



The State Bar *of California*

OPEN SESSION AGENDA ITEM 711 MAY 2023

DATE: May 18, 2023

TO: Members, Board of Trustees

FROM: Yun Xiang, Chief of Mission Advancement & Accountability Division
Lisa Chavez, Director, Mission Advancement & Accountability Division

SUBJECT: Overview of State Bar Performance Metrics

EXECUTIVE SUMMARY

In 2017, the State Bar commenced its initiatives to introduce performance metrics. Since then, two sets of comprehensive performance metrics covering all functional areas of the organization, namely case process metrics and operational metrics, have been tracked and reported. A comprehensive 2021 metrics report was published as part of the State Bar's 2021 Annual Report; this approach will be used going forward.¹

The California State Auditor's 2023 report evaluated the State Bar's 2021 performance metrics report and concluded that only three offices met all of their performance targets for the year. This finding contrasts with the State Bar's assessment, which can be attributed to a variation in the methodologies utilized.

In order to enhance their effectiveness and alignment with the State Bar's 2022–2027 Strategic Plan, staff engaged in a thorough evaluation of all metrics by consulting with division and office leaders. Subsequently, updated metrics were formulated based on the outcome of this process.

This agenda item: (1) offers an overview of the State Bar's metrics development work, (2) provides a summary of the California State Auditor's evaluation of the State Bar's performance in meeting its 2021 performance targets and also presents the State Bar's analyses of the same

¹ The 2022 Annual Report will be published shortly after the Board of Trustees' May meeting.

data, (3) previews the findings of the forthcoming 2022 metrics report, and (4) shares proposed case processing and operational metrics for 2023 and beyond.

The Board is asked to review the proposed case processing metrics, affirm that staff will be solely responsible for developing operational metrics, and approve the proposed metrics reporting schedule.

BACKGROUND

The State Bar's work to assess the organization's functioning by establishing performance metrics began in 2017:

2017

- The State Bar developed metrics to track significant information technology projects, media strategy effectiveness, and the human resources department. The 2017 budget contained data points related to these metrics.
- The 2017 California State Auditor (CSA) report identified the need for the State Bar to develop metrics for the Office of Chief Trial Counsel (OCTC) aside from those statutorily mandated.
- The 2017–2022 five-year strategic plan identified the following objective to support the organization's goal to improve the State Bar's fiscal and operational management: "No later than November 30, 2018, develop goals and objectives for each functional area and use those to develop organizational performance metrics."

2018

- The 2018 budget contained office objectives and reported on performance metrics.
- The Board of Trustees adopted metrics for the discipline system in September 2018 in response to the 2017 CSA recommendation.
- The State Bar engaged Kolbe and Associates to develop performance metrics for all functional areas of the bar in response to the 2017–2022 strategic plan's objective described above.

2019

- In January 2019, the Board approved 74 performance metrics for all the functional areas of the State Bar. The metrics measured each office's critical performance objectives, including operational efficiencies and internal and external customer responsiveness. Most metrics had performance targets, while the remainder were tracked for reporting purposes.
- The State Bar began reporting metric results and explanations for targets not met in a bimonthly "State Bar Metrics Report." This report was attached to the executive director's regular report to the Board of Trustees. Six reports were produced for the Board in 2019.
- In addition to providing reports to the full Board, nine presentations were delivered to the Regulation and Discipline (RAD) and Finance committees, which focused on metrics

for offices under these committees' purview.²

- In fall 2020, staff conducted a comprehensive review of all metrics, in conversation with office leaders, to strengthen and refine their utility.

2021

- In January 2021, the Board approved 87 performance metrics for all functional areas of the organization and a reduced frequency reporting schedule.
- Four metric reports were produced for the Board, and six presentations were delivered to Board committees.

2022

- For the first time, the State Bar published an annual metrics report. This report was discussed in and linked to the [2021 State Bar annual report](#).
- Discipline system metrics continued to be reported to the Board.
- In fall 2022, staff reviewed all metrics, in conversation with office leaders, by considering (1) the new five-year 2022–2027 strategic plan, and (2) proposed case processing standards the State Bar recommended in response to Senate Bill 211.

2023

- In January, staff shared a list of 19 proposed case processing metrics with the Board.
- The State Bar will publish its 2022 Annual Metrics Report based on 2022 results. This report will be discussed and linked to in the forthcoming 2022 State Bar annual report.

DISCUSSION

CALIFORNIA STATE AUDITOR 2023 REPORT

The CSA published its most [recent audit](#) of the State Bar on April 13, 2023. As directed by the Legislature, the audit evaluated, among other things, the State Bar programs and administrative offices that receive support from the annual mandatory licensing fees and other required fees. This evaluation included a review of the performance metrics associated with these offices. The audit focused on 60 metrics from the [2021 State Bar's metric report](#) that pertained to the aforementioned programs and administrative offices and had established performance targets.³

First, the CSA categorized all 60 metrics into two categories:

1. "Successfully met a target for the entire year." To satisfy this criterion, metrics were required to achieve all of their targets throughout the entirety of 2021, irrespective of whether they were reported on a monthly, quarterly, semiannual, annual, or onetime metrics. Consequently, monthly metrics had to achieve their target for all 12 months to meet this standard.
2. "Did not meet a target for the entire year." This category pertains to metrics that failed

² The Office of Chief Trial Counsel, State Bar Court, Probation, Client Security Fund, and the Lawyer Assistance Program were under RAD's purview and Human Resources, General Services, Information Technology, Finance, and Recruitment and Retention were under the Finance Committee's purview.

³ The analysis excluded five metrics associated with the office of Admissions because this office is not funded by mandatory license fees and other required fees.

to satisfy the standard outlined in the preceding category. For instance, a monthly metric that met its target in 11 out of 12 months would be classified as “did not meet a target for the entire year.”

Next, the CSA examined the result of this categorization by program/office area. Programs/offices had between one and seven metrics, and the CSA calculated the number of metrics per program/office that successfully met a target for the entire year. It concluded that “just three of the State Bar’s programs [OCTC, Probation, and Judicial Evaluation] have met all of their performance targets, while none of its administrative offices have done so.”

While the State Auditor’s analysis was historically accurate, staff has not evaluated metrics performance at the program/office level. Rather, the State Bar metrics reports have analyzed outcomes at the individual metric level and provided an overall evaluation across all metrics. For instance, in the 2021 annual metrics report, the outcomes of 82 metrics were summarized, 65 of them having established performance targets. Out of these, 46 percent met all performance targets throughout all reporting periods in 2021, while 54 percent failed to meet performance targets at least once during the reporting period.⁴

Staff recently examined a different technique of evaluating metric performance that changes the unit of analysis from individual metrics to “potential targets.” As shown in Table 1, this method acknowledges that metrics reported at monthly, quarterly, or semiannual time basis had 12, four, and two possible targets, respectively, to achieve. Out of the 65 metrics tracked in 2021, there were 232 potential chances to meet the targets, and 61 percent of them were met.

Table 1. 2021 State Bar Metrics with Performance Targets

Reporting Frequency	Number of Metrics	Number of potential targets	Number of potential targets met	Percent of all potential targets met
Monthly	9	103	56	54%
Quarterly	24	90	64	71%
Semiannual	7	14	11	79%
Annual	21	21	9	43%
Onetime	4	4	1	25%
Total	65	232	141	61%

Note: Some metrics had a lower number of potential targets in cases where reporting was suspended during 2022 for operational reasons. For instance, a quarterly metric that had data available for three out of four quarters was considered to have three potential targets. Additionally, this analysis covers the five metrics associated with the Office of Admissions, which was excluded from the CSA analysis.

To summarize, the approaches employed by the staff do not evaluate performance measures at the level of individual offices or functional areas, unlike the CSA’s methodology. Staff recognizes

⁴ The 2021 metrics report states that 63 metrics had performance targets rather than the 65 reported here. It will be revised and republished.

the merit of the CSA's approach and will investigate its potential application in future metric reporting.

2022 STATE BAR METRICS REPORT

The State Bar will publish its 2022 State Bar Metrics Report in May 2023, which is provided in Attachment A in draft form. The report covers 68 metrics, with 49 having performance targets. Among these, 55 percent met their targets for all reporting periods in 2022, representing an improvement compared to 2021. For the 22 metrics that did not meet their targets during the entirety of 2022, an explanation is provided and, in some cases, a plan for operational improvements is outlined. Staff also replicated the CSA's analytical approach by examining the number of program and offices that met all performance targets during the entire year and identified seven programs and offices that did so, including three administrative offices. This, too, represents an improvement compared to 2021.

Table 2 presents the alternative method of analyzing performance targets, which changes the unit of analysis from individual metrics to potential targets. The 49 metrics with performance targets had 214 potential opportunities to meet those targets. Among these, 71 percent were met, representing an improvement compared with 2021, when only 61 percent of potential targets were met.

Table 2. 2022 State Bar Metrics with Performance Targets

Reporting Frequency	Number of Metrics	Number of potential targets	Number of potential targets met	potential targets met
Monthly	9	99	66	67%
Quarterly	23	92	69	75%
Semiannual	6	12	10	83%
Annual	11	11	6	55%
Total	49	214	151	71%

2023 STATE BAR METRICS

Case Processing Metrics

Attachment B contains 17 case processing metrics that were presented to the Board in January. These metrics are designed to provide the Board of Trustees and other interested parties with a more focused and transparent view of the discipline system's case processing operations. They are aligned with Goal 1 of the State Bar's 2022–2027 Strategic Plan, which aims to strengthen the attorney discipline system and protect the public.

OCTC case disposition time metrics are not included in this list because of the State Bar's pending case processing standards proposal submitted pursuant to Senate Bill 211. However, the Board will be asked to approve the case processing metrics in July 2023 regardless of the

status of this initiative. Staff present the first report on these new case processing metrics at the September Board meeting.

Operational Metrics

Attachment C provides a list of 49 proposed operational metrics for the State Bar, covering 17 functional areas within the organization. These metrics were developed through an iterative process that involved reviewing previous metrics, analyzing strategic and core operational plan projects from the 2022–2027 Strategic Plan, and multiple rounds of editing and refinement. The metrics aim to monitor progress on activities that support strategic initiatives and track important measures related to customer service, communications, and workload. While some metrics have been carried over from the previous year with minor updates such as language clarity, target additions, and acronym removals, others are new. Most of the metrics have targets, while a few without targets will be reported for tracking purposes only.

Metrics Approval

Previously, the Board has approved all metrics. However, staff recommends that, for 2023, the Board approves the case processing metrics (in July) and delegate all matters related to operational metrics to staff. This will enable staff to have flexibility in modifying operational metrics throughout the year in response to changing conditions. Any modifications made will be documented and reported.

Proposed Reporting Schedule

Staff recommends the Board approve following reporting schedule.

Table 3. Proposed 2023 State Bar Metrics Reporting Schedule

Category of Metrics	Reporting Schedule
Case Processing Metrics	
All Metrics	Two times per year to RAD
OCTC and Special Deputy Trial Counsel Metrics	Four times per year to RAD
Operational Metrics	One time per year (via an annual report) to full Board

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

a.1. Support accountability in the attorney discipline system through the development and implementation of new case processing standards.

Goal 2. Protect the Public by Enhancing Access to and Inclusion in the Legal System

c. 3. Identify data-supported practices that promote retention and advancement of a diverse and inclusive legal profession and share those practices through toolkits and other resources.

Goal 3. Protect the Public by Regulating the Legal Profession

d. 1. Implement the Client Trust Account Protection Program.

Goal 4. Protect the Public by Engaging Partners

a. 1. Increase access to State Bar data and performance outcomes.

RECOMMENDATIONS

Should the Board of Trustees concur in the proposed action, passage of the following resolution is recommended:

RESOLVED, that the Board of Trustees delegate authority of all matters pertaining to operational metrics to staff; and it is

FURTHER RESOLVED, that the Board of Trustees approve the proposed metrics reporting schedule.

ATTACHMENTS LIST

- A. 2022 State Bar Metrics Report
- B. Proposed 2023 Case Processing Metrics
- C. Proposed 2023 Operational Metrics

State Bar Metrics

ATTACHMENT A

2022



The State Bar of California



Introduction

The State Bar's performance metrics measure critical performance objectives, including operational efficiency, customer responsiveness, and fiscal accountability.

The majority of metrics have performance targets; metrics without targets are reported for tracking purposes only. Most metrics are tracked monthly, quarterly, semiannually, or annually while others are one-time in nature (for example, a specific implementation plan).

In 2022, the State Bar analyzed 68 metrics, 49 of which had performance targets. Among this subset of metrics, 27 (55 percent) met their performance targets at all time periods analyzed during 2022. Metrics that did not meet their targets at least once during 2022 are accompanied by an explanation.

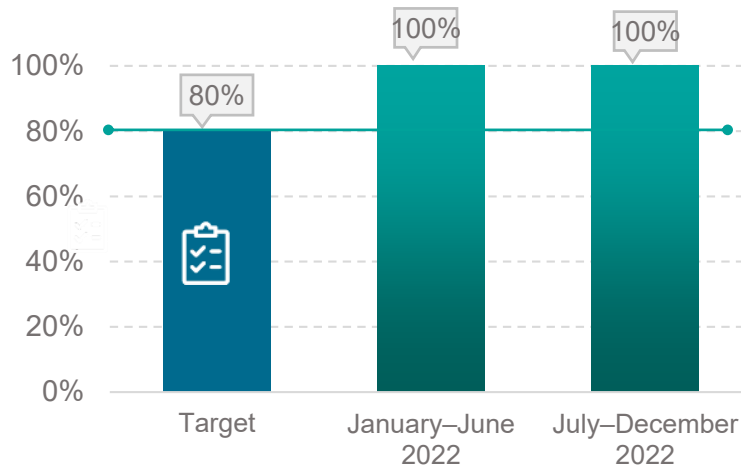
The full list of metrics covered in this report is provided in Appendix A.



Office of Admissions

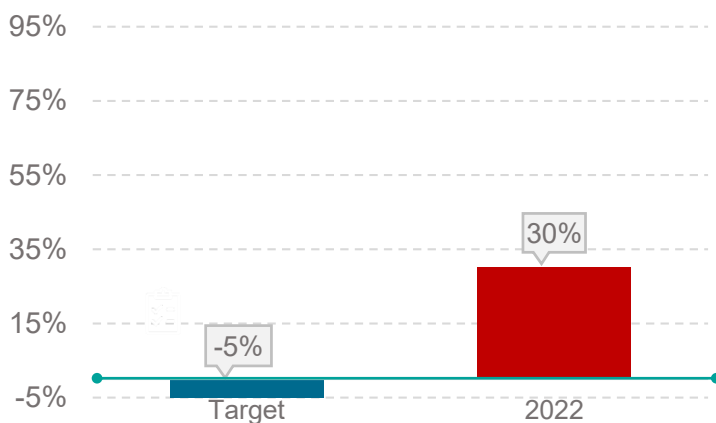
Conduct initial review of 80% of Moral Character applications within 90 days of receipt

A-1



Reduce exam costs by 5%

A-2



Exam costs increased by 30 percent in 2022 compared with 2021. With the return to in-person testing in February 2022, the Admissions Office incurred costs associated with facility rentals, exam proctors, COVID-19 precautions, and the hiring of a consulting organization that provided exam administration services such as proctor recruitment and site selection.



Office of Admissions (continued)

Reduce time to grade February bar exam
from 11 weeks to 9 weeks

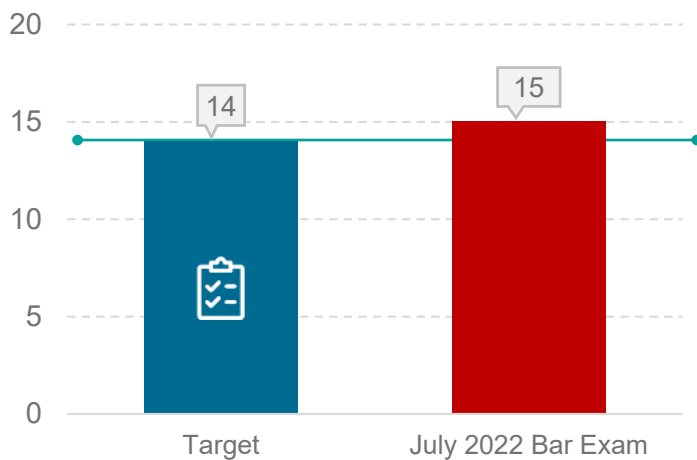
A-3A



The February 2022 bar exam's grading time was 10 weeks, no change from 2021. This reflects the continued lengthy process of issuing exam violations and allowing applicants sufficient time to respond prior to releasing exam results.

Reduce time to grade the July bar exam from
16 weeks to 14 weeks

A-3B



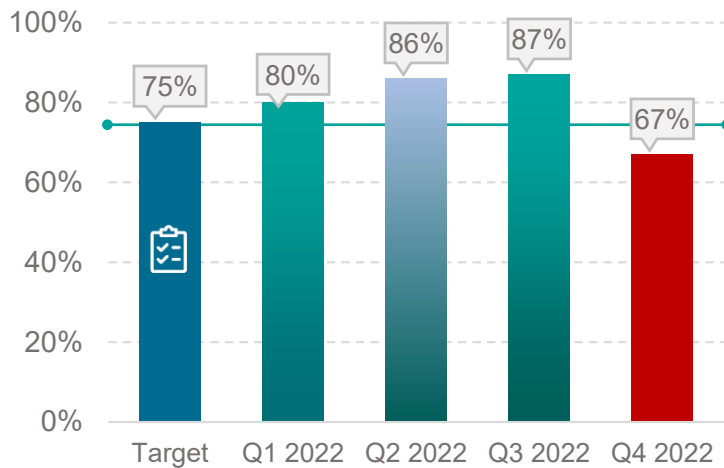
The July 2022 bar exam's grading time was 15 weeks, no change from 2021. This reflects the continued lengthy process of issuing exam violations and allowing applicants sufficient time to respond prior to releasing exam results.



Office of Admissions (continued)

Complete processing of 75% of applications for the Provisional Licensure Program within two weeks of receipt of a complete application

A-4



The Office of Admissions met this metrics target in three out of four quarters. Staff has since developed a process to ensure timely processing.



Board Support, Judicial Nominees Evaluation Commission, and Appointments

100% of Judicial Nominees Evaluation candidates evaluated within 90 days





Client Security Fund

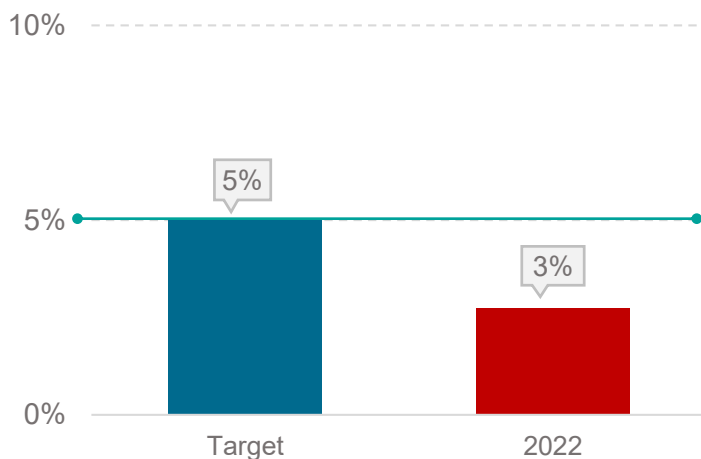
Number of cases resolved

CSF-1

Time Period	Number
2020	1,319
2021	894
2022	917

Decrease time to payout after final discipline by 5%

CSF-2



In 2022, the Client Security Fund (CSF) underwent significant changes that impacted its operations and case processing including the retirements of its longtime director and an experienced senior administrative assistant. The hiring of two new attorneys required orientation and training throughout the remainder of the year. Within a few weeks of these new hires, one of the remaining experienced CSF attorneys was promoted to managing attorney for both CSF and Mandatory Fee Arbitration, which necessitated splitting their time between the two offices.



Office of Strategic Communications & Stakeholder Engagement

Number of social media followers

SCSE-1

Time Period	Number
Q1 2022	49,055
Q2 2022	50,339
Q3 2022	52,114
Q4 2022	53,256

Expand communications engagement with Spanish-speaking audiences through a campaign involving paid social media placements and radio public service announcements.

SCSE-2



This project's launch was delayed due to understaffing (which delayed researching vendors and inviting bids) and a limited budget (which led to two of three invited vendors withdrawing their bids). However, a Spanish-language outreach agency was procured in Q4 2022 and the campaign launched in Q2 2023.



Office of Finance

Provide fiscal year-to-date budget-actual analysis on a monthly basis to enable efficient financial management by client division or office and the executive director within 30 days of the close of the month

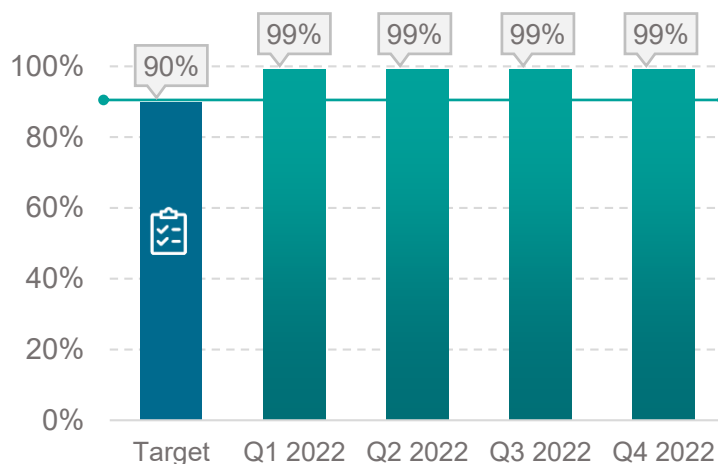
F-1



The target for this metric was achieved in 10 out of 12 months. However, for two months during the year, the Office of Finance had to prioritize activities related to year-end financial adjustments.

Pay 90% of vendor invoices within 30 days of receipt by the State Bar offices

F-2





Office of Finance (continued)

Complete monthly adjusting journal entries and close the books timely and accurately within 20 business days of the end of the month

F-3



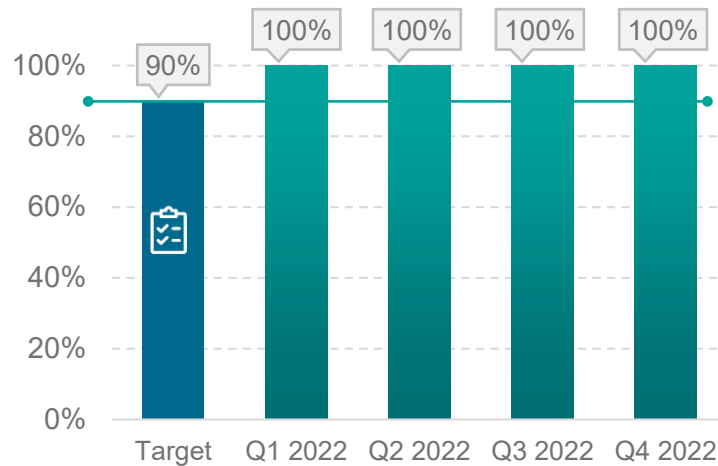
The target for this metric was achieved in 8 out of 12 months. However, in the remaining four months, the Office of Finance had to prioritize other activities such as year-end financial adjustments and responding to audits conducted by the California State Auditor.



Office of General Services

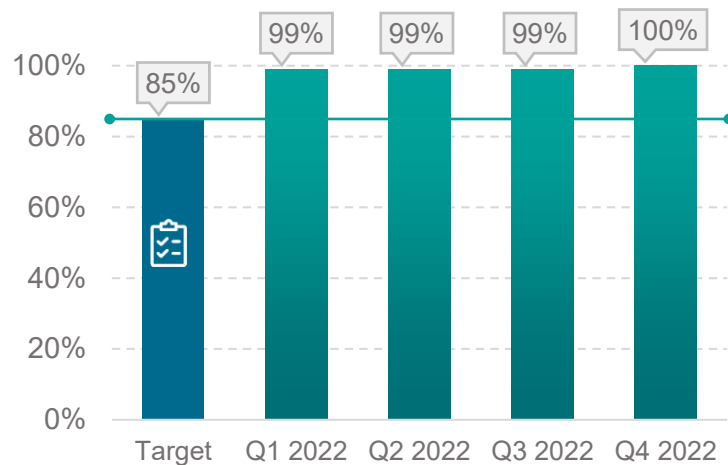
Process 90% of procurement requisitions with
100% accuracy within three days

GS-1



Process 85% of all facilities requests (not
requiring parts or equipment ordering)
within three business days or less

GS-2

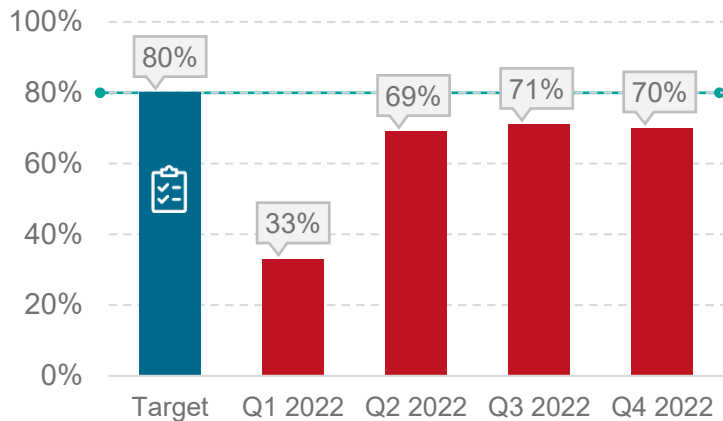




Office of Human Resources

Conduct 80% of performance evaluations by anniversary date or, for executives, the due date

HR-1



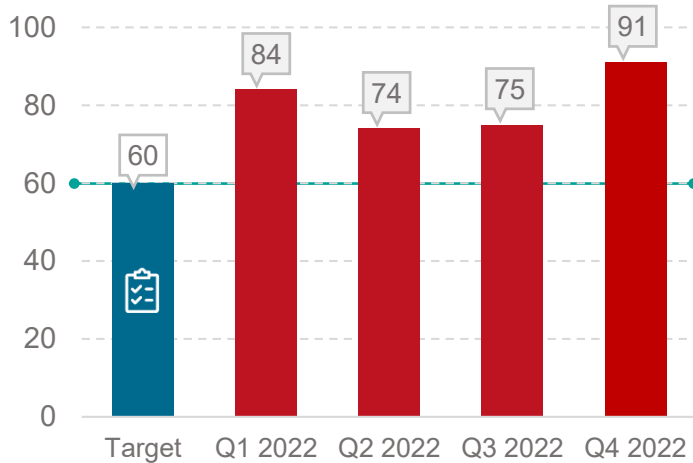
Although the target was not met for this metric throughout 2022, that year's results reflect a significant improvement compared with 2021 when quarterly metrics ranged from 37 to 49 percent. Office of Human Resources (HR) continues to work with office directors, managers and supervisors to facilitate the timely completion of performance evaluations (PEs) including sending monthly status reports showing PEs due within 90 days, as well as PEs that are overdue. HR also provides direct support and guidance to managers and supervisors in writing PEs, when necessary.



Office of Human Resources (continued)

Reduce average time to hire to
60 days or less

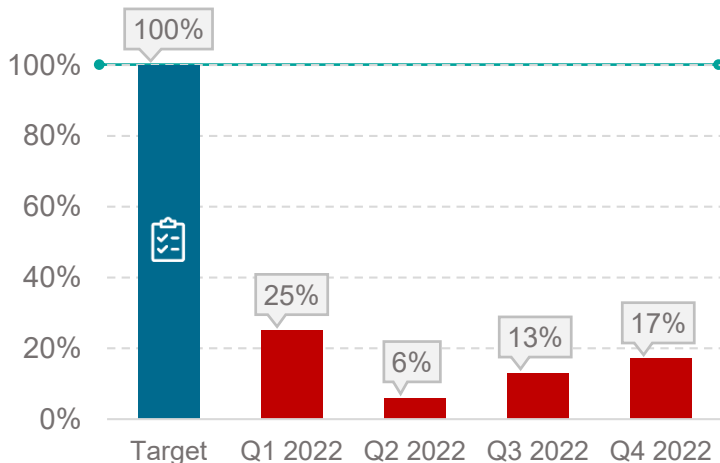
HR-2



HR processed 143 hires in 2022 and the average time to hire was over 60 days in all quarters. Time-to-hire impacted the recruitment of hard-to-fill positions in the Office of Information Technology, Office of General Counsel, and Office of Human Resources that required specific and highly sought-after skills. High priority activities within the Office of Admissions prevented staff from engaging in timely candidate assessment and interviews. Finally, several candidates rejected their offers.

Stay interviews are conducted for 100%
of new hires within 90 days of hire

HR-3



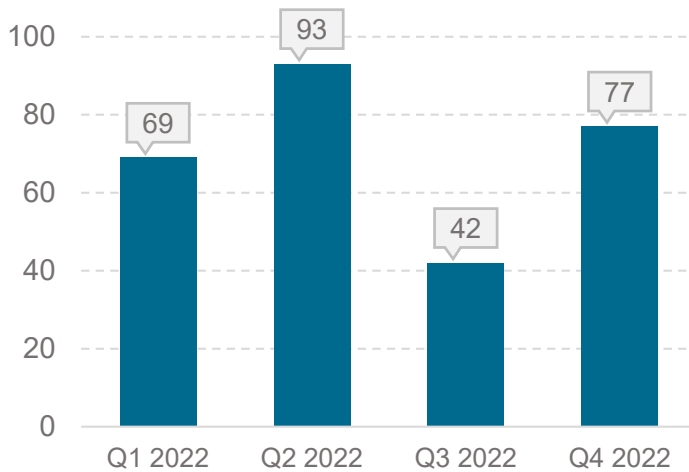
A total of 125 hires were eligible for stay interviews in 2022. Reasons for delays in conducting stay interviews within 90 days of hire included a staff departure prior to 90 days, staff scheduling conflicts, and an unusually high number of hires in September 2022 (21) whose December scheduled interviews were delayed due to year-end staff activities that took priority.



Office of Human Resources (continued)

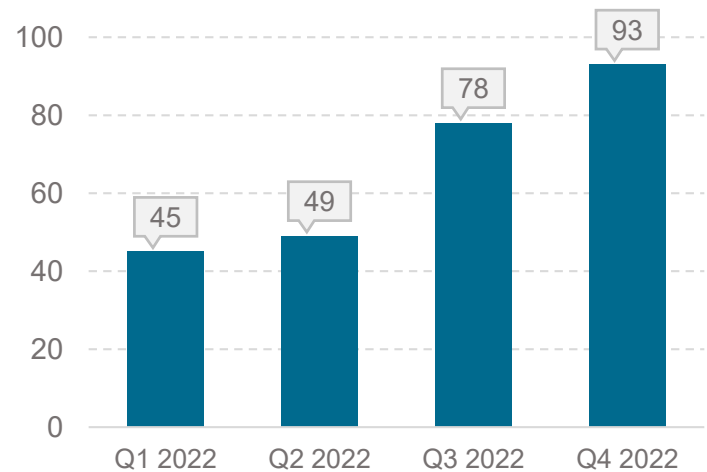
Average number of days to fill OCTC attorney positions

HR-4



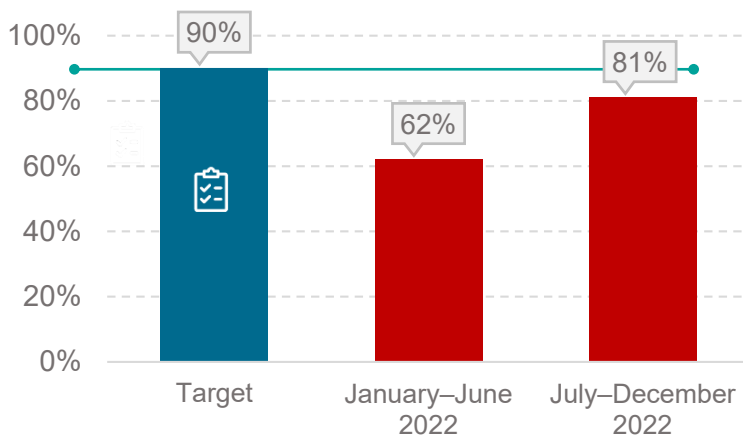
Average number of days to fill OCTC investigator positions

HR-5



90% of participants report a high level of overall satisfaction with the T&D program

HR-6



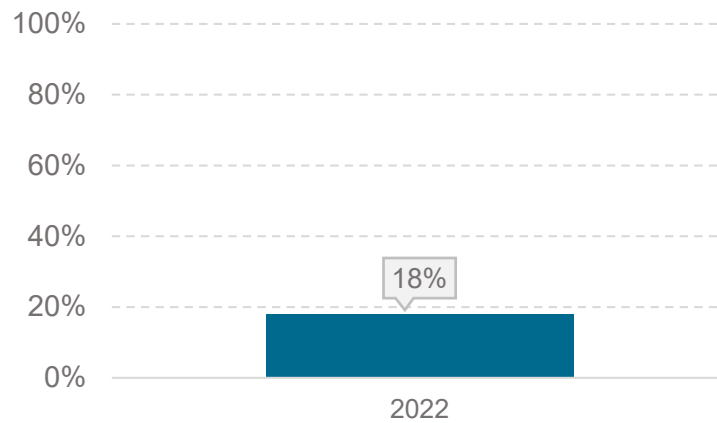
In 2022 10 staff members participated in the Training & Development (T&D) program, and 9 filled out a satisfaction survey. Due to the small number of surveys, this metric's value was impacted by the few staff members who gave neutral ratings on survey questions about assignment length (they indicated it was not long enough), new skills attained, and higher levels of engagement in result of the T&D assignment.



Office of Human Resources (continued)

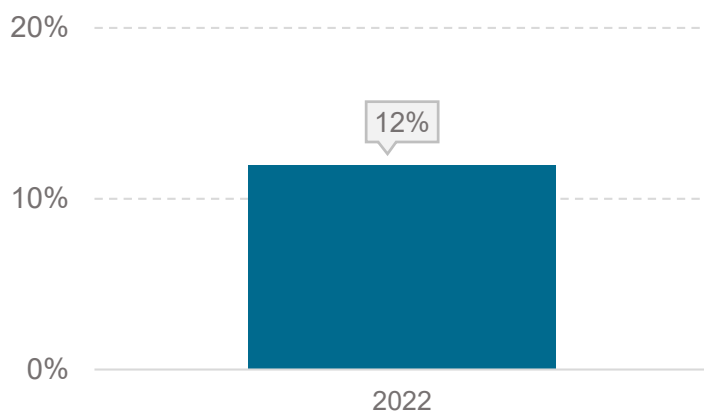
Percent of internal hires

HR-7



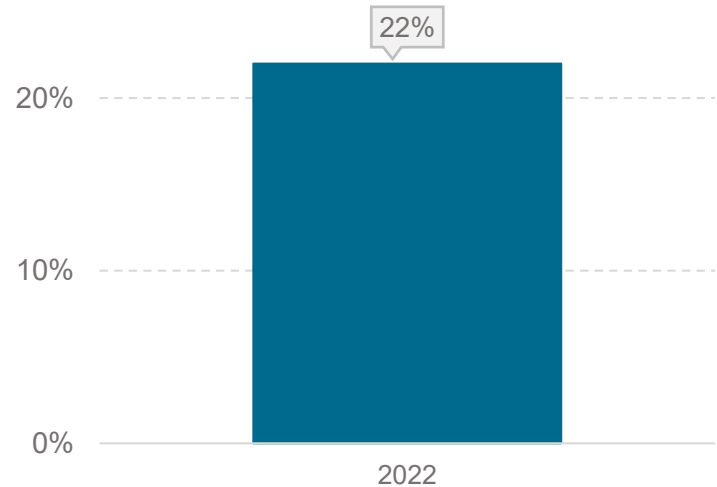
Turnover rate among OCTC attorneys

HR-8



Turnover rate among OCTC investigators

HR-9



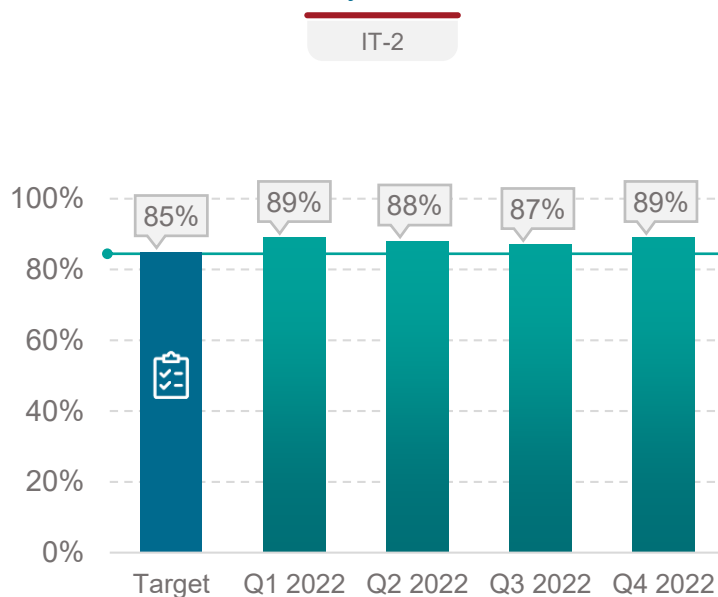


Office of Information Technology (IT)

90% of stakeholders report a high level of overall satisfaction with new technology deployments



Process 85% of all IT service requests (not requiring parts or equipment ordering or software development) within five business days or less





Office of Information Technology (continued)

Complete 90% of planned major IT
projects on schedule and on budget



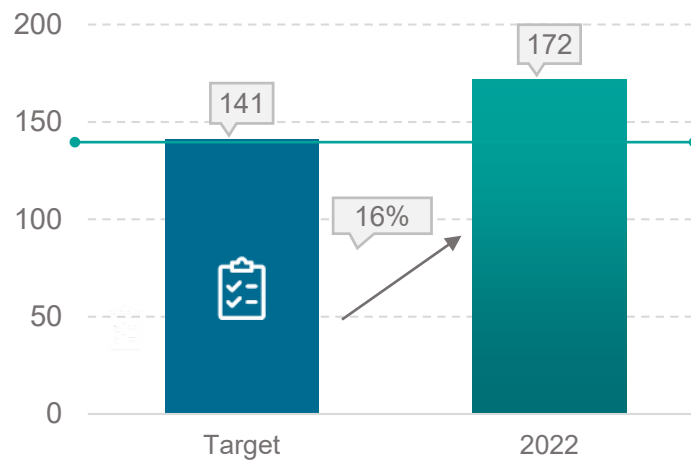
Given the small number of major projects counted for this metric and the fact that the average across all quarters is over 90 percent, this metric was considered to have met its target.



Lawyer Assistance Program (LAP)

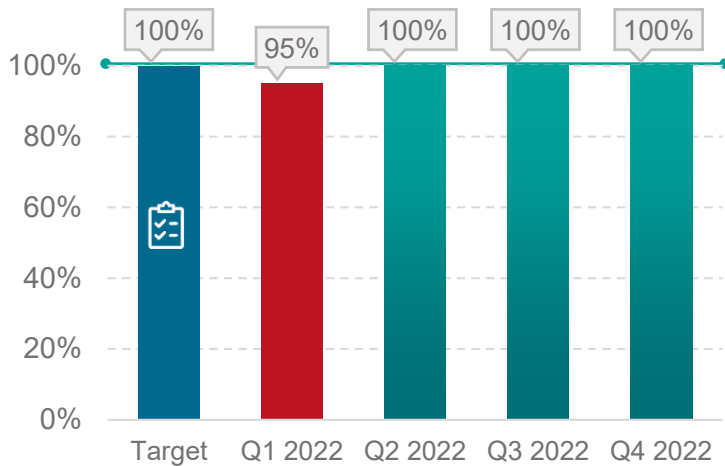
Increase intakes by 10%

LAP-1



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

LAP-2



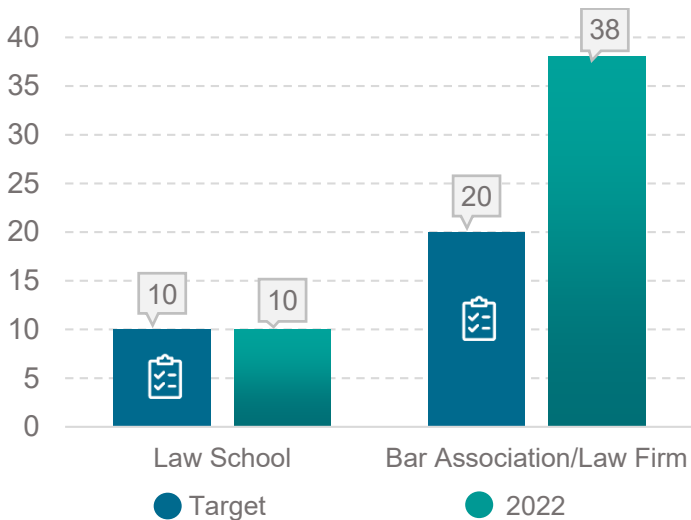
In Q1 2022, the Lawyer Assistance Program (LAP) received 21 requests, and staff responded to 20 of them within two business days.



Lawyer Assistance Program (continued)

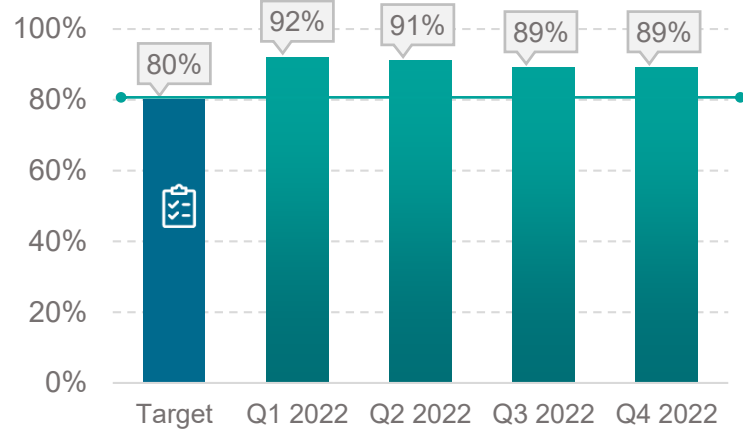
Complete 10 law school presentations and 20 bar association or law firm presentations in 2022

LAP-3



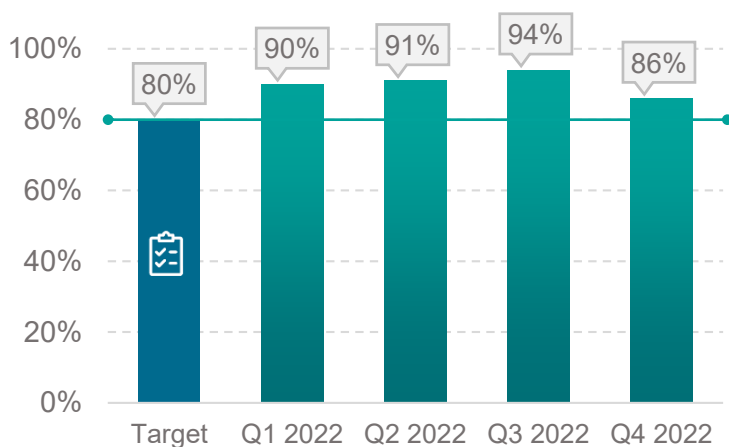
80% of survey participants report that the LAP addressed their goals

LAP-4A



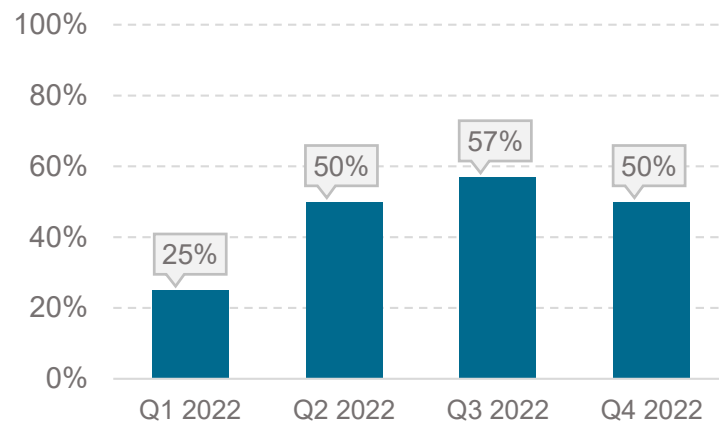
80% of survey participants report they are satisfied with their LAP experience

LAP-4B



Track successful completion rates for Alternative Discipline Program cases

LAP-5

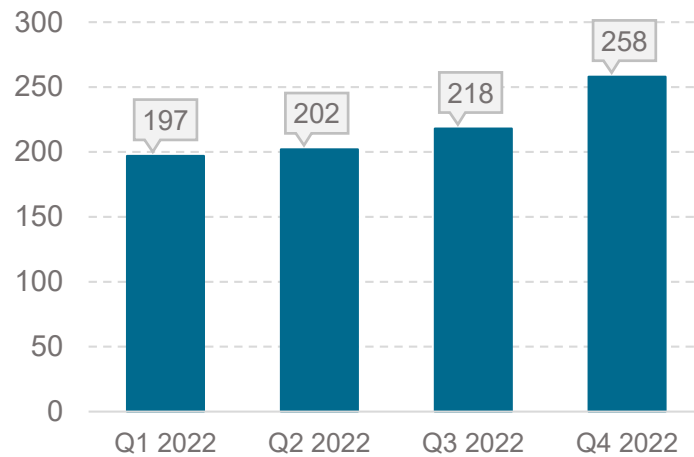




Office of Chief Trial Counsel (OCTC)

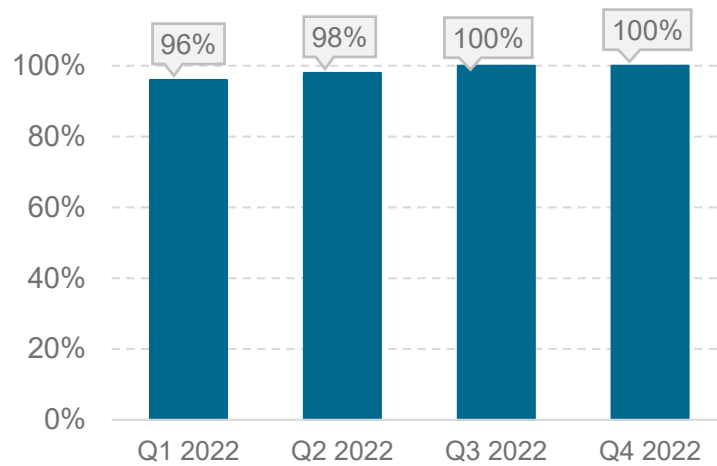
Number of P-1 cases
in backlog for respondents
with active law licenses

OCTC-1



Percent of P2 cases resolved
within 120 days

OCTC-2

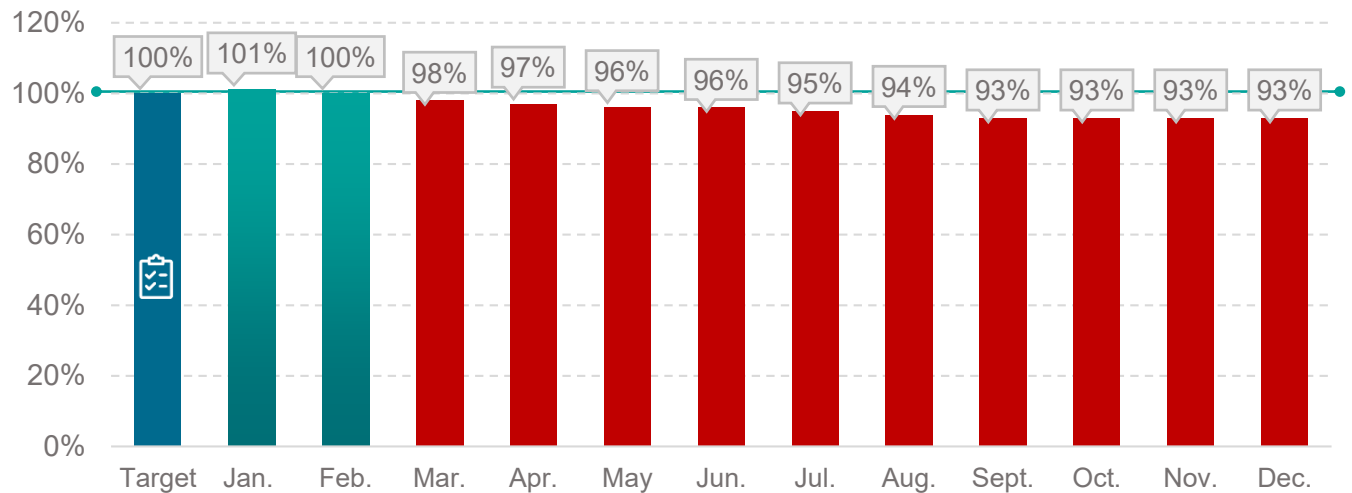




Office of Chief Trial Counsel (continued)

Maintain an annual caseload
clearance rate of at least 100%

OCTC-3



Note: This metric is calculated using a 12-month rolling average to smooth out month-to-month fluctuations in caseload clearance rates.

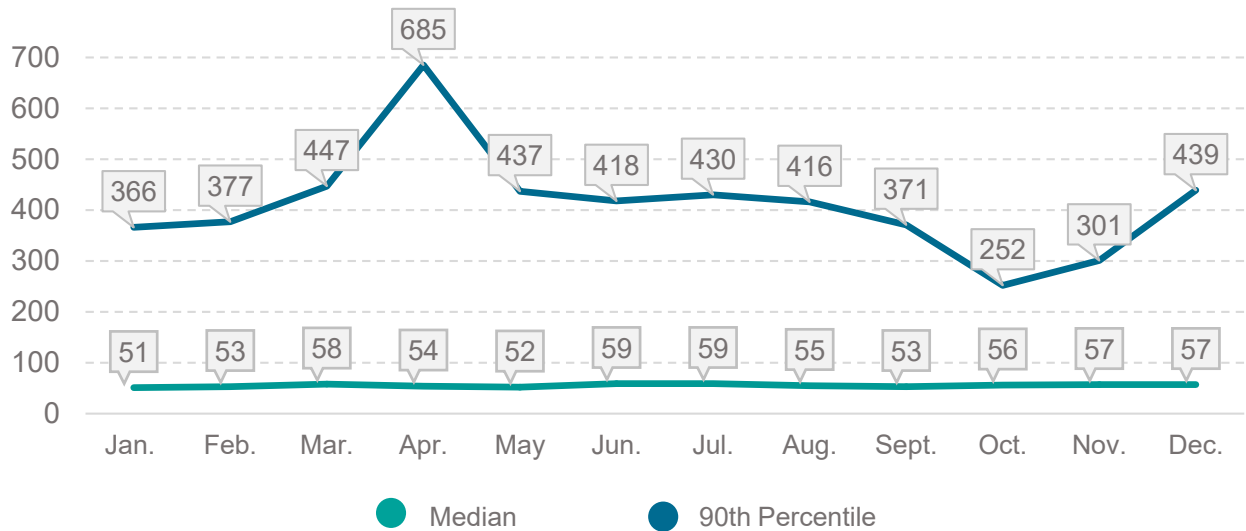
With the exception of two months, OCTC was unable to maintain an annual caseload clearance rate of 100 percent for case types reported in the Annual Discipline Report (ADR). There were personnel changes and attrition, specifically among investigators toward the end of 2021 and the start of 2022 which further impacted the caseload clearance rates. The personnel and attrition changes resulted in a considerable number of case reassignments and a reduction in experience at various levels, including supervisory attorneys. OCTC's staffing has since returned to its usual attrition rate, and the leadership team is exploring potential modifications to its case processing methods to improve the caseload clearance rate and achieve the 100 percent target.



Office of Chief Trial Counsel (continued)

Case disposition times

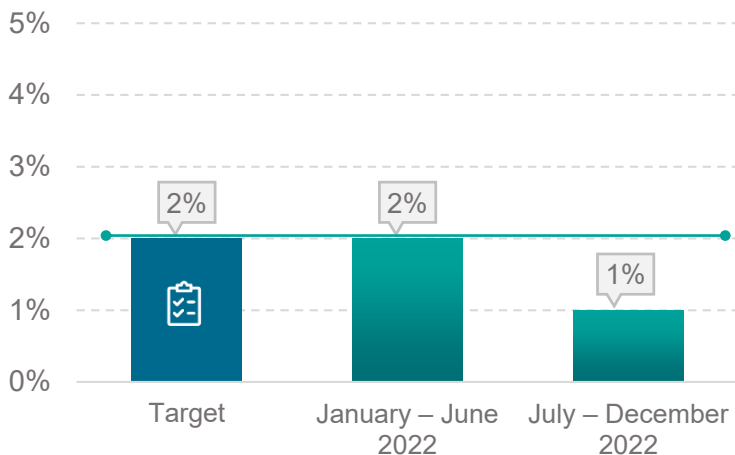
OCTC-4A & OCTC-4B



Note: This metric is measured by number of days and describes cases that are reported in the Annual Discipline Report.

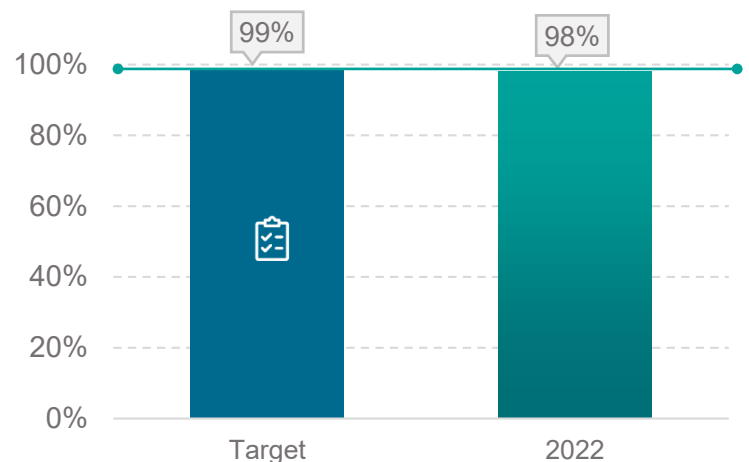
Maintain current level of Complaint Review Unit (CRU) reopens for reasons other than new evidence

OCTC-5A



Percent of Walker Petitions denied

OCTC-5B



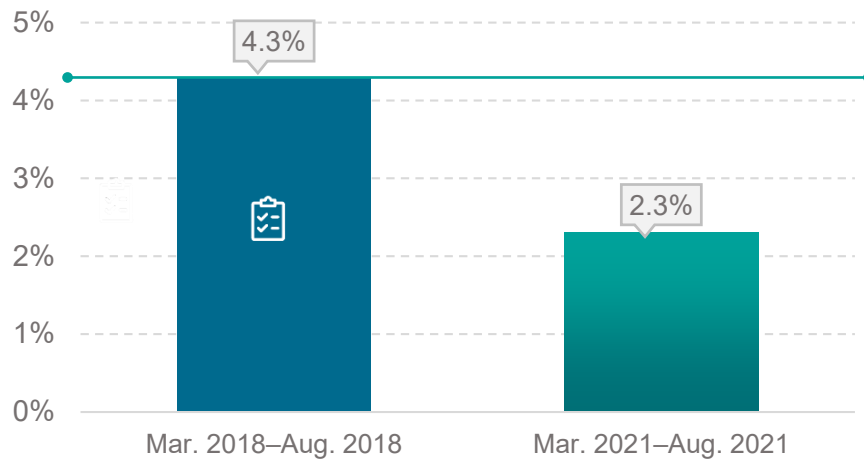
Note: The Supreme Court acted on 56 Walker petitions in 2022, substantially fewer than previous years. Only one petition was granted, similar to previous years. This metric's target is considered "met" due to the small number of Walker petitions reviewed in 2022.



Office of Chief Trial Counsel (continued)

Decrease the number of random-audit
reopens for substantive reasons

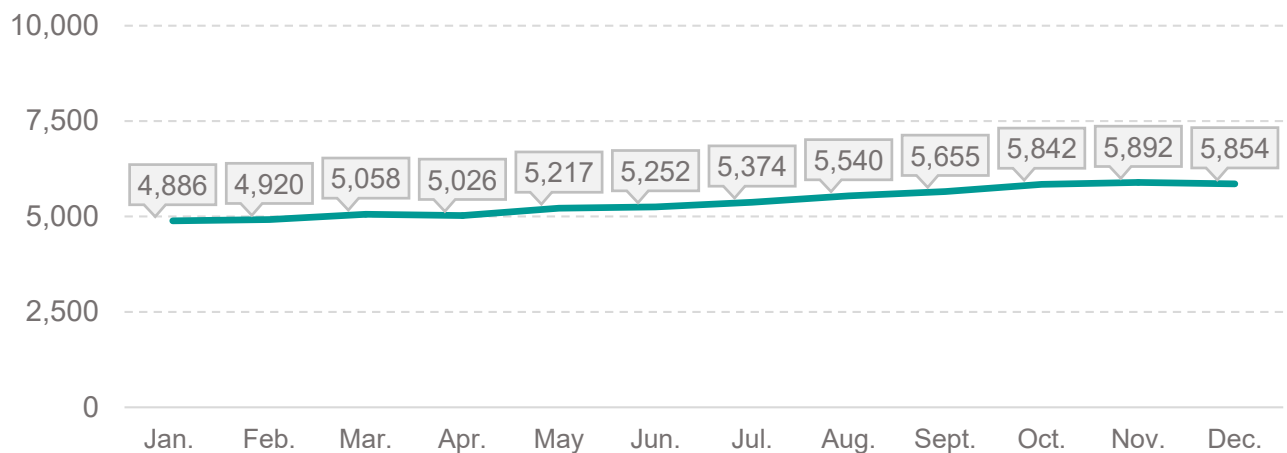
OCTC-5C



Note: The most recent data available for this metric is for the time period March 2021 through August 2021. The percentage represents the number of cases OCTC reopened.

Case inventory trends

OCTC-6



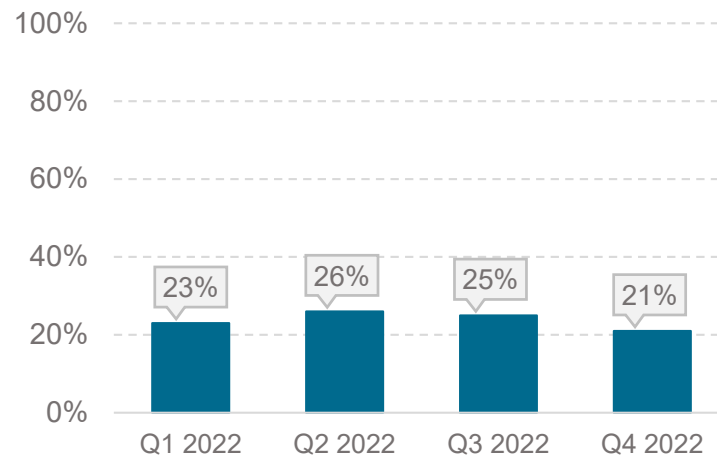
Note: This chart describes cases that are reported in the Annual Discipline Report.



Office of Chief Trial Counsel (continued)

Percent of respondents that retain representation

OCTC-7





Recidivism Rates

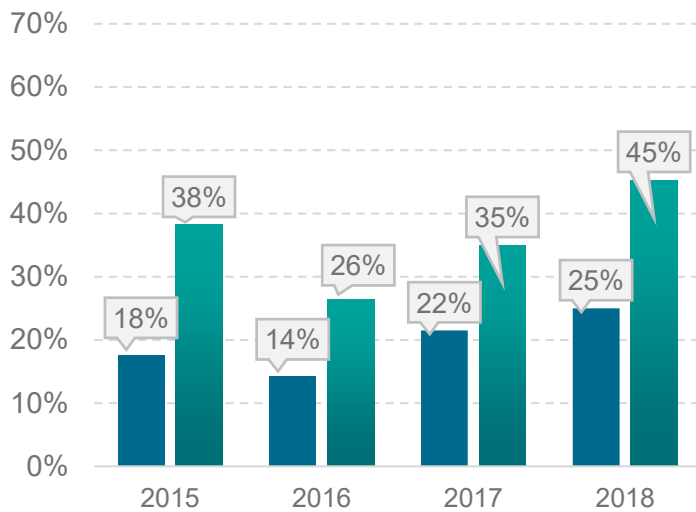
Percent of attorneys investigated
after receiving a resource letter, warning letter,
or being disciplined

RR-1

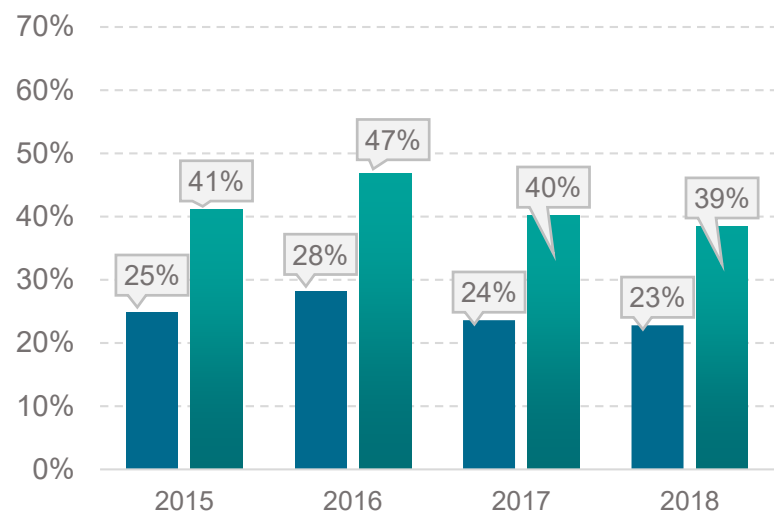
■ Investigated within one year

■ Investigated within three years

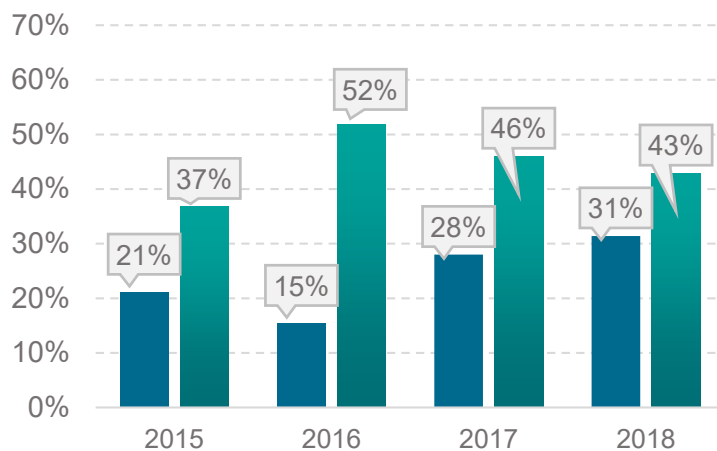
Received Resource Letter



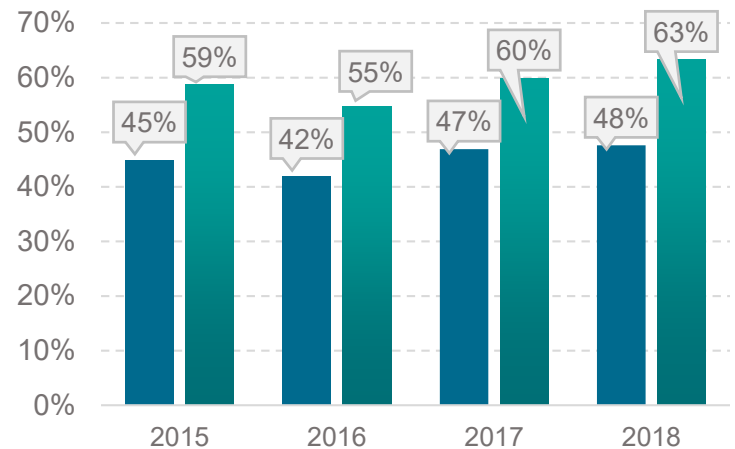
Received Warning Letter



Initial Discipline: Public or Private Reprimand



Initial Discipline: Probation





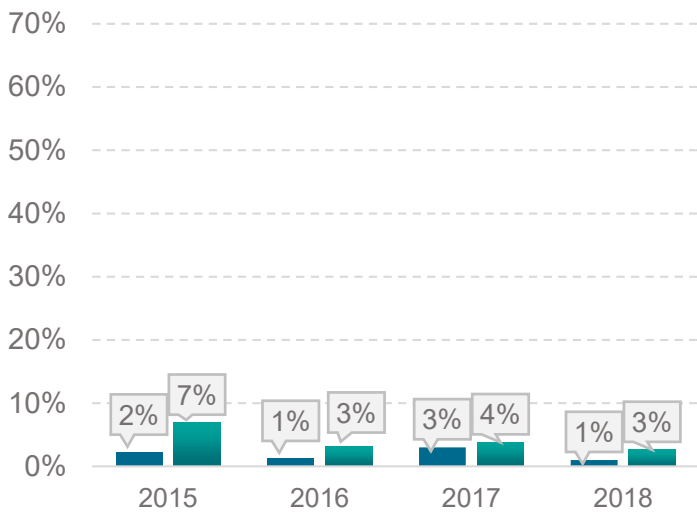
Recidivism Rates

Percent of attorneys disciplined
after receiving a resource letter, warning letter,
or being disciplined

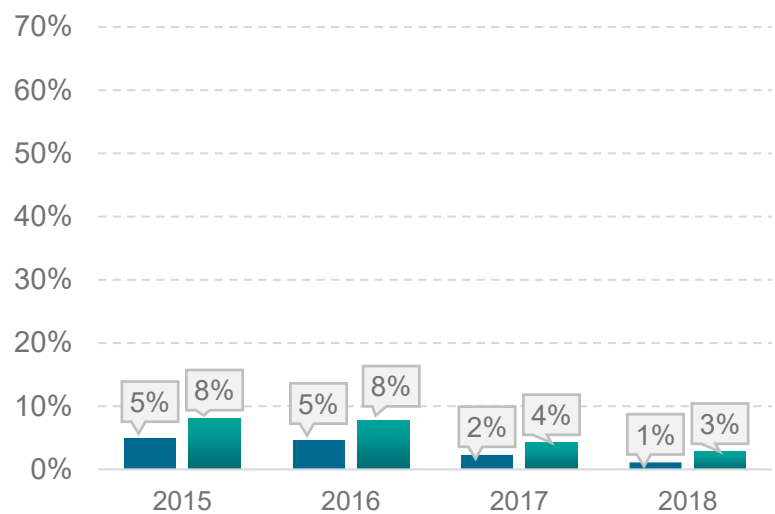
RR-1

- Disciplined within one year
- Disciplined within three years

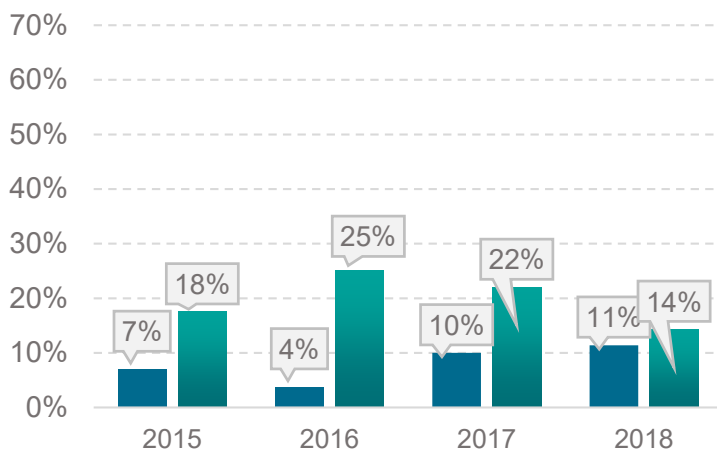
Received Resource Letter



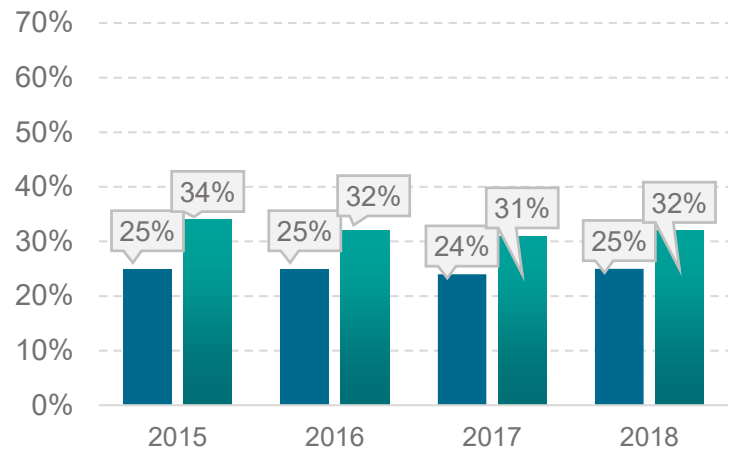
Received Warning Letter



Initial Discipline: Public or Private Reprimand



Initial Discipline: Probation





Office of Access & Inclusion

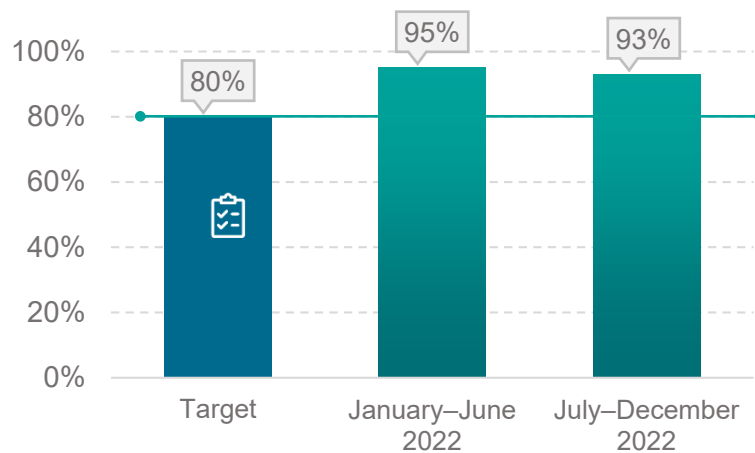
Closely monitor Interest on Lawyers' Trust Accounts (IOLTA) rates, including continued strategy around Leadership Bank program, to stabilize funding

OAI-1



Provide commissioners with meeting materials five to seven days in advance at least 80% of the time

OAI-2

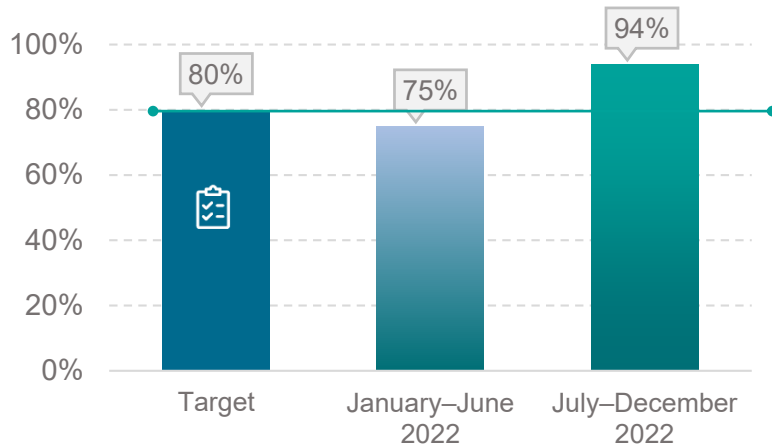




Office of Access & Inclusion (continued)

Issue 80% of monitoring visit and fiscal visit findings within 60 days

OAI-3



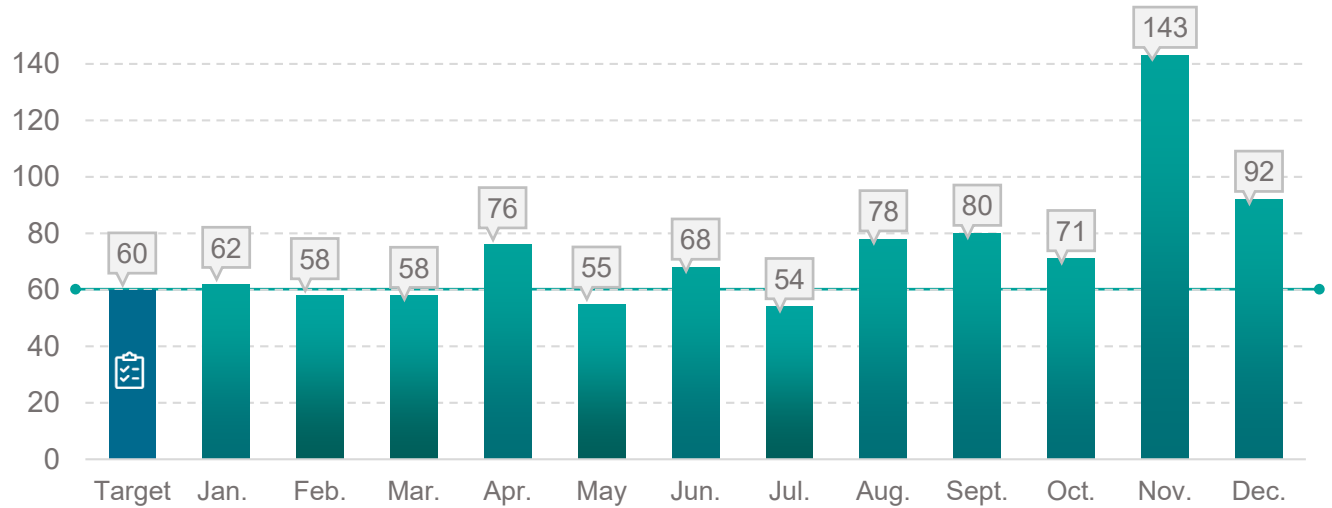
Because the average across the two time periods exceeds the target and the number of monitoring visit memos issued from January 1 to June 30 was small (4), this metric's target was considered met for both time periods.



Office of General Counsel (OGC)

Complete and resolve an average of 60
Complaint Review Unit (CRU) cases per month

OGC-1



Note: For 2022, CRU resolved an average of 74 requests across all 12 months; under this definition, the metric's target was achieved. However, CRU did not always resolve at least 60 requests per month due to reduced staffing, which resulted from vacancies within OGC as well as volume of other work assigned to CRU staff.

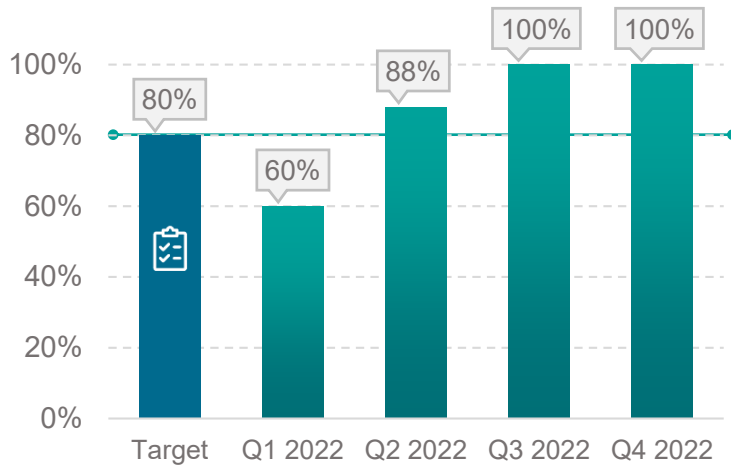


Office of Professional Competence (OPC)

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

OPC-1

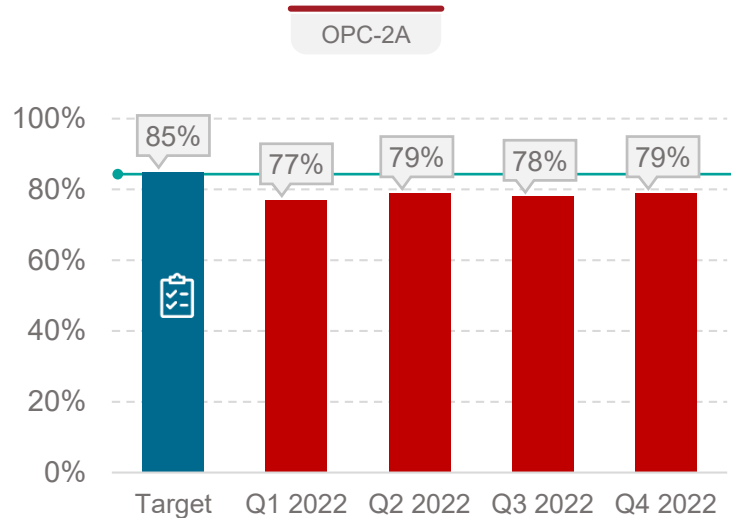
Because the average across the four time periods exceeds the target and the number of callers that submitted a satisfaction survey in Q1 was small (5), this metric was considered met for all time periods.





Office of Professional Competence (continued)

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



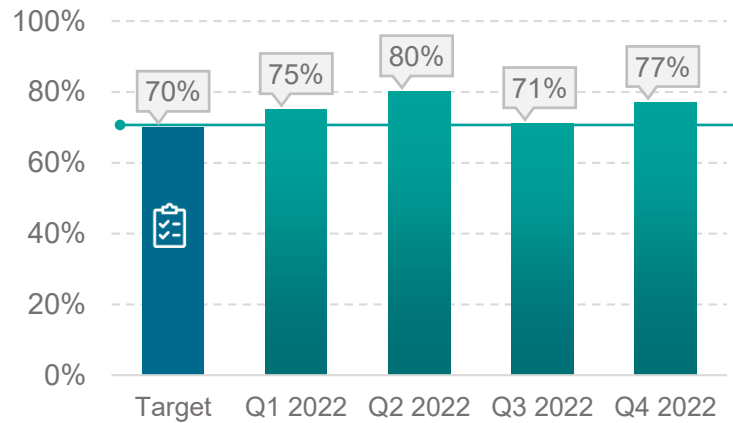
In 2021 a voluntary e-learning course called “Disrupting Implicit Bias” was available to all licensees on a complimentary basis. Feedback from e-learning participants points to course technical issues (lag, freezing, audio sync issues) and the inability of a learner to progress through the course at their own pace. Course settings that require the narrative audio to read all onscreen text in its entirety before allowing the learner to progress to the next screen are part of e-learning industry standards for compliance with the Americans with Disabilities Act. The Office of Professional Competence will discuss this issue with the e-learning vendor to determine if there are options to implement changes that would balance the need for ADA compliance while also providing more flexibility for the learner to progress at their own pace in the development of any future courses.



Office of Professional Competence (continued)

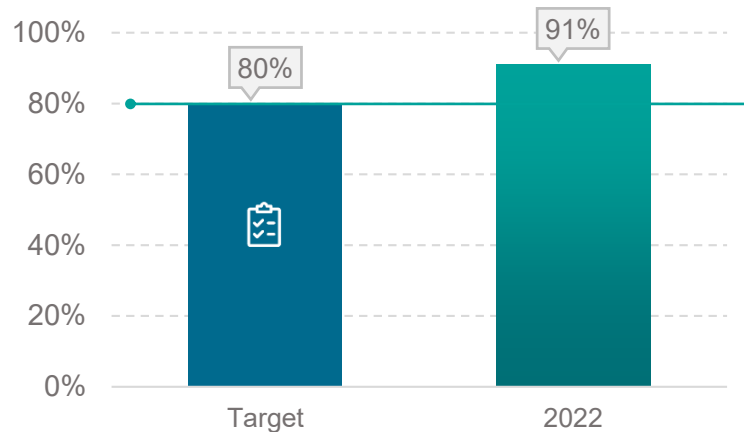
Mandatory e-learning courses: 70% of participants report these courses met their expectations

OPC-2B



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

OPC-3

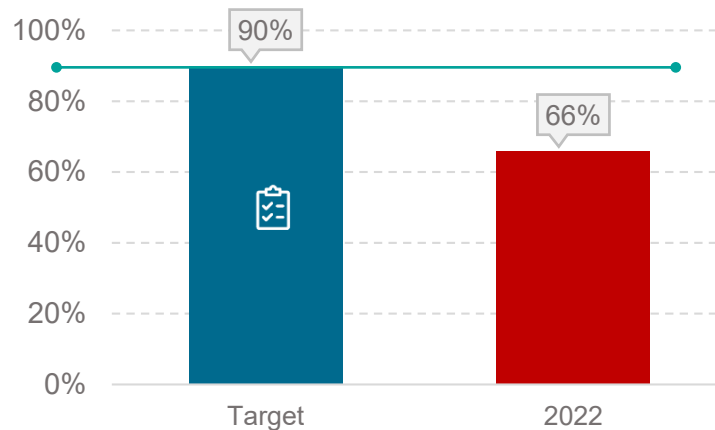




Office of Professional Competence (continued)

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

OPC-4



Of the 100 cases where a request was served on the respondent party, 66 requests met the 10 business day target.

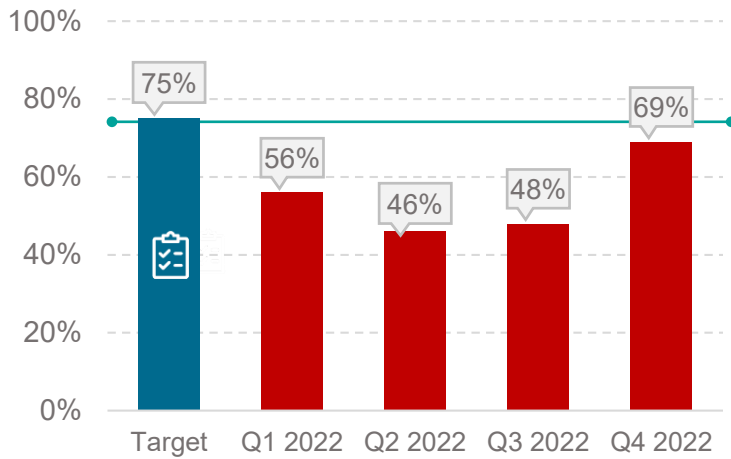
In 2022, 111 cases were filed, compared to 61 cases in 2021. The nearly doubling of caseload was largely due to the Bar Association of San Francisco and the San Mateo County Bar Association's discontinuation of accepting new MFA cases at the beginning of 2022. The cases filed in 2022 included more complex matters than usual such as cases with multiple parties with counsel and/or high amounts in dispute with 14 matters involving amounts in dispute of \$100,000 or more, ranging from \$100,000 to \$15,000,000. These cases require more staff time to administer and the MFA office experienced staffing challenges for most of 2022, when core staff consisted of just one attorney and one senior program analyst with support from two staff members of the Office of Professional Competence (OPC) as their workload permitted. Effective July 1, 2022, the Mandatory Fee Arbitration (MFA) Program was relocated from the OPC to the Office of Professional Support & Client Protection (PSCP). A Program Assistant II was hired in November 2022 to assist both the MFA and Client Security Fund programs. Of the 111 cases filed in 2022, a total of 100 requests for arbitration were served on the respondent party and the average time to serve the request was 8.55 days.



Office of Professional Competence (continued)

Process 75% of MCLE applications
within 30 days of receipt

OPC-5



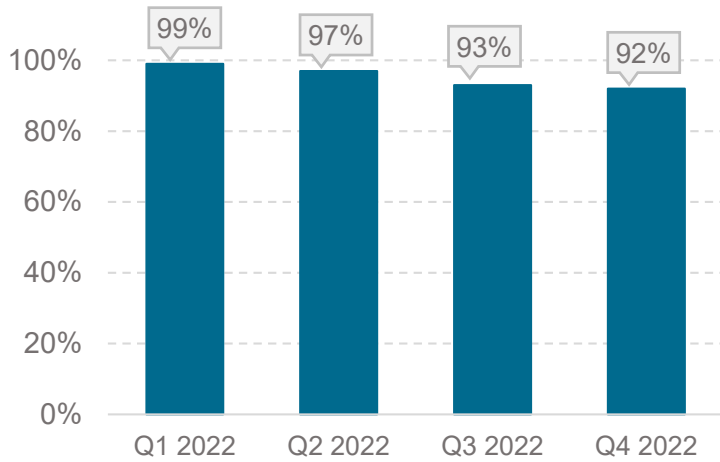
Responsibility for this program was transferred to the Office of Professional Competence in 2022. This metric was not met primarily due to staffing shortages and the need to train new staff.



Office of Probation

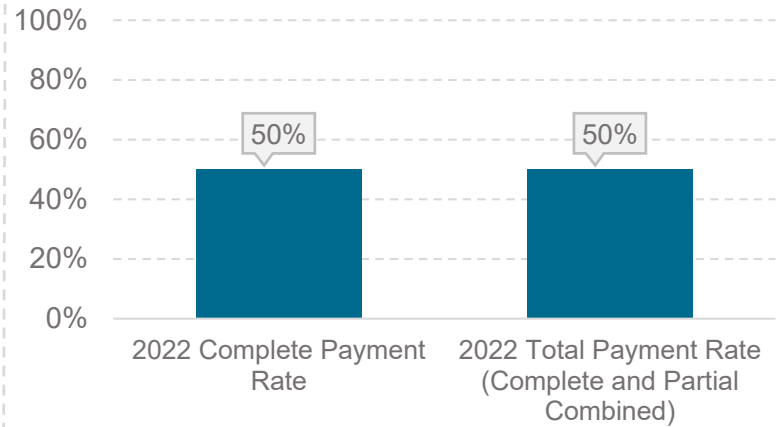
Track successful completion rates and reasons for noncompletion

P-1



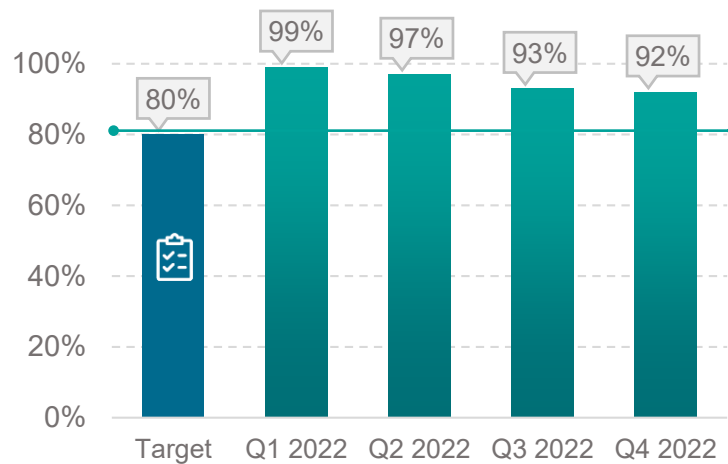
Track rates of successful satisfaction of restitution orders

P-2



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

P-3



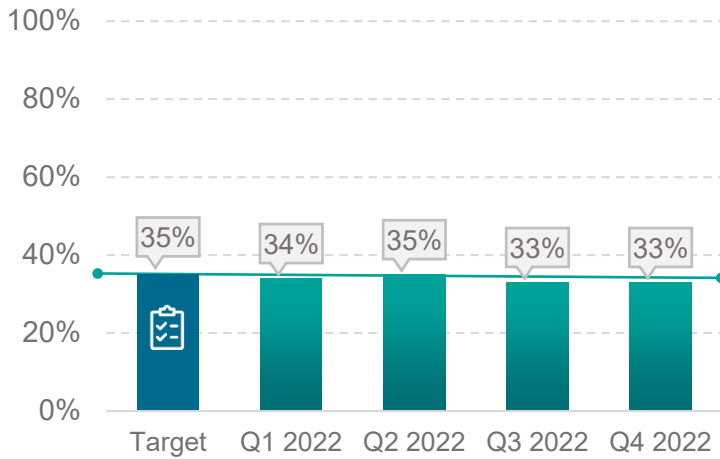


Office of Public Trust Liaison

Note: This office was established in December 2022 and the Contact Center was transferred to this new office from Attorney Regulation & Consumer Resources at that time.

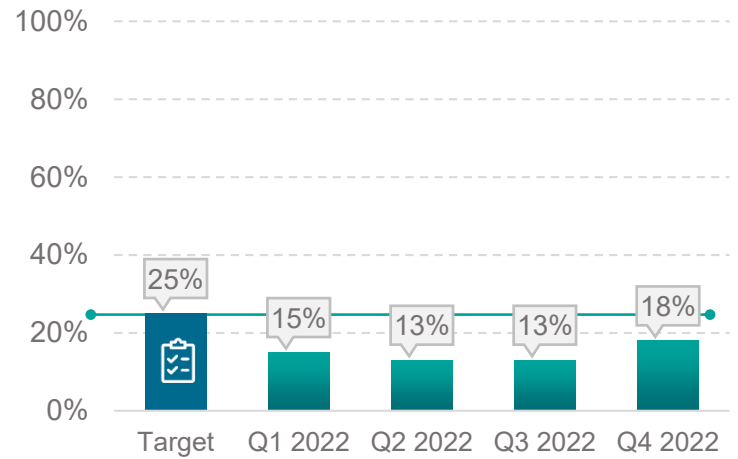
Less than 35% of Contact Center calls transferred out

PTL-1A



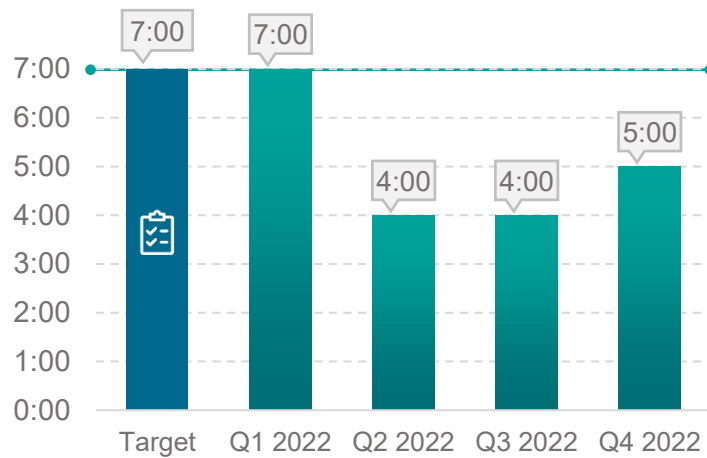
Less than 25% of calls abandoned

PTL-1B



Average call wait time is less than 7 minutes

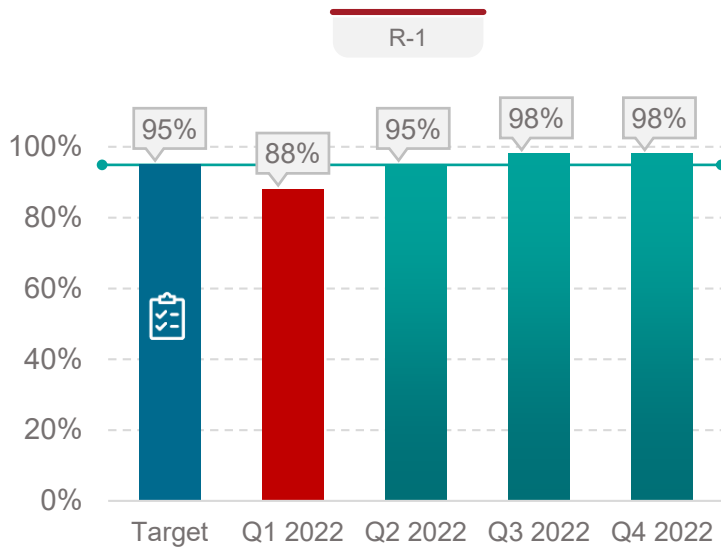
PTL-1C





Office of Regulation

Fulfill 95% of requests for certificates of standing within five days of receipt



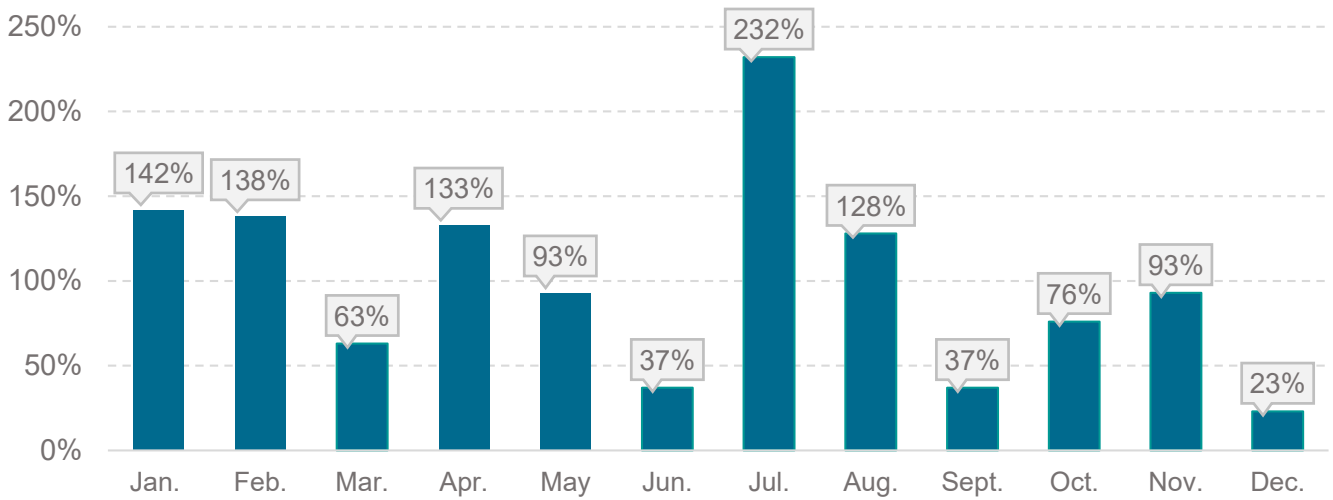
A total of 10,168 requests were received in 2022. The metric was not met in Q1 2022 because the office received a significantly higher number of requests than in other quarters and had to manage this increased volume at the same time as high transactions related to the annual billing and compliance cycle.



State Bar Court

Monthly caseload clearance rate

SBC-1

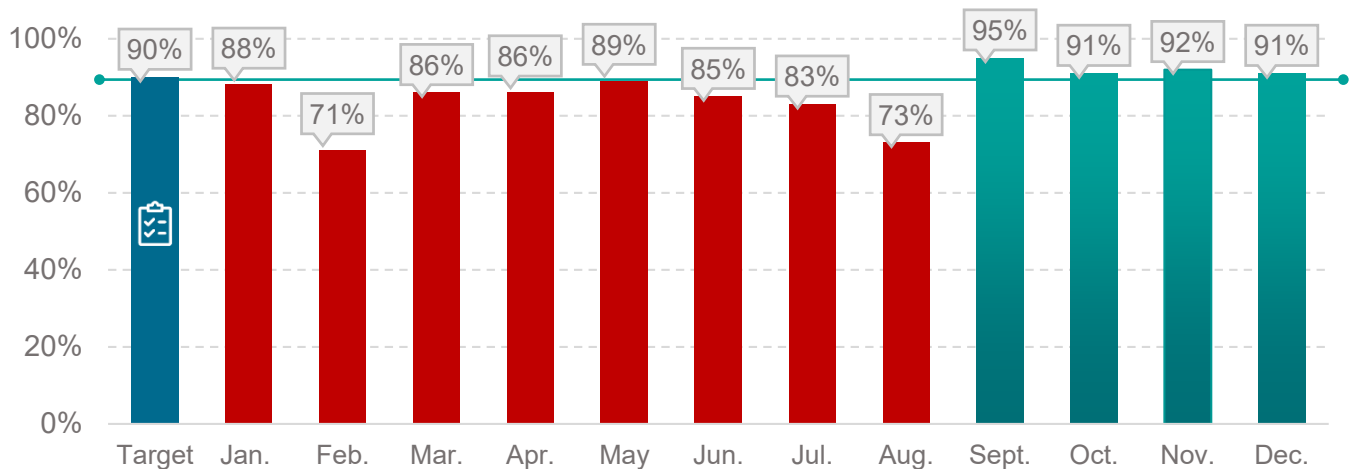




State Bar Court (continued)

Hearing Department: 90% of cases to be processed within case type timeline

SBC-2A



The Hearing Department closed 371 cases in 2022. Factors that contributed to case processing delays include the following:

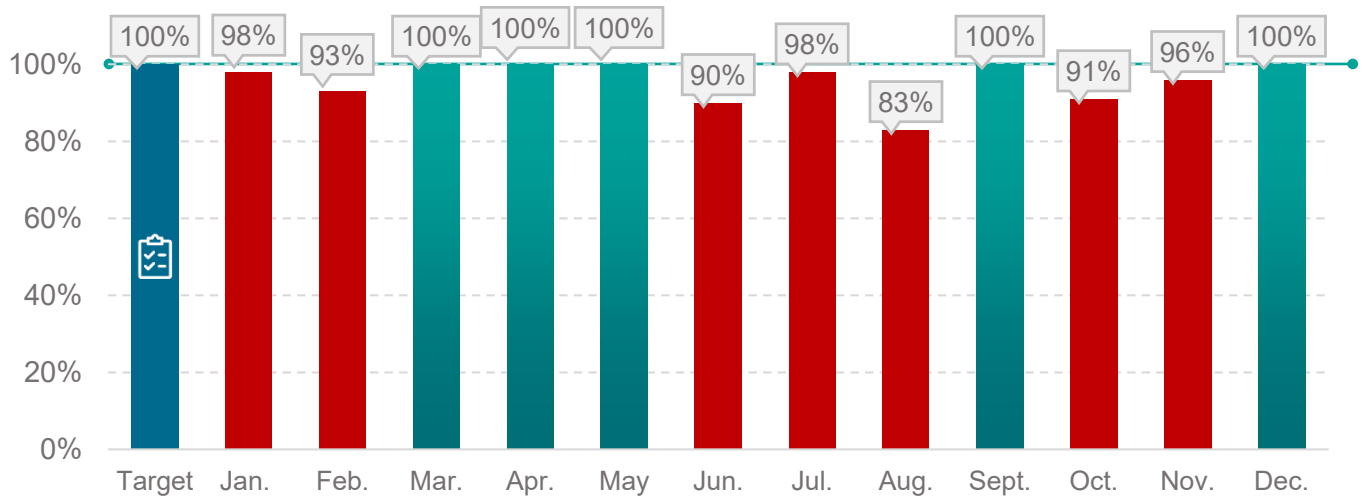
- Good cause continuances to serve due process as requested by the parties;
- Judicial reassignments;
- Defaults and subsequent motions for reconsideration and interlocutory review;
- Case processing errors;
- Supreme Court remands;
- Rejected stipulations and orders to amend the filings; and
- Disposition held pending the disposition of other matters.



State Bar Court (continued)

Hearing Department: 100% of cases to be processed within 150% of case type timeline

SBC-2B



Factors that contributed to case processing delays include the following:

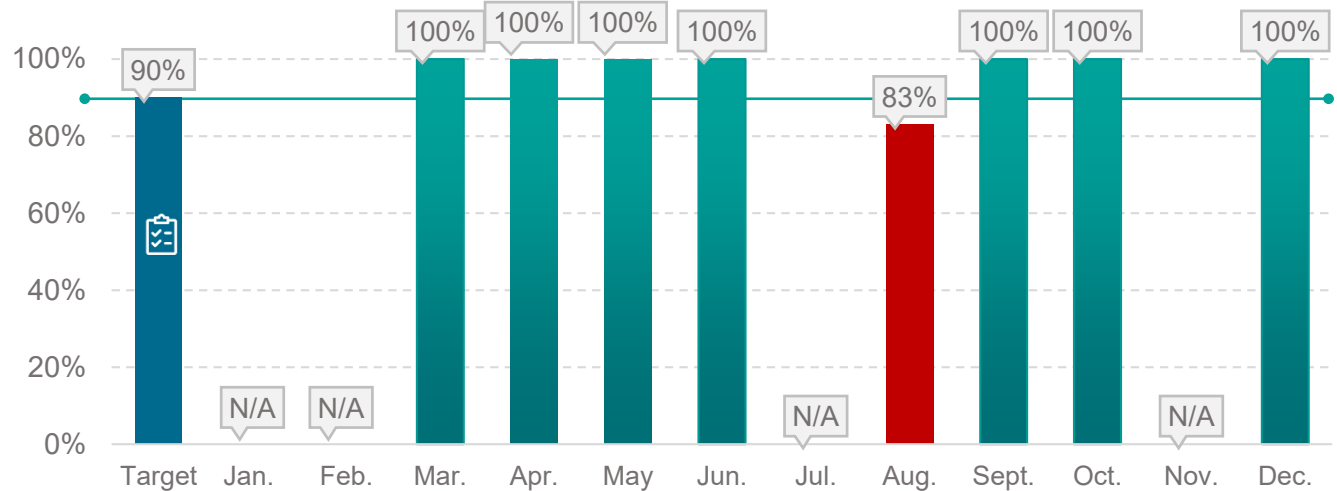
- Good cause continuances to serve due process as requested by the parties;
- Judicial reassignments;
- Defaults and subsequent motions for reconsideration and review; and
- Supreme Court remands.



State Bar Court (continued)

Review Department: 90% of cases to be processed within case type timeline

SBC-2C

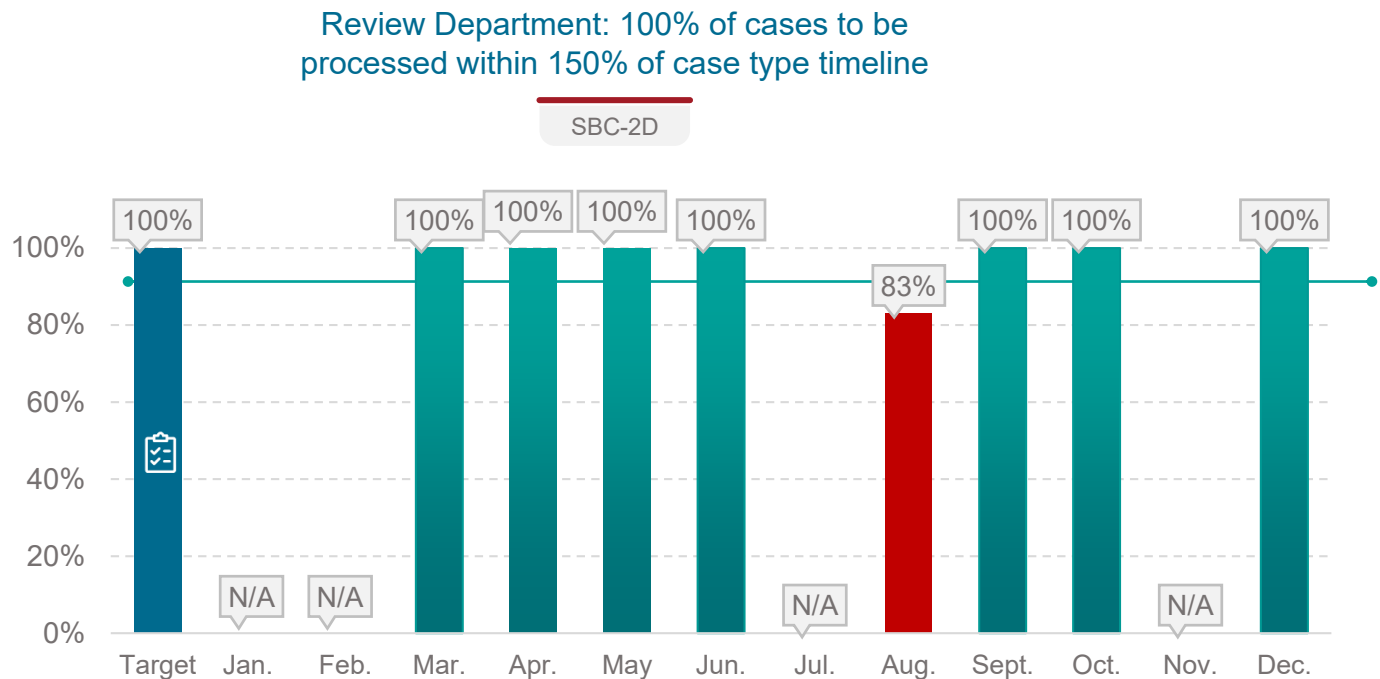


Note: No cases reached final outcome in January, February, July, and November 2022.

The Review Department closed 18 cases in 2022. Staff reviewed the one case that resulted in the performance target not being met in August 2022 and determined the case processing delay was due to the multiple requests for additional time to comply with rules and orders to afford due process as requested by party and multiple requests for reviews that were filed.



State Bar Court (continued)



Note: No cases reached final outcome in January, February, July, and November 2022.

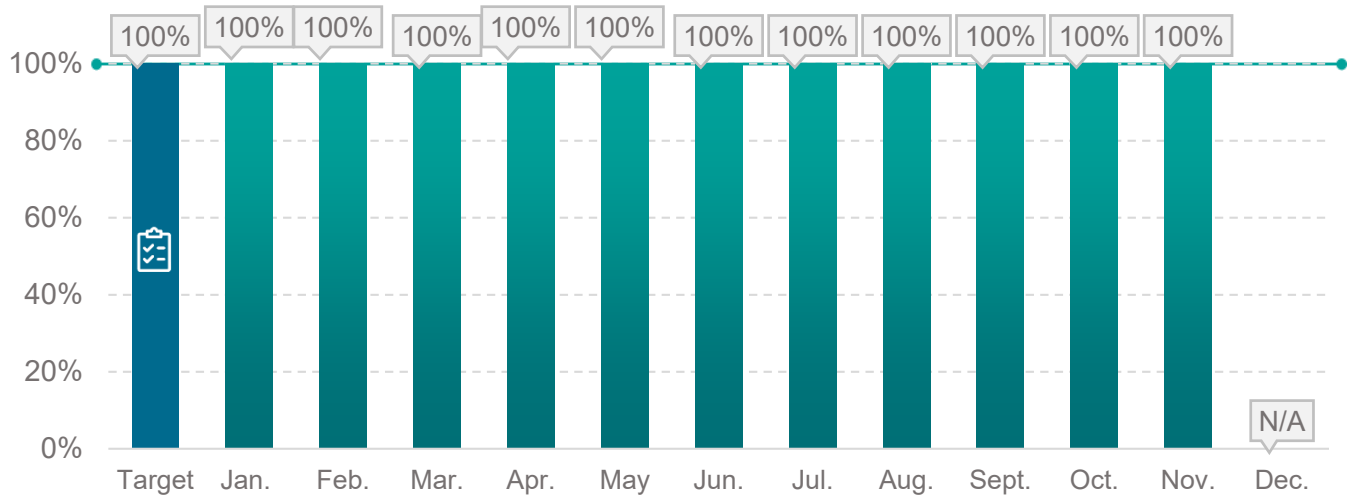
Staff reviewed the one case that resulted in the performance target not being met in August 2022 and determined the case processing delay was due to the multiple requests for additional time to comply with rules and orders to afford due process as requested by party and multiple requests for reviews that were filed.



State Bar Court (continued)

Effectuations: 100% of cases to be processed within timeline

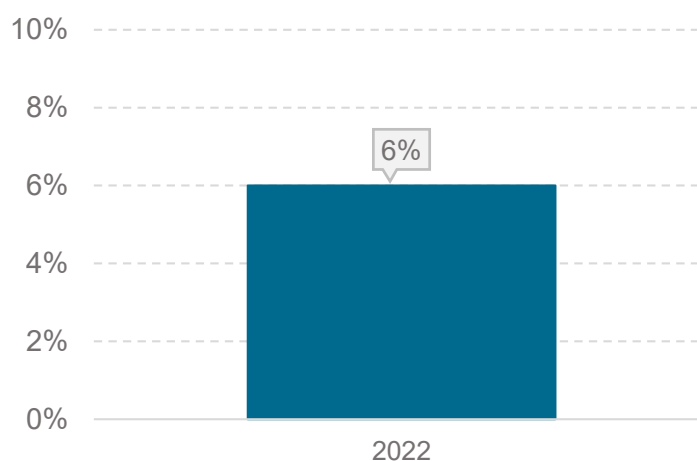
SBC-2E



Note: No cases reached final outcome in December 2022.

Percent of petitions granted

SBC-3A



Note: 18 petitions were disposed in 2022, and one was granted.



Appendix A. State Bar Metrics

The list below contains all metrics contained in this report. Metric IDs supersede those previously reported.

OFFICE OF ADMISSIONS

Metric Focus: Quality Control, Cycle Time, Cost Control

Metric ID	Name	Timing	Notes
A-1	Conduct initial review of 80% of Moral Character applications within 90 days of receipt	Semiannually	
A-2	Reduce exam costs by 5%	Annually	
A-3A	Reduce time to grade the February Bar Exam from 11 weeks to 9 weeks	Annually	
A-3B	Reduce time to grade the July Bar Exam from 16 weeks to 14 weeks	Annually	
A-4	Complete processing of 75% of applications for the Provisional Licensure Program within two weeks of receipt of a complete application	Quarterly	

BOARD SUPPORT, JUDICIAL NOMINEES EVALUATION COMMISSION, AND APPOINTMENTS

Metric Focus: Efficiency (Operational Management)

BJA-1	100% of Judicial Nominee Evaluation candidates evaluated within 90 days	Semiannually
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OFFICE OF STRATEGIC COMMUNICATIONS & STAKEHOLDER ENGAGEMENT

Metric Focus: Outreach (Brand Image, Public Perception), Customer Satisfaction

SCSE-1	Number of social media followers	Quarterly
SCSE-2	Expand communications engagement with Spanish-speaking audiences through a campaign involving paid social media placements and radio public service announcements	Annually

CLIENT SECURITY FUND

Metric Focus: Customer Satisfaction, Efficiency, Cost Control, Cycle Time

CSF-1	Number of cases resolved by the Client Security Fund	Annually
CSF-2	Decrease time to payout after final discipline by 5%	Annually

**OFFICE OF FINANCE****Metric Focus:** Fiscal Management/Operational Efficiency, Quality, Cycle Time

Metric ID	Name	Timing	Notes
F-1	Provide fiscal year-to-date budget-actual analysis on a monthly basis to enable efficient financial management by client division or office and the executive director within 30 days of the end of the month	Quarterly	
F-2	Pay 90% of vendor invoices within 30 days of receipt	Quarterly	
F-3	Complete monthly adjusting journal entries and close the books timely and accurately within 20 business days of the end of the month	Monthly	

OFFICE OF GENERAL SERVICES**Metric Focus:** Cycle Time, Quality

GS-1	Process 90% procurement requisitions with 100% accuracy within three days	Quarterly	
GS-2	Process 85% of all facilities requests (not requiring parts or equipment ordering) within three or fewer business days	Quarterly	

OFFICE OF HUMAN RESOURCES**Metric Focus:** Cycle Time, Customer Satisfaction, Efficiency, Organizational Capacity

HR-1	Conduct 80% of performance evaluations by anniversary date or, for executives, the due date	Monthly/Quarterly	
HR-2	Reduce average time to hire to 60 days or fewer	Quarterly	
HR-3	Stay interviews are conducted for 100% of new hires within 90 days of hire	Quarterly	
HR-4	Average number of days to fill OCTC attorney positions	Quarterly	
HR-5	Average number of days to fill OCTC investigator positions	Quarterly	

**OFFICE OF HUMAN RESOURCES (CONTINUED)****Metric Focus:** Cycle Time, Customer Satisfaction

Metric ID	Name	Timing	Notes
HR-6	90% of participants report a high level of overall satisfaction with the Training & Development Program	Semiannually	
HR-7	Percent of internal hires	Annually	
HR-8	Turnover rate among OCTC attorneys	Annually	Metrics HR-8 and 9 exclude casual/temporary employees as well as staff who do not successfully complete probation.
HR-9	Turnover rate among OCTC investigators	Annually	

OFFICE OF INFORMATION TECHNOLOGY**Metric Focus:** Efficiency, Customer Satisfaction

IT-1	90% of stakeholders report a high level of overall satisfaction with new technology deployments	Quarterly	
IT-2	Process 85% of all IT service requests (not requiring parts or equipment ordering or software development) within five business days or less	Quarterly	
IT-3	Complete 90% of planned major IT projects on schedule and on budget	Quarterly	

LAWYER ASSISTANCE PROGRAM**Metric Focus:** Utilization, Customer Satisfaction, Outreach

LAP-1	Increase intakes by 10%	Annually	
LAP-2	Respond to 100% of requests for presentations within two business days	Quarterly	
LAP-3	Complete 10 law school presentations and 20 bar association or law firm presentations in 2020	Annually	
LAP-4A	80% of survey participants report that the LAP addressed their goals	Quarterly	
LAP-4B	80% of survey participants report they are satisfied with their LAP experience	Quarterly	

**LAWYER ASSISTANCE PROGRAM (CONTINUED)****Metric Focus:** Utilization, Customer Satisfaction, Outreach

Metric ID	Name	Timing	Notes
LAP-5	Track successful completion rates for Alternative Discipline Program cases (and reasons for termination)	Quarterly	

OFFICE OF ACCESS & INCLUSION**Metric Focus:** Efficiency (Operational Management), Compliance

OAI-1	Closely monitor IOLTA rates, including continued strategy around Leadership Bank Program, to stabilize funding	Quarterly	
OAI-2	Provide commissioners with meeting materials five to seven days in advance at least 80% of the time	Semiannually	
OAI-3	Issue 80% of monitoring visit and fiscal visit findings within 60 days	Semiannually	

OFFICE OF CHIEF TRIAL COUNSEL**Metric Focus:** Cycle Time, Quality

OCTC-1	Number of P-1 cases in backlog for respondents with active law licenses	Quarterly	
OCTC-2	Percent of P-2 cases resolved within 120 days	Quarterly	
OCTC-3	Maintain an annual caseload clearance rate of at least 100%	Monthly	
OCTC-4A	Case disposition: median	Monthly	
OCTC-4B	Case disposition: 90th percentile	Monthly	
OCTC-5A	Maintain current level of CRU reopens for reasons other than new evidence	Semiannually	
OCTC-5B	Maintain current level of Walker Petition reopens	Annually	
OCTC-5C	Decrease the number of random audit reopens for substantive reasons	Annually	
OCTC-6	Case inventory	Monthly	
OCTC-7	Percent of respondents that retain representation	Quarterly	This metric is based on closed cases of all types that reached the investigation stage.

**OFFICE OF GENERAL COUNSEL****Metric Focus:** Cycle Time, Customer Satisfaction, Organizational Capability

Metric ID	Name	Timing	Notes
OGC-1	Complete and resolve an average of 60 CRU cases per month	Monthly	

OFFICE OF PROFESSIONAL COMPETENCE**Metric Focus:** Outreach/Access, Customer Satisfaction

OPC-1	80% of callers report a high level of overall satisfaction with the Ethics Hotline experience	Quarterly	
OPC-2A	Voluntary e-learning courses: 85% of participants report these courses met their expectations	Quarterly	
OPC-2B	Mandatory e-learning courses: 70% of participants report these courses met their expectations	Quarterly	
OPC-3	80% of all annual Lawyer Referral Service recertification applications processed within 60 days of receipt of a completed submission	Annually	
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	Annually	
OPC-5	Process 75% of MCLE applications within 30 days of receipt	Quarterly	

OFFICE OF PROBATION**Metric Focus:** Outcome, Efficiency

P-1	Track successful completion rates and reasons for noncompletion	Quarterly	
P-2	Track rates of successful satisfaction of restitution orders	Annually	
P-3	80% of courtesy reminder letters are provided to respondents within three weeks of case initiation	Quarterly	

**OFFICE OF PUBLIC TRUST LIAISON****Metric Focus:** Customer Satisfaction, Efficiency, Quality

Metric ID	Name	Timing	Notes
PTL-1A	Less than 35% of Contact Center calls transferred out	Quarterly	
PTL-1B	Less than 25% of calls abandoned	Quarterly	
PTL-1C	Average call wait time of less than 7 minutes	Quarterly	

OFFICE OF REGULATION**Metric Focus:** Customer Satisfaction, Efficiency, Quality

R-1	Fulfill 95% of requests for certificates of standing within five days of receipt	Quarterly
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RECIDIVISM RATES**Metric Focus:** Cycle Time, Quality

RR-1	Disciplined and Investigated Within One or Three Years	Quarterly
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STATE BAR COURT**Metric Focus:** Efficiency, Time Cycle

SBC-1	Monthly caseload clearance rate	Monthly
SBC-2A	Hearing Department: 90% of cases to be processed within case type timeline	Monthly
SBC-2B	Hearing Department: 100% of cases to be processed within 150% of case type timeline	Monthly
SBC-2C	Review Department: 90% of cases to be processed within case type timeline	Monthly
SBC-2D	Review Department: 100% of cases to be processed within 150% of case type timeline	Monthly
SBC-2E	Effectuations: 100% of cases to be processed within timeline	Monthly
SBC-3A	Percent of petitions granted	Annually

Proposed 2023 Case Processing Metrics

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 non-complex cases and 365 days for complex cases
2	OCTC	Track percent of disciplined cases resolved with non-public discipline	New metric
3	OCTC	Track number of attorneys who have 15+ prior complaints and discipline outcomes for those attorneys	New metric
4	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
5	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
6	OCTC	Less than two percent of Complaint Review Unit dispositions result in reopens for reasons other than new evidence	Carry-over metric
7	SDTC	Decrease average case disposition time for 2201 cases	New metric. 2201 matters not previously reported on in metrics reports
8	SDTC	Decrease case disposition time for the 90th percentile of 2201 cases	New metric. 2201 matters not previously reported on in metrics reports
9	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
10	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

No.	Responsible Office	Proposed Metric	Notes
11	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
12	State Bar Court	90 percent of Original and Criminal Conviction cases are processed within case type timelines standards	Updated metric
13	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
14	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
15	The State Bar	Increase the percentage of respondents that retain representation	Carry-over system-wide metric
16	The State Bar	Track recidivism rates	Carry-over system-wide metric (Recidivism is tracked as the percentage of attorneys with new complaints investigated or disciplined within 1 and 3 years after disposition)
17	The State Bar	Track the satisfaction rate of complaining witnesses in procedure fairness surveys	Carry-over system-wide metric

Proposed 2023 Operational Metrics

Table 1. Proposed Operational Metrics

No.	Responsible Office	Proposed Metric	Notes
1	Regulation	Issue 95 percent of certificates of standing within five business days from the request received date	Updated metric
2	Regulation	Respond to 90 percent of email inbox inquiries within two business days of receipt	New metric
3	Regulation	99 percent of active licensees will be in compliance with license fee obligations by June 30	New metric
4	Regulation	Assign 90 percent of new licensees bar numbers within 15 business days of the date oath cards are signed	New metric
5	Regulation	95 percent of licensees comply with CTAPP reporting requirements by June 30	New metric
6	Regulation	Track the number of attorneys flagged for CTAPP compliance and summarize the time taken to follow up with or reach out to attorneys flagged for compliance issues	New metric
7	Client Security Fund	Resolve 90 percent of Client Security Fund cases within 365 days of the jurisdiction date	Updated metric
8	Client Security Fund	Project the number of Client Security Fund cases to be resolved at the beginning of the year and track the number of resolved cases	Updated metric
9	Lawyer Assistance Program	80 percent of survey participants report the Lawyer Assistance Program met their goals	Updated metric
10	Lawyer Assistance Program	Track successful completion rates for Alternative Discipline Program and other Monitored Lawyer Assistance Programs	Updated metric
11	Mandatory Fee Arbitration	Assign 90 percent of matters to arbitrators within 110 days after application completion	New metric

No.	Responsible Office	Proposed Metric	Notes
12	Mandatory Fee Arbitration	80 percent of clients and attorneys report satisfaction with the service received by the Mandatory Fee Arbitration Program	New metric
13	Probation	Increase successful completion rates by five percentage points	Updated metric
14	Probation	Track the number and the rate of successful satisfaction of restitution orders	Updated metric
15	Office of General Counsel	90 percent of internal clients report a high level of overall satisfaction with services provided by the Office of General Counsel staff	Carry-over metric
16	Office of Professional Competence	80 percent of lawyers who contact the Ethics Hotline report receiving helpful assistance in providing ethical and competent representation of their clients	Updated metric
17	Office of Professional Competence	Process 75 percent of all applications from individuals and organizations seeking approval to provide education within 45 days of receipt of a completed submission	New metric
18	Public Trust Liaison	The average Contact Center call wait time is seven minutes or less	Carry-over metric
19	Public Trust Liaison	Transfer fewer than 35 percent of calls	Updated metric
20	Public Trust Liaison	Track the number of client matters resolved through interaction with the Public Trust Liaison	New metric
21	Public Trust Liaison	80 percent of survey participants report satisfaction with the Public Trust Liaison	New Metric
22	Mission Advancement and Accountability Division	Complete quarterly dashboards used by the Board's Discipline Liaisons to oversee performance of OCTC, 2201 cases and the Complaint Review Unit cases	New Metric

No.	Responsible Office	Proposed Metric	Notes
23	Mission Advancement and Accountability Division	Provide actionable data, analytic, and compliance support to Executive Director, OCTC, State Bar Court, Regulation, and Admissions	New metric. This will be measured by a questionnaire provided to the heads of these divisions/offices.
24	Mission Advancement and Accountability Division	Publish at least two comprehensive research reports to strengthen the State Bar's influence on issues of diversity, equity, and inclusion in and access to the legal system	New metric
25	Admissions	Process 80 percent of applications for the Provisional Licensure Program within two weeks of receipt of a complete application	Updated metric
26	Admissions	Conduct initial review of 80 percent of Moral Character applications received within 90 days of receipt	Carry-over metric
27	Admissions	Conduct initial review of 85 percent of Testing Accommodation applications received within 30 days of receipt by notifying applicants that additional information is required or confirming the application is complete	New metric
28	Admissions	Respond to 80 percent of general requests within two business days of receipt	New metric
29	Office of Access and Inclusion	Issue 80 percent of grantee monitoring visit and fiscal visit findings within 60 days	Carry-over metric
30	Office of Access and Inclusion	Disseminate electronically or publish online at least one set of grant evaluation data semi-annually to the Judicial Council of California, grantees, and other stakeholders	New metric
31	Finance	Complete monthly adjusting journal entries and close the books timely & accurately within 20 business days after the end of the month	Updated metric

No.	Responsible Office	Proposed Metric	Notes
32	Finance	Provide monthly fiscal year-to-date budget vs. actual analysis reports after the close of the books to enable efficient and effective financial management by division/office and executive director	Updated metric
33	Finance	Pay 90 percent of vendor invoices within 30 business days of receipt	Updated metric
34	Finance	90 percent of internal clients report a high level of overall satisfaction with services provided by Finance staff	Carry-over metric
35	Communications	90 percent of the staff report a high level of overall satisfaction with the quality of internal communications	Updated metric
36	Communications	Increase the combined total of social media followers across all active State Bar accounts (LinkedIn, Twitter, Facebook, Instagram, and YouTube) by at least 10 percent, and at least 15 percent on LinkedIn	New metric
37	Information Technology	90 percent of internal customers report a high level of overall satisfaction with services provided by IT staff	Carry-over metric
38	Information Technology	Complete 90 percent of projects identified in the Strategic and Core Operational Plans for each year	New metric
39	Information Technology	Conduct external security audit for business-critical applications and infrastructure every 2 years	New metric
40	Human Resources	90 percent of internal customers report a high level of overall satisfaction with services provided by Human Resources staff	Carry-over metric
41	Human Resources	Track the number of staff who experience a promotion due to participation in the Training and Development (T&D) program	New metric

No.	Responsible Office	Proposed Metric	Notes
42	Human Resources	90 percent of participants report a high level of overall satisfaction with the Training and Development (T&D) program	Carry-over metric
43	Human Resources	Complete 90 percent of all recruitments within 60 days or less from posting date to offer letter	Updated metric
44	Human Resources	Conduct 100 percent of stay interviews within 90 days of hire, identify key themes, and facilitate quarterly discussions with the Leadership Team on issues identified	Carry-over and updated metric
45	Human Resources	90 percent of participants report a high level of overall satisfaction with DEI initiatives, speakers, and workshops	Updated metric
46	General Services	Process 90 percent of Procurement Requisitions with 100 percent accuracy within three days business days of receipt	Carry-over metric
47	General Services	Process 85 percent of all facilities requests (not requiring parts/equipment ordering) within three business days or less	Carry-over metric
48	General Services	90 percent of internal customers report a high level of overall satisfaction with services provided by General Services staff	Carry-over metric
49	The State Bar	Conduct 90 percent of performance evaluations within 60 days of due date	Updated system-wide metric