

AGENDA ITEM

III.E. MAY 2017

DATE: May 3, 2017

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

FROM: Dag MacLeod, Director, Office of Research & Institutional Accountability

SUBJECT: 2017 Work Plan for Committee on Regulation and Discipline

EXECUTIVE SUMMARY

The Regulation and Discipline Committee (RAD) is responsible for monitoring the operational and financial performance of the State Bar's Regulation and Discipline functions. Article 1, Section 6 of the Board of Trustees Policy Manual (Policy Manual) requires Board Committees to submit an annual work plan. The Chair and Vice-Chair of RAD, in collaboration with State Bar have developed the following Draft Work Plan for discussion and finalization by the full Committee.

BACKGROUND

The Committee on Regulation and Discipline (RAD) has oversight responsibility for a number of State Bar initiatives that occur every year and also for a number of time-limited projects. The Work Plan that follows was developed by the Chair and Vice-Chair of RAD in collaboration with State Bar staff. It is organized to distinguish between the recurring work of RAD and time-limited projects for which the committee is responsible.

DISCUSSION

Annual / Recurring Items on the RAD Work Plan

1. **Discipline Day:** Orientation of new Board members to the functions of the discipline system – Fall
2. **Discipline Hearings:** Business & Professions Code section 6095(a) says that the State Bar “shall annually hold at least two public hearings, one in southern California and one in northern California, to hear proposals on bar disciplinary procedures, attorney competency, and admissions procedures.”
3. **Review of the Annual Discipline Report:** Business & Professions Code section 6086.15 says that State Bar “shall issue an Annual Discipline Report by April 30 of each

year describing the performance and condition of the State Bar discipline system, including all matters that affect public protection.”

4. Receive Updates on Departments and Issues within the Purview of RAD:

- a. OCTC Office update
- b. UPL Case update
- c. Committee on Mandatory Fee Arbitration
- d. Committee on Professional Responsibility and Conduct
- e. Commission for Revision of Rules of Professional Conduct
- f. Client Security Fund Commission
- g. Lawyer Assistance Program Oversight Committee

5. Performance review of the CTC: Article 3, Section 3 of the Policy Manual gives RAD responsibility for conducting the Chief Trial Counsel’s evaluation.

Time-Limited Items on the RAD Work Plan

- 1. Prioritization of discipline cases:** At the November, 2016 meeting of RAD, the CTC presented on the topic of the current system for prioritization of cases. Open questions that remain:
 - Do OCTC staff understand the prioritization codes and use them in a uniform manner?
 - Does the classification of cases as “higher priority” actually have an impact on the manner in which the case is processed?
 - Do the current prioritization categories need to be modified?
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- 2. Annual Discipline Report – define the scope and purpose:** Is the ADR effectively the Annual Report of the State Bar? If not, what should be included in the ADR?
- 3. Monthly Discipline System Statistical Reports for RAD – Finalize:** Revise and standardize reports from all components of the discipline system
 - May – add 1) OCTC Hearing & Review Department data and 2) CSF data into new format; 3) provide draft glossary of terms
 - July – retire old OCTC Hearing & Review Department data and CSF data; add 1) State Bar Court and 2) Probation data. Finalize glossary of terms.
 - September – add 1) LAP and 2) outcome data (discipline imposed, recidivism, client satisfaction).
 - November – Review all changes, consider status of 1) Mandatory Fee Arbitration and 2) Professional Competence data
 - Need to solicit input and generate ideas related to quality / outcome measures such as timeliness of CSF payments / communications with applicants / client satisfaction.
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- 4. Case Management System updates:** Every meeting through end of implementation – Summer / Fall of 2018

- 5. Criminal background checks for licensed attorneys in California:** Should the State Bar enter into a contract with the California State Department of Justice to receive arrest, prosecution, and conviction data on licensed attorneys?

FISCAL/PERSONNEL IMPACT

Not Applicable

BOARD BOOK IMPACT

Article 1, Section 6

BOARD GOALS & OBJECTIVES

BOARD COMMITTEE RECOMMENDATIONS

RESOLVED, that the Regulation and Discipline Committee approves the Work Plan as amended