



# The State Bar *of California*

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## **OPEN SESSION AGENDA ITEM MARCH 2019 REGULATION AND DISCIPLINE COMMITTEE III.E**

**DATE:** March 14, 2019

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

**FROM:** Leah T. Wilson, Executive Director

**SUBJECT:** Review of Metrics for Offices under Regulation and Committee Purview

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Staff has produced the first iteration of the State Bar Metrics Report covering the period January 1 – January 31, 2019; it was provided as an attachment to this month's Executive Director Report. There are 26 metrics that align with the Offices of the State Bar that report up to the Regulation and Discipline Committee (RAD). A listing of these metrics is provided as Attachment A.

### **RAD METRICS PERFORMANCE**

Of the 20 Monthly Metrics all RAD-related performance targets were met.

As noted in the Executive Director's report, there is a need to modify or further clarify some of the metrics. In that vein, RAD will be asked to discuss the following at its March 14 meeting:

- Metric 9, Minimize the Number of P-1 Cases in Backlog
  - A definition of minimize is needed.
- Metric 11, Maintain Level of CRU Reopens for Reasons Other Than New Evidence
  - A definition of maintain is needed.

In addition to Office-specific metrics, RAD also has oversight over "global" discipline-system metrics – recidivism and procedural fairness. Attachment B provides the recidivism and procedural fairness survey data that will be used as the basis for a RAD discussion of these global metrics at its March 14 meeting.

## **REGULAR MONITORING**

The metrics will be on the agenda for each RAD Committee meeting going forward, as a mechanism for ensuring active and regular monitoring of the performance of those functional areas under its purview. The reporting schedule for global metrics will be developed in consultant with the RAD Co-Chairs.

## **ATTACHMENT(S) LIST**

- A.** Performance Metrics
- B.** Recidivism and Procedural Fairness Survey Data

Performance Metrics

Regulation and Discipline Committee

(March 15, 2019)

DATA COLLECTION PLAN – MICHELLE HARMONDivision/Office: Programs – Case Management and Supervision (LAP)Measurement Focus: Utilization, Customer Service, Outreach

	<b>Performance Target</b>	<b>Data Sources</b>	<b>Data Collection Method</b>	<b>Timing</b>	<b>Responsibilities</b>
1	Finalize and implement detailed operational plan reflecting BOT's November 2018 direction regarding separation of a portion of LAP by Q1 of 2019	BOT	TBD*	Monthly	LAP
2	Increase intakes by 10% by Q4 2019	LAPIS	LAP data collection system	Annually	LAP ORIA
3	Respond to 100% of requests for presentations within 2 business days by Q1 2019	LAP	Number of presentation requests	Quarterly	LAP
4	Complete 20 law school presentations and 10 Bar Association / law firm presentations in 2019	LAP	Number of presentations to students at CA law schools	Ongoing	LAP
5	80% of participants responding to quarterly satisfaction survey report they agree or strongly agree with the following statements: "The information and services provided by LAP effectively and appropriately address my goals"; "Overall I am satisfied with my LAP experience."	LAP	Satisfaction surveys	Quarterly	LAP
6	Track successful completion rates for ADP cases by Q2 2019 (and reasons for termination)	LAP	LAP data collection system	Quarterly	LAP ORIA

DATA COLLECTION PLAN – TERRIE GOLDADEDivision/Office: Programs – Case Management and Supervision (Probation)Measurement Focus: Outcomes

	<b>Performance Target</b>	<b>Data Sources</b>	<b>Data Collection Method</b>	<b>Timing</b>	<b>Responsibilities</b>
1	Track successful completion rates and reasons for non-completion by Q2 2019	ODY, AS400, Spreadsheets	ORIA Probation	Quarterly Annually	Probation ORIA
2	Track rates of successful satisfaction of restitution orders by Q2 2019	ODY, AS400, Spreadsheets	ORIA Probation	Quarterly Annually	Probation ORIA

DATA COLLECTION PLAN – LORI MELOCHDivision/Office: Programs – Client Security FundMeasurement Focus: Customer Satisfaction, Efficiency, Cost Control, Cycle Time

	<b>Performance Target</b>	<b>Data Sources</b>	<b>Data Collection Method</b>	<b>Timing</b>	<b>Responsibilities</b>
1	Provide status update to 100% of applicants at least twice a year	CSF Discipline System Metrics	Status update distribution records	Bi-annually	CSF
2	Ensure timely, accurate budget allocations for reimbursements	CSF/Finance	Reimbursements and budget tracked through CSF and Finance	Annually	CSF Finance
3	Develop and monitor annual benchmarks for number of cases to be resolved based on annual budget and pending inventory by Q1 annually	CSF ORIA	CSF data report Adopted budgets	Annually	CSF ORIA
4	Develop and monitor target for time to payout after final disposition based on re, source availability by Q1 annually	CSF ORIA	ODY AS 400 CSF report	Annually	CSF ORIA
5	Develop and monitor annual benchmarks for cases resolved by staff to monitor caseload clearance rate, caseload inventory, and improvements in efficiency after transitioning Tentative Decisions to staff	CSF	AS 400	Annually	CSF

DATA COLLECTION PLAN – RANDALL DIFUNTORUMDivision/Office: Programs-Professional CompetenceMeasurement Focus: Outreach/Access, Customer Satisfaction

	<b>Performance Target</b>	<b>Data Sources</b>	<b>Data Collection Method</b>	<b>Timing</b>	<b>Responsibilities</b>
1	Ethics Hotline: Maintain historical benchmark of a ratio of 60% new callers to 40% returning callers within a 10% variance	Hotline users OPC staff	AS400 computer database Survey	Quarterly	OPC
2	Rules of Professional Conduct: Increase attorney awareness of the new Rules of Professional Conduct, effective November 1, 2018	Hotline users provide data via online survey	Online survey AS400 - Track number of calls prompted by changes to the rules or newly adopted rules; daily call logs	Monthly	OPC
3	E-learning courses: 85% of participants completing evaluation report that courses met their expectations and contained significant relevant with a “4” or above rating (on a scale of 1 to 5, with 5 being the highest rating) on course feedback	Online evaluation forms	Learning Management System (LMS)	Quarterly	OPC

DATA COLLECTION PLAN – MELANIE LAWRENCEDivision/Office: Office of Chief Trial Counsel (OCTC)Measurement Focus: Cycle Time, Quality

	Performance Target	Data Sources	Data Collection Method	Timing	Responsibilities
1	Minimize number of P-1 cases in backlog	ODY, AS400 OCTC documentation of reasons for P-1 cases in backlog	ORIA	Monthly	OCTC ORIA
2	Ensure P-2 cases are processed in an expedited fashion  Target: identify appropriate P-2 timeframe goal by end of Q1 2019	ODY, AS400	ORIA	Monthly	OCTC ORIA
3	Maintain annual caseload clearance rate of 1.0 or higher	ODY, AS400	ORIA	Monthly	ORIA
4	Case disposition time at median and 90 <sup>th</sup> percentile	AS400	ORIA	Monthly	ORIA
5	Maintain current level of CRU reopens for reasons other than new evidence; maintain current level of Walker reopens; decrease the number of random audit reopens for substantive reasons	OGC; OCTC Calibration Manager	Manual counts	Monthly	OCTC
6	Case inventory trends	ODY, AS400	ORIA	Monthly	ORIA



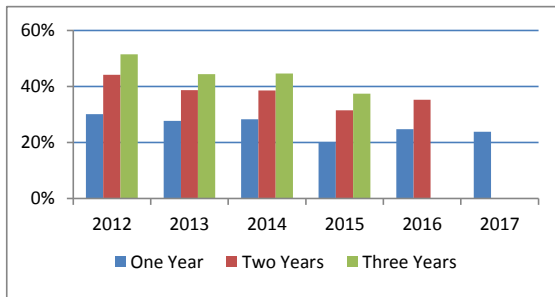
DATA COLLECTION PLAN – ANTONIA G. DARLINGDivision/Office: State Bar CourtMeasurement Focus: Efficiency, Cycle Time

	Performance Target	Data Sources	Data Collection Method	Timing	Responsibilities
1	Maintain a caseload clearance rate of at least 1.0 or above	ODY, AS400	ORIA	Monthly	SBC ORIA
2	Hearing and Review: 90% of cases reach final outcome within timelines. All cases final outcome within 150% of timelines  Effectuations: 100% of cases processed within established timeframes	ODY, AS400	ORIA	Monthly	SBC ORIA
3	Case disposition time at median and 90 <sup>th</sup> percentile	ODY, AS400	ORIA	Monthly	SBC ORIA
4	Track number of appeals filed by Q2 2019; maintain current level of reversals and remands	OGC Supreme Court	Manual	Bi-annually	SBC OGC

### Probation Recidivism, by Year of Case Closure

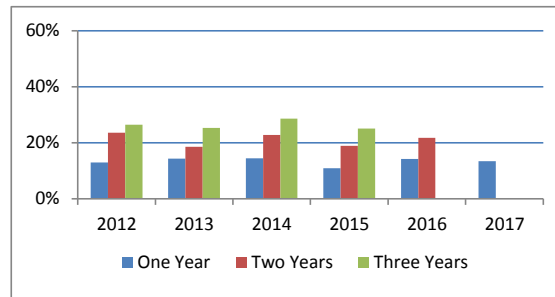
#### Recidivism Event: Subsequent Complaints

Year	Time after Case Closure		
	One Year	Two Years	Three Years
2012	30%	44%	52%
2013	28%	39%	44%
2014	28%	39%	45%
2015	20%	32%	37%
2016	25%	35%	
2017	24%		



#### Recidivism Event: Subsequent Complaints Forwarded to Investigation

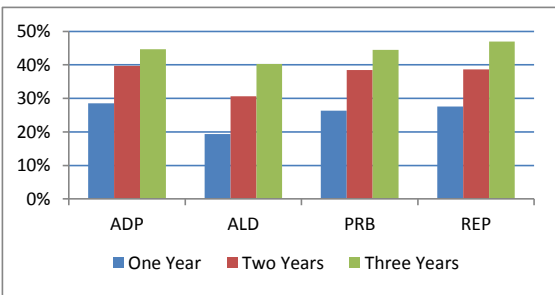
Year	Time after Case Closure		
	One Year	Two Year	Three Years
2012	13%	24%	26%
2013	14%	19%	25%
2014	14%	23%	29%
2015	11%	19%	25%
2016	14%	22%	
2017	13%		



### Probation Recidivism, by Probation Type

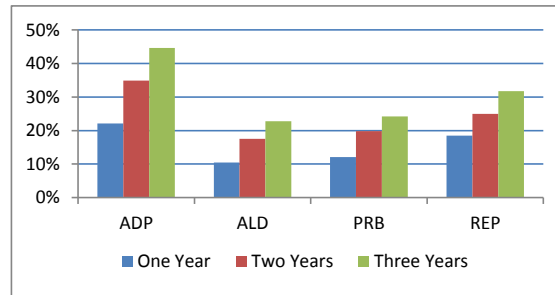
#### Recidivism Event: Subsequent Complaints

Year	Time after Case Closure		
	One Year	Two Year	Three Years
ADP	29%	40%	45%
ALD	19%	31%	40%
PRB	26%	38%	44%
REP	28%	39%	47%

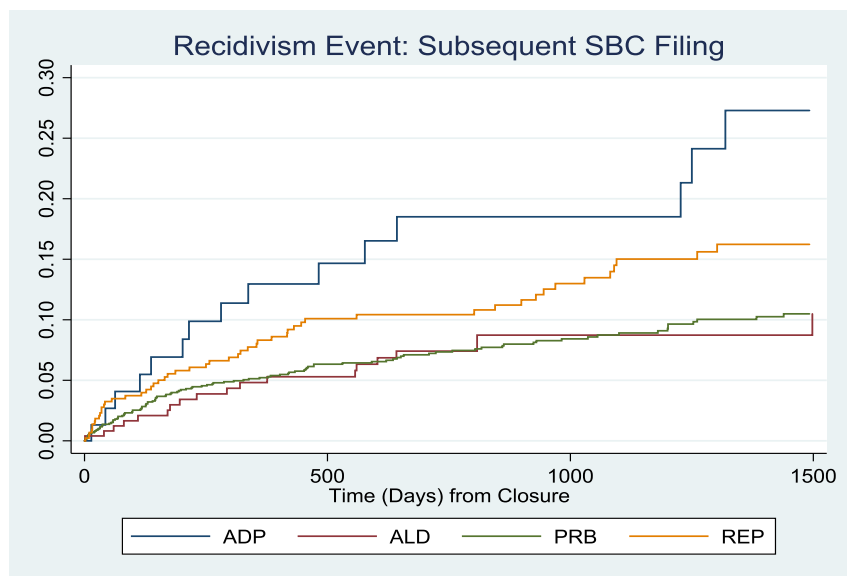
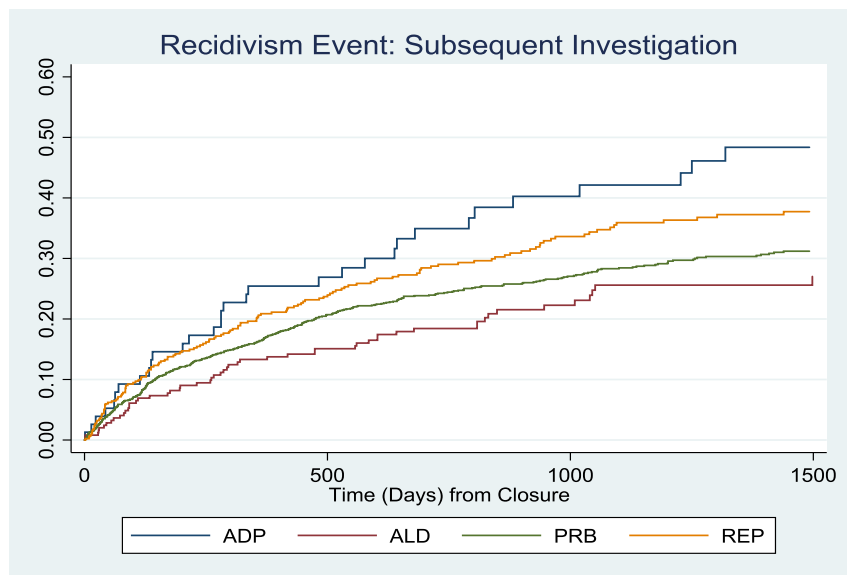
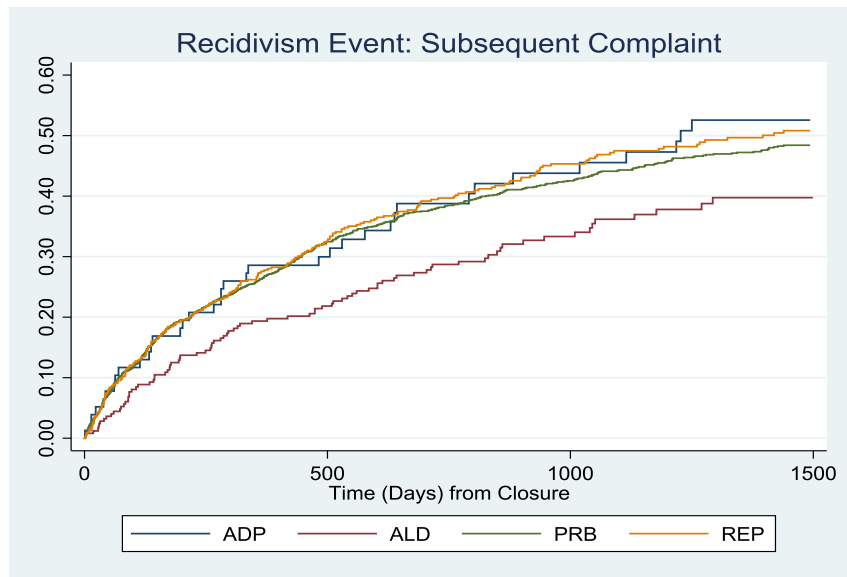


#### Recidivism Event: Subsequent Complaints Forwarded to Investigation

Year	Time after Case Closure		
	One Year	Two Year	Three Years
ADP	22%	35%	45%
ALD	10%	18%	23%
PRB	12%	20%	24%
REP	18%	25%	32%



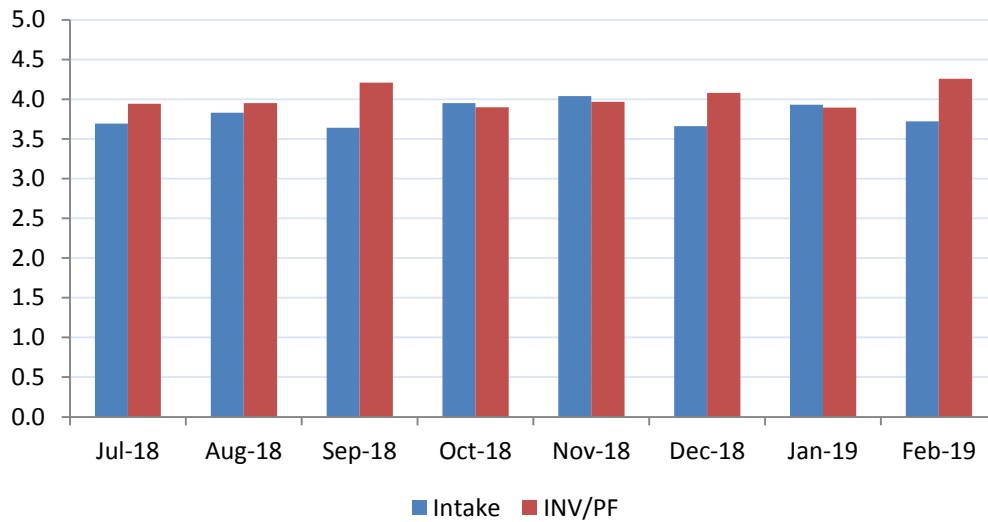
ADP: Alternative Discipline Program; ALD: Agreement in Lieu of Discipline; PRB: Regular Probation; REP: Reapproval.



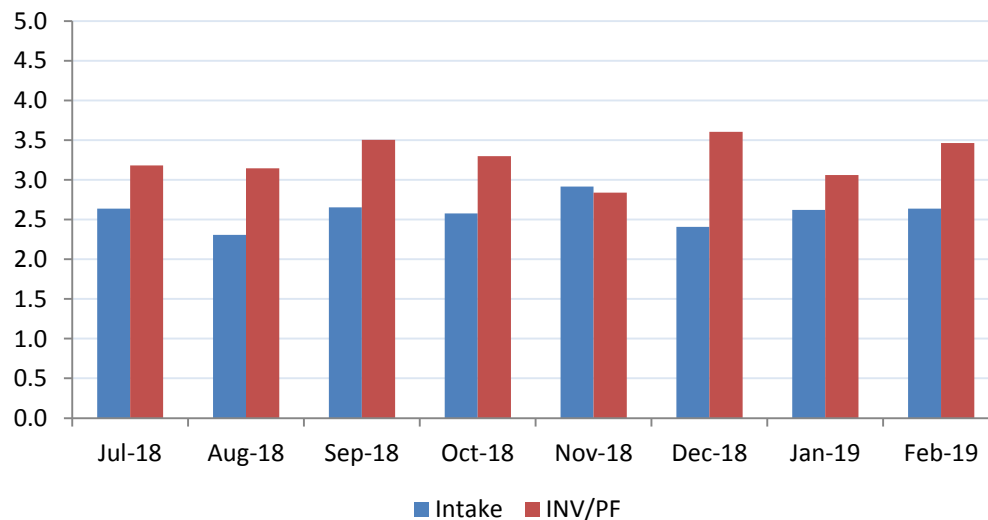
**Average Ratings on Composite Access and Fairness Questions (1-5 Scale)**  
**Cases Closed in Intake or Investigation/Prefiling**

	Access		Fairness	
	Intake	INV/PF	Intake	INV/PF
Jul-18	3.7	3.9	2.6	3.2
Aug-18	3.8	3.9	2.3	3.1
Sep-18	3.6	4.2	2.7	3.5
Oct-18	4.0	3.9	2.6	3.3
Nov-18	4.0	4.0	2.9	2.8
Dec-18	3.7	4.1	2.4	3.6
Jan-19	3.9	3.9	2.6	3.1
Feb-19	3.7	4.3	2.6	3.5

**Access**

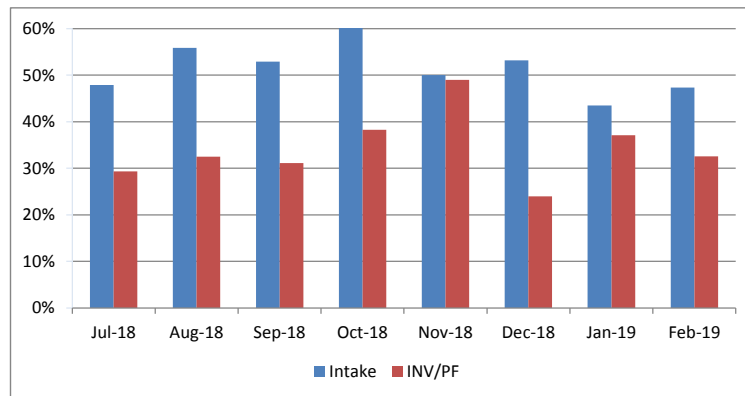
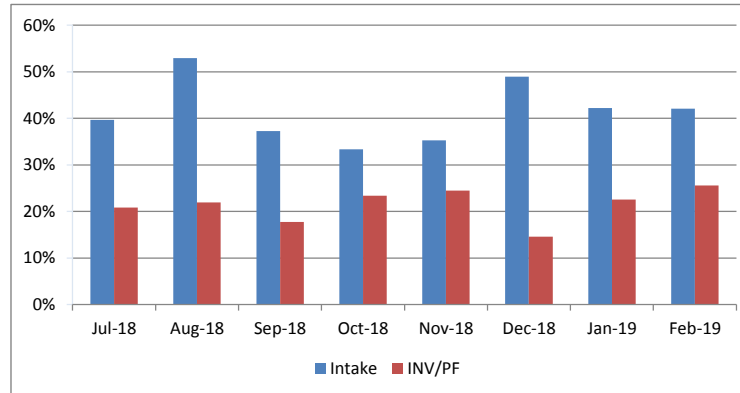
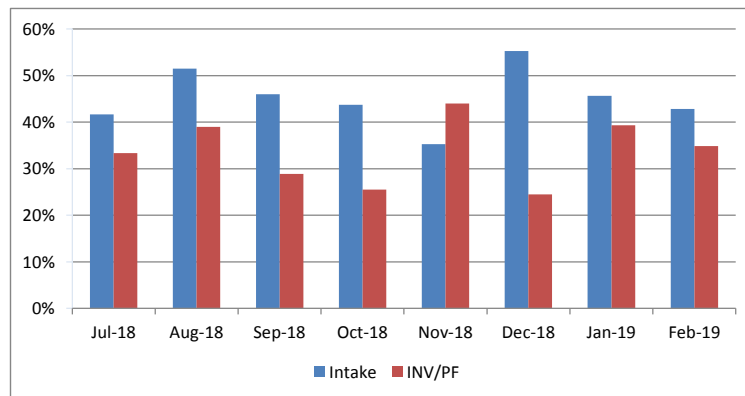
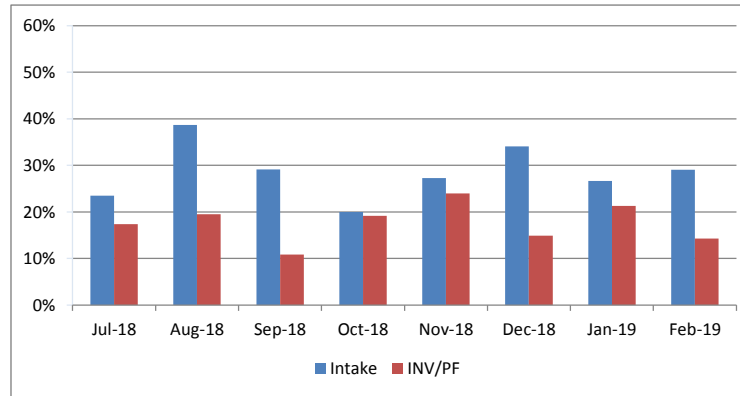


**Fairness**



**Proportion of CW's Responding with Lowest Rating (1) on Fairness Questions - Higher Percentages Indicating More Dissatisfied CW's**

	Addressed Issue	Given Opportunity to Provide Info	Explanation Understandable	Treated w/ Courtesy and Respect	Addressed Issue	Given Opportunity to Provide Info	Explanation Understandable	Treated w/ Courtesy and Respect
Jul-18	48%	40%	42%	24%	29%	21%	33%	17%
Aug-18	56%	53%	52%	39%	32%	22%	39%	20%
Sep-18	53%	37%	46%	29%	31%	18%	29%	11%
Oct-18	61%	33%	44%	20%	38%	23%	26%	19%
Nov-18	50%	35%	35%	27%	49%	24%	44%	24%
Dec-18	53%	49%	55%	34%	24%	15%	24%	15%
Jan-19	43%	42%	46%	27%	37%	23%	39%	21%
Feb-19	47%	42%	43%	29%	33%	26%	35%	14%

**Addressed Issue (% selecting lowest rating score 1)**

**Given Opportunity to Provide Info (% selecting lowest rating score 1)**

**Explanation Understandable (% selecting lowest rating score 1)**

**Treated w/ Courtesy and Respect (% selecting lowest rating score 1)**


# Complaint Survey

The State Bar of California would like to know about your recent experience with a complaint you filed. All responses are anonymous - you will not be asked to provide your name or any identifying information, and responses are not tracked individually. While no action will be taken on your complaint based on your responses to this survey, the State Bar will use the information to help improve the services we provide to the public. This survey should take between 5 and 10 minutes to complete. Thank you for your time.

**How did you file your complaint?**

- ☐ I used the State Bar's Complaint Form
- ☐ I sent a written complaint without using the State Bar's Complaint form
- ☐ Other

**Did you call for assistance or with questions about filing a complaint?**

- ☐ Yes
- ☐ No

**Is English your primary language?**

- ☐ Yes
- ☐ No

**Did you need an accommodation, due to a disability, to file a complaint?**

- Yes
- No

**Overall, how easy was it to file a complaint with the State Bar?**

**1 = strongly disagree      5 = strongly agree**

	1	2	3	4	5
It was easy to file a complaint.					

**Please tell us about your experience with how the State Bar handled your complaint, by indicating how strongly you agree or disagree with each of the following statements:**

1

**= strongly disagree      5 = strongly agree**

	1	2	3	4	5
The communication from the State Bar addressed the issues raised in my complaint, even if I did not agree with the decision to close my case.					
I was given the opportunity to provide the State Bar the information I thought was appropriate before a decision was made about my complaint.					
The State Bar explained, in a way that I was able to understand, why they closed my case, even if I did not agree with this decision.					
State Bar staff treated me with courtesy and respect.					

**Is there anything else the State Bar should know about your experience with your complaint?**

**After you sent in your complaint, how long did it take for you to receive a postcard acknowledging that the State Bar had received your complaint?**

Within 1 week

Between 1 week and 1 month

Between 1 month and 2 months

Longer than 2 months

I don't remember how long it took

I never received a postcard acknowledging that my complaint had been received



**After you received the acknowledgment of your complaint, how long did it take for the State Bar to notify you of the decision to close your case?**

- Less than 1 month
- Between 1 month and 2 months
- Between 2 months and 6 months
- Between 6 months and 1 year
- Longer than 1 year
- I don't remember how long it took
- I never received an acknowledgment of my complaint.



**Why did you file a complaint? (Please check all that apply.)**

- ☐ My attorney was not responding to my requests for information about my case.
- ☐ My attorney did not return my file.
- ☐ I disagreed with the fees my attorney charged.
- ☐ My attorney was rude.
- ☐ My attorney was dishonest.
- ☐ I didn't like the way my attorney handled my case.
- ☐ My complaint was not about an attorney I hired (i.e., it was about an attorney who represented a friend, family member or another party in a case).
- ☐ My complaint was about someone who is not licensed as an attorney.
- ☐ Other

**Is this the first time you have filed a complaint with the State Bar of California against *this* person?**

- ☐ Yes
- ☐ No

**Is this the first time you have filed a complaint with the State Bar of California against *any* person?**

- ☐ Yes
- ☐ No

**What is your gender identity?**

- ☐ Female
- ☐ Male
- ☐ Transgender female
- ☐ Transgender male
- ☐ Gender variant/non-conforming

- Not listed
- Prefer not to answer

**What is your ethnic or racial background?**

- American Indian or Alaska Native
- Asian
- Black or African American
- Hispanic or Latino
- Native American or Pacific Islander
- White
- Some other race
- More than one race
- Prefer not to answer

**What is your age?**

**What is your annual household income?**

- Less than \$30,000
- \$30,000 to \$50,000
- \$50,001 to \$75,000
- \$75,001 to \$100,000
- \$100,001 to \$125,000
- \$125,001 to \$150,000
- \$150,001 to \$175,000
- \$175,001 to \$200,000
- \$200,000 or more
- Prefer not to answer

**What county do you live in?**



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**Is English your primary language?**

- ☐ Yes
- ☐ No

**Did you need an accommodation, due to a disability, to file a complaint?**

- Yes
- No

**Overall, how easy was it to file a complaint with the State Bar?**

1 = strongly disagree      5 = strongly agree

	1	2	3	4	5
It was easy to file a complaint.					

33% Complete

**Please tell us about your experience with how the State Bar handled your complaint, by indicating how strongly you agree or disagree with each of the following statements:**

**1 = strongly disagree    5 = strongly agree**

	1	2	3	4	5
The communication from the State Bar addressed the issues raised in my complaint, even if I did not agree with the decision to close my case.					
I was given the opportunity to submit additional information about my complaint.					
State Bar staff had the information necessary to make a decision about my complaint.					
State Bar staff returned my calls within a reasonable time.					
State Bar staff answered my questions about the investigation of my complaint.					
The State Bar kept me advised of the status of my complaint.					
The State Bar explained in a way that I was able to understand why they closed my case, even if I did not agree with this decision.					
State Bar staff treated me with courtesy and respect.					

**Is there anything else the State Bar should know about your experience with the complaint?**

**After you sent in your complaint, how long did it take for you to receive a postcard acknowledging that the State Bar had received your complaint?**

- Within 1 week
- Between 1 week and 1 month

Between 1 month and 2 months

Longer than 2 months

I don't remember how long it took

I never received a postcard acknowledging that my complaint had been received

**After you received the acknowledgment of your complaint, how long did it take for the State Bar to notify you of the decision to close your case?**

Less than 1 month

Between 1 month and 2 months

Between 2 months and 6 months

Between 6 months and 1 year

Longer than 1 year

I don't remember how long it took

I never received an acknowledgment of my complaint.





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- Some other race
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- Less than \$30,000
- \$30,000 to \$50,000
- \$50,001 to \$75,000
- \$75,001 to \$100,000
- \$100,001 to \$125,000
- \$125,001 to \$150,000
- \$150,001 to \$175,000
- \$175,001 to \$200,000
- \$200,000 or more
- Prefer not to answer

**What county do you live in?**