



The State Bar of California

Review and Approval of 2022 Annual Discipline Report (ADR)

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Board of Trustees, October 24, 2022

What is the Annual Discipline Report?

Business and Professions Code 6086.15 (a)

“The State Bar shall issue an Annual Discipline Report by October 31 of each year describing the performance and condition of the State Bar discipline system, including all matters that affect public protection. The report shall cover the period from July 1 of the previous calendar year to June 30 of the year in which the report is issued and shall include accurate and complete descriptions of all of the following:”

Inventory and success meeting case processing goals

Disciplinary filings and outcomes

Construction-related accessibility demand letters: number received, investigations opened, and disciplinary action

Inventory and disposition

Other matters

Insurance fraud

Reportable actions, self-reported

Unauthorized practice of law by former attorneys

Provision of financial services by lawyers

Reportable Actions, by others

Unauthorized practice of law by nonattorneys

Client Security Fund

Speed of complaint handling

Disposition of felony convictions and conviction transmittals

Cost of the discipline system



Senate Bill 211 impacted the 2022 ADR in the following ways:

General Changes

- New deadline October 31 of each year.
- Reporting period is now fiscal year ending June 30. 2022 ADR will report both fiscal and calendar years.
- Report on previous 5 years of data (increased from 3), if available.

New Required Reporting

- Inventory of cases open at the start of the reporting period, opened during the reporting period, remained pending at the close of the reporting period or were disposed of during the reporting period.
- Number and percent of cases that met and did not meet goal of dismissing a complaint, admonishing an attorney, or filing formal charges within six months for noncomplex cases and 12 months for complex cases.
- State Bar compliance with Business and Professions Code 6101 which requires the transmittal of criminal conviction records that may involve moral turpitude within 30 days.



Report Contents

Narrative

- Summary of SB 211's impact on ADR
- Other changes made to ADR
- Performance highlights

Statutorily Mandated Reporting (15 tables)

- Fiscal Year
- Calendar Year

Appendices

- Glossary of terminology
- Potential conflicts of interest – Rule 2201
- Attorney discipline system
- Tables with prior case type methodology
- Report methodology



OCTC Inventory

- The number of cases opened in FY 2022 was 16,355, the lowest over the last five fiscal years.
- This reduction in cases opened is primarily the result of significant decreases in new complaints and criminal conviction matters from their peak periods of 2019 and 2020 (new complaints) and 2020 and 2021 (criminal convictions).

	FY 2018	FY 2019	FY 2020	FY 2021	FY 2022
Pending at Year Start	5,825	6,437	8,795	9,668	9,878
Opened During	16,673	18,252	20,979	17,190	16,355
Closed During	16,061	15,893	20,106	16,980	16,179
Pending at Year End	6,437	8,795	9,668	9,878	10,054



Cases Meeting Case Processing Goals

Business and Profession Code 6094(a)

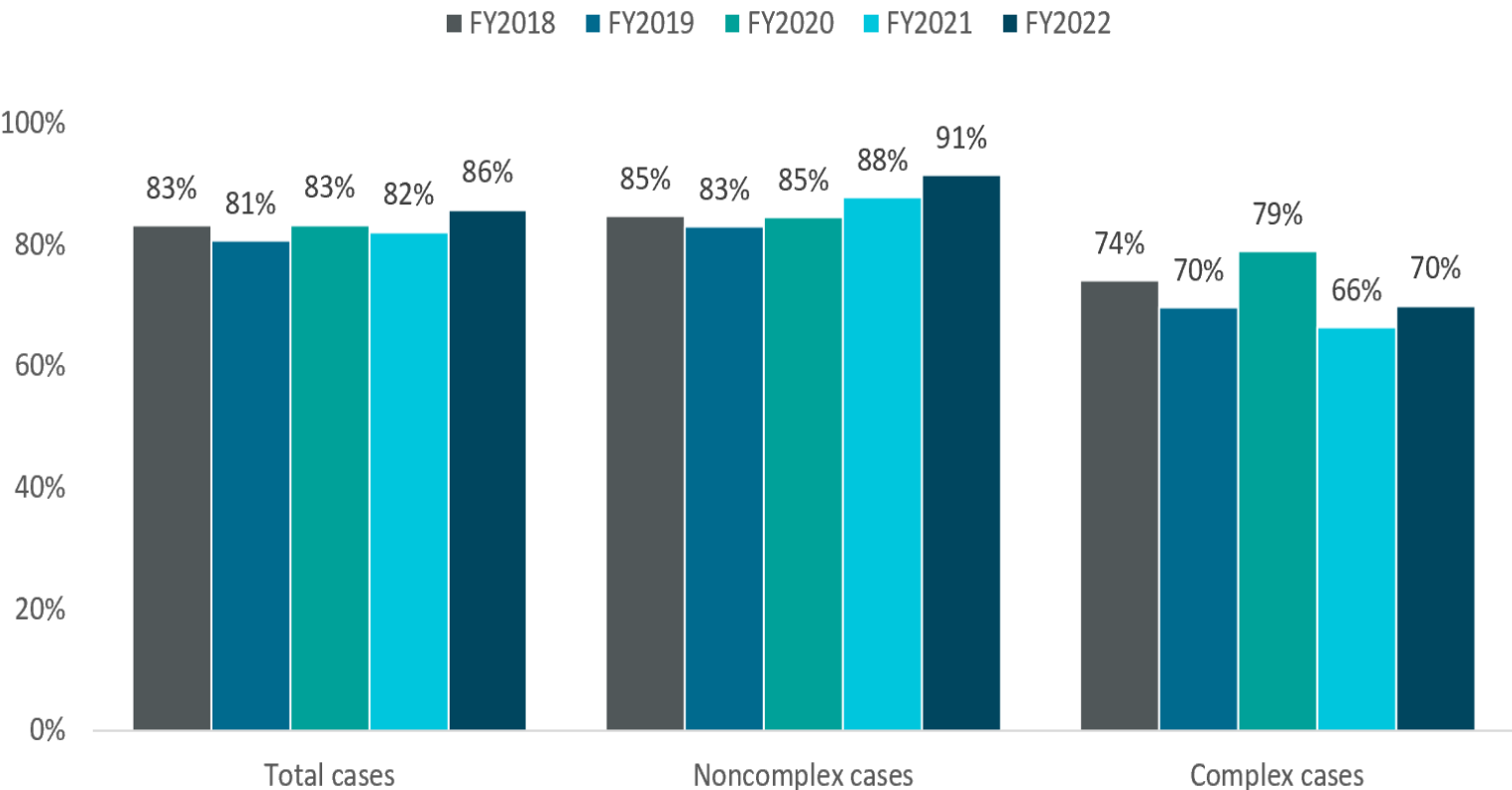
- ✓ **Noncomplex cases: 6 months**
- ✓ **Complex cases: 12 months**

Findings

- ✓ Met case processing goals for 86% of cases, the highest share in five years
- ✓ Percent of noncomplex cases meeting goals 91%, highest in five years
- ✓ Number of noncomplex cases in backlog was 865 in FY 2022, a decrease from previous years.
- ✓ Percent of complex cases meeting goals was 70%; this fluctuates year to year; FY 2022 backlog was 1,100, a decrease from FY 2021

“Complex cases

- ✓ Designated as a “major” case
- ✓ Required subpoenas for records
- ✓ Numerous potential charges or parties
- ✓ Respondent fails to provide information within a reasonable time or at all.

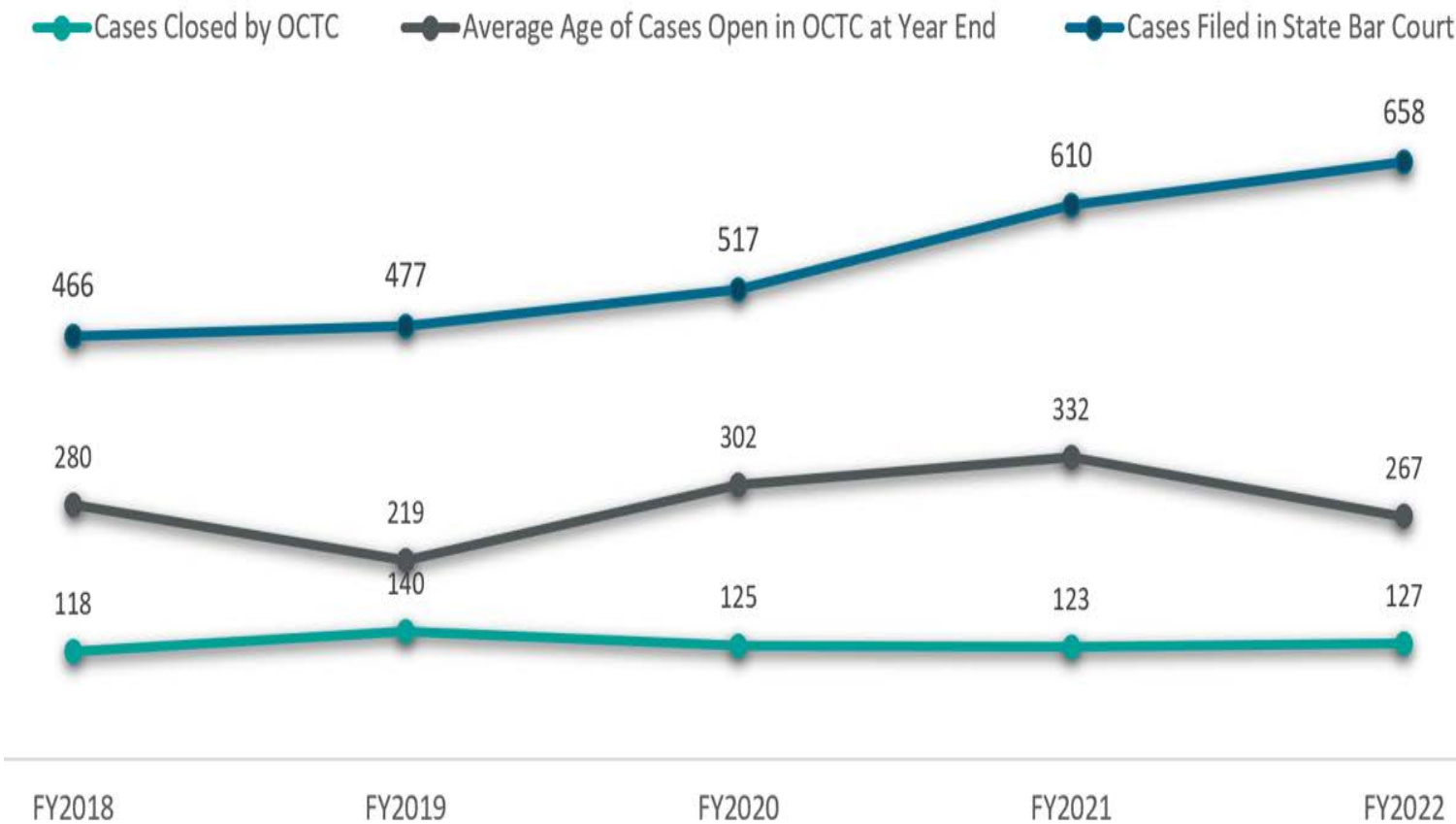


Case Processing Time

Cases with no action, a referral, or nondisciplinary action: increased from 118 days in FY 2018 to 127 days in FY 2022.

Cases open in OCTC at year end: average age was 267 days in FY 2022, down from a high of 332 days in FY 2021 but up from a low of 219 days in FY 2019.

Cases filed in State Bar Court: steadily increased over the last five years, from 466 days in FY 2018 to 658 days in FY 2022.



Discipline Costs

Cost of the Discipline System	CY2019	CY2020	CY2021 Current	CY2021 Revised
Chief Trial Counsel	\$52,023,100	\$61,027,900	\$59,128,344	\$59,128,344
Probation	\$1,675,400	\$1,968,900	\$1,763,181	\$1,763,181
Mandatory Fee Arbitration	\$80,900	\$12,300	\$44,409	\$44,409
State Bar Court	\$13,047,400	\$13,684,000	\$13,739,415	\$13,739,415
Professional Competence	\$3,012,500	\$2,714,800	\$3,292,881	\$3,292,881
Attorney Regulation & Consumer Resources	\$5,698,900	\$5,432,200	\$5,968,266	\$5,968,266
Communications (70%)	\$617,500	\$698,500	\$683,707	\$683,707
Licensee Billing (73%)	\$450,900	\$375,400	\$631,961	\$865,699
General Counsel (76.3%)	\$2,953,300	\$3,329,500	\$3,021,842	\$3,960,474
Total	\$79,559,900	\$89,243,500	\$88,274,005	\$89,446,376

