



The State Bar of California

OPEN SESSION AGENDA ITEM SEPTEMBER 2021 REGULATION AND DISCIPLINE COMMITTEE III.D

DATE: September 23, 2021

TO: Members, Regulation and Discipline Committee

FROM: Leah T. Wilson, Executive Director

SUBJECT: Discussion Regarding the Regulation and Discipline Committee's Oversight of the Chief Trial Counsel

EXECUTIVE SUMMARY

The Regulation and Discipline (RAD) Committee is responsible for oversight of the chief trial counsel (CTC). Board Policy Manual (Board Book) enumerated oversight functions are fairly limited; this agenda item suggests a new and enhanced CTC oversight structure and describes a tool, the CTC Check-In Dashboard, to be used as part of this process.

BACKGROUND

The chief trial counsel (CTC) is one of two positions at the State Bar that does not report to the executive director; the Regulation and Discipline (RAD) Committee is responsible for oversight of the CTC. These responsibilities are outlined in the Board Book as follows:

- Oversee (as directed by Business and Professions Code section 6079.5), the work of the CTC, who reports to and serves under the RAD Committee.
- CTC Evaluation: Ensure that the CTC position description is updated as necessary to reflect changing State Bar needs and priorities, and conduct the annual performance evaluation with the Board Executive Committee. An annual performance evaluation of the CTC will be conducted by the RAD Committee and Board Executive Committee and will be presented to the Board for review within 90 days of the anniversary date of the

CTC's appointment. The RAD Committee will conduct its evaluation using a performance plan established in conjunction with the Office of Human Resources and executive director. The performance plan will be provided to the CTC within 90 days of appointment. The State Bar may meet in closed session to discuss the annual performance evaluation of the CTC.

In addition to these formally enumerated oversight functions, which are notably both extremely broad (oversee the work of the CTC) and limited (with the only specified oversight activity being an annual performance evaluation) RAD, particularly the RAD chair and co-chair, have, over the years, undertaken various management initiatives vis à vis the CTC and the Office of the Chief Trial Counsel (OCTC). These initiatives have included regular onsite visits to OCTC's Los Angeles and San Francisco offices, and meetings with the CTC and other staff to explore and address emerging issues, including, on occasion, personnel issues. In addition, the Office of Research & Institutional Accountability (ORIA) has prepared reports on key OCTC metrics, including caseload inventory, case processing timelines, and the backlog, for consideration by RAD, since approximately 2014. Beginning in 2021, the metrics are reported to RAD three times per year.

DISCUSSION

With the State Bar's recently appointed CTC expected to begin on October 4, 2021, this is an opportune time to revisit and formalize RAD's oversight of the CTC position. The executive director specifically recommends the oversight function comprise the following components:

1. Approval of an annual performance plan for the CTC, to reflect operational and leadership goals for the position. A sample CTC performance plan is provided as Attachment A.
2. Completion of an annual performance evaluation that takes into account performance plan goals, a self-evaluation, and feedback from peers and subordinates, and is completed by an independent consultant.
3. Quarterly meetings between the RAD chair and vice-chair, and the CTC. The executive director will prepare a dashboard, comprising qualitative and quantitative data and metrics, to facilitate these meetings. A draft of the dashboard is provided as Attachment B to this agenda item; it is also described briefly below.

CTC CHECK-IN DASHBOARD

The CTC Check-In Dashboard (Dashboard) will comprise quantitative and qualitative elements as follows:

Inventory and Case Age	Case Processing Time	Quality	Employee Engagement
<ul style="list-style-type: none">• Overall• By Case Priority Level• By Complexity Designation• By OCTC Team	<ul style="list-style-type: none">• Overall• By Case Priority Level• By Complexity Designation• By OCTC Team	<ul style="list-style-type: none">• Walker Petitions: # and % granted• Complaint Review Unit (CRU) Reopens: # and % of CRU reopens recommended• Cases Reopened Pursuant to Biannual Audit: # and % of reopens recommended by external biannual audit• Complaining Witness Survey Results• Feedback from Public and Other External Stakeholders	<ul style="list-style-type: none">• % of Positions Filled• Turnover Rates• Stay Interview Results: results from surveys administered to employees after first 90 days of employment designed to promote retention• Exit Interview Results: results from surveys administered to employees when leaving State Bar service• Employee Feedback: feedback received via the State Bar's employee feedback channel, Incogneato, or other means.• Other Relevant Information: results of periodic studies and analyses of OCTC culture, morale, etc.

The first Dashboard will be generated in January 2022 reflecting data for the period October 1–December 31, 2022.

Today's item seeks feedback from RAD regarding the recommended CTC oversight structure and CTC Check-In Dashboard elements. Subsequent to this meeting, the Dashboard will be finalized and Board Book changes will be drafted reflecting the updated oversight framework.

FISCAL/PERSONNEL IMPACT

None

AMENDMENTS TO RULES OF THE STATE BAR OF CALIFORNIA

None

AMENDMENTS TO BOARD OF TRUSTEES POLICY MANUAL

None

STRATEGIC PLAN GOALS & OBJECTIVES

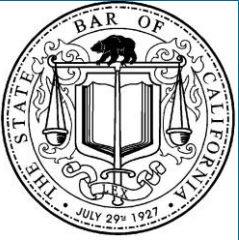
Goal: 2. Ensure a timely, fair, and appropriately resourced admissions, discipline, and regulatory system for the more than 250,000 lawyers licensed in California.

RECOMMENDATIONS

None

ATTACHMENT LIST

- A.** CTC Check-In Dashboard



Overview

[TBD]

CTC Check-In Dashboard

Click below to navigate to various reports and interactive boards. Hover over each button for detailed description.

Inventory and
Case Age

Case Clearance
and Age at
Closure

Quality

Employee
Engagement

Inventory and Case Age

User can select to view numbers or percent distribution, filter for cases are in active or suspended status, and filter for individual OCTC work teams.



Measure

Count

Percent

Status

Total

Active

Suspended

Team

Total

LA1

LA2

[etc.]

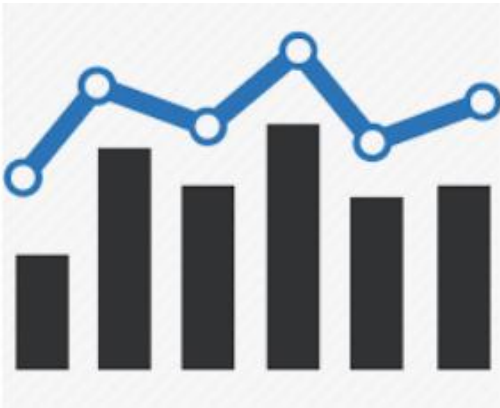
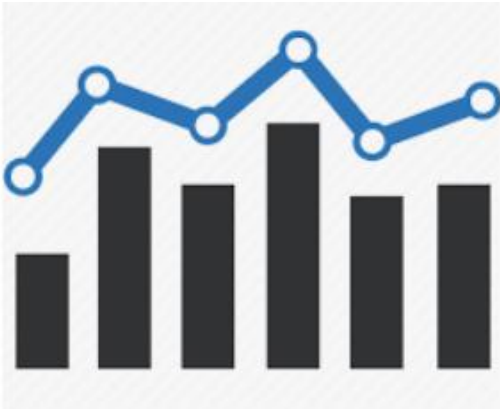
Priority

	Quarter X	Quarter Y
Total Inventory	XXXX	XXXX
Priority 1	XXXX	XXXX
Priority 2	XXXX	XXXX
Priority 3+	XXXX	XXXX
Complex Cases	XXXX	XXXX

Case Age of Open Cases

	Quarter X	Quarter Y
Less than 180 Days	XXXX	XXXX
More than 180 Days	XXXX	XXXX
<u>Complex Cases</u>		
Less than 365 days	XXXX	XXXX
More than 365 days	XXXX	XXXX

Trends



Case Clearance and Age at Closure

Measure
Count
Percent
Priority
Total
Priority 1
Priority 2
Priority 3+
Team
Total
LA1
LA2
[etc.]

Clearance Rates

	Quarter X	Quarter Y
Cases Opened	XXXX	XXXX
Cases Closed	XXXX	XXXX
Caseload Clearance Rate	XXXX	XXXX

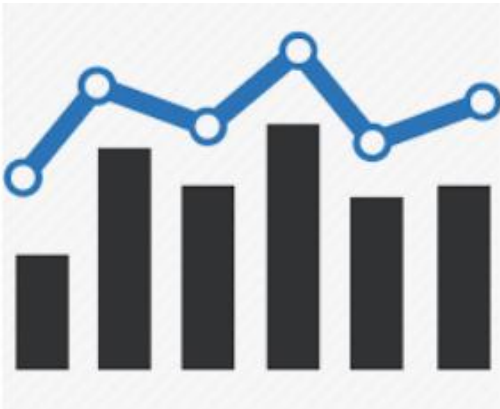
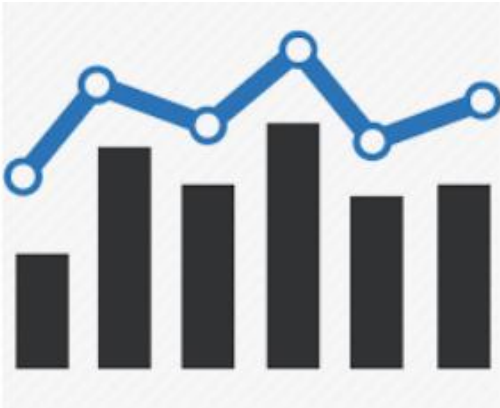
Age at Case Closure

	Quarter X	Quarter Y
<u>Regular Cases</u>		
Less than 180 Days	XXXX	XXXX
More than 180 Days	XXXX	XXXX
<u>Complex Cases</u>		
Less than 365 days	XXXX	XXXX
More than 365 days	XXXX	XXXX

Case Processing Goals

	Quarter X	Quarter Y
<u>Internal Benchmarks</u>		
TBD	XXXX	XXXX

Trends



Case Clearance and Age at Closure by Team


The State Bar of California

Priority

Total

Priority 1

Priority 2

Priority 3+

User can sort any column

[illegible]

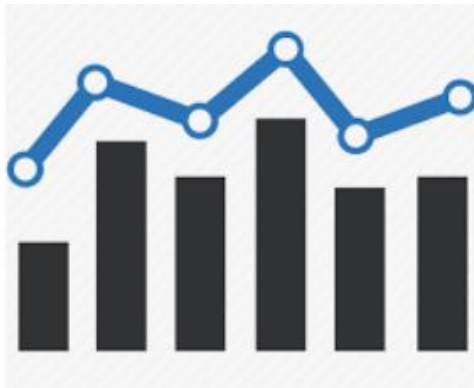
Time Period

Biannual period

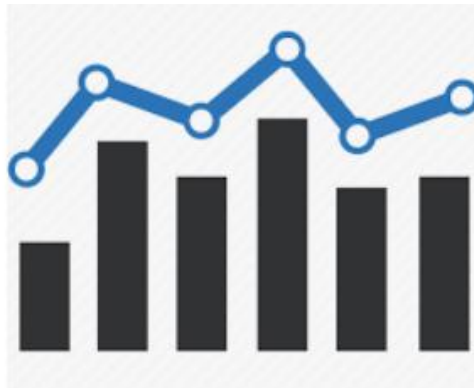
Complaint Review Unit



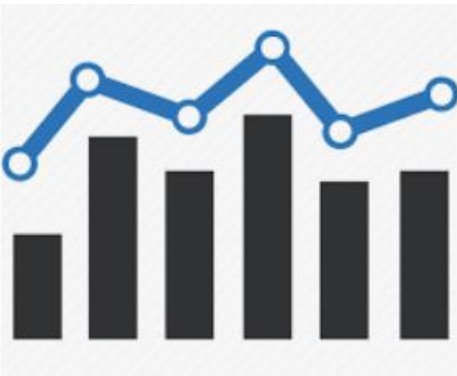
Random Audit Results



Walker Petitions Granted



Procedural Fairness: Complaining Witness Survey Results



Praise

[Insert bullet points and quotes]

Challenges

[Insert bullet points and quotes]

Feedback from Public

Praise

[Insert bullet points and quotes]

Challenges

[Insert bullet points and quotes]

Quarter
Q/Year

Measure
Count
Percent

Staff
Total
Investigator
Supervisor

Turn Over and Positions Filled



Staff Feedback

[Insert link to document]

Key Findings from Stay Interviews

What is going well

[Insert bullet points and quotes]

Challenges

[Insert bullet points and quotes]

Key Findings From Exit Interviews

Strengths

[Insert bullet points and quotes]

Areas in Need of Improvement

[Insert bullet points and quotes]