

# **AGENDA ITEM**

**704 JANUARY 2016**

**DATE:** January 19, 2016

**TO:** Members, Regulation and Discipline Committee  
Members, Board of Trustees

**FROM:** Leah Wilson, Chief Operating Officer

**SUBJECT:** 2015 Annual Discipline Report Outline

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## **EXECUTIVE SUMMARY**

Business and Professions Code section 6086.15 requires the State Bar of California to prepare an Annual Discipline Report (ADR), and to present that report to the Chief Justice of California, the Governor, the Speaker of the Assembly, the President pro Tempore of the Senate, and the Assembly and Senate Judiciary Committees.

The 2015 fee bill modified the scope and content of the ADR. A draft report outline is provided for RAD review and discussion.

## **BACKGROUND**

Statutory requirements specifying the scope and content of the ADR were modified significantly in 2015 with the passage of that year's fee bill, and in response to recommendations made by the California State Auditor in its June 2015 State Bar report; applicable statutory provisions are provided as Attachment A, and relevant Audit excerpts as Attachment B.

In recent months, staff has vetted the proposed 2015 ADR outline with stakeholders to ensure that the Bar's interpretation of the new statutory mandates accurately reflects both legislative and political intent. The draft outline presented as Attachment C depicts the results of that vetting. The 2014 ADR is provided as Attachment D as a point of reference.

RAD is asked to review and discuss the draft outline and underlying statutory requirements, with a particular emphasis on outstanding questions, as highlighted in Attachment C.

## **DISCUSSION**

The draft outline reflects an effort to strictly comply with statutory reporting requirements. This approach appears to differ from that taken by the Bar as related to preparation of at least the 2013 and 2014 Reports, which reflect a significant expansion of content and scope as compared to the then-existing statutory reporting requirements. In addition to vetting the outstanding questions highlighted in the draft outline, RAD will be asked to discuss the "strict constructionist" approach to ADR development reflected in the current proposed draft outline.