in the work of the committee; examples might include:
 - CSF recommendations and liaison to CSF Commission
 - CTA auditing proposal development
 - Liaison to the Discipline Standards Task Force
 - Point person on mandatory fee arbitration issues (Trustees Brewer and Flanagan are serving as liaisons to the Mandatory Fee Arbitration committee)
 - Liaison on work of the Office of Professional Competence

- (c) Monitor work of existing working group on sample fee agreements (Trustees Dean and Mendoza)
- (d) Schedule monthly telephonic RAD meetings (in months when there are no in person RAD meetings) to:
 - Better engage RAD members in a deeper and more meaningful understanding of the metrics and progress in regard to our regulatory function; and
 - Enable RAD members to engage in the ongoing work and projects of the committee and develop a broader base of knowledge in regard to RAD's critical function