



The State Bar of California

OPEN SESSION AGENDA ITEM 60-4 JANUARY 2023

DATE: January 19, 2023

TO: Members, Board of Trustees

FROM: Yun Xiang, Chief of Mission Advancement & Accountability Division
Lisa Chavez, Director, Office of Research and Statistics

SUBJECT: Discussion of Updated Case Processing Metrics

EXECUTIVE SUMMARY

The State Bar has had a set of discipline system metrics since September 2018 and a set of metrics for all functional areas of the organization since January 2019. Staff recently conducted a comprehensive review of all metrics in conversation with division and office leaders to strengthen and refine their utility and to ensure alignment with the State Bar's 2022–2027 Strategic Plan. This agenda item shares proposed case processing metrics for the Board's feedback.

BACKGROUND

Metrics provide a vehicle for assessing organizational performance, and are intended to be aligned with the State Bar's strategic plan and goals. Publication of metrics supports the State Bar's goals of transparency and allows stakeholders the ability to both measure progress and hold the organization accountable. Metrics were reported to the Board at regular intervals in 2019, 2020, and 2021, culminating in the 2021 Annual Metrics Report published in spring 2022 in conjunction with the State Bar's 2021 Annual Report.

This year's effort to revise and propose new discipline metrics is tied to Goal 1 ("Protect the Public by Strengthening the Attorney Discipline System") of the State Bar's 2022–2027 Strategic Plan. The metrics have been retitled and refocused as case processing, versus discipline,

metrics, given the breadth of functional areas of the State Bar that fall under the broad header of discipline; a more narrow set of metrics focused on complaint case processing is intended to provide the Board of Trustees and stakeholders with a clearer view of the performance of this aspect of the State Bar's operations.

In fall 2022, staff undertook a comprehensive review of all case processing related metrics. Each division/office leader reviewed their previous year's metrics and their respective projects listed in the strategic operational and core operational plans. Through an iterative process involving Leadership Team and Executive Director review, a preliminary final set of case processing metrics was developed.

DISCUSSION

State Bar staff has developed 19 metrics related to compliant processing as reflected in Attachment A. The Board is not asked to approve these metrics due to several pending efforts, including the State Bar's pending case processing standards proposal submitted pursuant to Senate Bill 211 as well as the work of the Ad Hoc Commission on the Discipline System. New or amended metrics may be needed depending on the final disposition of each of these initiatives.

The Board is asked to review and discuss the proposed case processing metrics. Staff will make necessary amendments based on Board discussion and will generate the first report covering the new metrics for the Board's September meeting.

FISCAL/PERSONNEL IMPACT

None

AMENDMENTS TO RULES

None

AMENDMENTS TO BOARD OF TRUSTEES POLICY MANUAL

None

STRATEGIC PLAN GOALS & IMPLEMENTATION STEPS

Goal: 1. Protect the Public by Strengthening the Attorney Discipline System.

RECOMMENDATIONS

None

ATTACHMENT LIST

- A.** Proposed Complaint Processing Metrics for 2023

Preliminary 2023 Case Processing Metrics

Proposed case processing metrics are set out in table 1. Some metrics are carried over from last year with slight updates. Other metrics are new. Most metrics have targets; those without targets will only be reported for tracking purposes.

Table 1. Proposed Case Processing Metrics

No.	Responsible Office	Proposed Metric	Notes
1	OCTC	Decrease the percentage of cases in backlog status	Updated backlog metric (aligned with Annual Discipline Report (ADR) reporting); backlog status is defined as 180 days for noncomplex cases and 365 days for complex cases
2	OCTC	Decrease case disposition time for the 90th percentile of cases (by case stage and complexity)	Updated metric (reflecting addition of case stage and complexity)
3	OCTC	Decrease average case disposition time (by case stage and case complexity)	Updated metric reflecting addition of case stage and complexity)
4	OCTC	Track percent of disciplined cases resolved with nonpublic discipline	New metric
5	OCTC	Track number of attorneys who have 15+ prior complaints and discipline outcomes for those attorneys	New metric
6	OCTC	The external random auditor recommends less than 4.3 percent of cases for reopening	Updated metric. The metric will be based on what the percent of cases the auditor recommends rather than the percent of cases OCTC decides to reopen
7	OCTC	The California Supreme Court will deny 99% of Walker Petitions.	Updated metric; the target was previously expressed as “1 percent

			of Walker Petitions will be granted”; same metric, presented differently
8	OCTC	Less than 2 percent of Complaint Review Unit dispositions result in reopens for reasons other than new evidence	Carryover metric
9	SDTC	Decrease average case disposition time for 2201 cases	New metric. 2201 matters not previously reported on in metrics reports
10	SDTC	Decrease case disposition time for the 90th percentile of 2201 cases	New metric. 2201 matters not previously reported on in metrics reports
11	SDTC	90 percent of 2201 cases will be processed within 180 days for non-complex cases, and 365 days for complex cases measuring from case referral date	New metric. This metric will be measured starting from the date the case was referred to the 2201 program
12	State Bar Court	Track the time that cases spend in the Early Neutral Evaluation Conference (ENEC) process	New metric. Time will be measured from the date of the first ENEC meeting to the date of the last ENEC meeting
13	State Bar Court	Decrease average case disposition time for Original and Criminal Conviction cases	New metric. Case disposition time will be calculated from filing of Notice of Discipline Charges to final case disposition
14	State Bar Court	90 percent of Original and Criminal Conviction cases are processed within case type timelines standards	New metric
15	Office of General Counsel	Track the Complaint Review Unit (CRU)’s case clearance rate	New metric. CRU matters not reported on previously other than in relation to OCTC cases
16	Office of General Counsel	Track case processing time for CRU cases	New metric. CRU matters not reported on previously other than in relation to OCTC cases
17	The State Bar	Increase percent of respondents that retain representation	Carryover system-wide metric

18	The State Bar	Track recidivism rates	Carryover system-wide metric (Recidivism is tracked as the percentage of attorneys with new complaints investigated or disciplined within 1 and 3 years after disposition)
19	The State Bar	Track satisfaction rate of complainining witnesses in procedure fairness surveys	Carry-over system wide metric