



## OFFICE OF PROFESSIONAL COMPETENCE

### Objectives

- Facilitate the competent practice of the law by providing research information and resources on professional responsibility issues through the Ethics Hotline, ethics opinions, and other activities.
- Set and maintain high standards of professional responsibility by assisting the Board of Trustees and Supreme Court in considering proposed amendments to the Rules of Professional Conduct and other laws governing lawyers.
- Ensure the effective operation of the Mandatory Fee Arbitration Program and the Certified Lawyer Referral Service Program.
- Help protect against abusive activities in ADA construction-related accessibility claims by monitoring demand letters sent by plaintiff attorneys pursuant to statute (Senate Bill No. 1186).

### Overview

The Office of Professional Competence (OPC) administers attorney professional responsibility programs, including the State Bar's legal ethics resources and oversight for revisions to the Rules of Professional Conduct. These activities facilitate awareness of and compliance with disciplinary standards and other attorney conduct duties. OPC also administers: (1) the Mandatory Fee Arbitration Program that implements a statutory requirement for an alternative dispute resolution forum for attorney-client fee disputes; (2) the Certified Lawyer Referral Service Program that implements a statutory requirement for regulating compliance with the State Bar's minimum standards for a lawyer referral service in California; (3) e-Learning course development; (4) ADA construction defect demand letter review pursuant to SB 1186; and (5) oversight for the State Bar's status as an approved MCLE provider. OPC has 13 authorized staff positions and the State Bar General Counsel Vanessa Holton serves as the Senior Executive for the office. The Board of Trustees Regulation and Discipline Committee exercises policy oversight for the office's primary activities.

### Ethics Hotline

The [Ethics Hotline](#) is a confidential legal research service that promotes the competent practice of the law by providing a resource for attorneys that identifies and analyzes professional responsibility issues. Although legal advice is not provided, the research assistance protects clients by mitigating the incidence of unintentional misconduct in areas such as: (1) conflicts of

interest; commingling of client funds; and (2) deceptive advertising; and the unauthorized practice of law.

### **Board of Trustees and Committee Support**

As needed, Professional Competence staff provides a full range of staffing support to the Board of Trustees for issues related to attorney professional responsibility. Similarly, as assigned, staff provide support to other special task forces and ad hoc committees, such as the Task Force on Access Through Innovation of Legal Services (ATILS) and the Commission for the Revision of the Rules of Professional Conduct. As an ongoing committee support function, OPC staffs the Standing Committee on Professional Responsibility and Conduct ([COPRAC](#)). COPRAC conducts the Annual Statewide Ethics Symposium and develops the State Bar's advisory [legal ethics opinions](#) and [fee arbitration advisories](#).

COPRAC also assists the Board of Trustees in considering changes to laws governing attorney conduct including the Rules of Professional Conduct. As a recent example, on April 23, 2020, the California Supreme Court approved proposed amendments to rules 1.16 and 3.8. These amendments were adopted by the Board of Trustees on January 24, 2020 in response to statutory language requesting that the State Bar study whether the rules are sufficiently clear regarding the closed client file release and retention duties of defense attorneys and prosecutors in certain criminal cases. COPRAC conducted the rule study and drafted the rule amendments for the Board of Trustees' consideration.

### **Outreach & Training**

Staff participates in and coordinates outreach and training activities on professional responsibility compliance issues, including issues arising from the new and amended Rules of Professional Conduct that became operative November 1, 2018. Awareness of legal ethics compliance issues contributes to a lawyer's competent representation of a client. In addition to the Annual Statewide Ethics Symposium, outreach and training activities include the State Bar's e-Learning courses, such as the [New Attorney Training Program](#). Other e-Learning projects in development include a training course for discipline system probationers.

### **Mandatory Fee Arbitration**

OPC administers the [Mandatory Fee Arbitration Program](#), which manages arbitration cases of attorney-client disputes over legal fees pursuant to Business and Professions Code section 6200 and assists local bar association's fee arbitration programs in training, development of procedural rules and filing fee schedules, and educational content. The program also assists clients in enforcing those awards where an attorney has been ordered to return unearned fees to the client, but fails to do so.

### **Lawyer Referral Services**

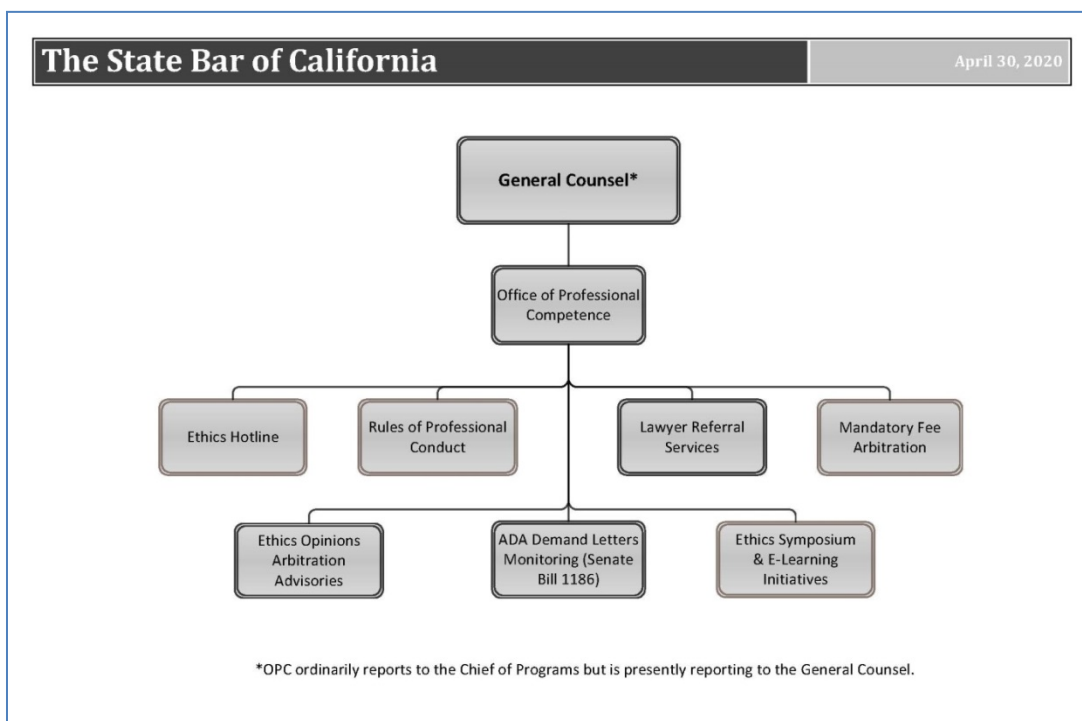
To help Californians find qualified lawyers that best match their needs, OPC administers the statutory [Lawyer Referral Service Program](#). Pursuant to Business and Professions Code section

6155, this program regulates compliance with the minimum standards for lawyer referral services adopted by the Board of Trustees as a part of the Rules of the State Bar. These minimum standards require, among other things, that the panel attorneys possess malpractice insurance as well as the necessary subject matter knowledge in the specific area of law for which they have agreed to accept referrals. OPC also receives complaints concerning uncertified lawyer referral activity.

## Publications

OPC staff produce and update the following professional responsibility publications: The California Compendium on Professional Responsibility; and The California Rules of Professional Conduct, The State Bar Act, and Related Statutes (this one is also offered as an e-book). The most frequently updated publications are the extensive online professional responsibility resources on topics such as: (1) [ethics and technology](#); (2) [judicial ethics](#); [civility and professionalism](#); (3) [senior lawyer issues](#); (4) and [client trust accounting](#). This includes an online version of [The Handbook on Client Trust Accounting for California Attorneys](#).

## Organizational Chart – Key Functions



## Organizational Chart – Staff

