



*The State Bar of California*

# Review of Metrics Under Purview of the Regulation and Discipline Committee and the Discipline System Statistical Report

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Regulation and Discipline Committee, March 24, 2022

# DSSR Content



The State Bar of California

## Discipline System Statistical Report

Prepared by the Office of Research & Institutional Accountability  
March 2022

*Due to continuous data improvement, analyses reported here supersede  
all those reported in previous versions of this report.*



2021 metric + other contextual data

- OCTC
- State Bar Court
- Probation
- Client Security Fund
- Office of Professional Competence



Post-disposition Data



Complaining Witness Survey Results

## Metrics with Targets

### 2021 Target Summary

Maintain annual caseload clearance rate of 1.0 or higher



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



Decrease number of Active Respondents with P-1 cases in backlog

**Did Not Meet**

## Metrics without Targets

Case disposition time: median, 90th percentile

N/A

Case Inventory Trends

N/A

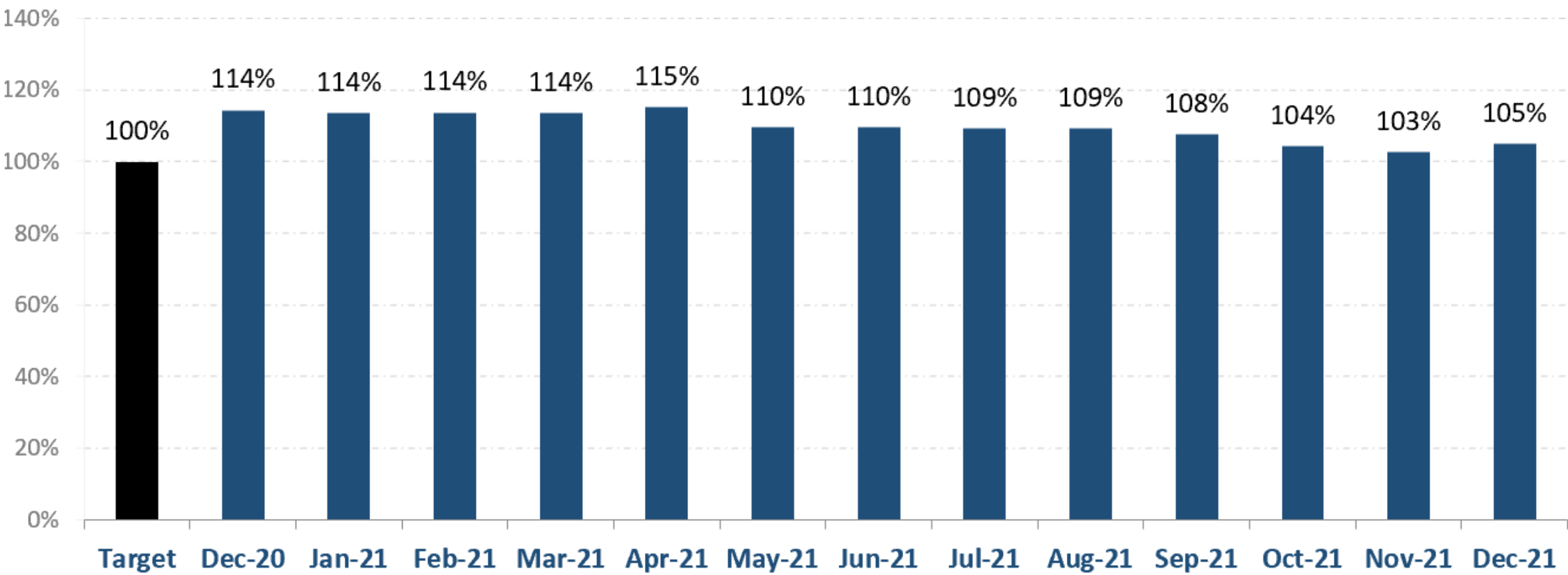
Percent of respondents that retain representation

N/A

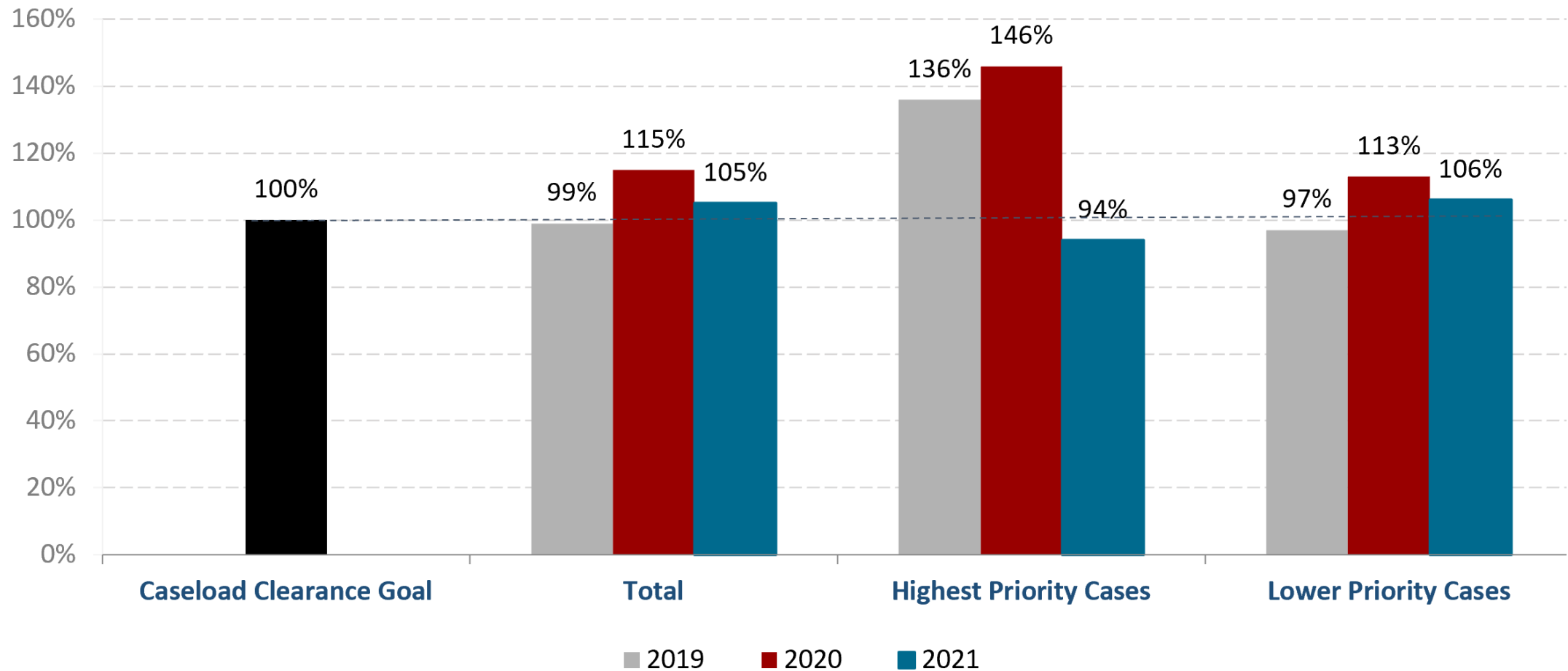
Percent of P2 cases Resolved within 120 days

N/A

# Annual Caseload Clearance Rate



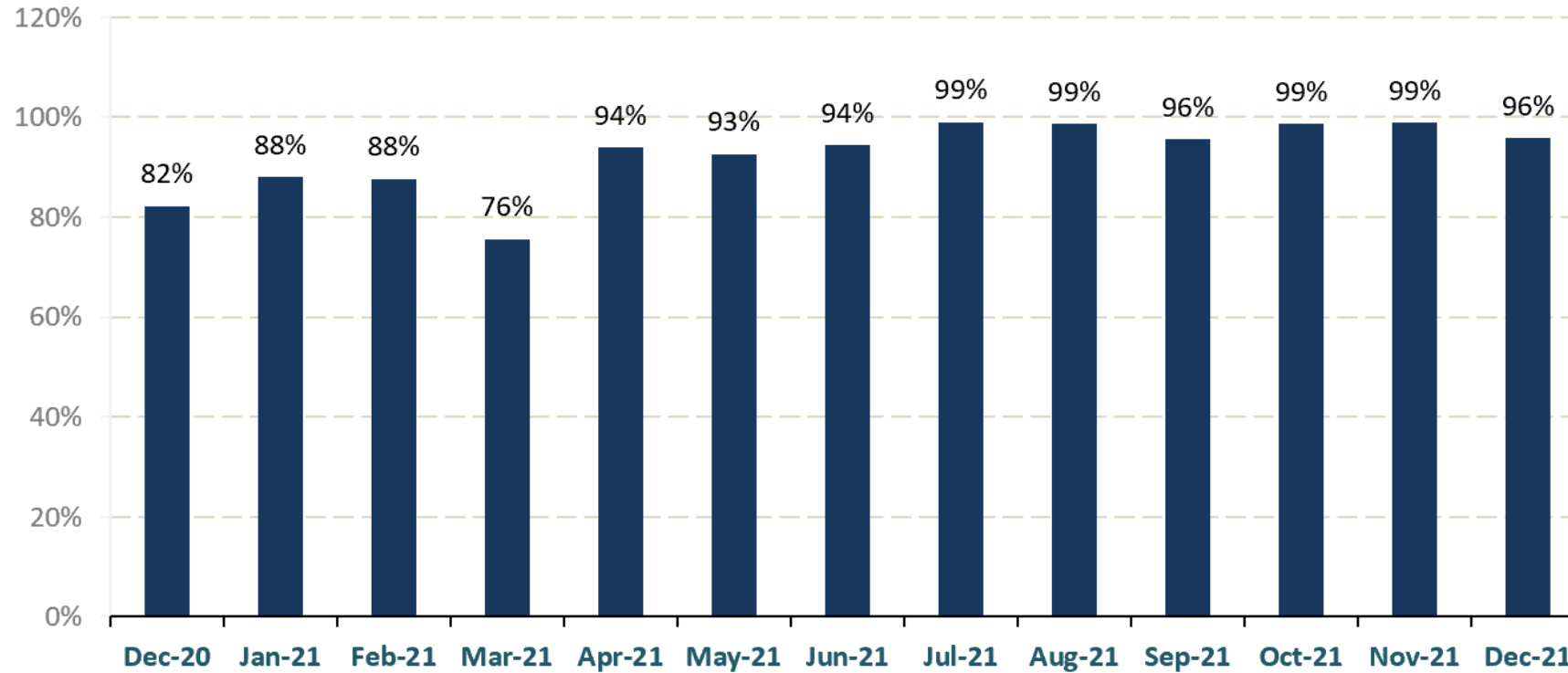
# Caseload Clearance Rates: Total, Highest Priority, Lower Priority



*Note:* Based on ADR cases as described above.

# P-2 Case Processing

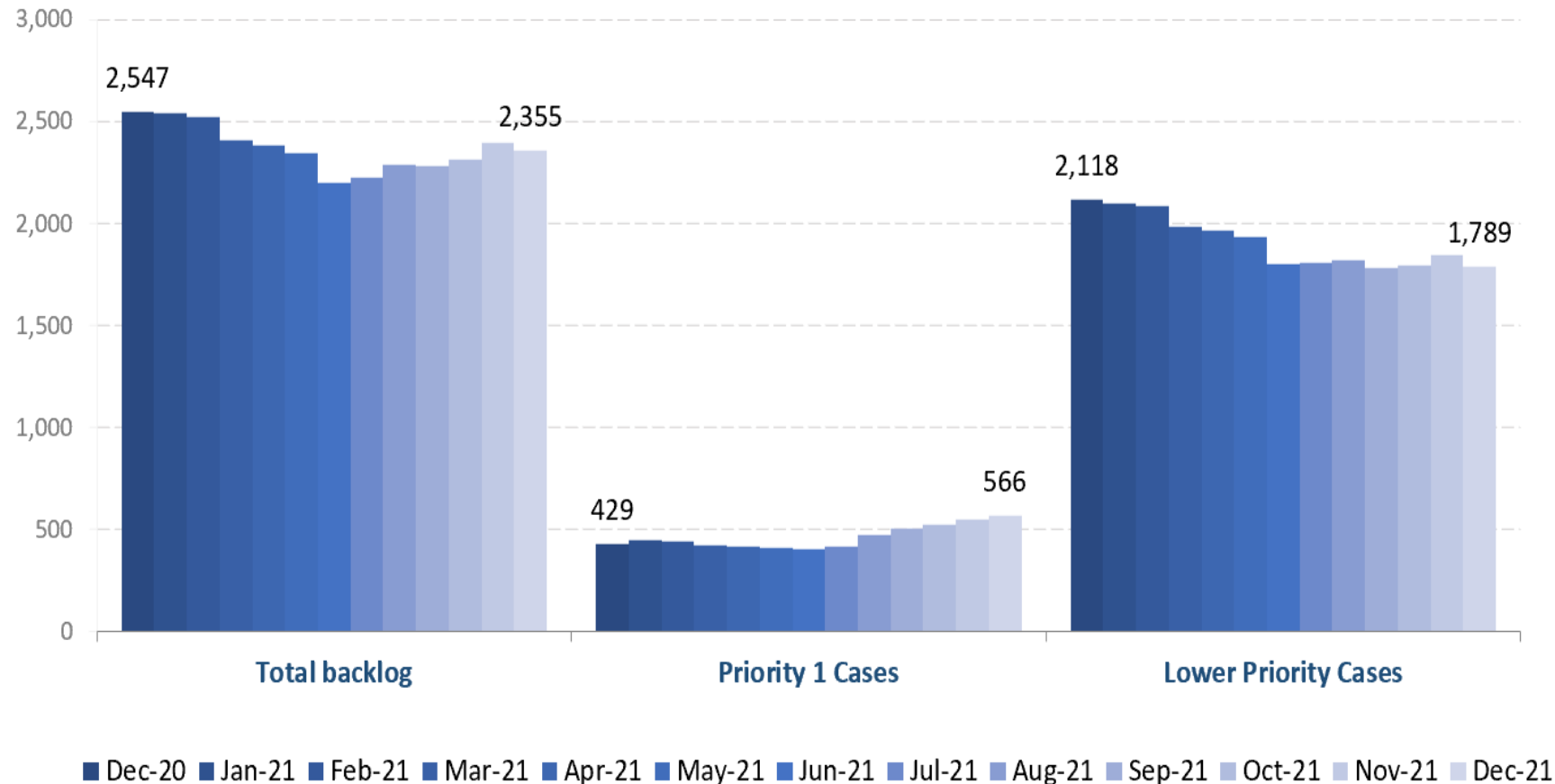
Percent of Priority 2 (P-2) Cases Resolved Within 120 days



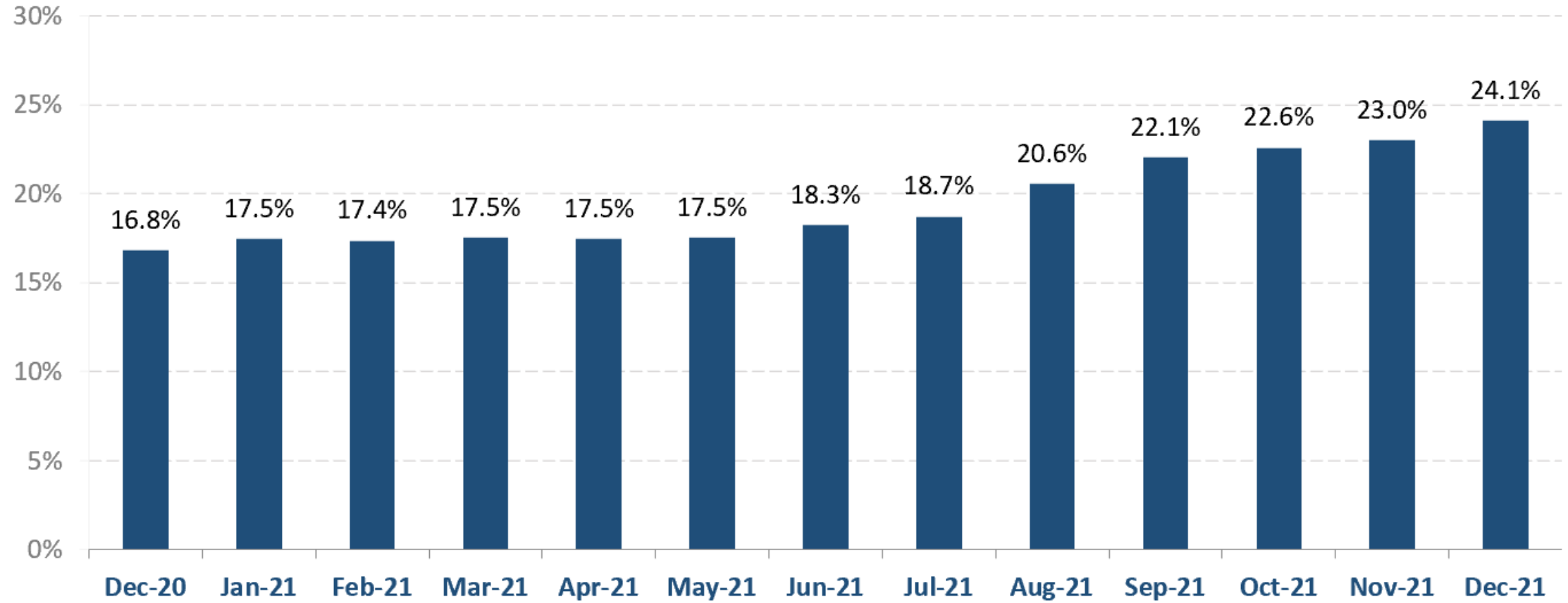
*Note: Metric OCTC-2 Percent of Priority 2 (P-2) cases resolved within 120 days. Based on ADR cases as described above.*

# Backlog: Total, Priority 1, Lower Priority

- ✓ Total declined by 8%
- ✓ P1 Cases increased by 32%



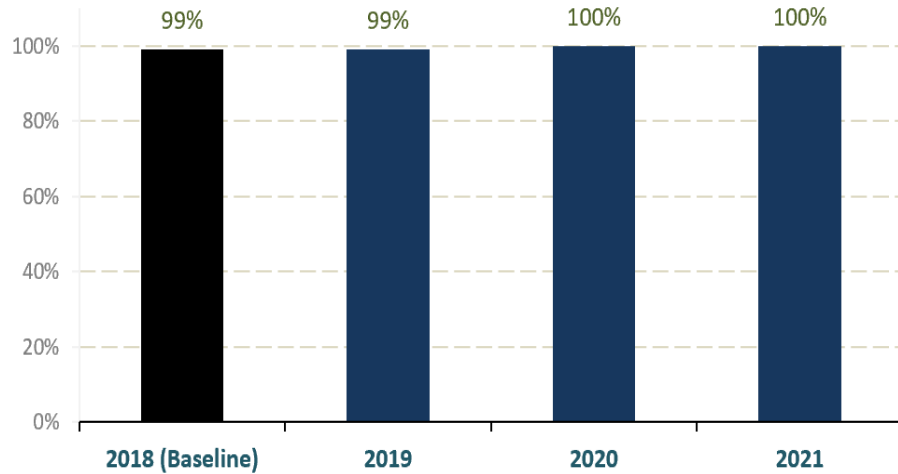
## Percent of Backlog Cases that are P-1 Cases





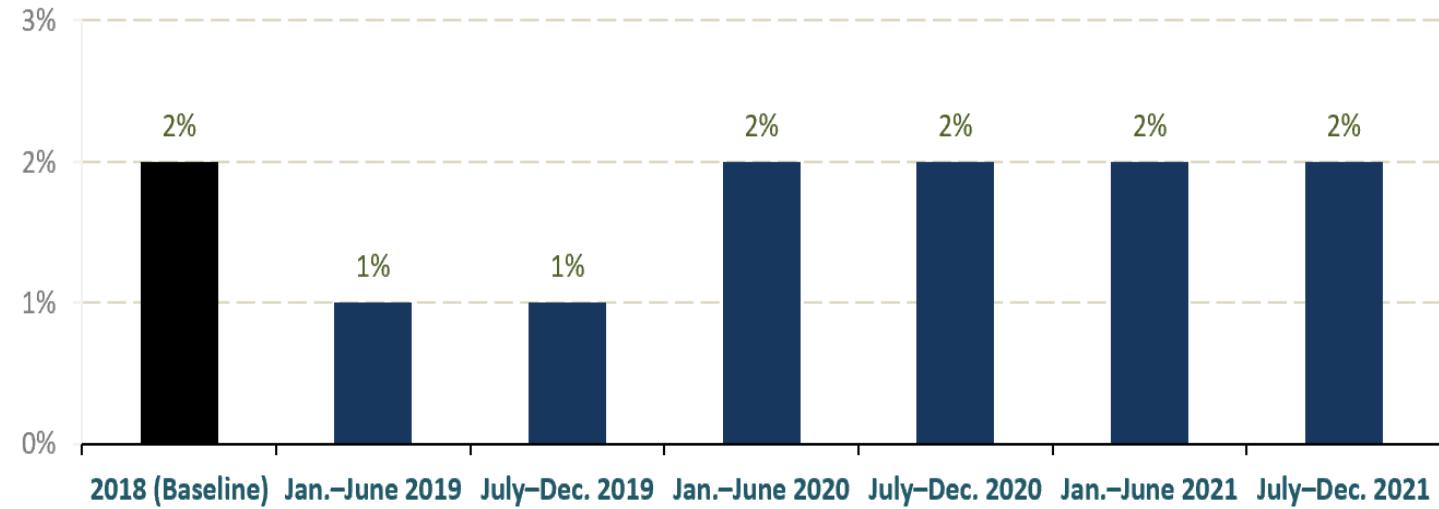
# Quality

Percent of Walker Petitions Denied



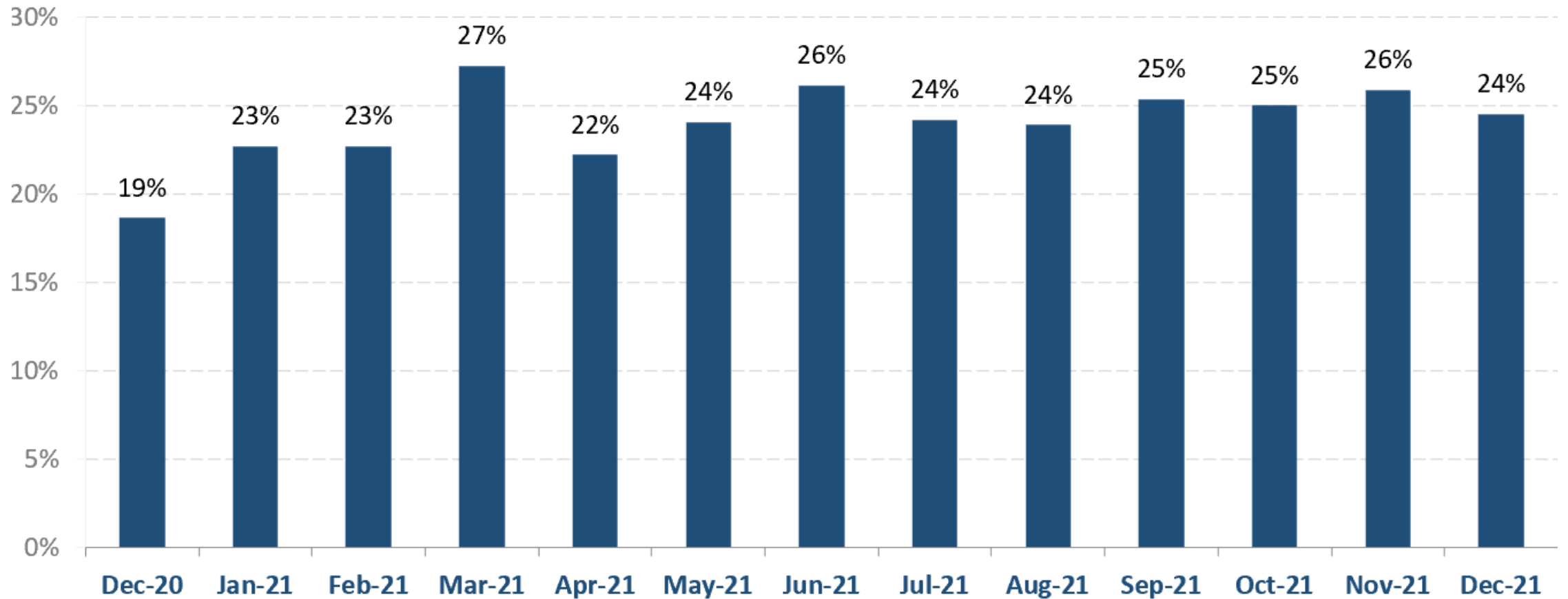
Note: Metric OCTC-5B, Maintain current level of Walker reopens.

Percent of Complaint Review Unit Reopens for Reasons Other Than New Evidence



Note: Metric OCTC-5A, Maintain current level of CRU reopens for reasons other than new evidence.

# Percent of Respondents That Retain Representation



# State Bar Court

## Metrics with Targets

### 2021 Summary

Hearing Dept. – 90% of cases processed within case type timeline

**Met 2 of 12 months**

Hearing Dept. – 100% of cases processed within 150% of case type timeline

**Met 1 of 12 months**

Review Dept. – 90% of cases processed within case type timeline



Review Dept. – 100% of cases processed within 150% of case type timeline



Effectuations – 100% of cases processed within timeline



## Metrics without Targets

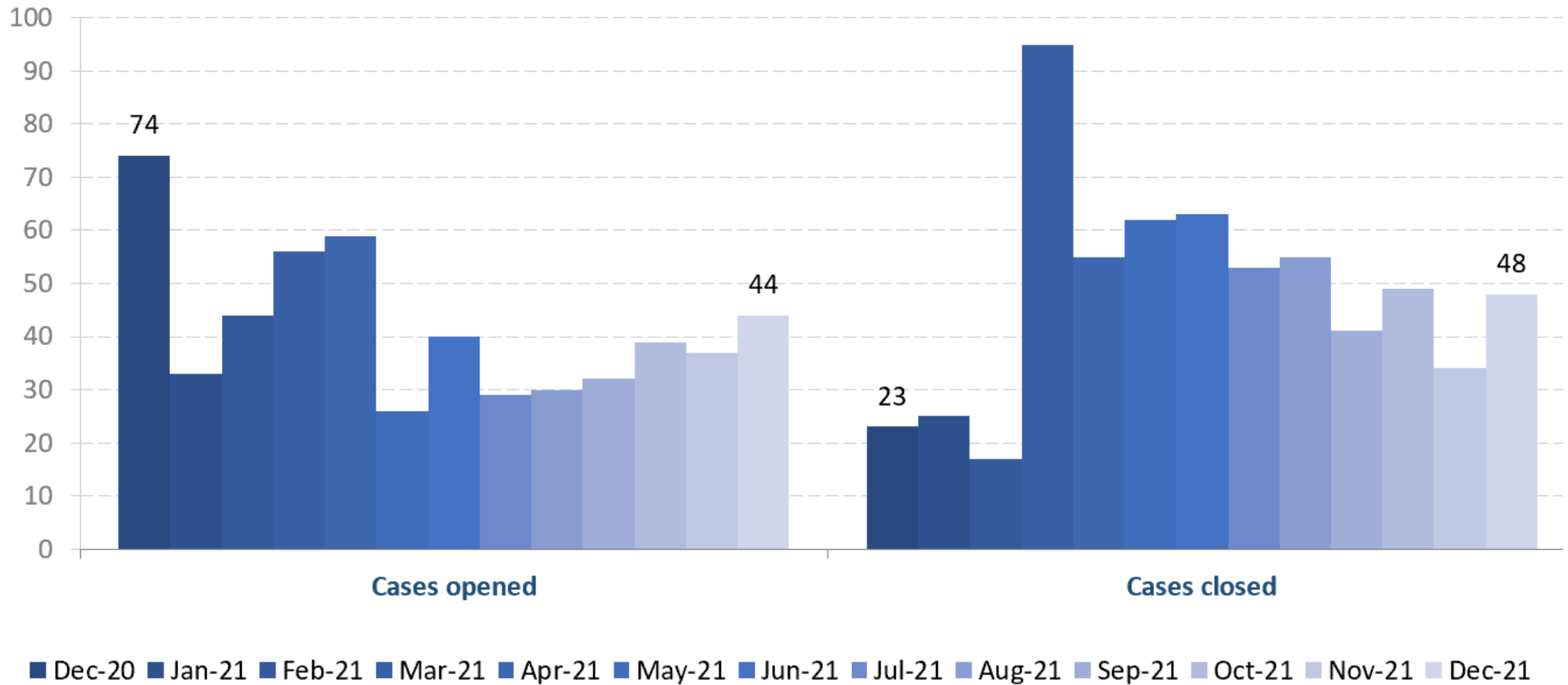
Monthly caseload clearance rate

N/A

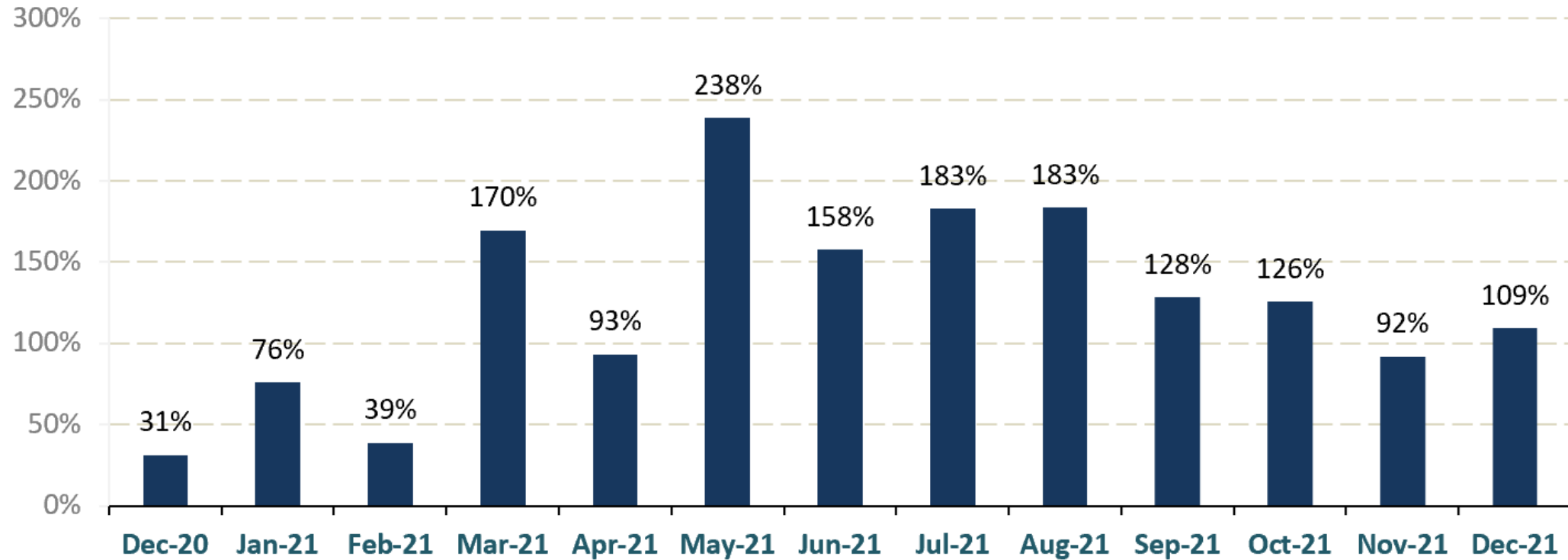
Percent of petitions granted

N/A

# Cases Opened and Closed

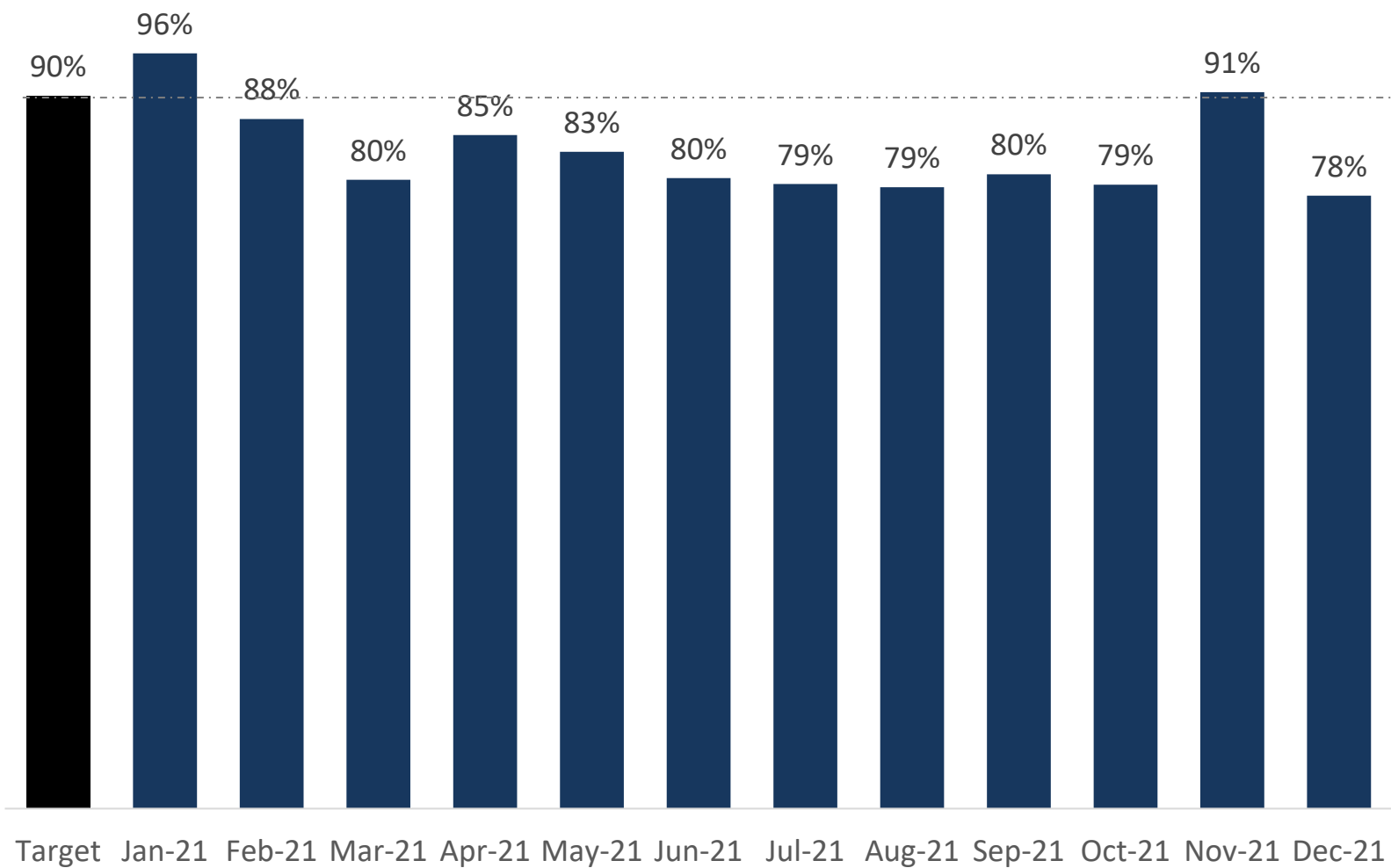


# Monthly Caseload Clearance Rate



*Note: Monthly caseload clearance rates are calculate as a ratio of cases closed to cases opened in a month). Metric SBC-1, Monthly caseload clearance rate.*

# Hearing Department: Closed 582 Cases in 2021



## Reasons For Missing Target

- **Good cause continuances to serve due process as requested by the parties**
- **Judicial reassignments**
- **Defaults and subsequent motions for reconsideration**
- **Rejected stipulations and orders to amend the filings**
- **Disposition held pending disposition of other matters**

# Probation

## Metrics with Targets

80% of courtesy reminder letters are provided to respondents within 3 weeks of case initiation

## 2021 Summary

Met 2 of 12 months

## Metrics without Targets

Track rates of successful satisfaction of restitution orders

N/A

Track successful completion rates and reasons for noncompletion

N/A

# Client Security Fund

## Metrics with Targets

## 2021 Target Summary

Decrease time to payout after final discipline by 5 percent



Resolve at least 1,350 cases in 2021

**Did Not Meet**



# Office of Professional Competence

## Metrics with Targets

### 2021 Target Summary

80% of callers report a high level of overall satisfaction with the Ethics Hotline experience

**Met 2 of 4 Quarters**

Voluntary e-learning courses: 85% of participants report these courses met their expectations

**Metric paused**

Mandatory e-learning courses: 70% of participants report these courses met their expectations



80% of all annual Lawyer Referral Service recertification applications processed within 60 days of receipt of a completed submission



90% of requests for arbitration of attorney-client fee disputes are served on the responding attorney within 10 business days of receipt of a completed submission



# Lawyer Assistance Program

## Metrics with Targets

## 2021 Target Summary

80% of survey participants report that the Lawyer Assistance Program addressed their goals



80% of survey participants report they are satisfied with their Lawyer Assistance Program experience



Complete 10 law school presentations and 20 Bar Association/law firm presentations in 2021



Increase intakes by 10%



Respond to 100% of requests for presentations within two business days



# Post Disposition Outcomes



## Dispositions Analyzed

- ✓ Resource letter
- ✓ Warning letter
- ✓ Reprimand (both public or private)
- ✓ Probation



## Measures of Outcomes/Recidivism

- ✓ New complaint received\*
- ✓ New complaint investigated
- ✓ New case filed with State Bar Court
- ✓ New discipline\*\* imposed

\* Includes probation violations

\*\* Participation in the Alternative Discipline Program, reprimand, probation, or disbarment

# Trends



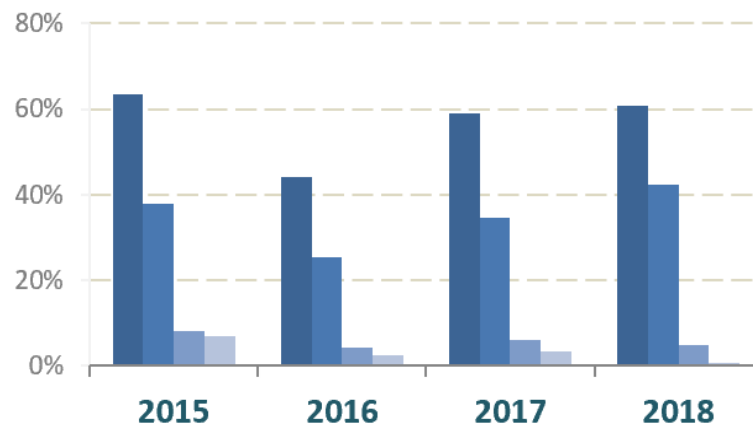
High shares of new complaints across all dispositions.



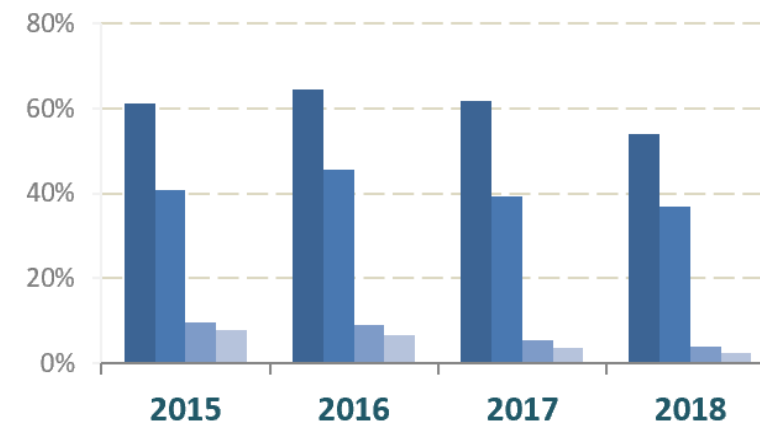
Over 30% of attorneys who receive probation are disciplined within three years.

## Within 36 Months of Disposition

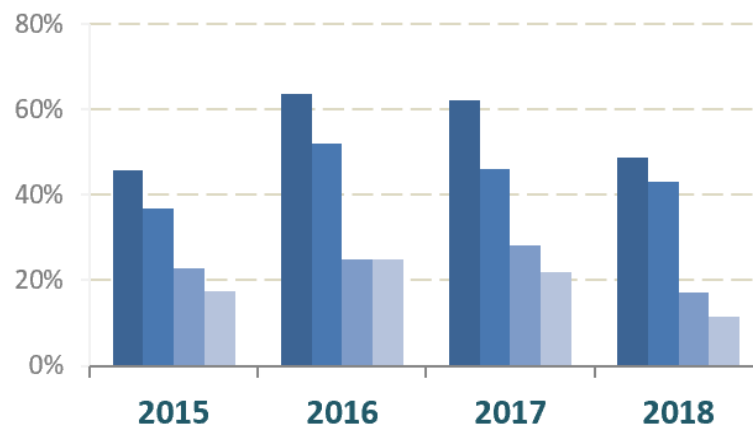
### Resource Letter



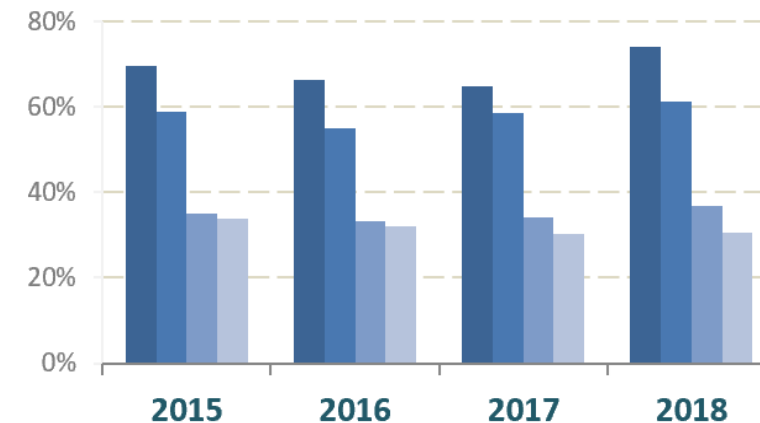
### Warning Letter



### Reproval



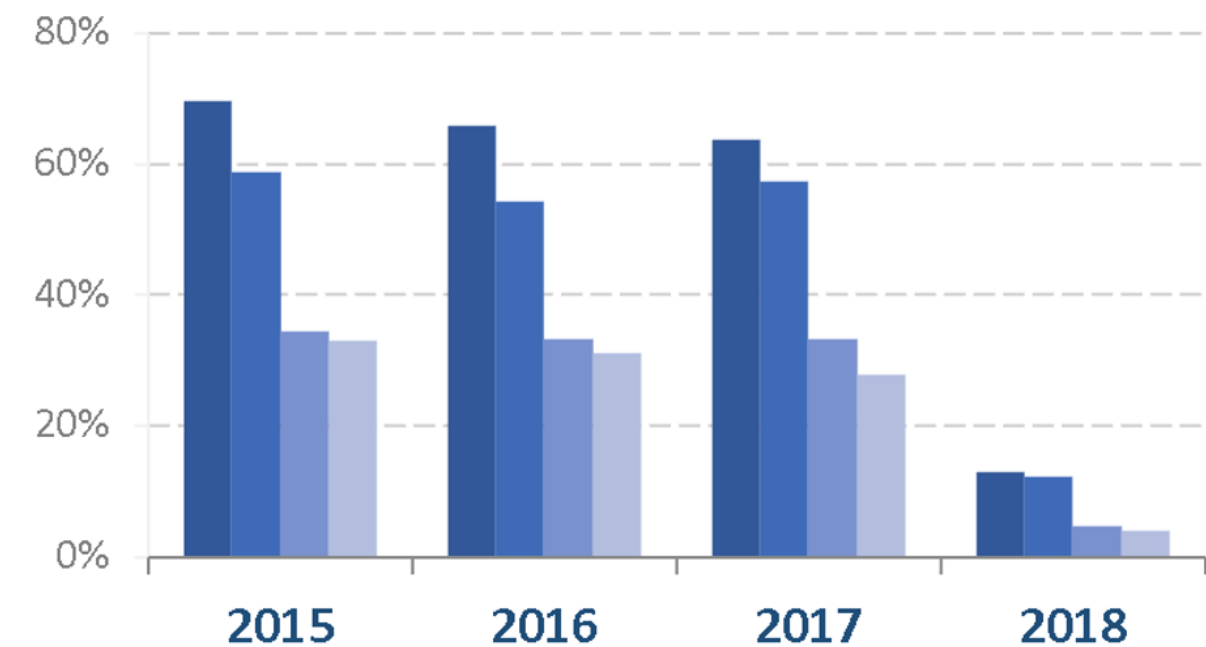
### Probation



■ New Complaint Received ■ New Complaint Investigated ■ New Case Filed with State Bar Court ■ New Discipline Imposed

# 36 Months Post-Disposition

## Probation



Among attorneys who were put on probation in 2015:

- ✓ Over 70% received a new complaint within three years
- ✓ Nearly 60% were subject to an investigation
- ✓ Over 30% were disciplined

■ New Complaint Received   ■ New Complaint Investigated   ■ New Case Filed with State Bar Court   ■ New Discipline Imposed

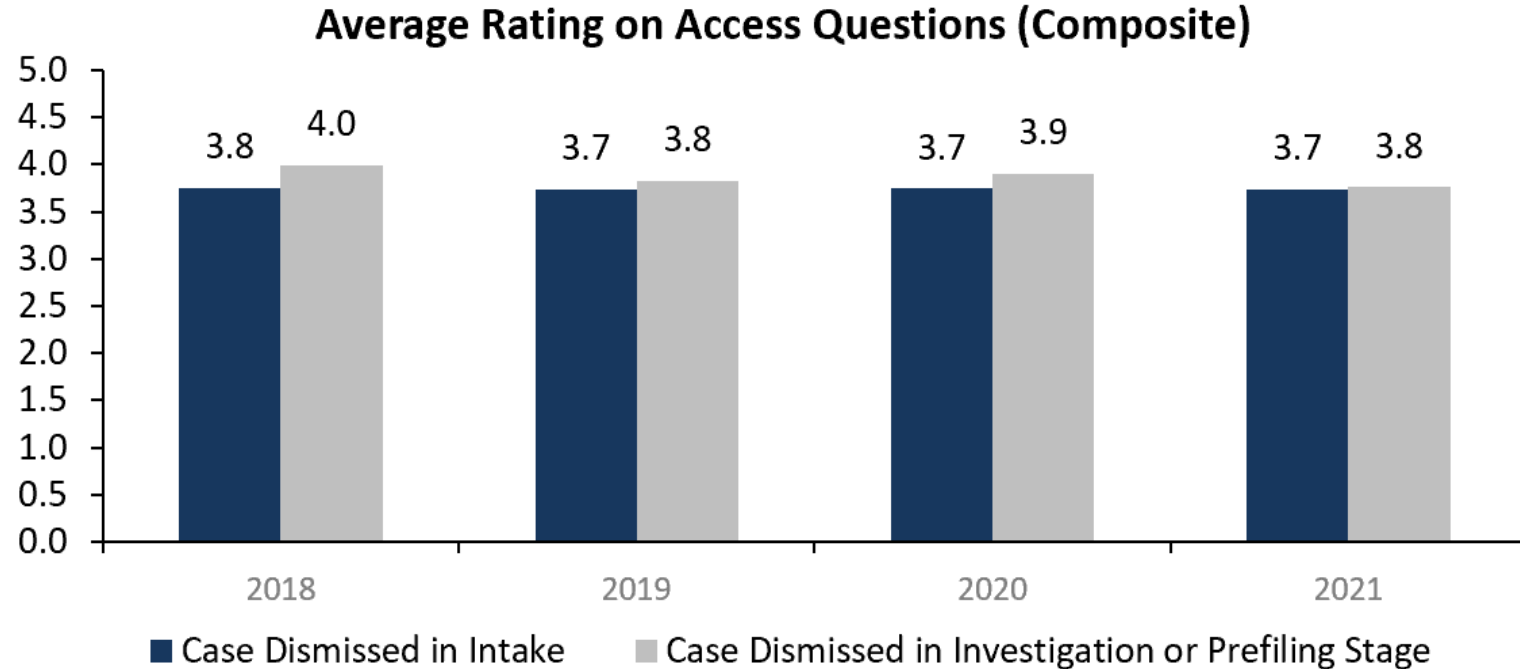
# Complaining Witness Survey

- ✓ **Goal:** understand how the public experience access and fairness
- ✓ **Who:** all complaining witnesses whose complaints are closed without discipline.
- ✓ 20% response rate
- ✓ Compare two groups:
  - Case closed in **Intake**
  - Case closed in **investigation** or **prefiling stage**

# Analyses of Access Questions

Compare two groups:

- Case closed in **Intake**
- Case closed in **investigation** or **prefiling stage**

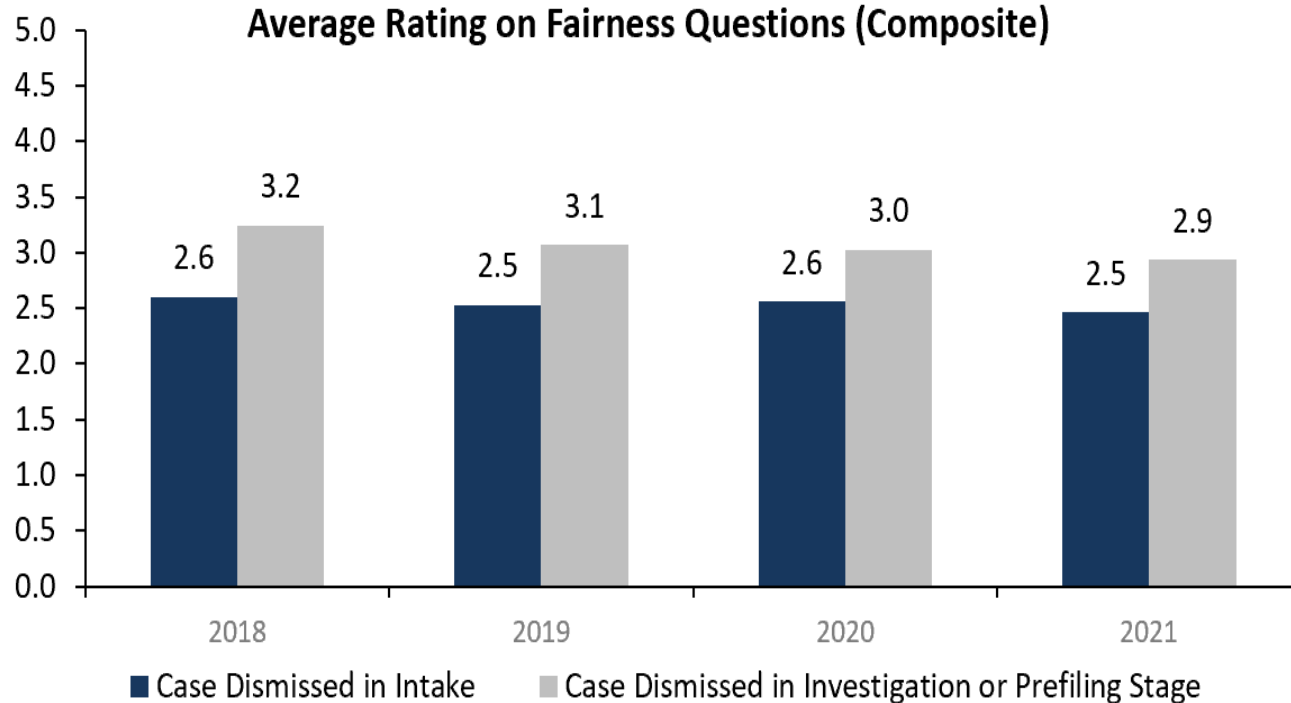


(5-point scale where 1 = strongly disagree and 5 = strongly agree)

## Findings:

- Very little change year over year
- CWs whose cases are dismissed later in process give higher access ratings (2018 & 2020)

# Analyses of Fairness Questions



(5-point scale where 1 = strongly disagree and 5 = strongly agree)

## Findings:

- CWs whose cases are dismissed later in process give higher fairness ratings although the ratings are trending downward.
- CWs rate the State Bar **lower** on fairness than access.