



# The State Bar *of California*

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## **OPEN SESSION AGENDA ITEM MAY 2019 REGULATION AND DISCIPLINE COMMITTEE III.B**

**DATE:** May 16, 2019

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

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

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

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The 2019 First Quarter Metrics Report has been submitted to the Board of Trustees as an attachment to the Executive Director's May 17 report. This agenda item addresses those metrics under the purview of the Regulation and Discipline (RAD) Committee where identified performance targets were not met.

### **RAD METRICS PERFORMANCE**

Of the First Quarter Metrics performance targets were not met for the following:

- Metric LAP1, Finalize and implement a detailed plan reflecting the Board's November 2018 directive to separate a portion of the Lawyer Assistance Program by Q1
  - Target, Completion; Q1 Performance, did not complete.

Although not completed by the end of the first quarter, staff has made progress on the Board's direction to transition the voluntary portion of the Lawyer Assistance Program to an independent entity; a related item is provided on the Board's May 17 agenda. Subsequent to Board approval of staff's recommendation, and pending ongoing legislative deliberation regarding the planned transition, staff will develop a transition implementation plan.

- Metric OPC1, For the Ethics Hotline, maintain historical benchmark of a ratio of new callers to returning callers with a small variance
  - Target, 60/40 ratio with 10 percent variance; Q1 Performance, 75 percent new callers.

The Office of Professional Competence will be asked to explore the relevance and utility of this metric. Although the target was not technically met, it is not clear why the failure to achieve is problematic.

- Metric OPOC3, Participants report that:(1) courses meet their expectations; and (2) the courses contain significant practical content
  - Target, 85 percent; Q1 Performance, 68 and 69 percent respectively.

These relatively low evaluation scores, which relate specifically to the new attorney 10-hour MCLE, suggest the need to re-assess course content and design. Staff will undertake a detailed review of the narrative comments received which were provided along with the numerical evaluation scores as a first step. Given current and prospective expansions of e-learning of this type it will be important for staff to better understand the basis for these relatively low ratings.

Lastly, as noted in the Executive Director's report, no metrics for the Office of the Chief Trial Counsel or State Bar Court have been included in the 2019 First Quarter Report due to challenges with Odyssey Case Management System report functionality.