

# AGENDA ITEM

## III.D JANUARY 2016

**DATE:** January 19, 2016

**TO:** Members, Regulation and Discipline Committee

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

**SUBJECT:** External Audits (Office of Chief Trial Counsel)

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### EXECUTIVE SUMMARY

The State Bar conducts a biannual external audit of closed cases in its Office of Chief Trial Counsel (OCTC). The purpose of this audit is to ensure that cases are handled in the appropriate manner and identify areas where additional training may be necessary. A random audit checklist is used to review the closed cases and summarize any findings discovered while performing the audit. These findings are compiled by staff and presented to management within 30 days of audit completion.

### BACKGROUND

In 2000, the Acting Chief Trial Counsel established procedures for the systematic random review of files resolved by closure, stipulation or trial. In 2004, OCTC re-established the Audit and Review Unit to conduct biannual audits of closed files. A policy was established in 2006 that required 250 files to be selected biannually for review. In 2009, the State Auditor recommended the creation of a formal process to follow up on and ensure implementation of recommendations that arise from the biannual audits. As a result of this recommendation, policies were put in place to ensure that management review of the audit findings within 30 days of audit completion. In addition, the audit must be reviewed with staff within 60 days of completion to discuss potential training opportunities.

In 2011, the decision was made by OCTC to contract this random audit out to an independent, outside attorney. Currently, the attorney performs 260 random audits twice a year. The breakdown of the audited files is 100 closed at intake, 100 closed at investigations and 60 closed at trials. The breakdown between the San Francisco files and Los Angeles files is in proportion to staffing levels.

### DISCUSSION

The random audit checklist is a useful tool to evaluate the handling of a disciplinary complaint. Staff has determined that this tool could be improved and the scope of the random audit expanded to capture additional information that will be particularly useful in monitoring the implementation of workforce planning recommendations and new OCTC backlog standards. A draft proposed external audit scope of work reflecting an expanded set of external audit activities will be provided to RAD for review and discussion at its January 31 meeting.