



The State Bar of California

Discipline System Statistical Report

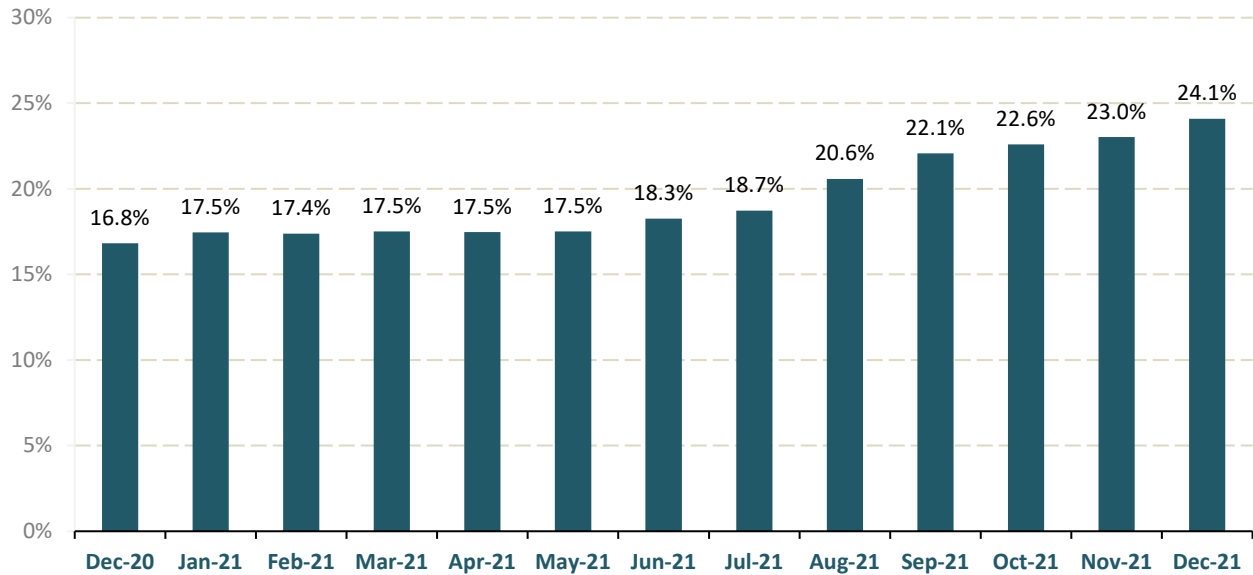
Prepared by the Office of Research & Institutional Accountability
March 2022

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

Table of Contents

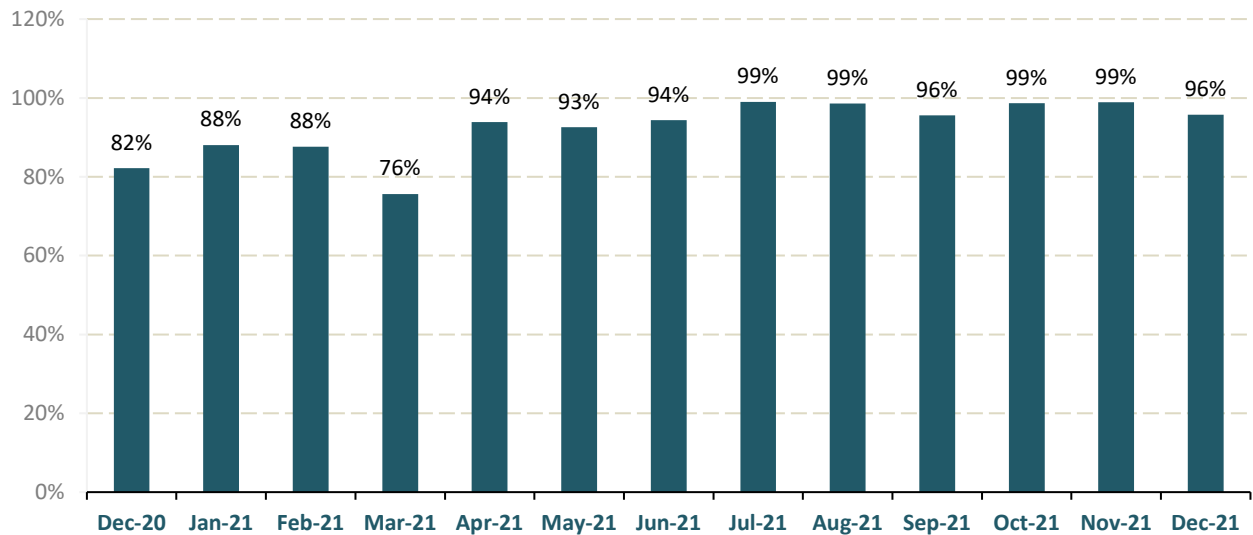
Office of Chief Trial Counsel.....	1
State Bar Court	9
Probation	14
Lawyer Assistance Program	16
Office of Professional Competence	19
Client Security Fund	21
Post-Disposition Outcomes.....	23
Complaining Witness Survey	28

Percent of Backlog Cases That Are Priority 1 (P-1) Cases



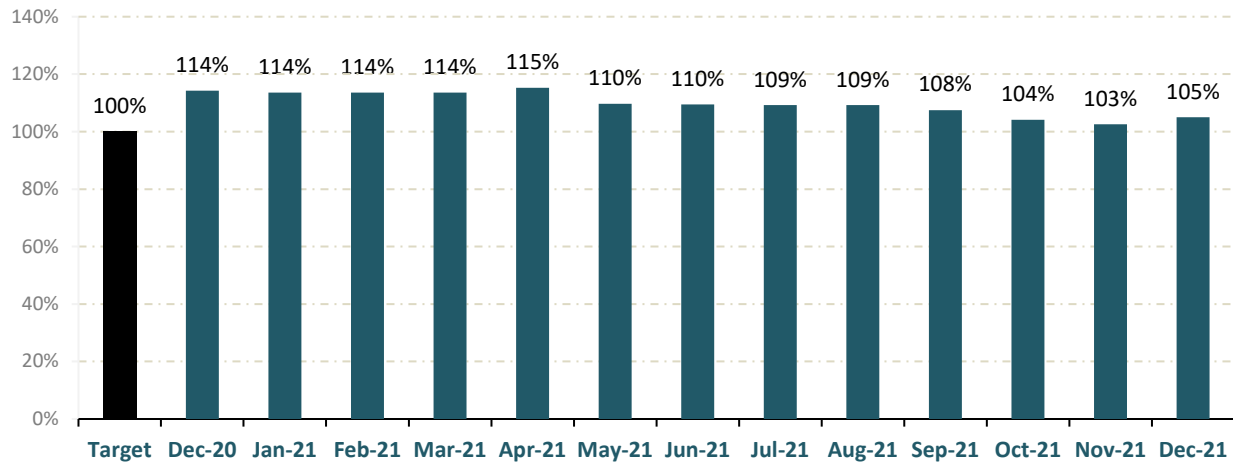
Note: Metric OCTC-1, Minimize number of P-1 cases in backlog. This chart is based on "ADR cases". These cases are reported in the Annual Discipline Report (ADR) and include the following: other jurisdiction matters (J) that are self-reported, Original (O), Probation Referrals (OPB), Reportable Action matters that do not originate from a third party, opposing counsel and the media, Rule 1-110 violations (H), State Bar Court Orders (OSB) and Rule 9.20 violations (N).

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



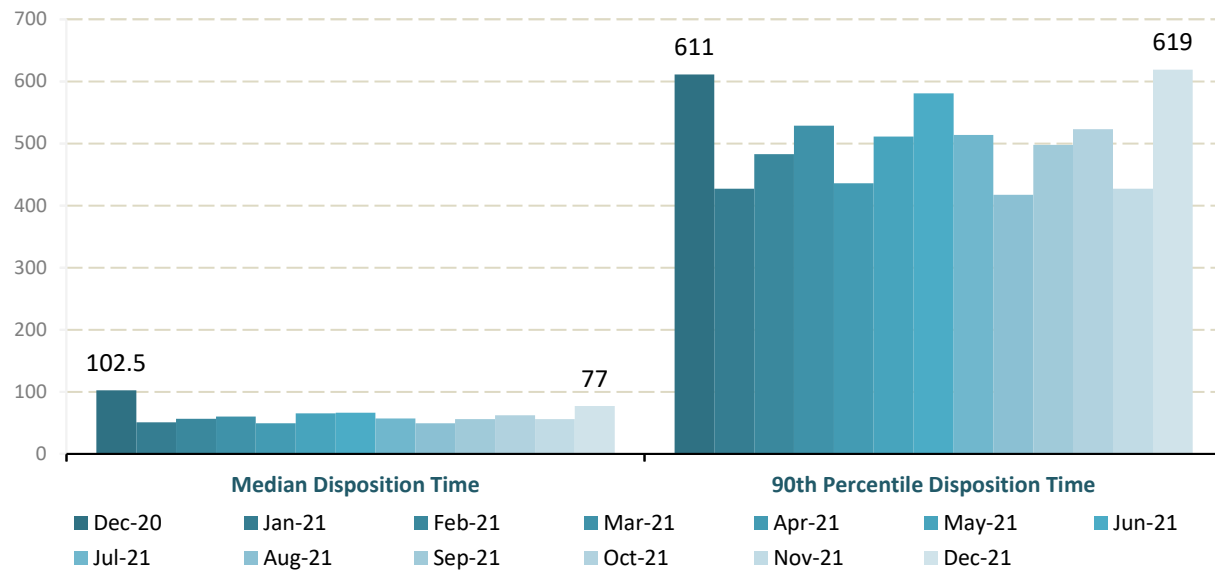
Note: Metric OCTC-2 Percent of Priority 2 (P-2) cases resolved within 120 days. Based on ADR cases as described above.

Annual Caseload Clearance Rate



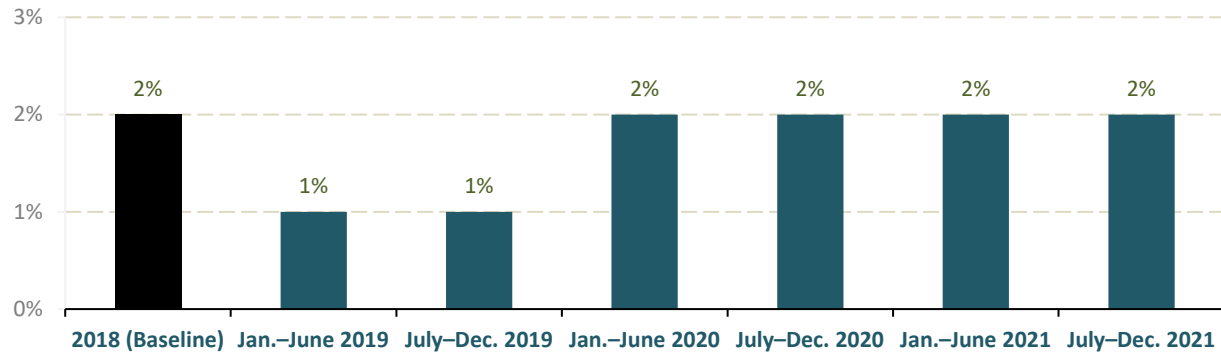
Note: Annual caseload clearance rates are calculated using a 12 month rolling average of monthly caseload clearance rates (ratio of cases closed to cases opened in a month). Metric OCTC-3, *Maintain annual caseload clearance rate of at least 1.0*. Based on ADR cases as described above.

Case Disposition Times



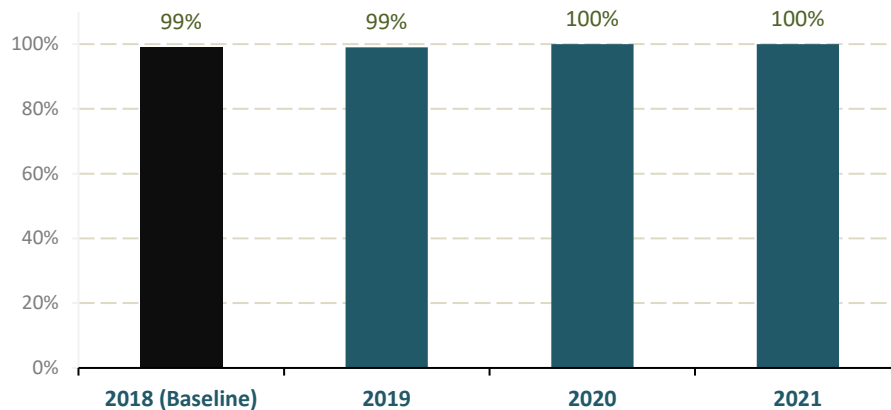
Note: This chart is based on ADR cases as described above. Disposition times are calculated as days between case origination and closure. Metrics OCTC-4A & OCTC-4B, *Case disposition times (median and 90th percentile)*.

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



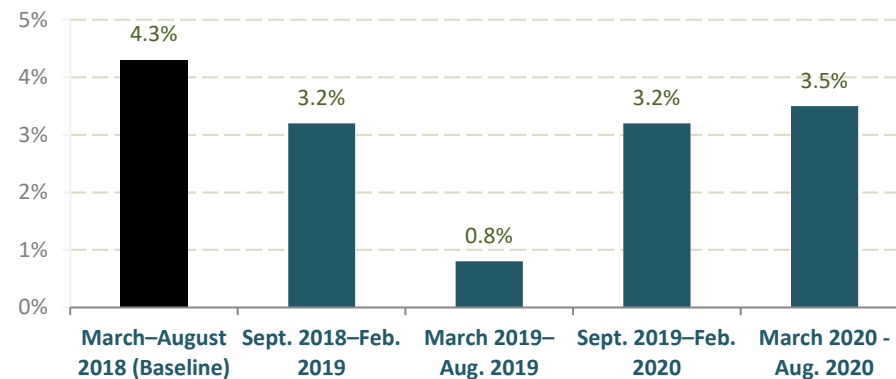
Note: Metric OCTC-5A, Maintain current level of CRU reopens for reasons other than new evidence.

Percent of Walker Petitions Denied



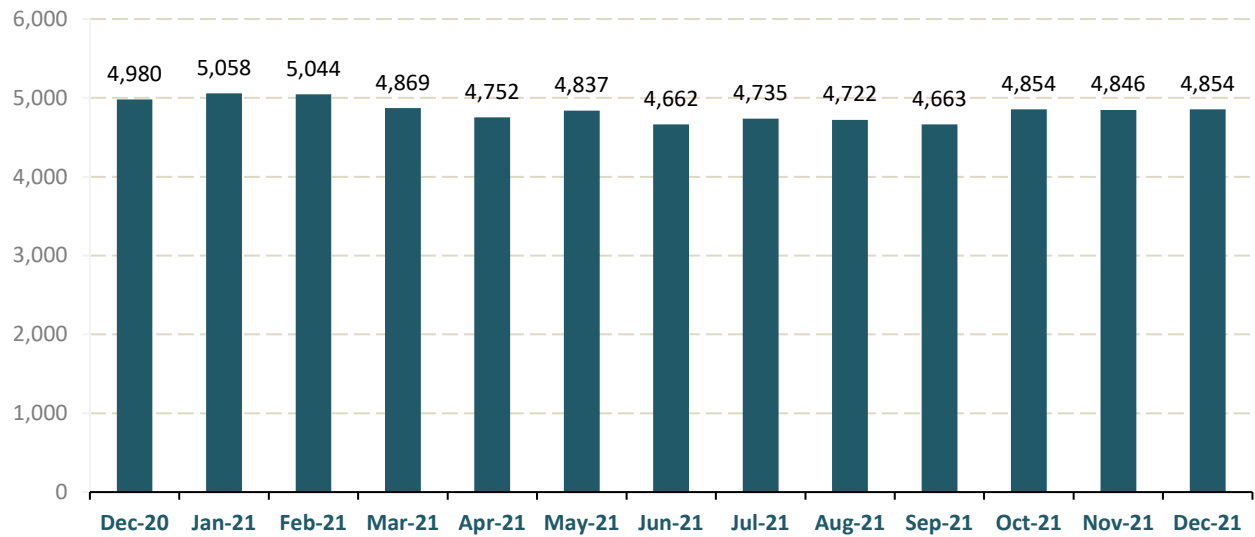
Note: Metric OCTC-5B, Maintain current level of Walker reopens.

Percent of Random Audit Reopens for Substantive Reason



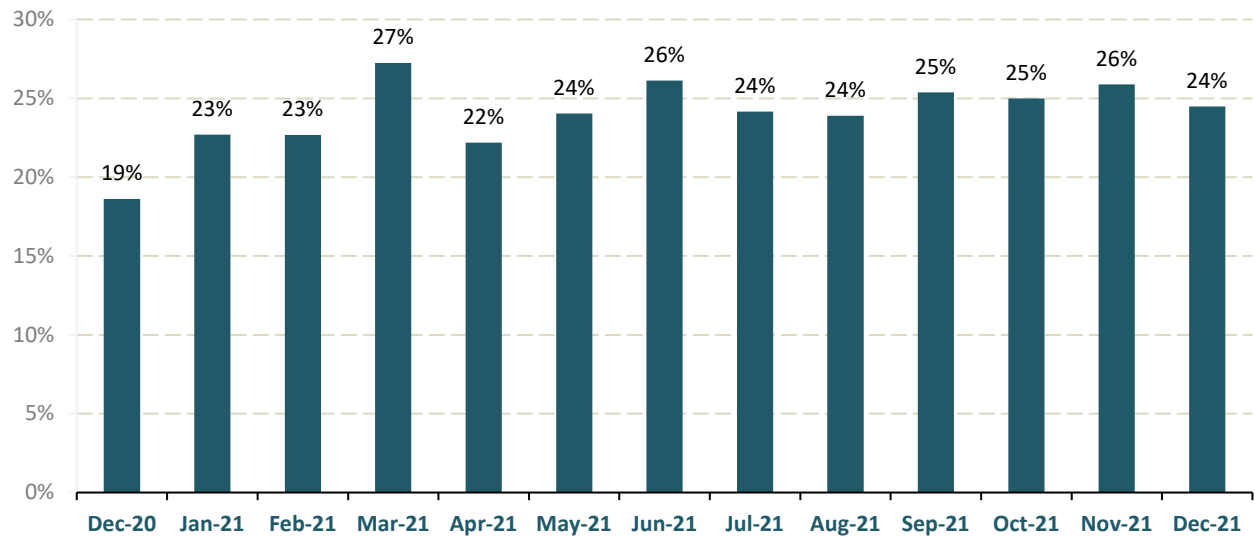
Note: Per Policy Directive 2006-02, up to 250 closed OCTC case files are randomly selected twice a year for an audit. The files are audited to ensure that cases are closed, investigated, and/or prosecuted appropriately. Metric OCTC-5C, Decrease the number of random audit reopens for

Cases in Inventory at Months End



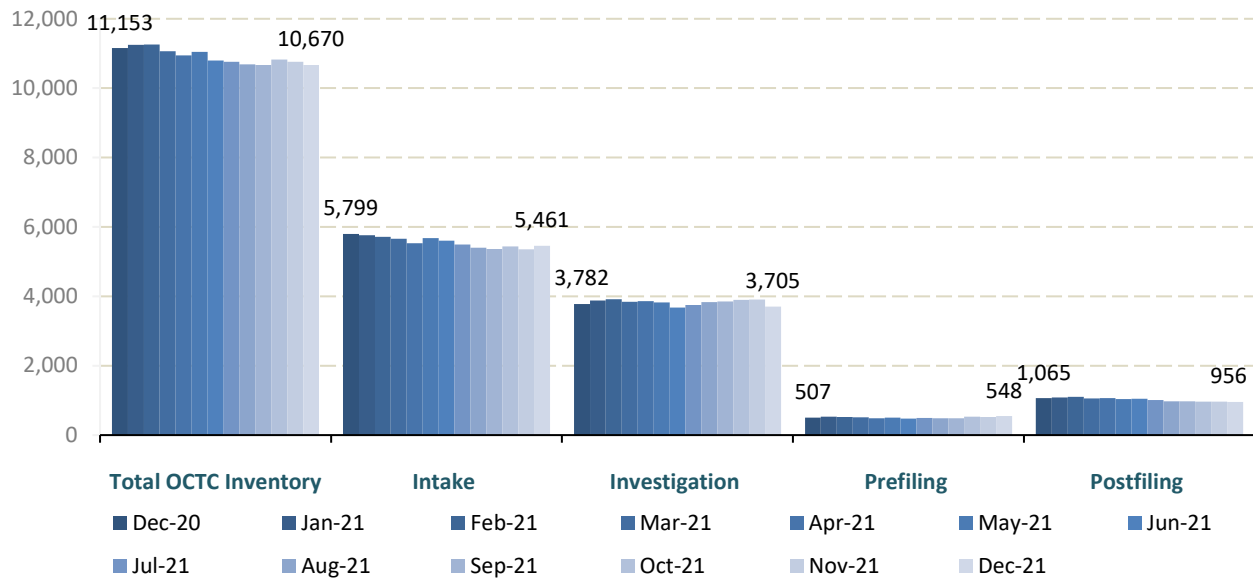
Note Metric OCTC-6. Based on ADR cases.

Percent of Respondents That Retain Representation



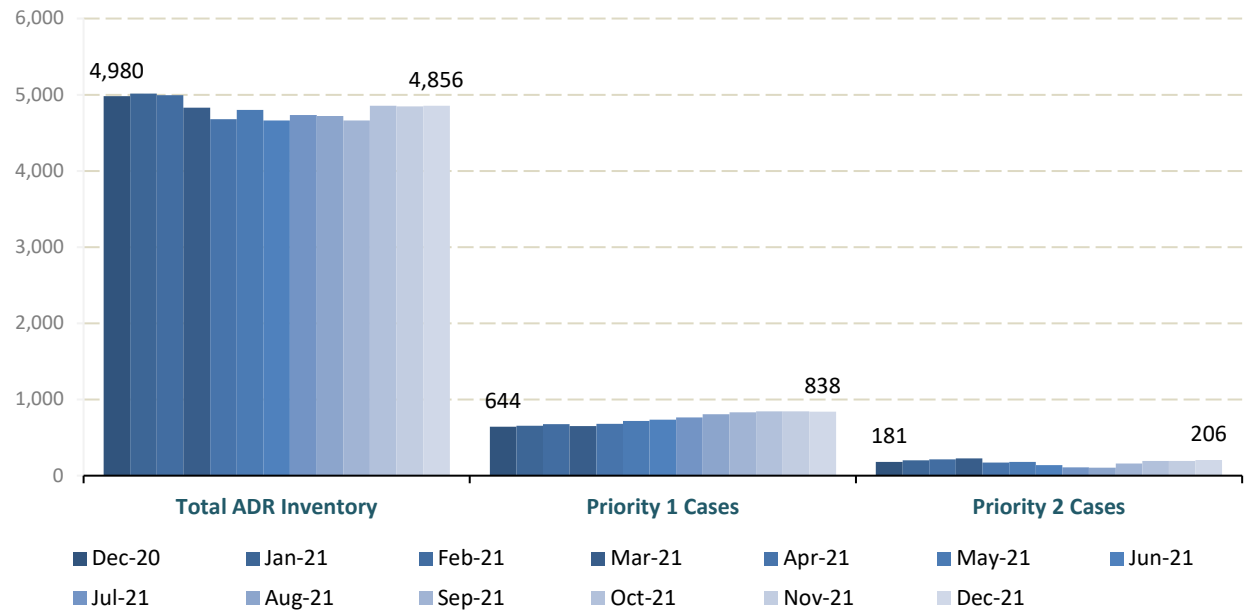
Note: Metric OCTC-7

OCTC Inventory by Stage



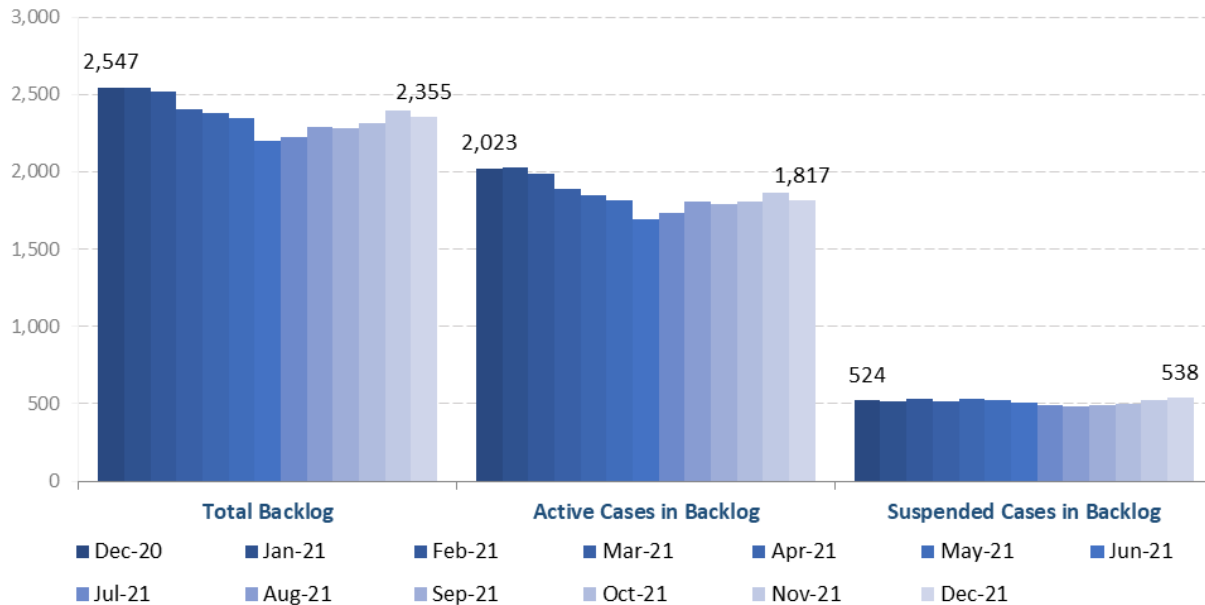
Note: This chart lists all cases in the OCTC inventory based on the last day of each month.

ADR Inventory: Total, Priority 1 (P-1) Cases, Priority 2 (P-2) Cases



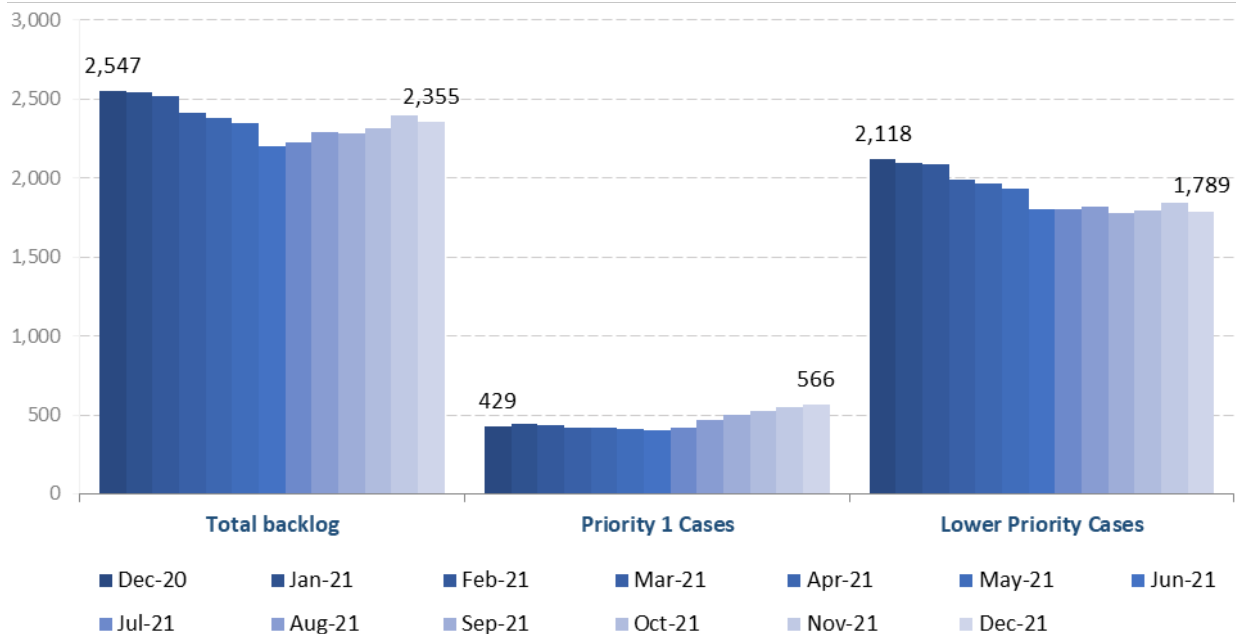
Note: Priority 1 (P-1) cases are those that present significant, ongoing, or serious potential harm to the public. Priority 2 (P-2) includes cases that upon initial review do not appear to present significant, ongoing, or serious potential harm but need an expedited assessment to determine whether they do. If a P-2 case is determined to pose serious harm to the public, it is reclassified as P-1. Cases that remain in the P-2 category are handled by expeditor attorneys and investigators who seek to resolve the cases quickly and with fewer resources than P-1 cases require.

Backlog: Total, Active, and Suspended Cases



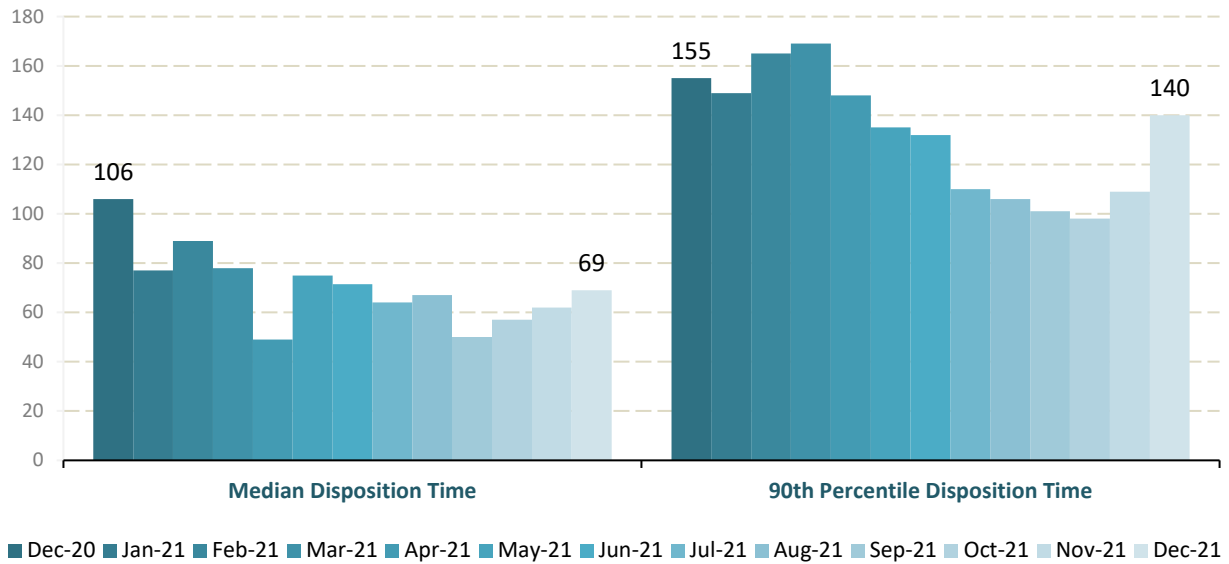
Note: This chart is based on ADR cases as described above. Backlog is defined as cases in inventory over 180 days at month's end. Suspended cases in backlog are those that have been suspended for a variety of reasons. Examples include: attorney is the subject of a current prosecution or is on inactive status awaiting disbarment. Placing cases in suspension status, especially those where an attorney faces multiple complaints and one of which is expected to lead to disbarment, allows OCTC to focus its resources. A small number of backlog cases in active intake are not shown here.

Backlog: Total, Priority One (P-1) and Lower Priority Cases



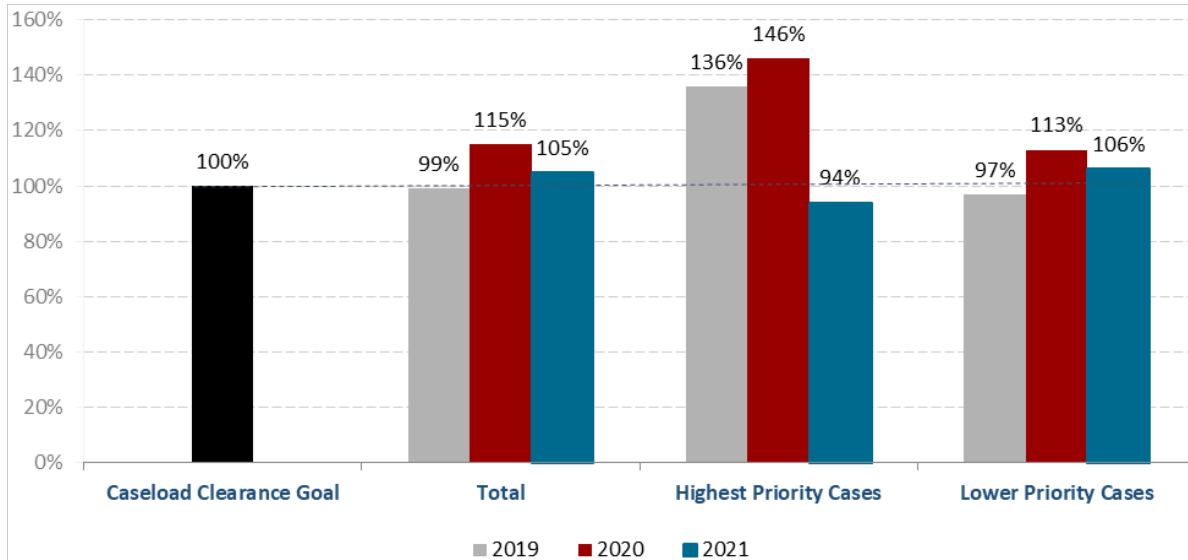
Note: This chart is based on ADR cases as described above. Backlog is defined as cases in inventory over 180 days at month's end. See above for descriptions of highest priority cases (P-1). Lower priority cases are all non-P-1 cases.

Case Disposition Times: Priority Two (P-2) Cases



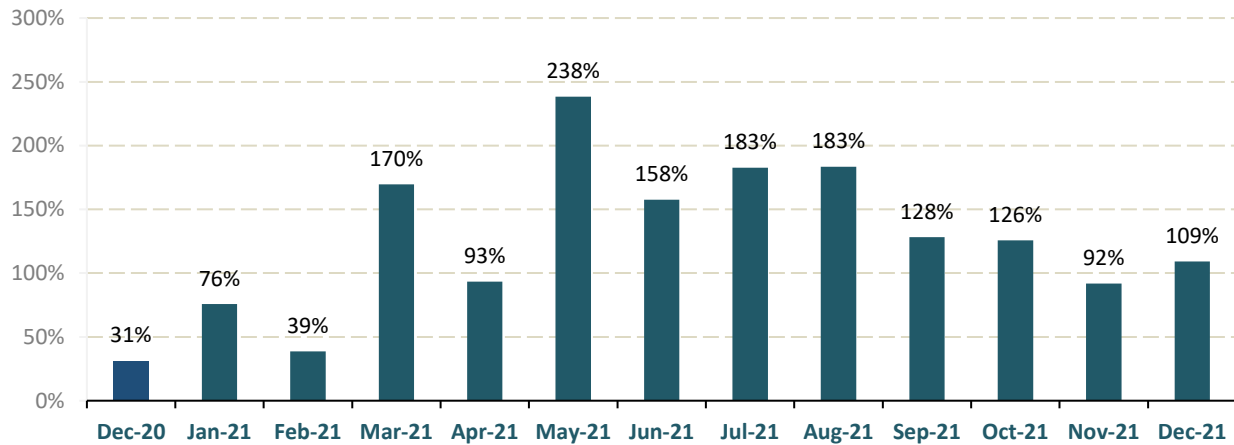
Note: This chart is based on ADR cases as described above. Disposition time is calculated as days between case origination and closure. Age at disposition for P-2 cases includes time spent before assignment to P-2 as well as time spent before the creation of the prioritization system. P-2 cases may be initially assigned a P-4 priority code where there is a lack of resources to handle P-2 cases.

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



Note: Based on ADR cases as described above.

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: Case Closure and Timeline Requirements

	Number of Cases Closed	Cases Closed within Timeline Requirements		Cases Closed within 150% of Timeline	
		Number	Percent	Number	Percent
Dec-20	21	19	90%	20	95%
Jan-21	24	23	96%	23	96%
Feb-21	16	14	88%	15	94%
Mar-21	94	75	80%	91	97%
Apr-21	55	47	85%	52	95%
May-21	60	50	83%	59	98%
Jun-21	61	49	80%	55	90%
Jul-21	53	42	79%	49	92%
Aug-21	52	41	79%	47	90%
Sep-21	41	33	80%	40	98%
Oct-21	48	38	79%	46	96%
Nov-21	33	30	91%	33	100%
Dec-21	45	35	78%	40	89%

Metric SBC2-A, *Hearing Department: 90% of cases to be processed within case type timelines.*

Metric SBC2-B, *Hearing Department: 100% of cases to be processed within 150% of case type timelines.*

Review Department: Case Closure and Timeline Requirements

	Number of Cases Closed	Cases Closed within Timeline Requirements		Cases Closed within 150% of Timeline	
		Number	Percent	Number	Percent
Dec-20		No cases reached final outcome.			
Jan-21	2	2	100%	2	100%
Feb-21	1	1	100%	1	100%
Mar-21	12	12	100%	12	100%
Apr-21	3	3	100%	3	100%
May-21	1	1	100%	1	100%
Jun-21	1	1	100%	1	100%
Jul-21	6	6	100%	6	100%
Aug-21	3	3	100%	3	100%
Sep-21	2	2	100%	2	100%
Oct-21	1	1	100%	1	100%
Nov-21		No cases reached final outcome.			
Dec-21		No cases reached final outcome.			

Metric SBC-2C, Review Department: 90% of cases to be processed within case type timelines.

Metric SBC-2D, Review Department: 100% of cases to be processed within 150% of case type timelines.

Effectuations: Case Closure and Timeline Requirements

	Number of Cases Closed	Cases Closed within Timeline Requirements	
		Number	Percent
Dec-20	No cases reached final outcome.		
Jan-21	No cases reached final outcome.		
Feb-21	2	2	100%
Mar-21	80	80	100%
Apr-21	34	34	100%
May-21	30	30	100%
Jun-21	38	38	100%
Jul-21	31	31	100%
Aug-21	33	33	100%
Sep-21	20	20	100%
Oct-21	29	29	100%
Nov-21	15	15	100%
Dec-21	25	25	100%

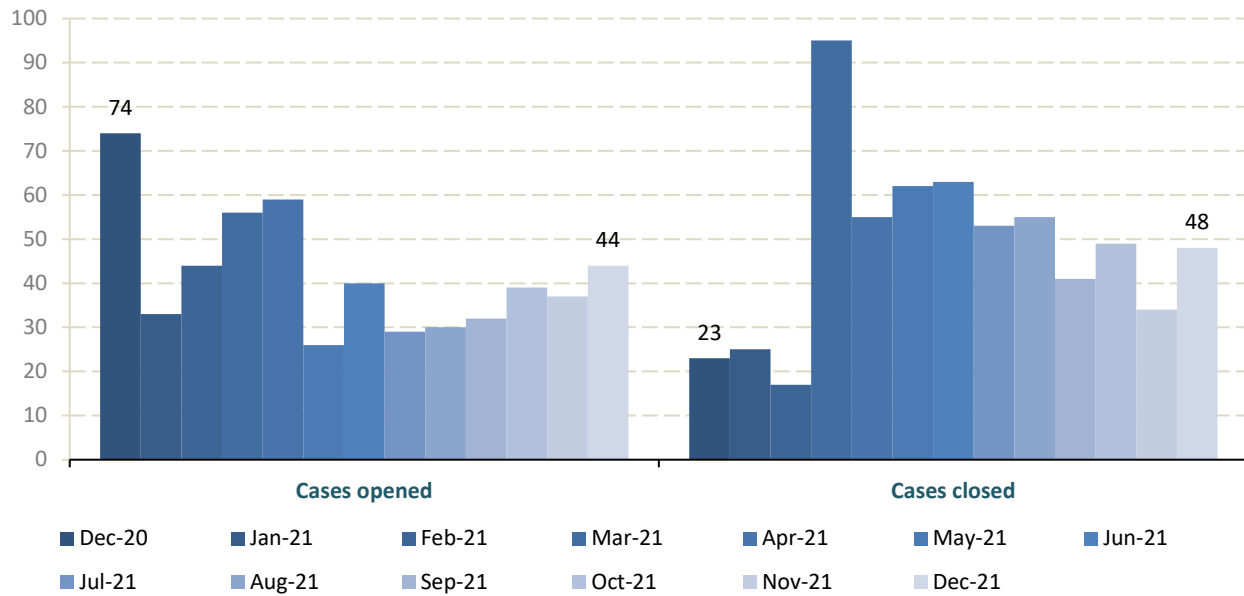
Metric SBC-2E, Effectuations: 100% of cases to be processed within timeline.

2021 Petitions

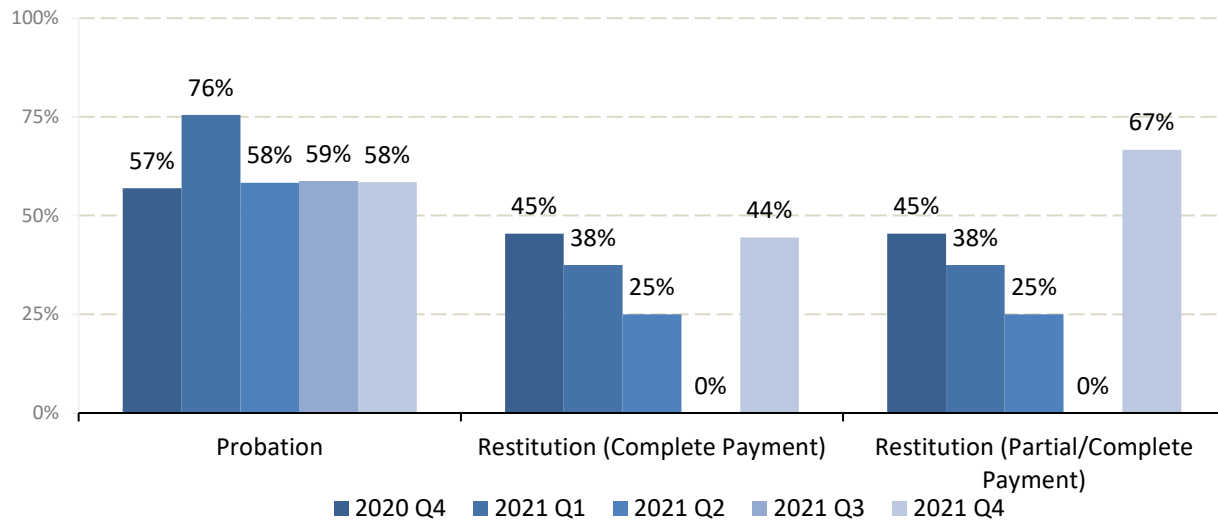
Number of petitions disposed	22
Number of petitions granted	1
Percent of petitions granted	4.5%

Metric SBC-4 Percent of Petitions Granted

Cases Opened and Closed

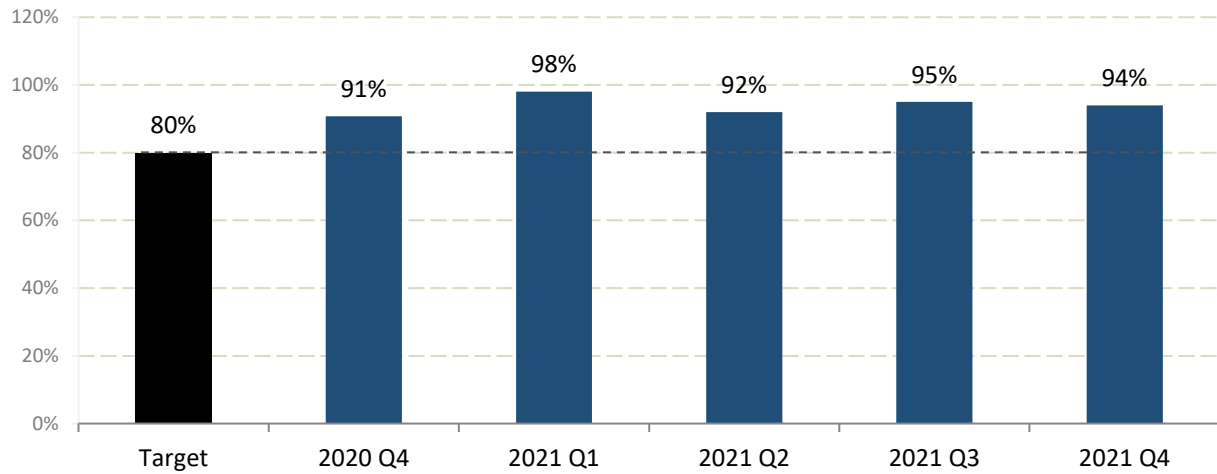


Successful Completion Rates



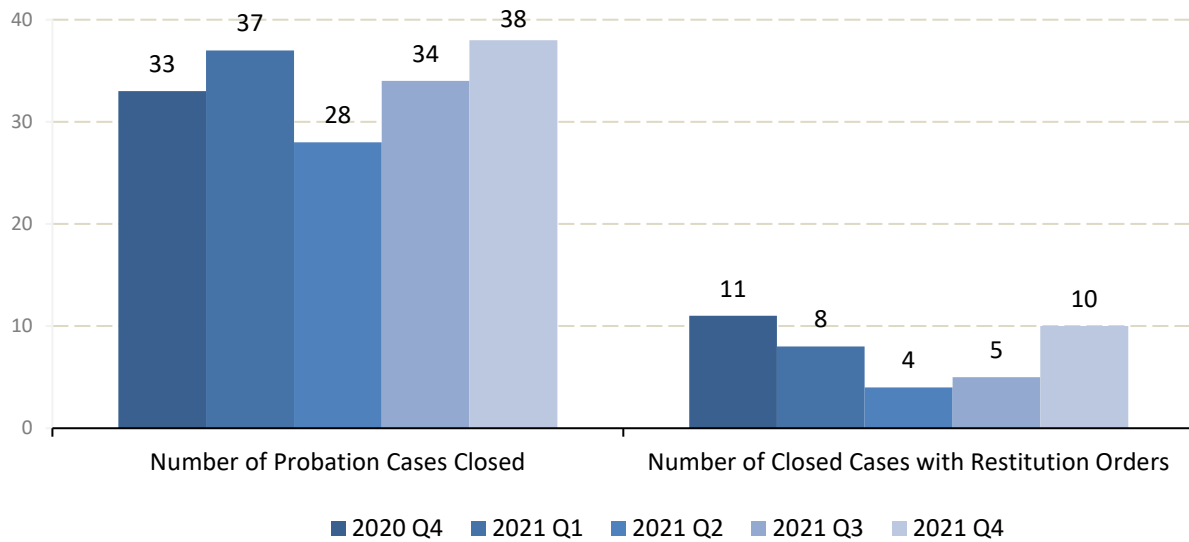
Note: Metric P-1, Probation Successful Completion Rate: Case types included for this metric are 9.20 matters without Supreme Court numbers, Reproval, and Probation cases which have conditions ordered to be completed. "Successful Completion" tracks cases in which the ordered conditions were completed timely or without being referred (including "During Actual" and "And Until" conditions, except for Standard 1.2(c)(1)). "Incomplete 'And Until' and 'During Actual' orders" are not counted as "Unsuccessful Completion" because no due date is ordered. Cases in which conditions were not completed but which were not referred because (1) the respondent was disbarred in an unrelated matter; (2) the respondent resigned with charges pending; or (3) the respondent is deceased or presumed deceased are also counted as neither successful nor unsuccessful. Metric P-2, Successful Completion of Restitution: Case types included for this metric are Reproval and Probation cases which have restitution orders. "Complete Payment" includes cases in which the Office of Probation has proof of full payment on or before the closing date. "Partial Payment" includes cases in which the Office of Probation has proof of partial payment made on or before the closing date. Cases in which the Office of Probation has no proof of any payment made on or before the closing date are counted as "No Payment".

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



Note: Metric P-3

Cases Closed

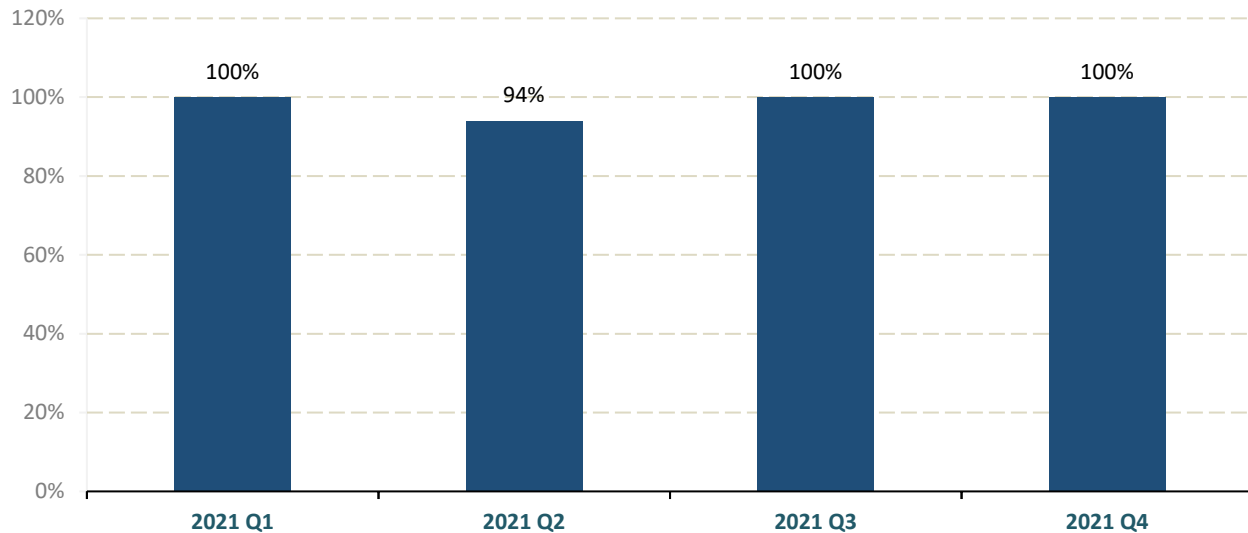


Note: Cases included are 9.20 matters without Supreme Court numbers, Repeal, and Probation cases which have conditions ordered to be completed.

Increase Intakes by 10% (LAP-1)

2019	2020	2021
Target Met	Target Not Met	Target Met
(164 Intakes)	(141 intakes)	(192 Intakes)

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



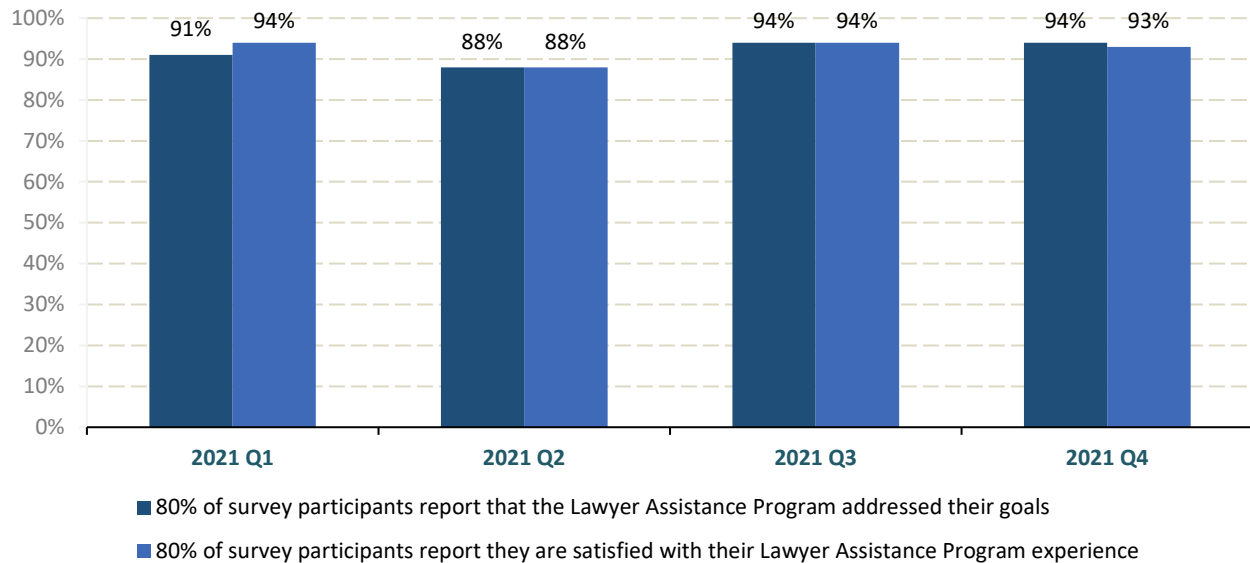
Note: Metric LAP-2

Complete 10 law school presentations and 20 Bar Association/law firm presentations in 2021 (LAP-3)

2019	2020	2021
Target Met	Target Met	Target Met
24 law school presentations; 28 bar association/ law firm presentations	11 law school presentations; 32 bar association/ law firm presentations	19 law school presentations; 34 bar association/ law firm presentations

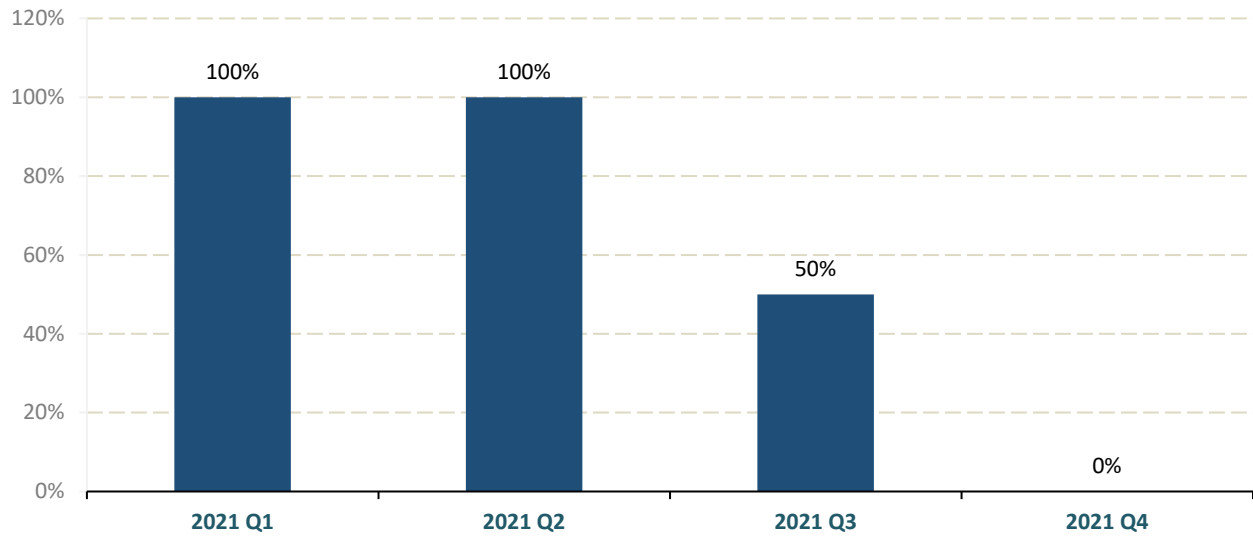
80% of survey participants report that the Lawyer Assistance Program addressed their goals

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



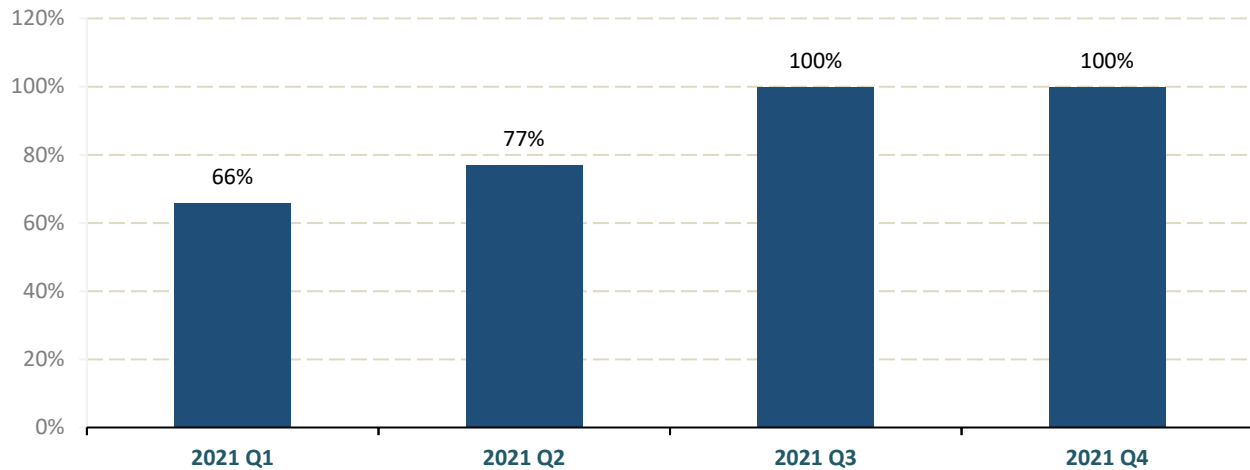
Note: Metric LAP-4A & 4B

Track successful completion rates for Alternative Discipline Program cases (and reasons for termination)



Note: Metric LAP-5

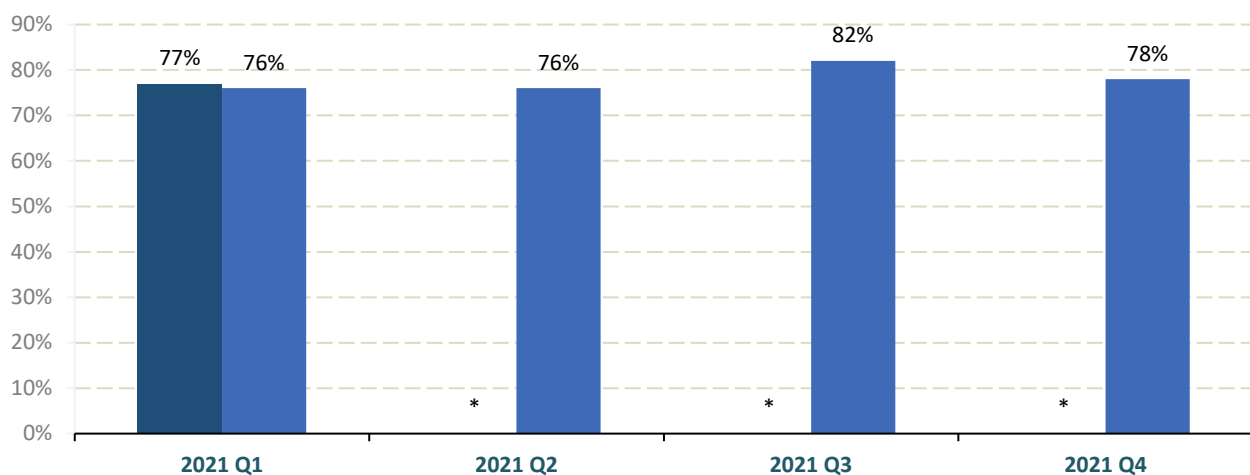
80% of callers report a high level of overall satisfaction with the Ethics Hotline experience



Note: Metric OPC-1

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

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



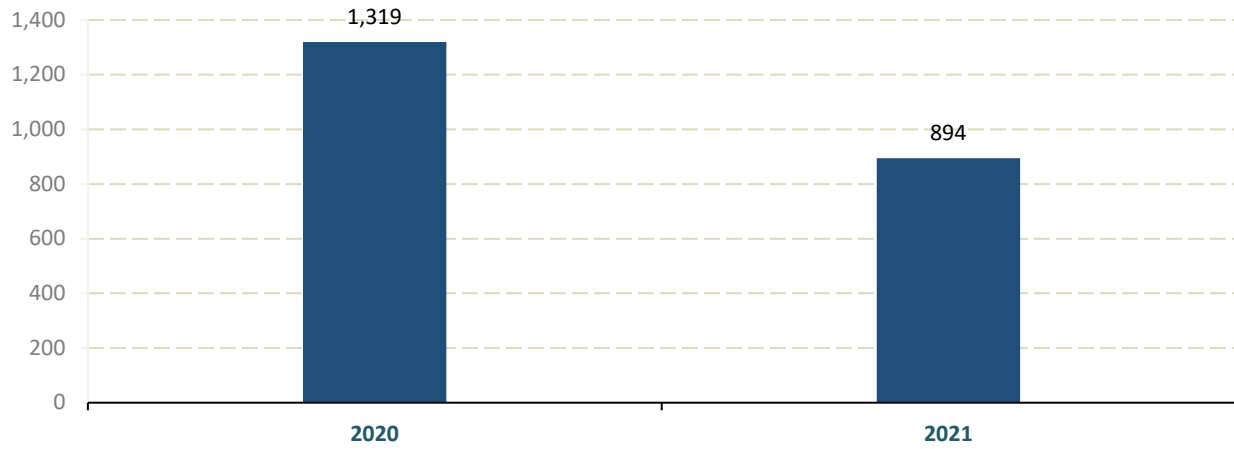
■ Voluntary e-learning courses: 85% of participants report these courses met their expectations

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

Note: Metric OPC-2A & OPC-2B; *As of March 1, 2021, there are currently no voluntary e-learning courses offered to licensees. We anticipate that the voluntary New Rules of Professional Conduct course will be restored to the LMS following an update of the course content.

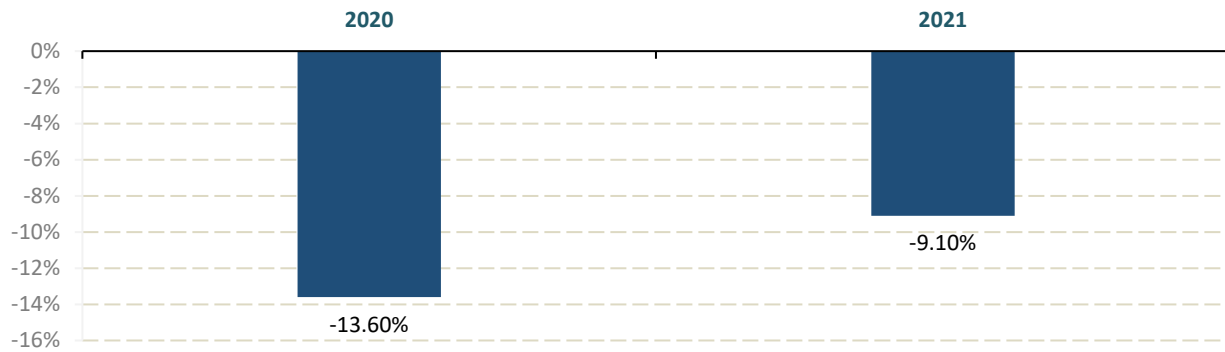
Metric	Description	2021
OPC-3	80% of all annual Lawyer Referral Service recertification applications processed within 60 days of receipt of a completed submission	85%
OPC-4	90% of requests for arbitration of attorney-client fee disputes are served on the responding attorney within 10 business days of receipt of a completed submission	97%

Resolve at least 1,350 cases in 2021



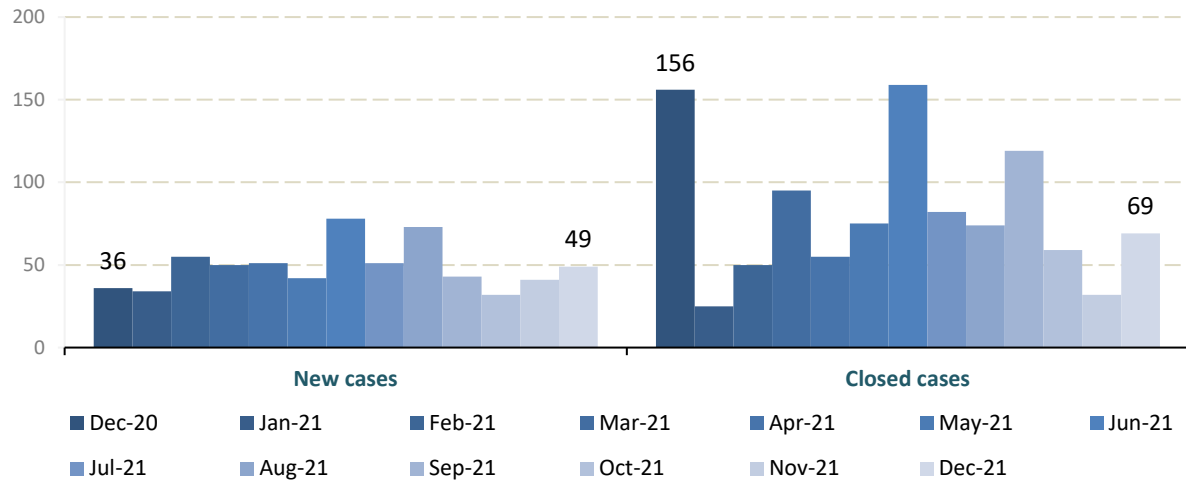
Note: Metric CSF-1

Decrease time to payout after final discipline by 5 percent

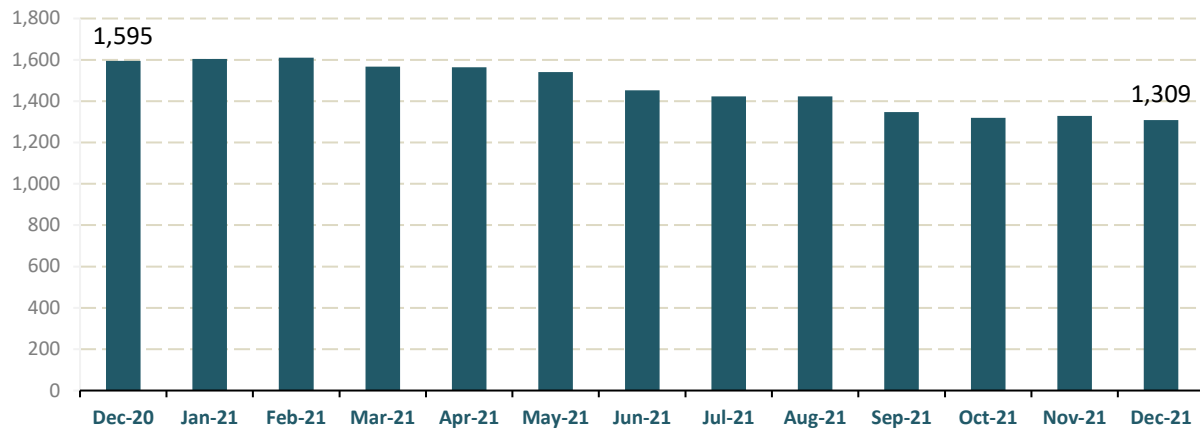


Note: Metric CSF-2

New and Closed Cases



Case Inventory



Post-Disposition Outcomes

Below are analyses of post-disposition outcomes by four types of dispositions: Resource Letter, Warning Letter, Reproval (both public or private) and Probation. Four outcomes were analyzed: new complaint received, new complaint investigated, new case filed with State Bar Court, and new discipline imposed. Disciplines counted include participation in the Alternative Discipline Program, reprobation, probation, or disbarment. All complaint types are considered, including probation violations. The year listed is when the Respondent received their disposition.

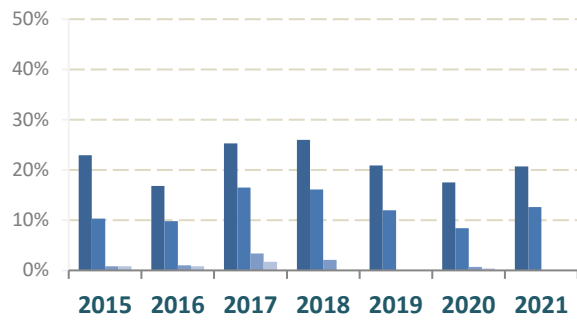
Number of Respondents Included in Samples by Disposition and Year

	Resource Letter	Warning Letter	Reproval	Probation	Total
2015	262	594	57	276	1,189
2016	386	539	52	210	1,187
2017	237	572	50	162	1,021
2018	192	618	35	147	992
2019	191	514	36	159	900
2020	285	589	61	111	1,046
2021	87	285	45	143	560

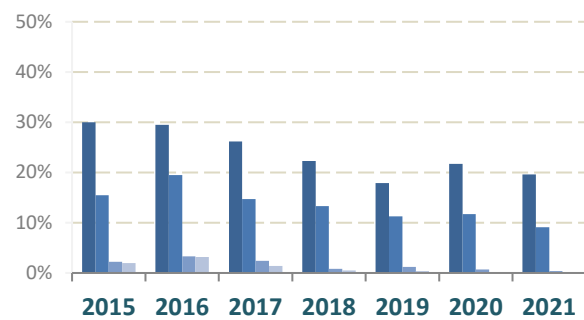
Note: outcomes analyzed are as of December 2021

Within 6 Months of Disposition

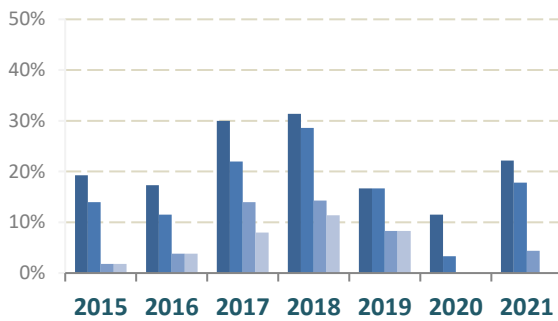
Resource Letter



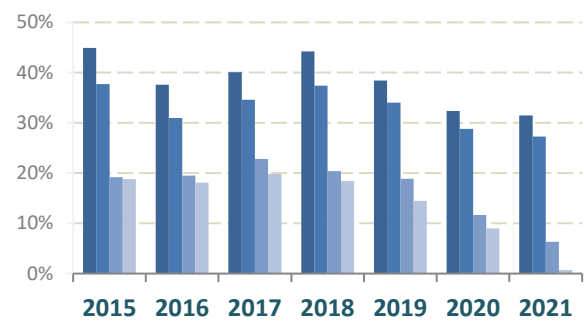
Warning Letter



Reproval



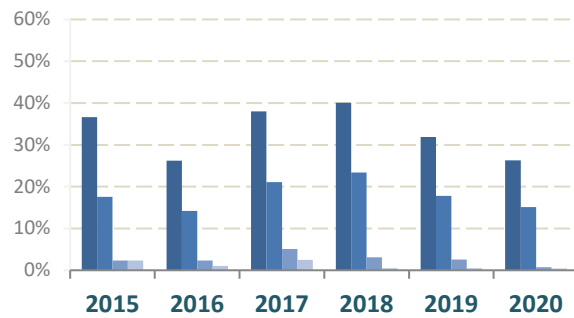
Probation



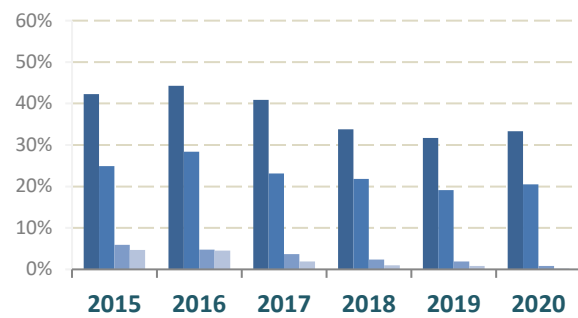
■ New Complaint Received ■ New Complaint Investigated ■ New Case Filed with State Bar Court ■ New Discipline Imposed

Within 12 Months of Disposition

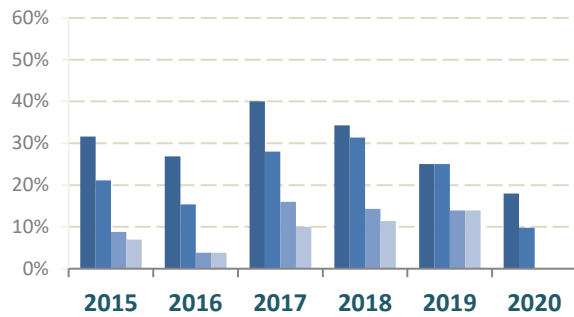
Resource Letter



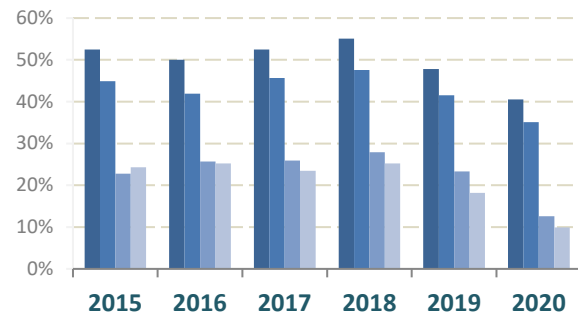
Warning Letter



Reproval



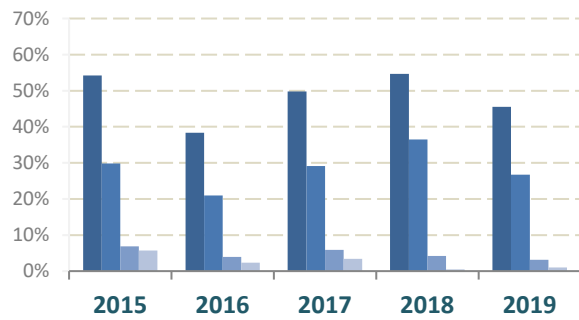
Probation



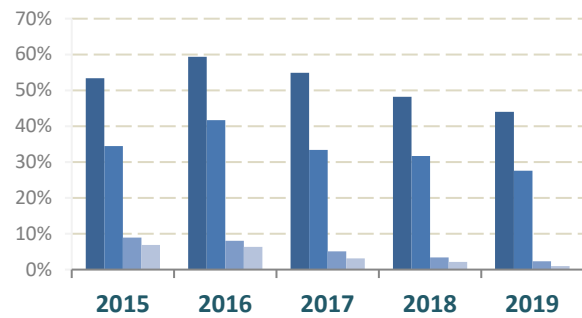
■ New Complaint Received ■ New Complaint Investigated ■ New Case Filed with State Bar Court ■ New Discipline Imposed

Within 24 Months of Disposition

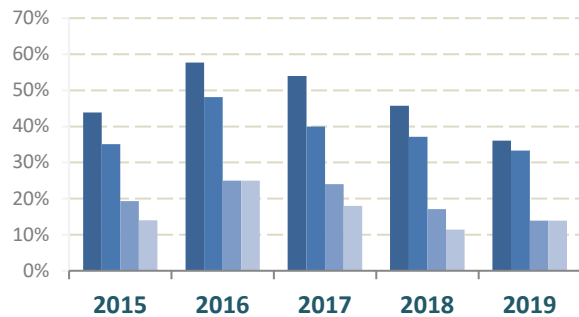
Resource Letter



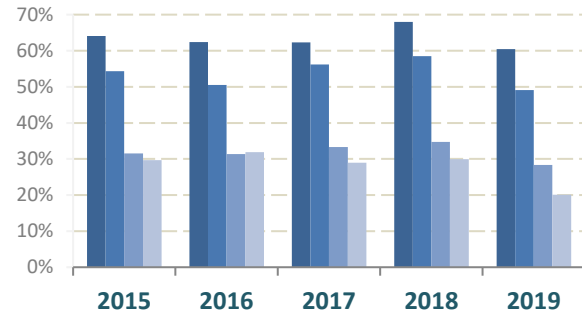
Warning Letter



Reproval



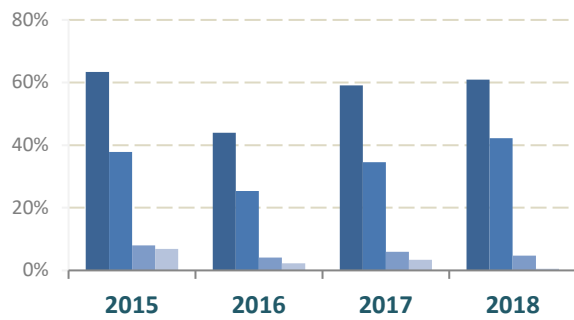
Probation



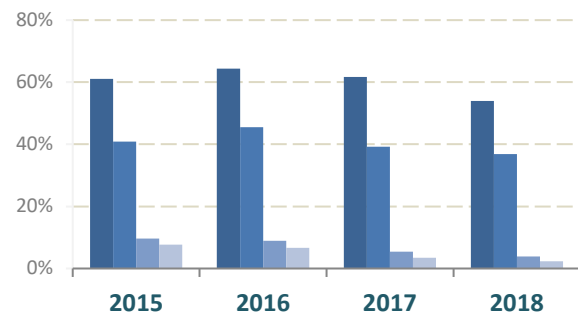
■ New Complaint Received ■ New Complaint Investigated ■ New Case Filed with State Bar Court ■ New Discipline Imposed

Within 36 Months of Disposition

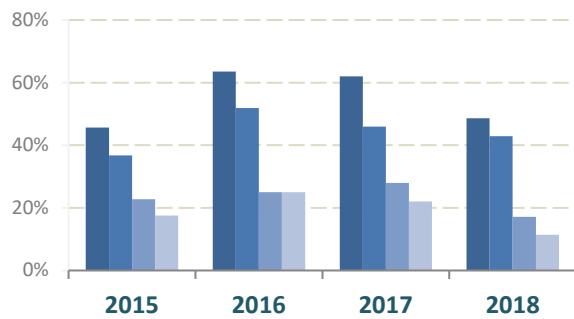
Resource Letter



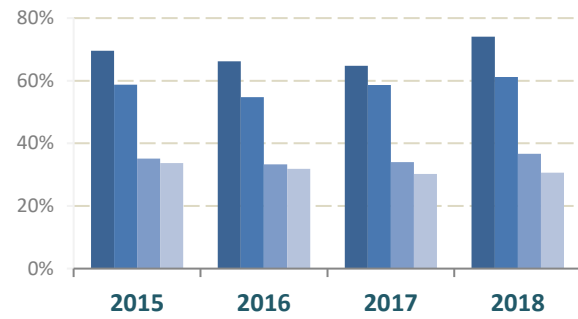
Warning Letter



Reproval



Probation



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

Complaining Witness Overall

The State Bar offers Complaining Witnesses (CWs) the opportunity to share information about their experience filing a complaint via an online survey. The purpose of this survey is to assess CWs' views of access and fairness of the State Bar's discipline system.

Survey questions address issues of access and fairness. CW are asked, "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" using a five-point scale where 1 = strongly disagree and 5 = strongly agree.

Complaining Witnesses (CW) are invited to participate in a survey via a letter they receive that describes the outcome of their complaint. Those with email addresses are invited to participate via email. Contact via email ceased during Q2 and Q3 of 2019 when the new data management system Odyssey went live but was resumed in October 2019.

The analyses compare two groups of Complaining Witnesses:

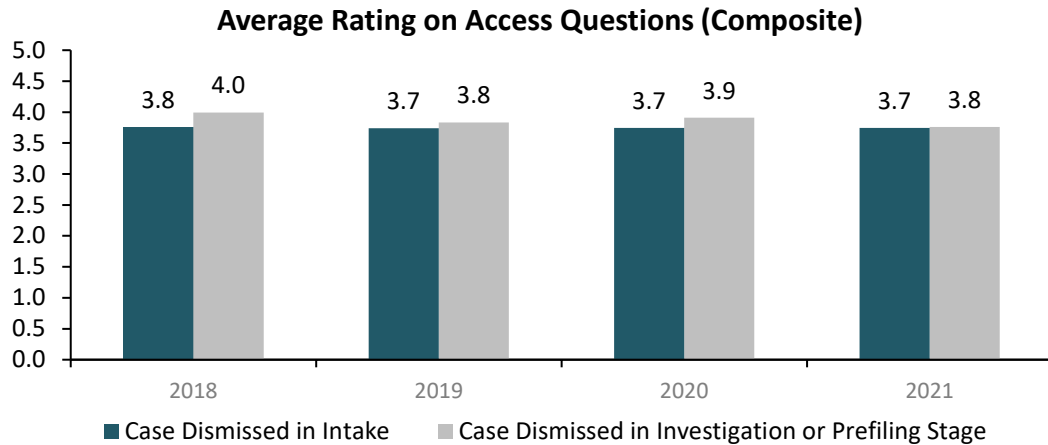
- those whose complaints were dismissed during intake dismissed during the **intake** stage
- those whose complaints were dismissed during the **investigation** or **prefiling** stage

Number of Complaining Witnesses That Responded to Survey

2018	650
2019	1,044
2020	1,330
2021	1,149

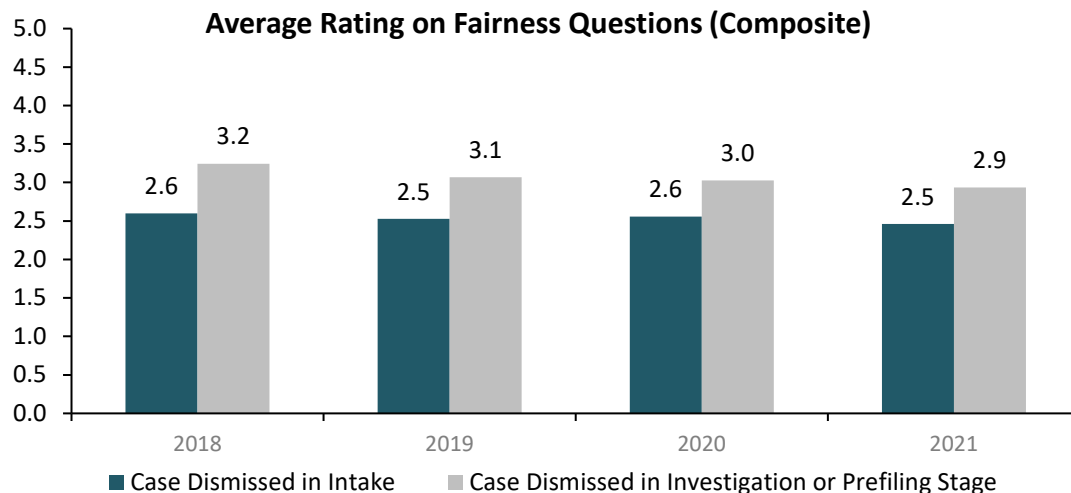
Access Questions

- It was easy to find the complaint form on the State Bar's website.
- The instructions and information on the website about filing a complaint were clear and easy to understand.
- The website provided useful information about how to file a complaint.
- The written instructions that were included with the complaint form were clear and easy to understand.



Fairness Questions

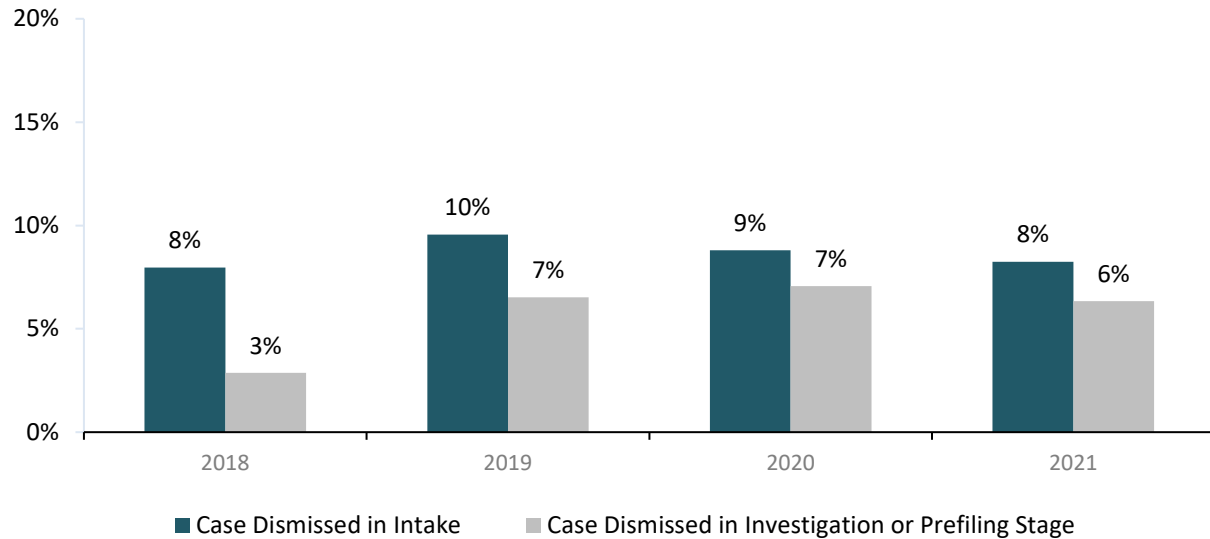
- I was given the opportunity to submit additional information about my complaint.
- State Bar staff treated me with courtesy and respect.
- The State Bar explained in a way that I was able to understand why they closed my case, even if I did not agree with this decision.
- The communication from the State Bar addressed the issues raised in my complaint, even if I did not agree with the decision to close my case.



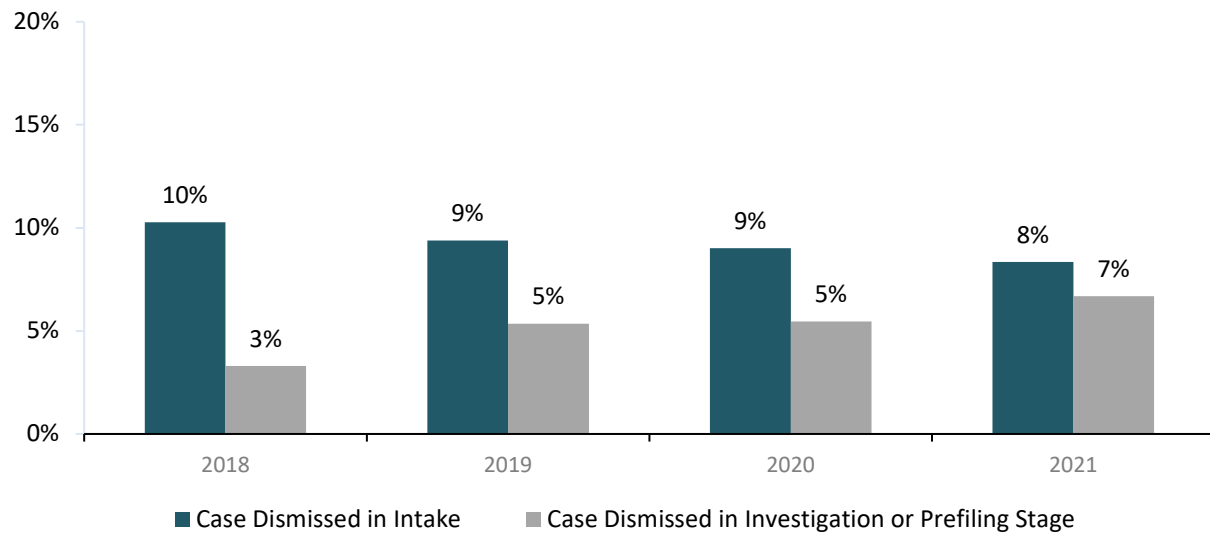
Percentage of CWs Who Responded to **Access** Questions with a Rating of 1 (strongly disagree)

(Higher percentages indicate more dissatisfied CWs)

It was easy to find the complaint form on the State Bar's website.

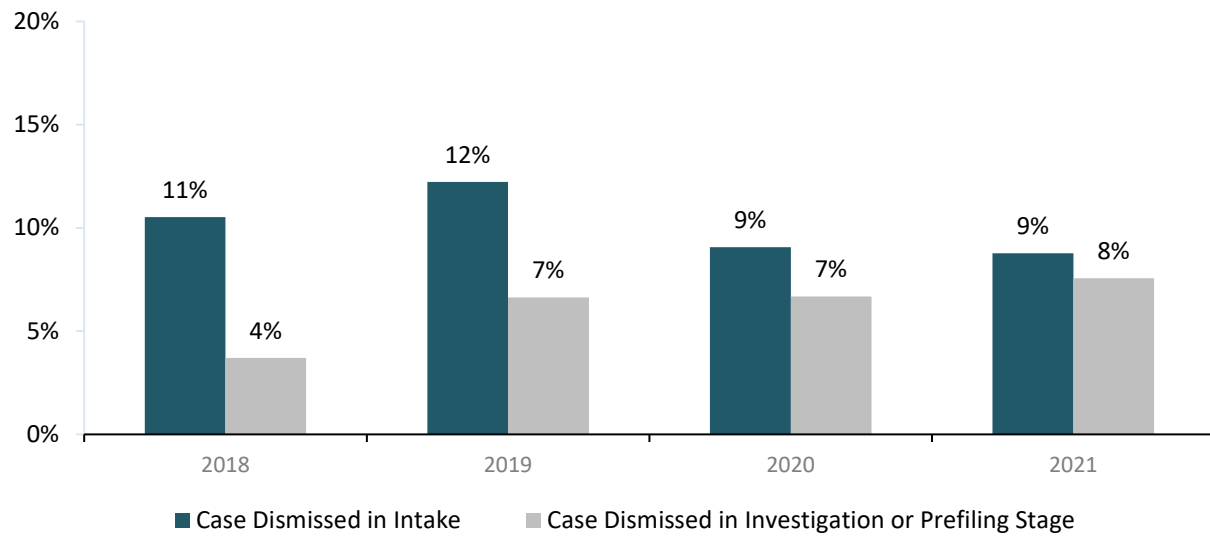


The instructions and information on the website about filing a complaint were clear and easy to understand.

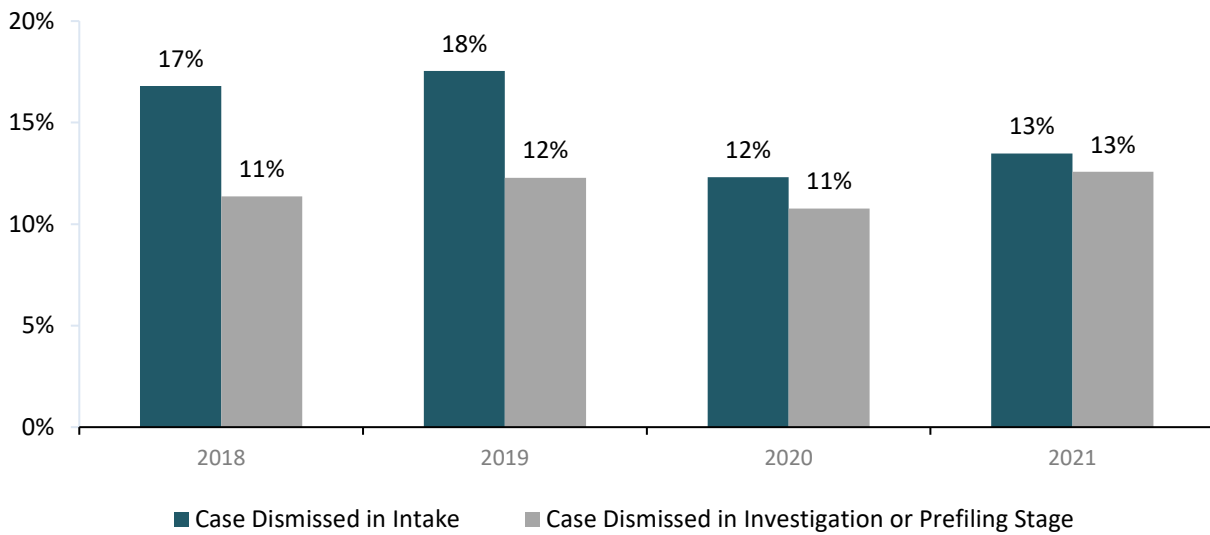


Complaining Witness Survey: Access Ratings

The website provided useful information about how to file a complaint.



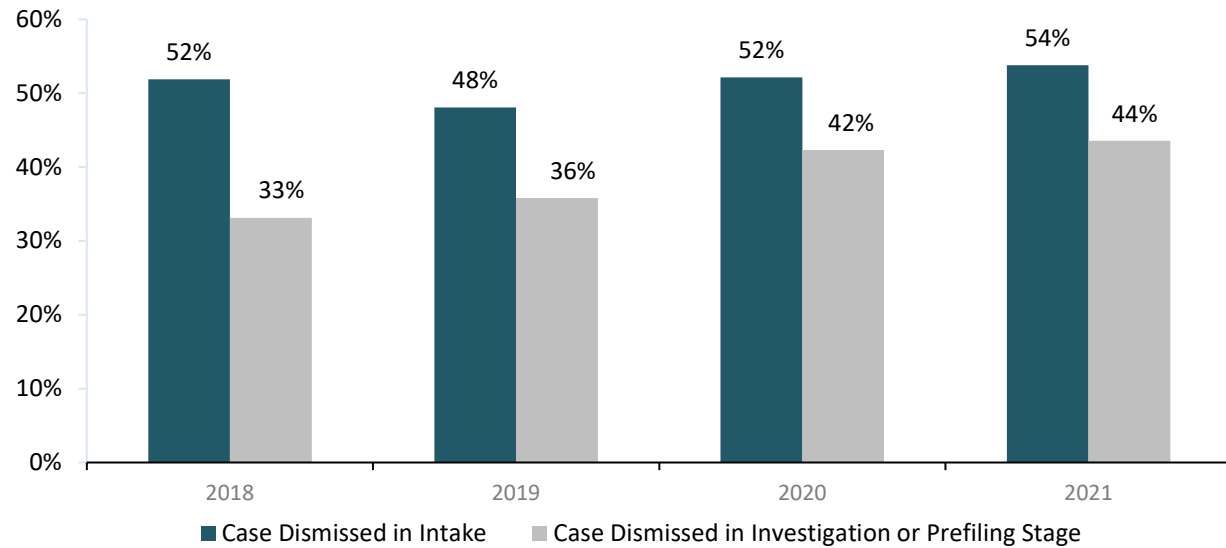
The written instructions that were included with the complaint form were clear and easy to understand.



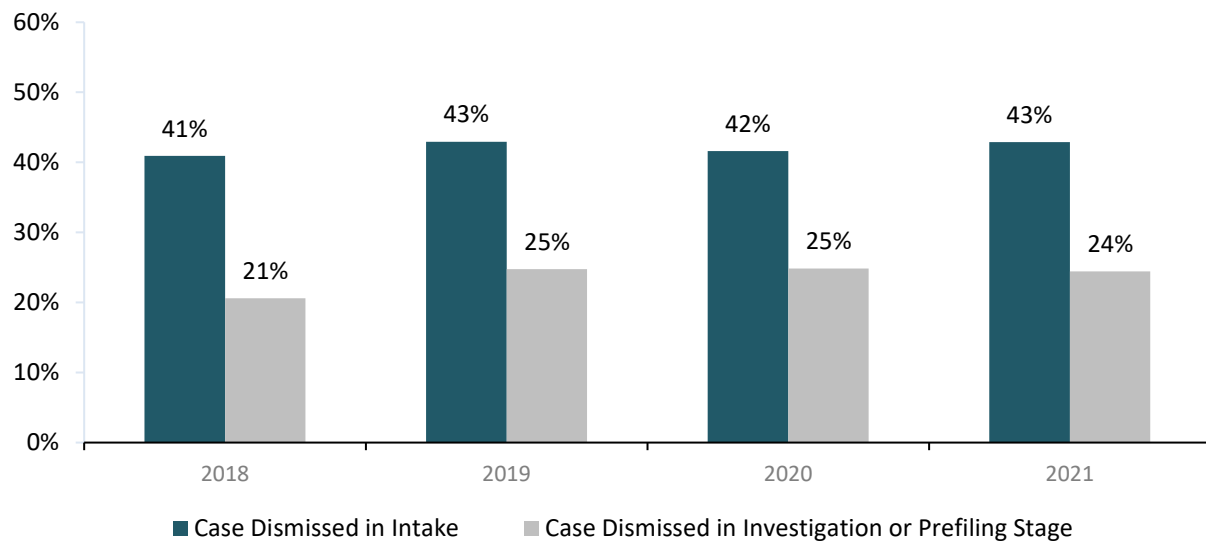
Percentage of CWs Who Responded to Fairness Questions with a Rating of 1 (strongly disagree)

(Higher percentages indicate more dissatisfied CWs)

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.

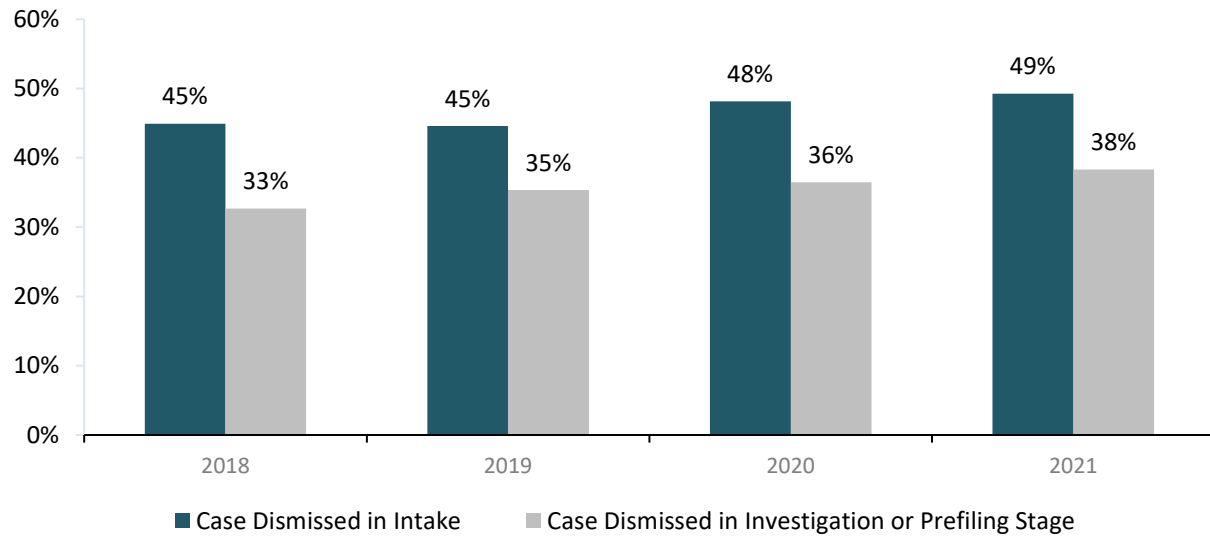


I was given the opportunity to submit additional information about my complaint.



Complaining Witness Survey: Fairness Ratings

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.

