

# **OPEN SESSION**

## **AGENDA ITEM III.B.**

### **NOVEMBER 2017**

**DATE:** November 2, 2017

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

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

**SUBJECT:** Adoption of the Work Plan for the Committee on Regulation and Discipline

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#### **EXECUTIVE SUMMARY**

State Bar staff recommends that the Committee on Regulation and Discipline adopt the Work Plan for 2017-18.

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#### **BACKGROUND**

Annual Work Plans provide guidance and accountability for Board Committees and Bar staff. The Work Plans for 2017-18 have been re-designed to summarize the issues that Board Committees plan to address; establish timelines for bringing these to Committees and the Board, and; clarify the relationship between the activities of the Committees and the State Bar's Strategic Plan.

#### **DISCUSSION**

The Work Plan for the Committee on Regulation and Discipline (Committee) was developed by the Chair and Vice-Chair of the Committee with the support of State Bar staff. The plan reflects on-going items that are reviewed periodically by the Committee and issues that are time-limited. Time-limited items may be accomplished within the 2017-18 period or at some point beyond the term of the current Committee.

#### **FISCAL/PERSONNEL IMPACT**

None

#### **RULE AMENDMENTS**

Not Applicable

## **BOARD BOOK IMPACT**

Charters for Board Committees will be revised in the future to require the adoption of Work Plans and the submission of the Plans to the Executive Committee for review.

## **STRATEGIC PLAN GOALS & OBJECTIVES 2017-2022**

Goal: 1. Successfully transition to the “new State Bar”— an agency focused on public protection, regulating the legal profession, and promoting access to justice.

Objective: Implement and pursue governance, composition, and operations reforms needed to ensure that the Board’s structure and processes optimally align with the State Bar’s public protection mission.

## **RECOMMENDATION**

Staff recommends that the Committee on Regulation and Discipline approve the following resolution:

**RESOLVED**, that the Committee on Regulation and Discipline adopts the Work Plan for 2017-18

State Bar of California  
Committee on Regulation & Discipline

2017-18 Work Plan

Annual / Recurring Items	To Committee? / By When?	To Board? / By When?	Link to Strategic Plan
<ul style="list-style-type: none"> <li>Discipline Day <ul style="list-style-type: none"> <li>Orientation of new Board members to the functions of the discipline system</li> </ul> </li> </ul>	Yes / January 2018	Yes / January 2018	NA / Administrative
<ul style="list-style-type: none"> <li>Discipline Hearings <ul style="list-style-type: none"> <li>Business &amp; 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.”</li> </ul> </li> </ul>	Yes / January 2017	No	NA / Compliance
<ul style="list-style-type: none"> <li>Review of the Annual Discipline Report <ul style="list-style-type: none"> <li>Business &amp; 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.”</li> </ul> </li> </ul>	Yes / March 2018	Yes / March 2018	NA / Compliance
<ul style="list-style-type: none"> <li>Performance review of the Chief Trial Counsel</li> </ul>	Yes / March 2018	Yes / March 2018	NA / Compliance
<ul style="list-style-type: none"> <li>Reports by advisory committees that report to RAD <ul style="list-style-type: none"> <li>January meeting - Professional Competence / MFA</li> <li>March meeting - Probation / LAP</li> <li>May meeting – SBC</li> <li>July meeting - CSF / OCTC</li> </ul> </li> </ul>	January 2018 March 2018 May 2018 July 2018	No	Goal 2 Objective C

State Bar of California  
Committee on Regulation & Discipline

2017-18 Work Plan

Time-Limited Items	To Committee? / By When?	To Board? / By When?	Link to Strategic Plan
<ul style="list-style-type: none"> <li>Review of the prioritization of discipline cases <ul style="list-style-type: none"> <li>Chief Trial Counsel will report at the November 2017 meeting</li> </ul> </li> </ul>	Yes / November 2017	No	Goal 2
<ul style="list-style-type: none"> <li>Chief Trial Counsel Report on UPL</li> </ul>	Yes / July 2018	No	Goal 2 Objectives J & K
<ul style="list-style-type: none"> <li>Develop caseload standards for OCTC, the State Bar Court and Office of Probation</li> </ul>	Yes / January 2018		Goal 2 Objective C
<ul style="list-style-type: none"> <li>Annual Discipline Report – define scope and purpose What should be included in the ADR?</li> </ul>	Yes / January 2018	No	Goal 5
<ul style="list-style-type: none"> <li>Monthly Discipline System Statistical Reports for RAD – Finalize <ul style="list-style-type: none"> <li>Revise and standardize reports from all components of the discipline system <ul style="list-style-type: none"> <li>December 2017 Add Law Enforcement referrals and UPL cases</li> <li>December 2017- add 1) State Bar Court and 2) Probation data. Finalize glossary of terms.</li> <li>December 2017 – add 1) LAP and 2) outcome data (discipline imposed, recidivism, client satisfaction).</li> <li>February 2018 – Review all changes, consider status of 1) Mandatory Fee Arbitration and 2) Professional Competence data</li> <li>April 2018 - CSF: Solicit input and generate ideas related to quality / outcome measures such as timeliness of payments / communications with applicants / client satisfaction.</li> </ul> </li> </ul> </li> </ul>	Yes / Completion by April 2018	No	Goal 2 Objective C

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Committee on Regulation & Discipline

2017-18 Work Plan

Time-Limited Items	To Committee? / By When?	To Board? / By When?	Link to Strategic Plan
<ul style="list-style-type: none"> <li>Per Governance in the Public Interest Task Force recommendations: Evaluation of Lawyer Assistance Program, CSF, Mandatory Fee Arbitration “to study the functions of the three sub-entities for which RAD is responsible – the CSF Commission, MFA Committee, and the LAP Oversight Committee – and bring recommendations back to RAD regarding the appropriate scope of work and division of labor between Bar staff and the sub-entities.”</li> </ul>	Yes / August 2018	Yes / September 2018	Goal 1 Objective E
<ul style="list-style-type: none"> <li>State Bar Court – Discipline Sanctions Project               <ul style="list-style-type: none"> <li>B&amp;P - 6086.13 – Any order by the Supreme Court under certain conditions may include a monetary sanction between \$5,000 and \$50,000 in addition to costs imposed</li> </ul> </li> </ul>	Yes / August 2018	Not Clear	Goal 3 Objective D
<ul style="list-style-type: none"> <li>Case Management System Implementation for OCTC, State Bar Court and Office of Probation               <ul style="list-style-type: none"> <li>Every meeting through end of implementation – Summer / Fall of 2018</li> </ul> </li> </ul>	Yes / August 2018	Yes / September 2018	Goal 2 Objective A
<ul style="list-style-type: none"> <li>Implementation of re-fingerprinting all licensed attorneys</li> </ul>			NA / Compliance
<ul style="list-style-type: none"> <li>Evaluation of training programs for OCTC attorneys</li> </ul>			
<ul style="list-style-type: none"> <li>Consideration of how statistics are reported, specifically in multi-charge cases</li> </ul>			
<ul style="list-style-type: none"> <li>Consideration of tracking final settlement positions in cases that go to trial and comparing them to outcomes</li> </ul>			