



The State Bar *of California*

OPEN SESSION AGENDA ITEM JANUARY 2019 REGULATION AND DISCIPLINE COMMITTEE III.F

DATE: January 25, 2019

TO: Members, Regulation and Discipline Committee

FROM: Hatem Khalek, Director, Office of Research and Institutional Accountability

SUBJECT: Discussion and Adoption of 2019 Regulation and Discipline Committee Work Plan

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 Professional Responsibility and Conduct
 - d. Commission for Revision of Rules of Professional Conduct
 - e. Client Security Fund Commission
 - f. 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. Annual Discipline Report – update on ADR messaging and marketing:** Is the ADR effectively reporting the work of the State Bar? If not, what should be included in the ADR?
- 2. Monthly Discipline System Statistical Reports for RAD – Finalize:** Incorporate the approved Discipline System Metrics and standardize reports from all components of the discipline system
- 3. Case Management System updates:** Every meeting through end of implementation – 1st quarter 2019
- 4. Discussion of training programs for OCTC attorneys:** prepare for discussion with the Board – May 2019
- 5. Evaluation of allegations charged and ultimate disposition of OCTC cases (Case File Review) to determine:**
 - The relationship between allegations and the final disposition of cases;
 - The cost of achieving particular outcomes through the litigation relative to cost of achieving similar outcomes through settlement.
- 6. Computational Law Logic Model:** develop and evaluate possible algorithmic processes for identifying online complaints.

FISCAL/PERSONNEL IMPACT

None

RULE AMENDMENTS

None

BOARD BOOK AMENDMENTS

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

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: b. 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.

RECOMMENDATIONS

It is recommended that the Regulation and Discipline Committee approves the following resolution:

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

ATTACHMENT(S) LIST

- A.** Regulation and Discipline Committee 2019 Work Plan

State Bar of California
Committee on Regulation & Discipline

ATTACHMENT A: 2019 Work Plan

Annual / Recurring Items	To Committee? / By When?	To Board? / By When?	Link to Strategic Plan	Status
<ul style="list-style-type: none"> Discipline Day <ul style="list-style-type: none"> Orientation of new Board members to the functions of the discipline system 	Yes / January 2019	Yes / January 2019	NA / Administrative	
<ul style="list-style-type: none"> Discipline Hearings <ul style="list-style-type: none"> 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.” 	NA	NA	NA /	Completed. Discipline hearings were held in LA and SF in December 2018. No comments to report.
<ul style="list-style-type: none"> Review of the Annual Discipline Report <ul style="list-style-type: none"> 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.” 	Yes / March 2019	Yes / March 2019	NA / Compliance	
<ul style="list-style-type: none"> Performance review of the Chief Trial Counsel 	Yes / TBD	Yes / TBD	NA / Compliance	
<ul style="list-style-type: none"> Reports by entities within RAD’s purview <ul style="list-style-type: none"> March meeting - Professional Competence March meeting - Probation / LAP May meeting – SBC July meeting - CSF 	Yes/ March 2019 March 2019 May 2019 July 2019	No	Goal 2 Objective C	

State Bar of California
Committee on Regulation & Discipline

ATTACHMENT A: 2019 Work Plan

Time-Limited Items	To Committee? / By When?	To Board? / By When?	Link to Strategic Plan	Status
<ul style="list-style-type: none"> Annual Discipline Report – update on ADR messaging and marketing 	Yes / March 2019	No	Goal 5	
<ul style="list-style-type: none"> Monthly Discipline System Statistical Reports for RAD – Incorporate the approved Discipline System Metrics and standardize reports from all components of the discipline system 	Yes / March 2019	No	Goal 2 Objective C	Automation completed. Currently working on incorporating approved discipline metrics into the report.
<ul style="list-style-type: none"> Case Management System Implementation for OCTC, State Bar Court and Office of Probation <ul style="list-style-type: none"> Every meeting through end of implementation – Q1 2019 	Yes / March 2019	No	Goal 2 Objective A	Go-live scheduled for February 11 th , 2019.
<ul style="list-style-type: none"> Discussion of training programs for OCTC attorneys: prepare for discussion with the Board. 	Yes / May 2019	TBD		
<ul style="list-style-type: none"> Evaluation of allegations charged and ultimate disposition of OCTC cases to determine: <ul style="list-style-type: none"> The relationship between allegations and the final disposition of cases; The cost of achieving particular outcomes through litigation relative to cost of achieving similar outcomes through settlement. 	Yes / March 2019 (For initial discussion)	TBD		
<ul style="list-style-type: none"> Computational Law Logic Model – develop and evaluate possible algorithmic processes for identifying online complaints. 	Yes/ March 2019			