



The State Bar *of California*

Office of Chief Trial Counsel Performance Metrics – Q1 2023

George Cardona, Chief Trial Counsel

Board of Trustees, May 18-19, 2023

Interactive Dashboard

Performance metrics for the Office of Chief Trial Counsel (OCTC) are available for viewing in an [interactive dashboard](#).

This interactive dashboard will be continuously updated and provided to the Board of Trustees as a standing agenda item.

Last presented on Q-4 2022 performance metrics from dashboard at the March 16–17, 2023, meeting.

Current dashboard has been updated to modify/add metrics and include a glossary that defines certain terms.





CASE INVENTORY

6109

Previous Quarter: 5916 (+193)

CASELOAD CLEARANCE RATE

95%

Previous Quarter: 95% (+0%)

Target Clearance Rate: 100%

AVERAGE DAYS TO CLOSE

126

Previous Quarter: 120 (+6)

CASES CLOSED IN ≤180 DAYS

80%

Previous Quarter: 84% (-4%)

AVERAGE DAYS SPENT IN INVESTIGATION

218

Previous Quarter: 198 (+21)

Jan-Jun 2020: 190 average days
reported by Auditor

PERCENT CASES SPENT IN INVESTIGATION ≥ 365 DAYS

17%

Previous Quarter: 16% (+1%)

Jan-Jun 2020: 11% reported by Auditor

CRU REOPENS FOR REASONS OTHER THAN NEW EVIDENCE

1%

Target: 2% (-0.6%)

RANDOM AUDIT REOPENS FOR SUBSTANTIVE REASONS

4.2%

Target: 4.3% (-0.1%)

Period: Mar 2021 - Aug 2021

NOTES:

- Rule 2201 (OEX) program cases are not included in this report.
- KPI's shown on this page are for ADR cases only. For ADR case definition, see [Glossary](#).

FILTER BY:

Filter Info

ADR

- ☒ Yes
☐ No

ABATED

- ☐ No

COMPLEX

- ☐ No
☐ Yes

PERIOD

All

PRIORITY

All

PROJECTED CASES CLOSED IN BACKLOG STATUS IN 2023

2152

2022 Backlog: 1851 (+301)
2021 Backlog: 2070 (-219)

14%

2022 Backlog: 13% (+1%)
2021 Backlog: 14% (-1%)

OPEN CASES IN BACKLOG STATUS IN 2023 Q1

2886

2022 Backlog: 2432 (+454)
2021 Backlog: 1800 (+632)

47%

2022 Backlog: 41% (+6%)
2021 Backlog: 37% (+4%)

To reach the 10% target for open backlog cases by the year end, quarterly case closures must increase by 20% comprising of all backlog cases for the next 3 quarters.

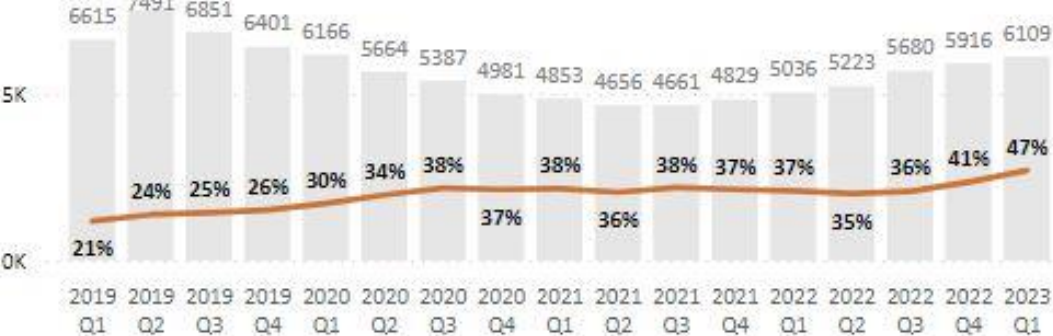
% OF CASES CLOSED IN BACKLOG STATUS

No. of Cases % Backlog



% OF OPEN CASES IN BACKLOG STATUS

No. of Cases % Backlog



FILTER BY:

Filter Info

ADR

☒ Yes☐ No

ABATED

☐ No

COMPLEX

☐ No☐ Yes

PERIOD

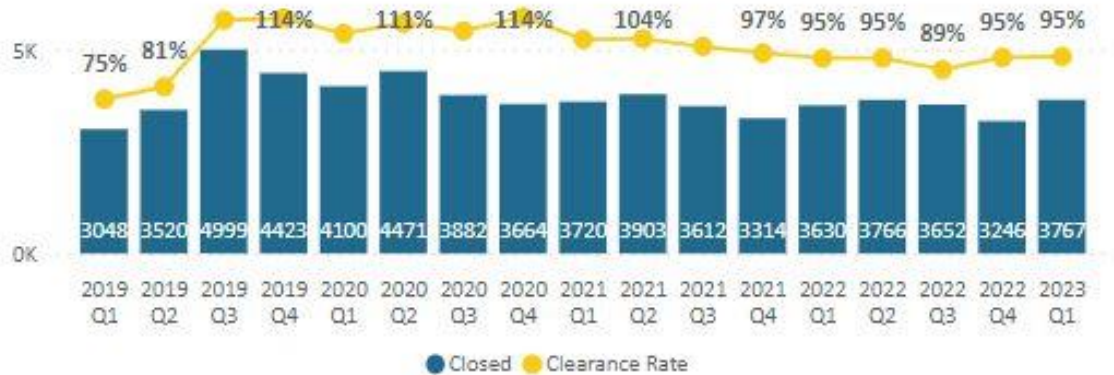
All

PRIORITY

All

Note: Complex filter does not apply to clearance rate due to the nature of its calculation.

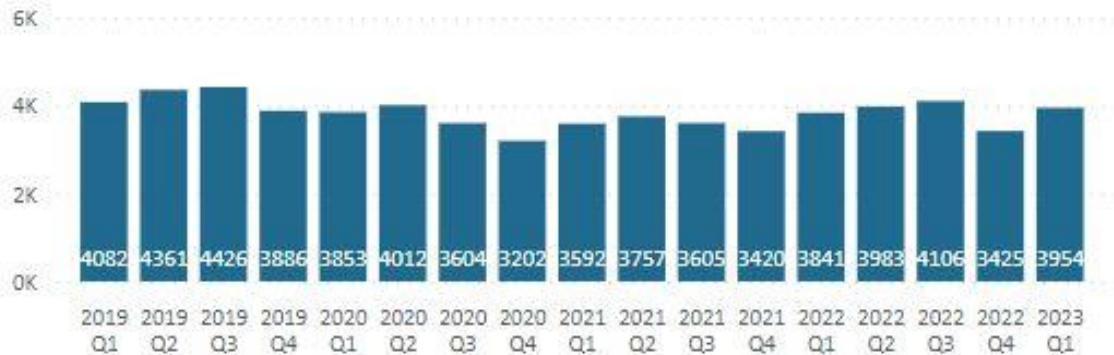
CASES CLOSED AND CLEARANCE RATE



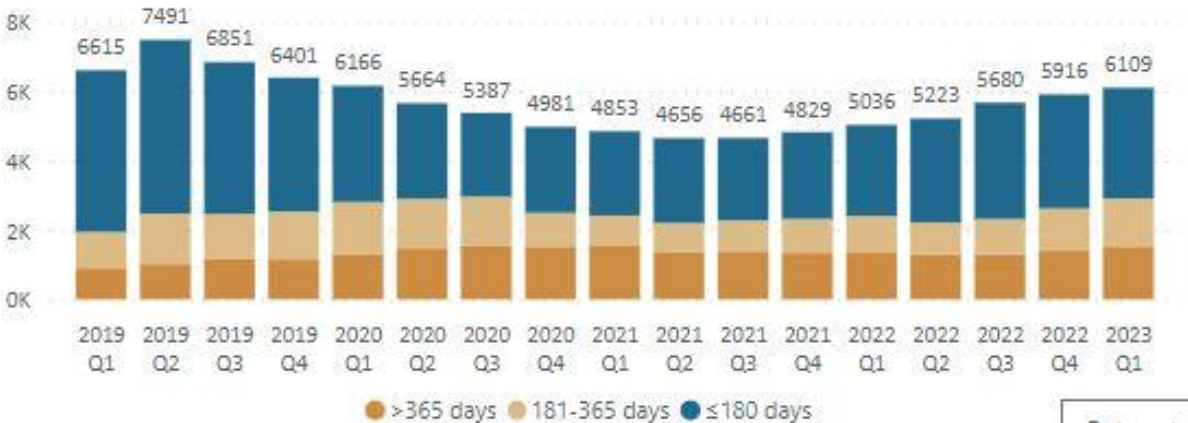
CASE AGE AT CLOSURE



INCOMING CASES



INVENTORY BY CASE AGE



Case Clearance v. Incoming Cases

Dashboard	ADR -Open	ADR-Close	ADR - Clearance Rate	All - Open	All - Close	All - Clearance Rate
2019 Q1	4082	3048	74.67%	4446	3307	74.38%
2019 Q2	4361	3520	80.72%	4887	3859	78.96%
2019 Q3	4426	4999	112.95%	5873	5429	92.44%
2019 Q4	3886	4423	113.82%	5590	4843	86.64%
CY 2019 Total	16755	15990	95.43%	20796	17438	83.85%
2020 Q1	3853	4100	106.41%	4886	4636	94.88%
2020 Q2	4012	4471	111.44%	4497	5064	112.61%
2020 Q3	3604	3882	107.71%	4651	4446	95.59%
2020 Q4	3202	3664	114.43%	3820	3971	103.95%
CY 2020 Total	14671	16117	109.86%	17854	18117	101.47%
2021 Q1	3592	3720	103.56%	4197	4004	95.40%
2021 Q2	3757	3903	103.89%	4333	4342	100.21%
2021 Q3	3605	3612	100.19%	3961	4029	101.72%
2021 Q4	3420	3314	96.90%	3675	3730	101.50%
CY 2021 Total	14374	14549	101.22%	16166	16105	99.62%
2022 Q1	3841	3630	94.51%	4226	4007	94.82%
2022 Q2	3983	3766	94.55%	4387	4322	98.52%
2022 Q3	4106	3652	88.94%	4476	4538	101.39%
2022 Q4	3425	3246	94.77%	3747	3743	99.89%
CY 2022 Total	15355	14294	93.09%	16836	16610	98.66%
2023 Q1	3954	3767	95.27%	4318	4226	97.87%
CY 2023 Projected	15816	15068	95.27%	17272	16904	97.87%

ADR Color Code
>4000 Open
<3600 Open
All Color Code
>4500 Open
<4000 Open



FILTER BY:

Filter Info

ADR

☒ Yes

☐ No

ABATED

☐ No

COMPLEX

☐ No

☐ Yes

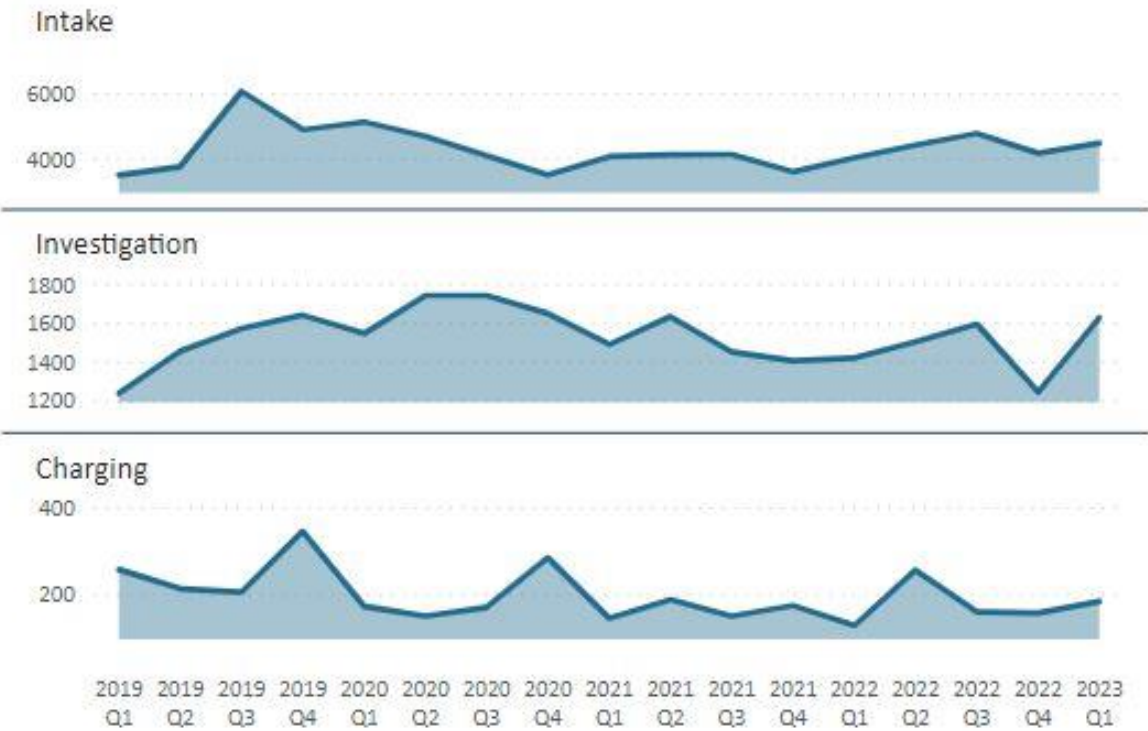
PERIOD

Multiple selections

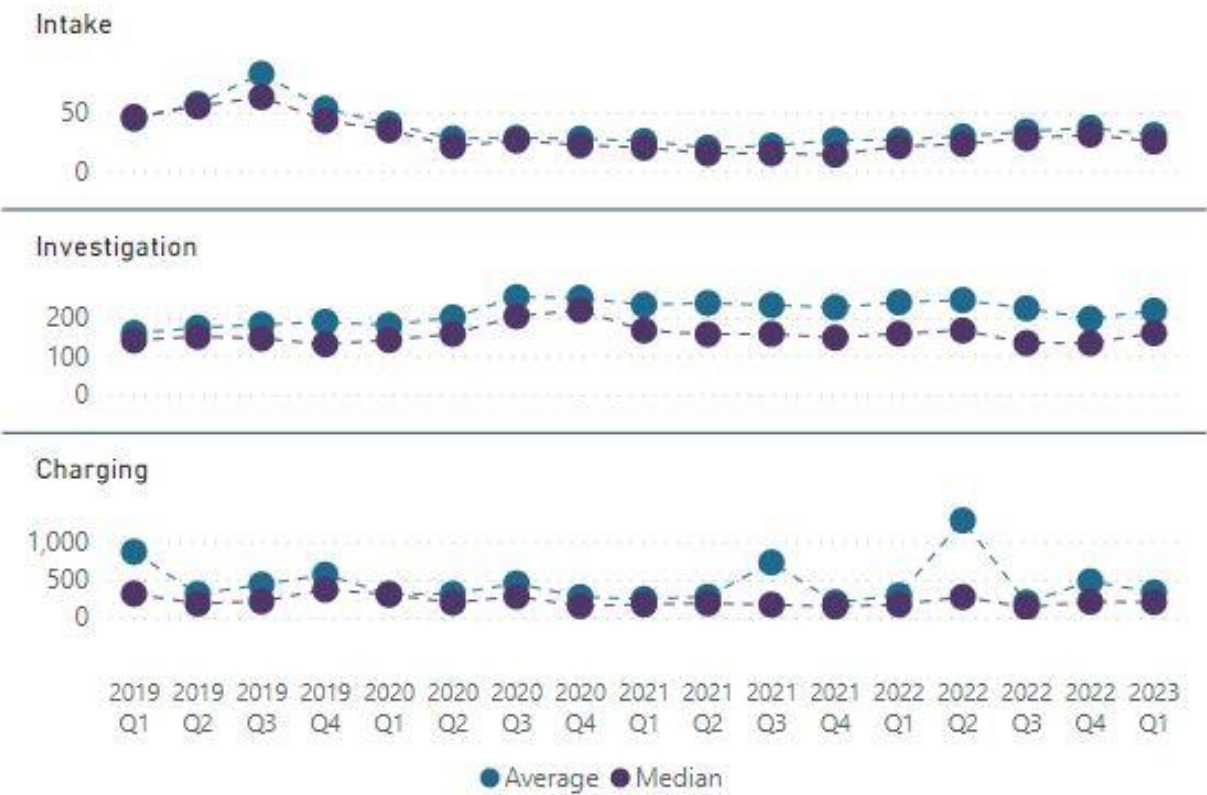
PRIORITY

All

CASES PASSING THROUGH EACH PHASE



DURATION OF CASES AT EACH PHASE (DAYS)



FILTER BY:

Filter Info

ADR

- ☒ Yes
☐ No

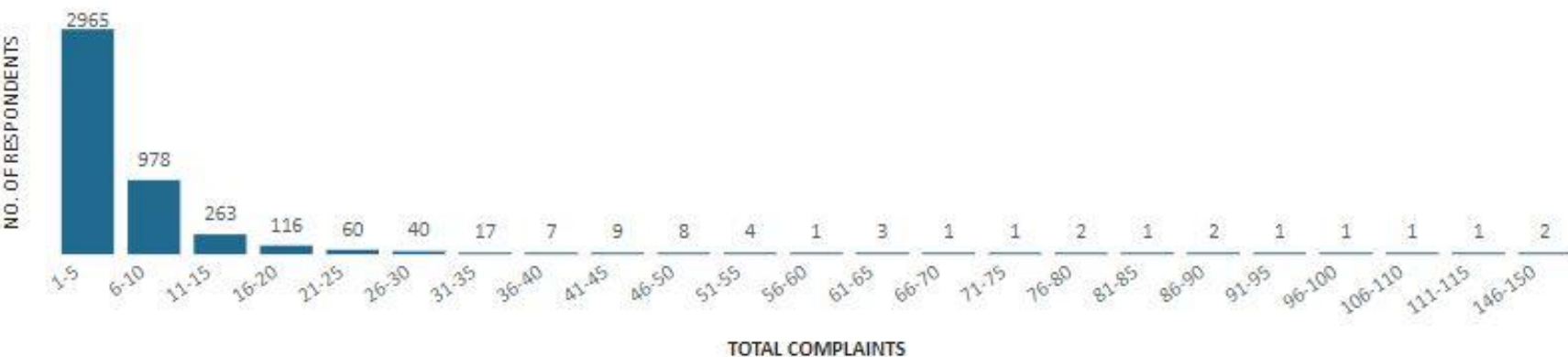
RESPONDENTS WITH NEW CASES
OPENED IN 2023 Q1



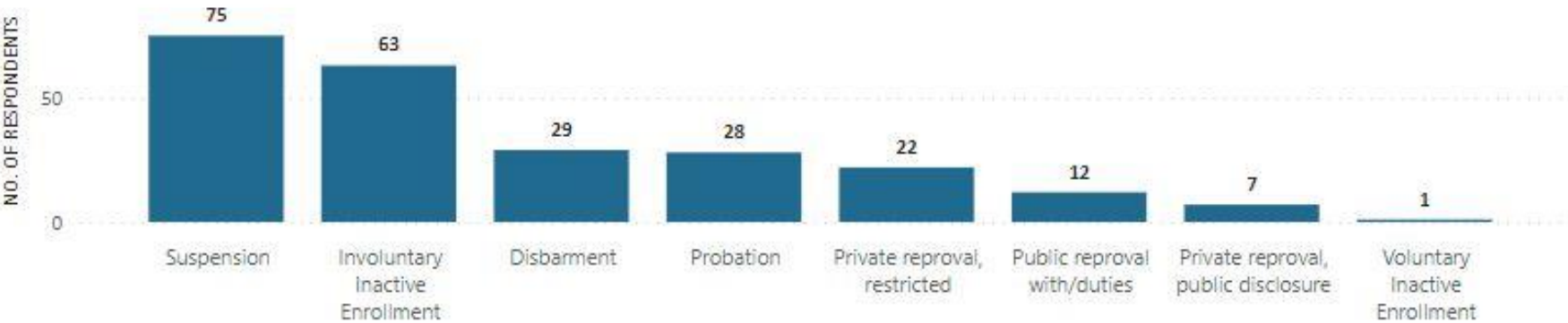
ALL RESPONDENTS WITH OPEN
COMPLAINTS



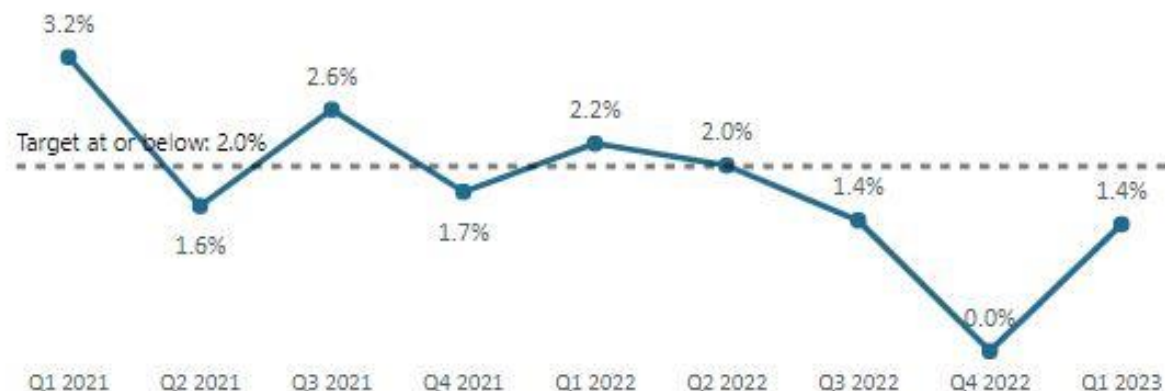
TOTAL COMPLAINTS: ALL RESPONDENTS WITH OPEN COMPLAINTS



PRIOR DISCIPLINE HISTORY: ALL RESPONDENTS WITH 15+ COMPLAINTS



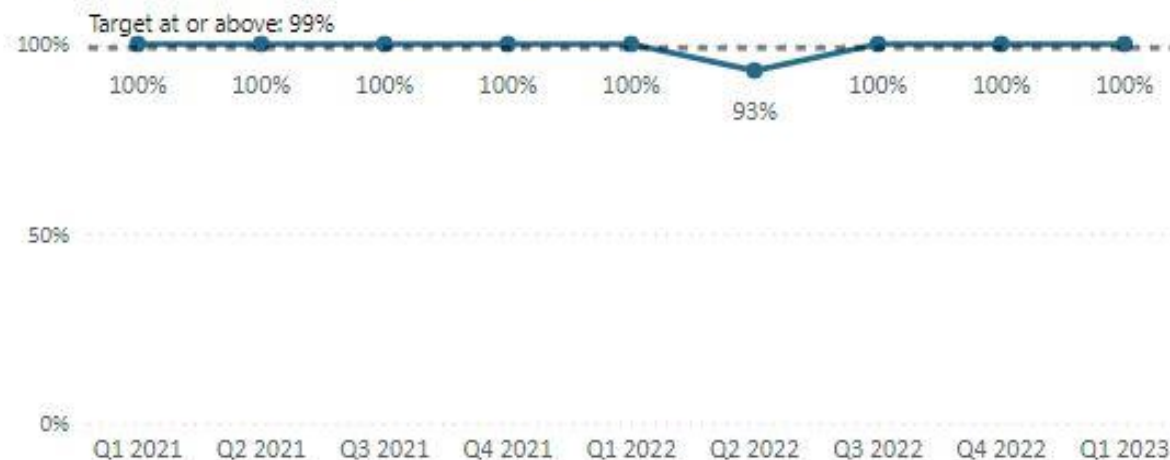
PERCENT OF COMPLAINT REVIEW UNIT REOPENS FOR REASONS OTHER THAN NEW EVIDENCE



PERCENT OF RANDOM AUDIT REOPENS FOR SUBSTANTIVE REASON



PERCENT OF WALKER PETITIONS DENIED



FILTER BY:

PERIOD

2023 (Year) + 1 (Qua... ▾

Complaining Witness Survey Comment Summary



Below are the highlights gleaned from responses to open ended questions from the Complaining Witness survey received during Q1 2023.

What is going well

- Complaint filing process was easy to follow and user-friendly.
- Cases were handled professionally.

Challenges

- State Bar biased in favor of attorneys; general distrust towards attorneys.
- Case not taken seriously by State Bar; felt dismissed or felt complaint not important enough for State Bar. Complainants feeling that their complaints are valid and that their core issues go unaddressed by staff; “secondary issues” seem more important.
- Lack of communication from state bar; staff does not listen to the complainants side.

Response	Response Description
1	strongly disagree
2	somewhat disagree
3	neither agree nor disagree
4	somewhat agree
5	strongly agree

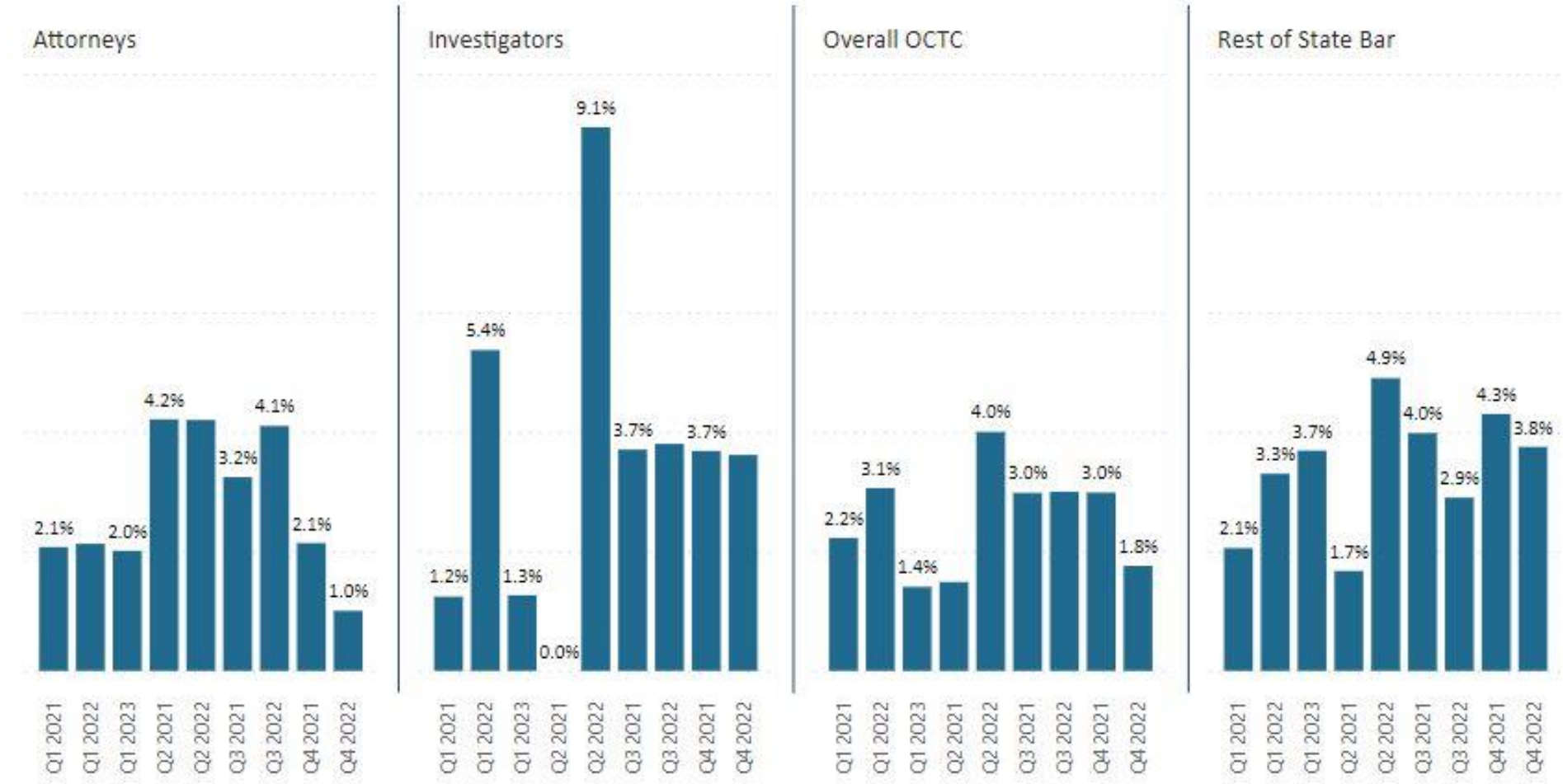
310

Respondents
2023 Q1

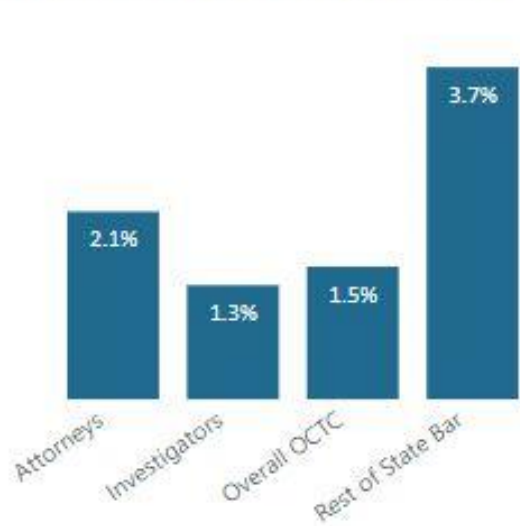
RESPONSE AVERAGE BY CASE CLOSURE STAGE & COMPOSITE TYPE



QUARTERLY TURNOVER RATES



ANNUAL TURNOVER RATE - 2023



Note: Rest of State Bar does *not* include OCTC Staff

Disciplinary Filings

Filing Type	Q2 2021	Q3 2021	Q4 2021*	Q1 2022	Q2 2022	Q3 2022	Q4 2022	Q1 2023	Total
Notices of Disciplinary Charges	101	68	85	69	120	73	79	93	688
Stipulations to Facts and Discipline	21	15	19	28	18	19	23	20	163
Criminal Conviction Transmittals	33	26	33	37	38	36	30	40	273
Total	155	109	137	134	176	128	132	153	839
* beginning of CTC tenure									
Shows numbers of filings, not numbers of attorneys.									



ADR: Annual Discipline Report (ADR) cases include the following case types:

- 9.20 Violations (State Bar Court Orders & Supreme Court Orders)
- Discipline in Other Jurisdiction
- Original Matters
- Probation Violations
- Reproval Violations
- RA cases (including Contempt Orders, Discipline by Other Licensing Agency, Insufficient Funds, Insurance Claim, Judgment, Multiple Lawsuits, Reversal of Judgment, & Sanction Orders)

Abated: Matters that are abated by OCTC or after filing in State Bar Court. This action is usually taken where there are other investigations or cases pending against a respondent and prosecution of those other complaints is likely to result in disbarment of the lawyer.

Backlog: Cases that failed to meet case processing time standards: 180 days for noncomplex cases and 365 days for complex cases. This dashboard provides the following 2 backlog metrics:

- **Closed Backlog Cases** - Cases that were closed during the reporting period that did not meet case processing time standards. This metric is reported in the Table SR-1B of the 2022 Annual Discipline Report (ADR).
- **Pending Backlog Cases** - Number of pending cases at the end of the reporting period that are older than the case processing time standards.

Case: An individual complaint, Office of Probation referral, State Bar initiated inquiry, reportable action, motion to enforce fee arbitration, motion to revoke probation, motion to terminate practice,* or motion to impose interim suspension or license restrictions (petitions pursuant to section 6007).

Caseload Clearance Rate: Ratio of the total number of cases closed to the total number of cases opened during the reporting period.

Case Inventory: Number of pending cases at the end of a reporting period. For example, the case inventory metric for 2023 Q1 provides the number of pending cases on 03/31/2023.

Complex: Cases are designated as complex based on the indicators below:

- Major case designation;
- Subpoenas for records to banks, courts, federal immigration officials, or another third-party entity;
- Numerous potential charges (often arising from multiple incidents) or numerous potential parties; or
- Respondent fails to provide information as requested within a reasonable time or at all.

Prior Discipline: See Attorney Discipline Definitions page [here](#).

Respondents with 15+ (or 40+) Complaints: Respondents with over 15 (or 40) complaints including all open complaints plus complaints closed during the preceding 5-year period starting from the report ending date. For example, the 2023 Q1 report counts closed cases during the 5-year period, 03/31/2018 - 03/31/2023.



Questions?

