



The State Bar *of California*

Office of Chief Trial Counsel Performance Metrics – Q2 2023

George Cardona, Chief Trial Counsel

Board of Trustees, July 20-21, 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-1 2023 performance metrics from dashboard at the May 18-19, 2023, meeting.

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





OFFICE OF CHIEF TRIAL COUNSEL | KEY PERFORMANCE INDICATORS - 2023 Q2

CASE INVENTORY

6659

Previous QTR: 6096 (+563)

CASELOAD CLEARANCE RATE

86%

Previous QTR: 95% (-9%)

Target Clearance Rate: 100%

CRU REOPENS FOR REASONS OTHER THAN NEW EVIDENCE

1%

Target: 2% (-0.6%)

RANDOM AUDIT REOPENS FOR SUBSTANTIVE REASONS

4.7%

Target: 4.3% (+0.4%)

Period: Sep 2021 - Feb 2022

AVERAGE DAYS SPENT IN INVESTIGATION

NON-COMPLEX CASES

198

Previous QTR: 177 (+21)

Target: 120 days

COMPLEX CASES

262

Previous QTR: 266 (-5)

Target: 180 days

AVERAGE DAYS TO CLOSE

NON-COMPLEX CASES

78

Previous QTR: 69 (+9)

Target: 180 days

COMPLEX CASES

356

Previous QTR: 359 (-3)

Target: 365 days

PERCENT CASES CLOSED WITHIN TARGET

NON-COMPLEX CASES
CLOSED IN ≤180 DAYS

88%

Previous QTR: 91% (-3%)

Target: 90%

COMPLEX CASES CLOSED IN
≤365 DAYS

68%

Previous QTR: 65% (+3%)

Target: 90%

Jan-Jun 2020: 190 average days reported by Auditor

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](#).



OFFICE OF CHIEF TRIAL COUNSEL

CASE INVENTORY

6659

Previous QTR: 6096 (+563)

| Case Category | Average Case Processing Time in Days | |
|---|---|------------------------|
| | Current ^{N1} | Proposed ^{N2} |
| 1. Closed in intake | 42 | 30 |
| 2. Closed after investigation: higher RPP, noncomplex cases | 167 | 120 |
| 3. Closed after investigation: lower RPP, noncomplex cases | 197 | 150 |
| 4. Closed after investigation: higher RPP, complex cases | 248 | 180 |
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| 6. Closed or filed in charging | 449 | 300 |

AVERAGE DAYS SPENT IN INVESTIGATION

NON-COMPLEX CASES

COMPLEX CASES

198

Previous QTR: 177 (+21)

Target: 120 days

262

Previous QTR: 266 (-5)

Target: 180 days

Jan-Jun 2020: 190 average days reported by Auditor

Non-Complex Cases:

150 days (lower RPP, noncomplex cases)
– 30 days (intake) = 120 days (investigation)

Previous QTR: 69 (+9)

Target: 180 days

Previous QTR: 359 (-3)

Target: 365 days

Complex Cases:

210 days (lower RPP, complex cases)
– 30 days (intake) = 180 days (investigation)

Previous QTR: 91% (-3%)

Target: 90%

CLOSED WITHIN TARGET

COMPLEX CASES CLOSED IN
≤365 DAYS

68%

Previous QTR: 65% (+3%)

Target: 90%

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§ 6094.5 Goals and Policy of Disciplinary Agency

(a) It is the goal and policy of the State Bar to ensure that matters are handled competently, accurately, and timely. Until processing goals are established pursuant to subdivision (b) and codified in statute, the goal and policy of the State Bar is to dismiss a complaint, admonish the attorney, or have the Office of Chief Trial Counsel file formal charges within **six months** after it receives a complaint alleging attorney misconduct. As to complaints designated as complicated matters by the Chief Trial Counsel, it shall be the goal and policy of the State Bar to dismiss a complaint, admonish the attorney or have the Office of Chief Trial Counsel file formal charges within **12 months** after it receives a complaint alleging attorney misconduct.

AVERAGE DAYS SPENT IN INVESTIGATION

NON-COMPLEX CASES

198

Previous QTR: 177 (+21)

Target: 120 days

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FILTER BY:

Filter Info

ADR

- ☒ Yes
☐ No

ABATED

- ☐ No

COMPLEX

- ☐ No
☐ Yes

PRIORITY

All

PROJECTED CASES CLOSED IN BACKLOG STATUS IN 2023

2228

2022 Backlog: 1850 (+378)
2021 Backlog: 2070 (-220)

15%

2022 Backlog: 13% (+2%)
2021 Backlog: 14% (-1%)
Target: 10%

OPEN CASES IN BACKLOG STATUS IN 2023 Q2

3027

2022 Backlog: 2315 (+712)
2021 Backlog: 1779 (+536)

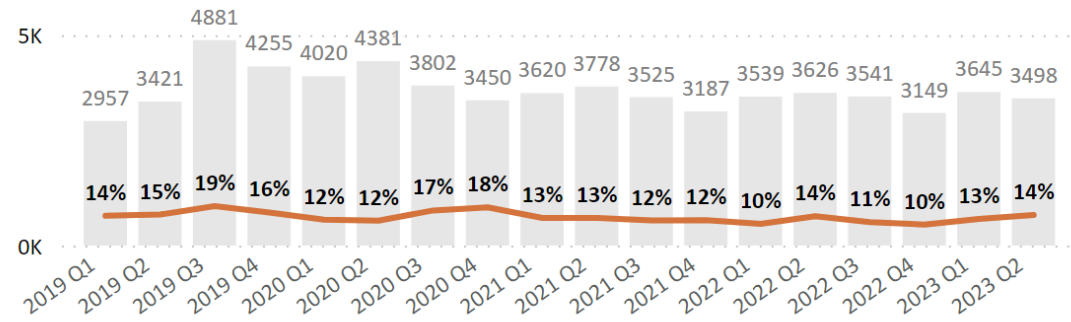
45%

2022 Backlog: 39% (+6%)
2021 Backlog: 37% (+2%)
Target: 10%

To reach the 10% target for open backlog cases by the year end, quarterly case closures must increase by 40% comprising of all backlog cases for the next 2 quarters.

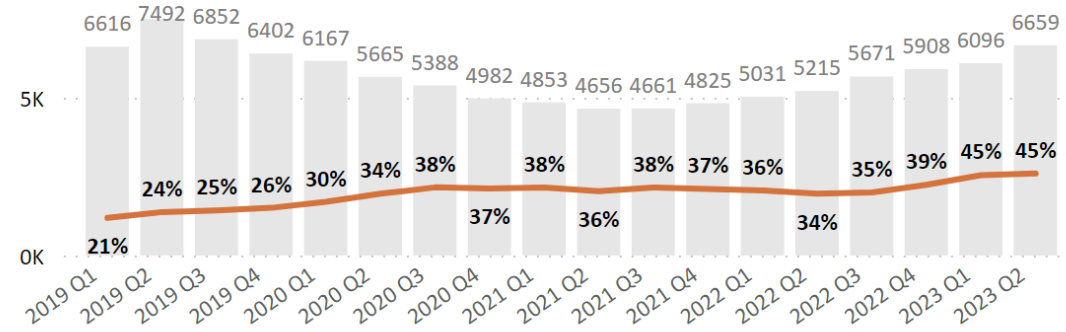
% OF CASES CLOSED IN BACKLOG STATUS

No. of Cases % Backlog



% OF OPEN CASES IN BACKLOG STATUS

No. of Cases % Backlog



OFFICE OF CHIEF TRIAL COUNSEL | CASE INVENTORY AND CLEARANCE BY CASE AGE

FILTER BY:

Filter Info

ADR

☒ Yes☐ No

ABATED

☐ No

COMPLEX

☐ No☐ Yes

PERIOD

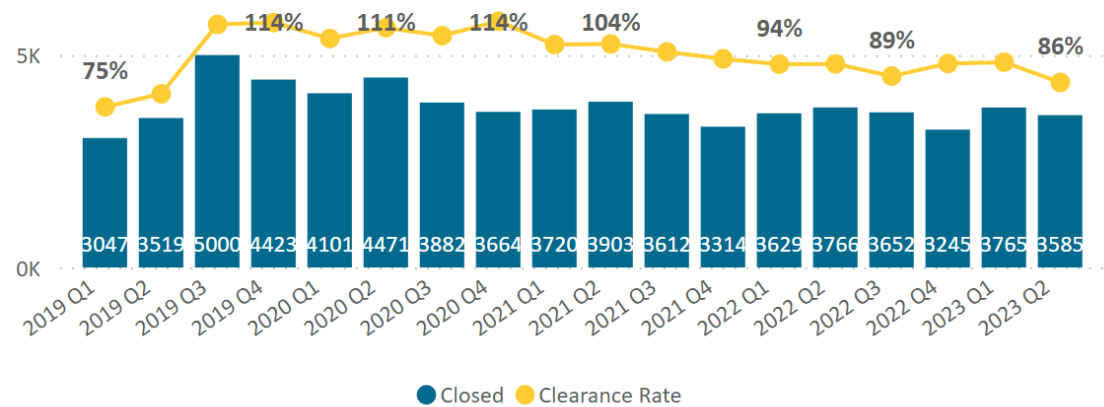
All

PRIORITY

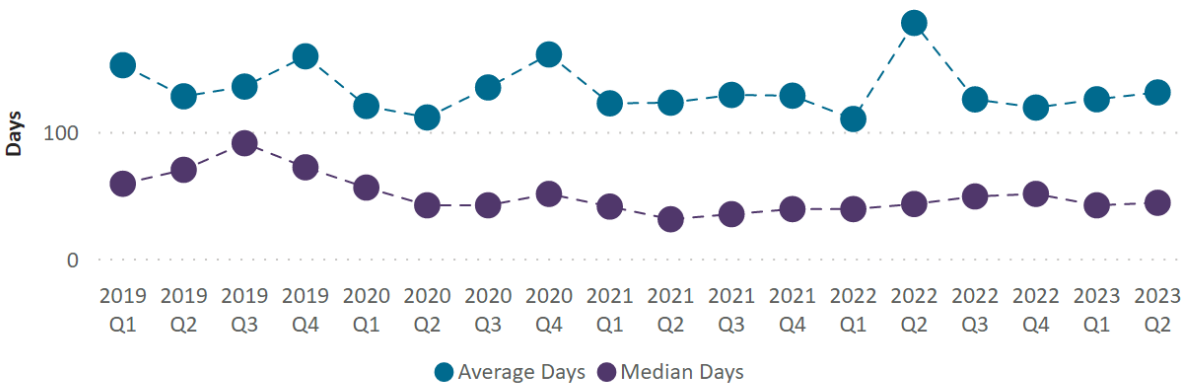
All

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

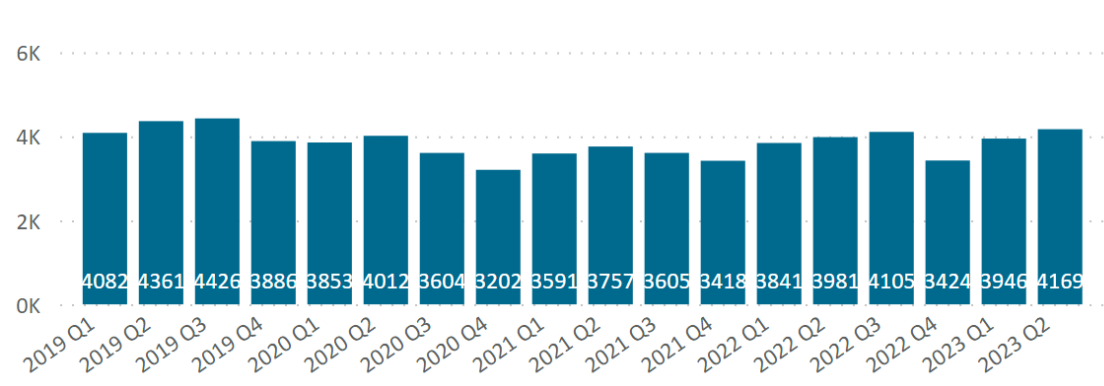
CASES CLOSED AND CLEARANCE RATE



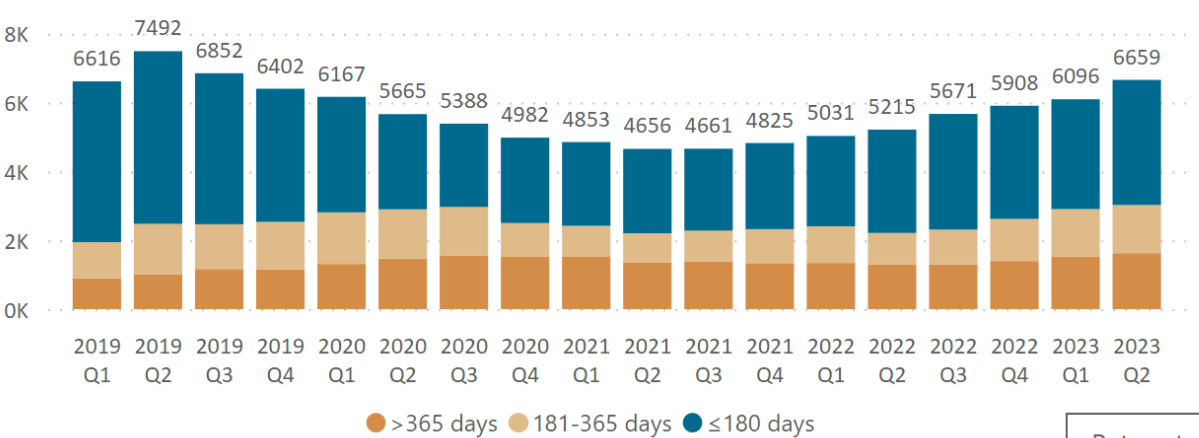
CASE AGE AT CLOSURE



INCOMING CASES



INVENTORY BY CASE AGE



FILTER BY:

Filter Info

ADR

☒ Yes☐ No

ABATED

☐ No

COMPLEX

☐ No☐ Yes

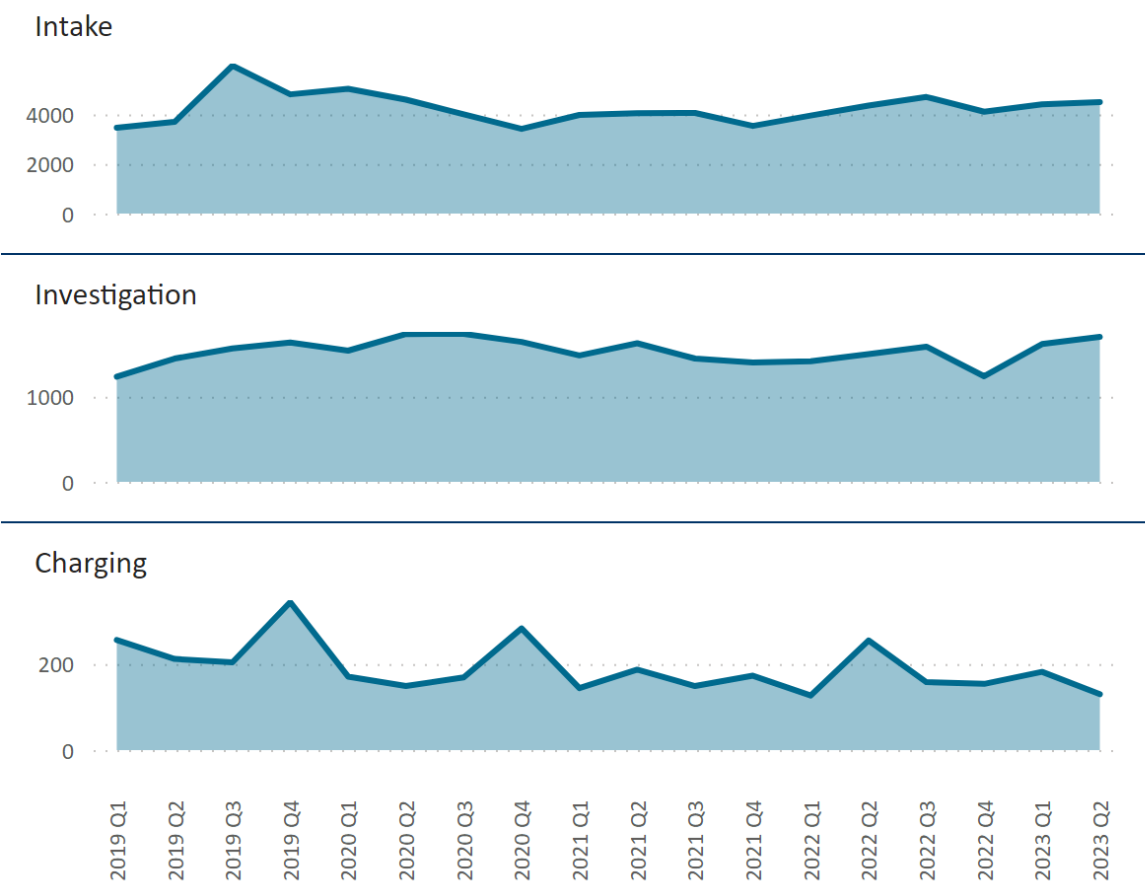
PERIOD

Multiple selections

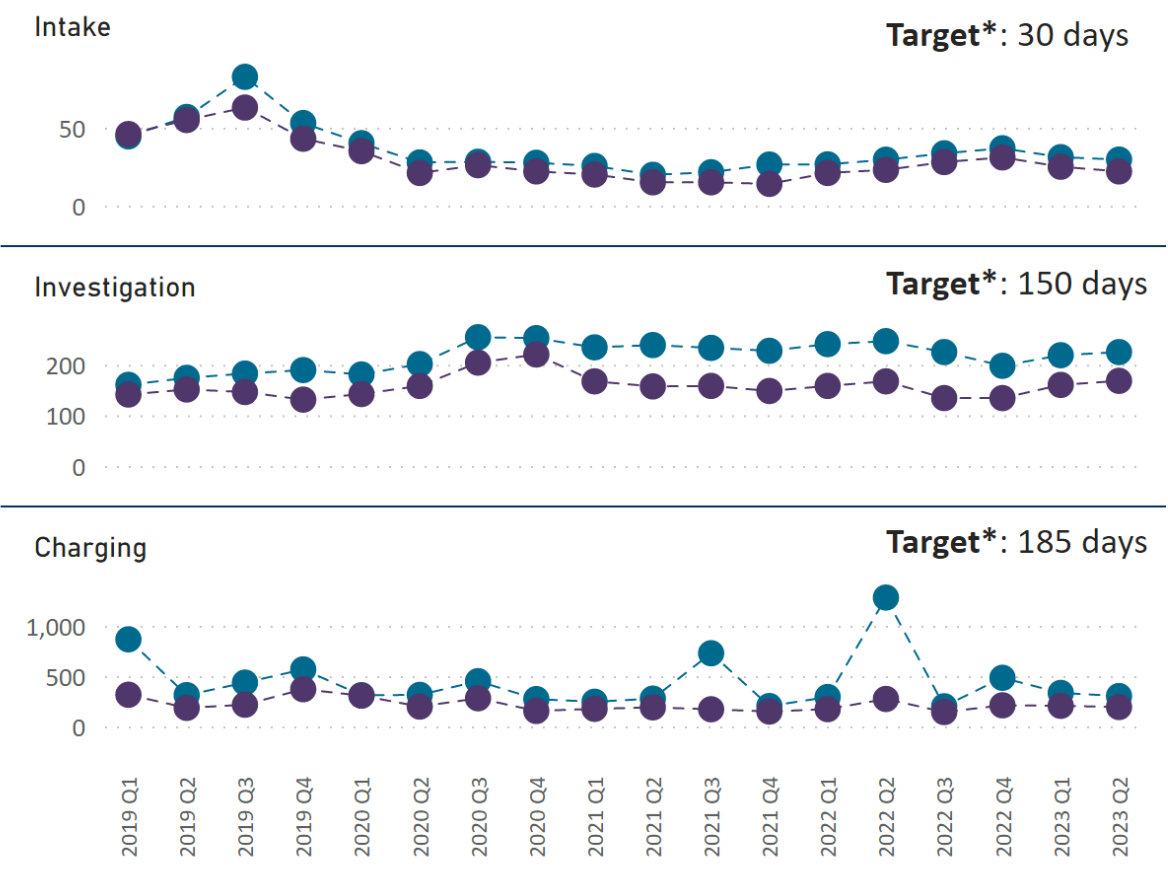
PRIORITY

All

CASES PASSING THROUGH EACH PHASE



DURATION OF CASES AT EACH PHASE (DAYS)



● Average ● Median

*Target was calculated using a weighted average of case processing standards for both complex and non-complex cases.

FILTER BY:

Filter Info

ADR

☒ Yes☐ No

ABATED

☐ No

COMPLEX

☐ No☐ Yes

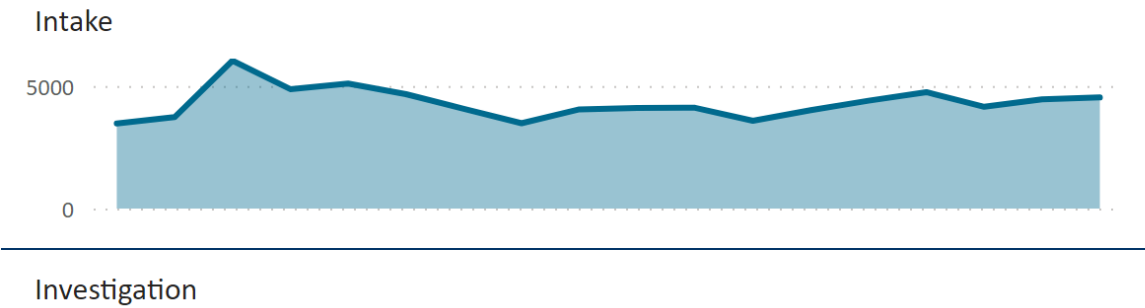
PERIOD

Multiple selections

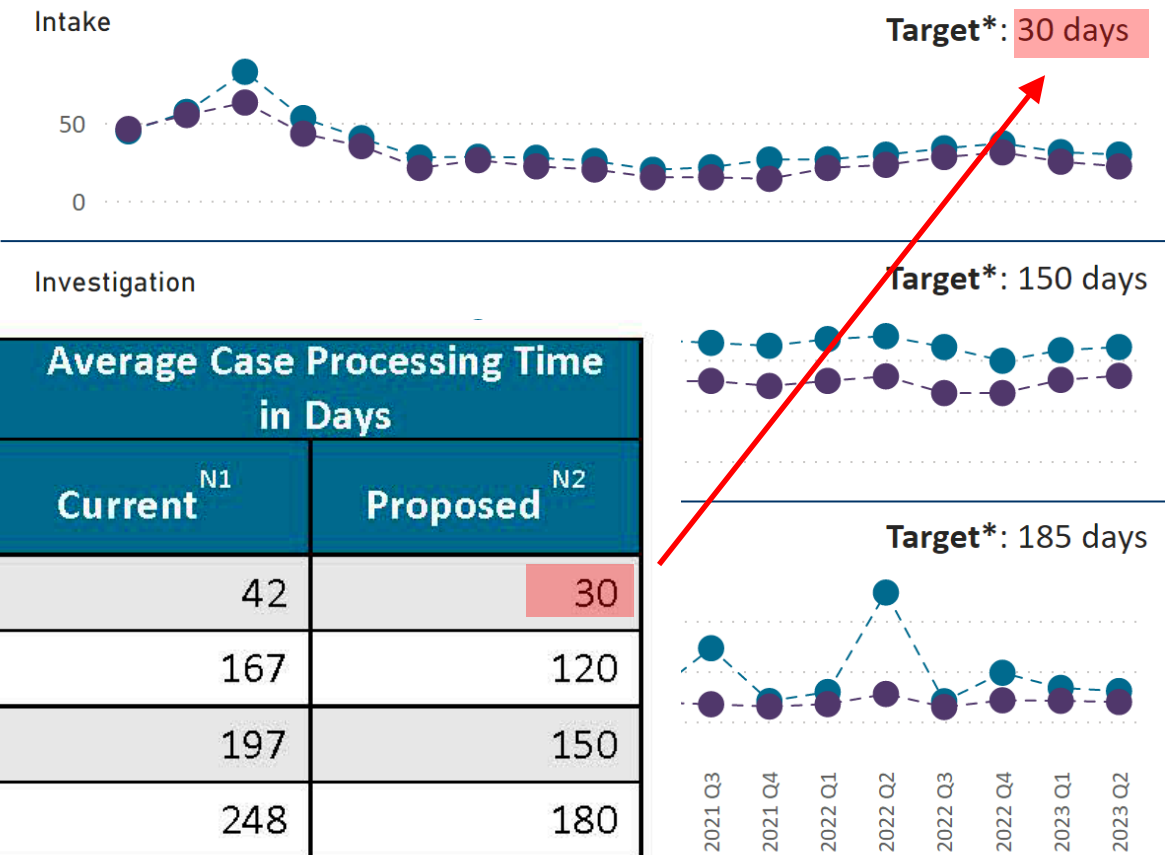
PRIORITY

All

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in case processing standards for both

FILTER BY:

Filter Info

ADR

☒ Yes

☐ No

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COMPLEX

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☐ Yes

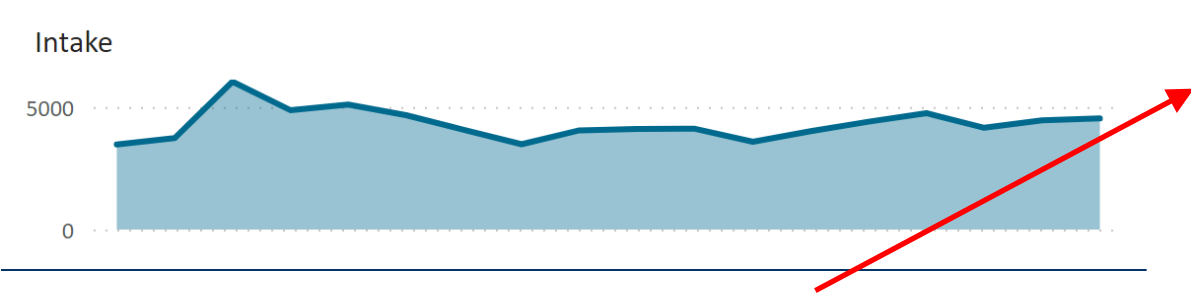
PERIOD

Multiple selections

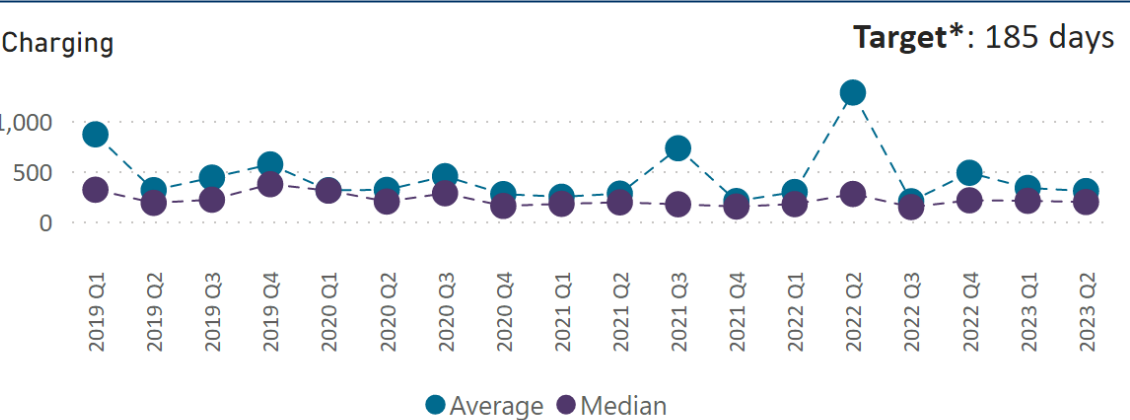
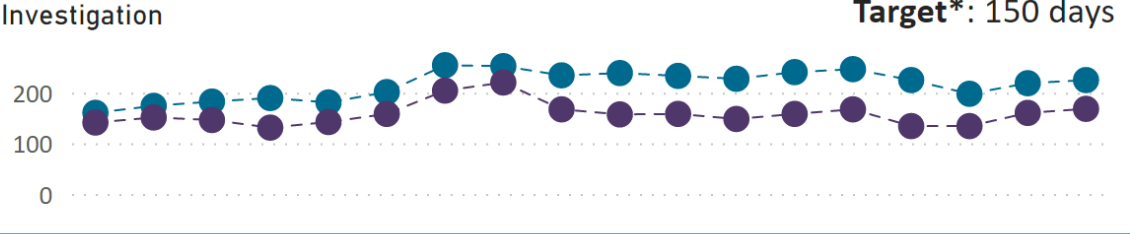
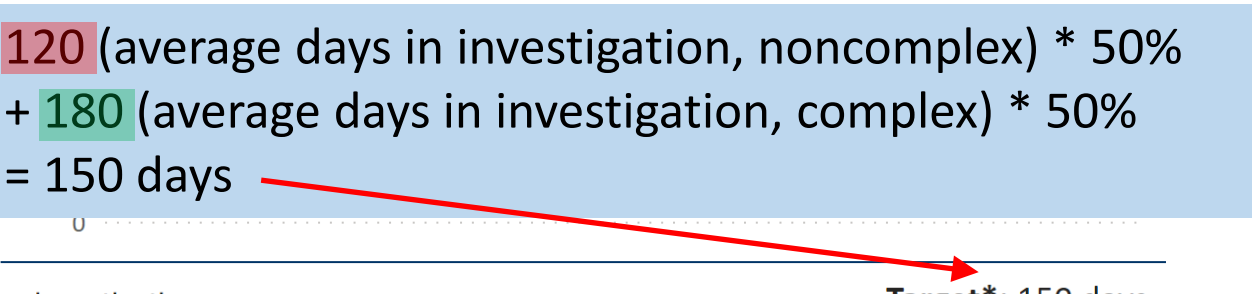
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The State Bar of California

Office of Chief Trial Counsel

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The State Bar
of California



Office of
Chief Trial
Counsel

Main Page

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Mission
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Accountability
Division,
(MAAD)

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Charging

365 (average days to close, complex)
- 30 days (target duration in intake)
- 150 days (target duration in investigation)
= 185 days

COMPLEX
☐ No
☐ Yes

PERIOD
Multiple selections

PRIORITY
All

DURATION OF CASES AT EACH PHASE (DAYS)

Intake

Target*: 30 days

Investigation

Target*: 150 days

Charging

Target*: 185 days

● Average ● Median

*Target was calculated using a weighted average of case processing standards for both complex and non-complex cases.

The State Bar of California

FILTER BY:

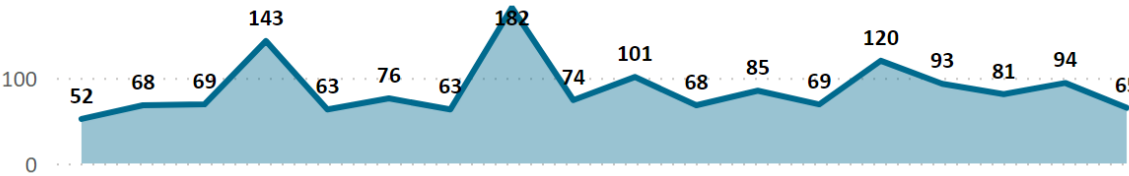
Filter Info

PERIOD

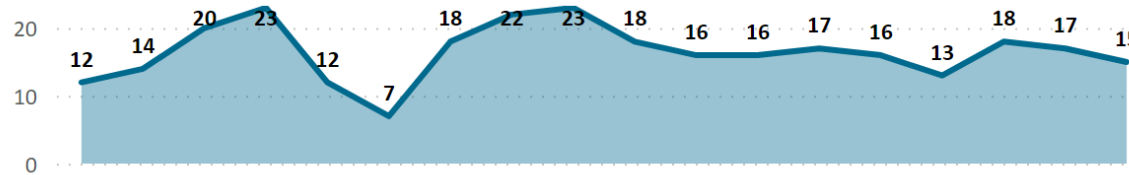
Multiple selections

NUMBER OF FILINGS

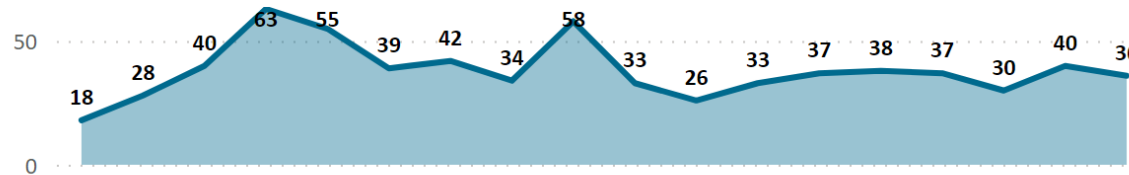
Notices of Disciplinary Charges



Stipulations to Facts and Discipline



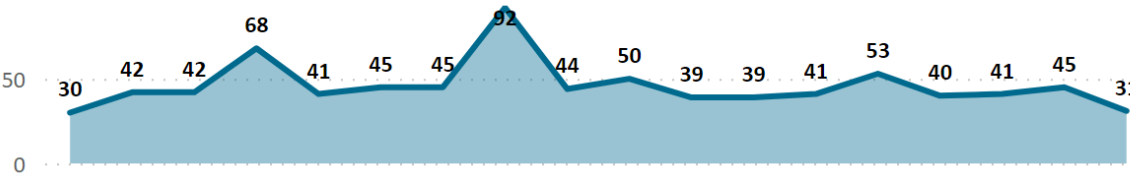
Criminal Conviction Transmittals



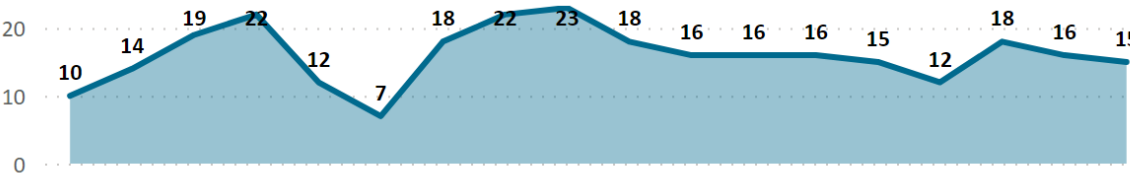
2019 Q1 2019 Q2 2019 Q3 2019 Q4 2020 Q1 2020 Q2 2020 Q3 2020 Q4 2021 Q1 2021 Q2 2021 Q3 2021 Q4 2022 Q1 2022 Q2 2022 Q3 2022 Q4 2023 Q1 2023 Q2

NUMBER OF ATTORNEYS

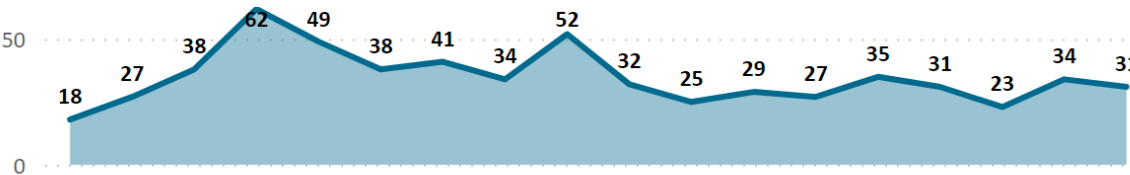
Notices of Disciplinary Charges



Stipulations to Facts and Discipline



Criminal Conviction Transmittals



2019 Q1 2019 Q2 2019 Q3 2019 Q4 2020 Q1 2020 Q2 2020 Q3 2020 Q4 2021 Q1 2021 Q2 2021 Q3 2021 Q4 2022 Q1 2022 Q2 2022 Q3 2022 Q4 2023 Q1 2023 Q2

FILTER BY:

Filter Info

ADR

- ☒ Yes
☐ No

PERIOD

2023 (Year) + 2 (Qua... ▾

RESPONDENTS WITH NEW CASES
OPENED IN 2023 Q2

TOTAL

3379

WITH 15+
COMPLAINTS

164 5%

WITH 40+
COMPLAINTS

35 1%

ALL RESPONDENTS WITH OPEN
COMPLAINTS - CURRENT QUARTER

TOTAL

5276

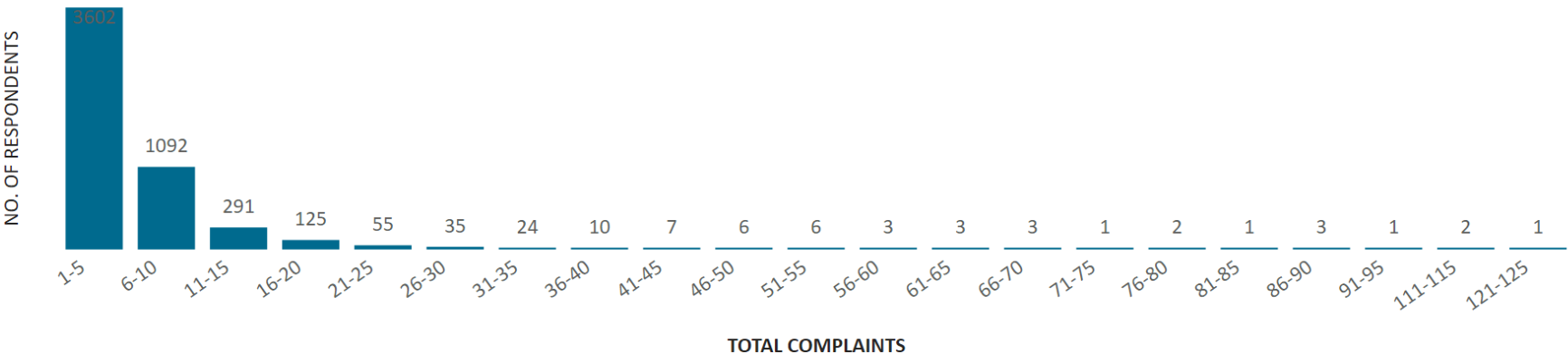
WITH 15+
COMPLAINTS

291 6%

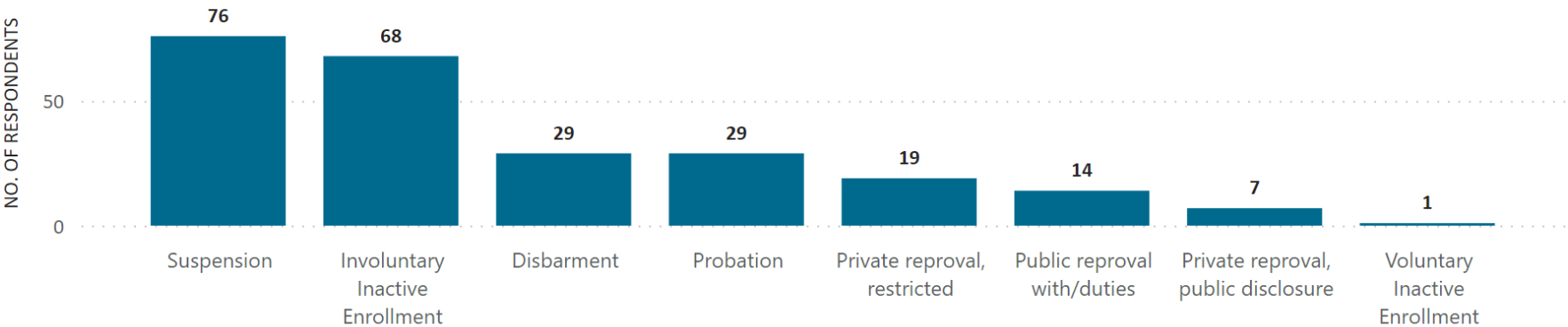
WITH 40+
COMPLAINTS

42 1%

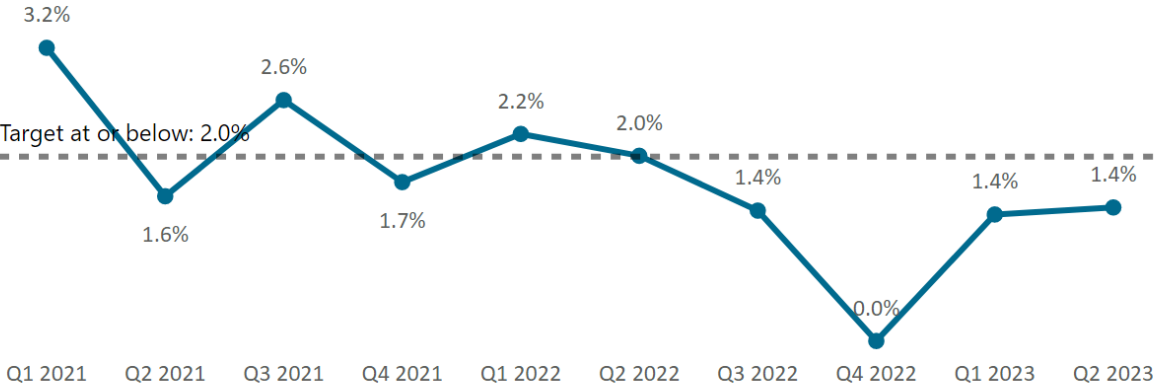
TOTAL COMPLAINTS: ALL RESPONDENTS WITH OPEN COMPLAINTS



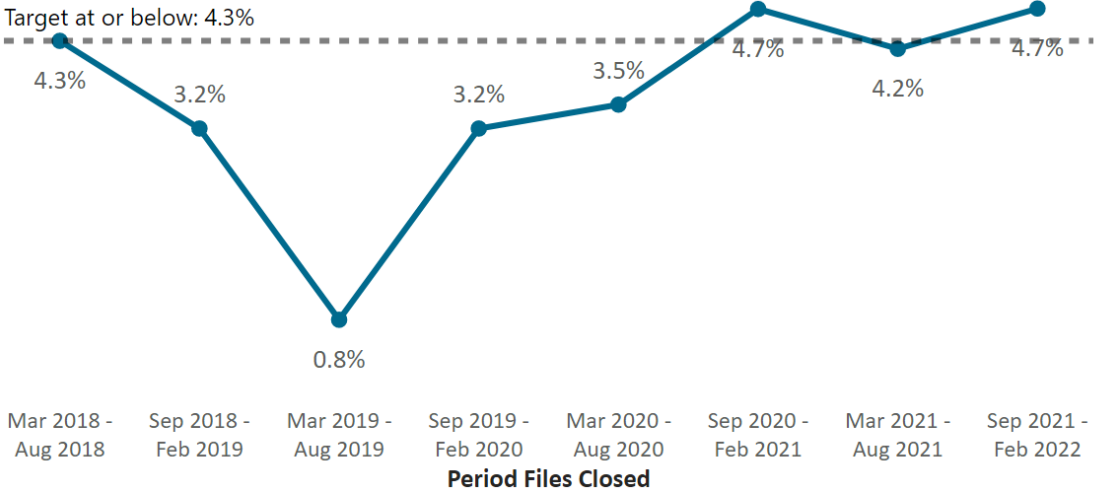
PRIOR DISCIPLINE HISTORY: ALL RESPONDENTS WITH 15+ COMPLAINTS



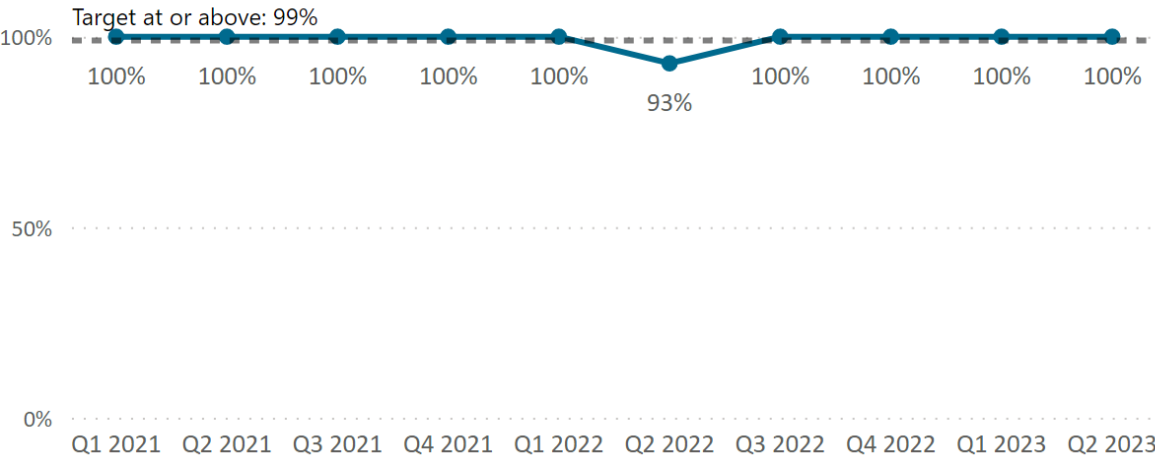
PERCENT OF COMPLAINT REVIEW UNIT REOPENS FOR REASONS OTHER THAN NEW EVIDENCE



PERCENT OF RANDOM AUDIT REOPENS FOR SUBSTANTIVE REASON



PERCENT OF WALKER PETITIONS DENIED



FILTER BY:

PERIOD

2023 (Year) + 2 (Qua... ▾

Complaining Witness Survey Comment Summary ⓘ Show Info

Below are the highlights gleaned from responses to open ended questions from the Complaining Witness survey received during Q2 2023.

What is going well

- The complaint filing process was straightforward and user-friendly. The State Bar staff were supportive and professional throughout the process.

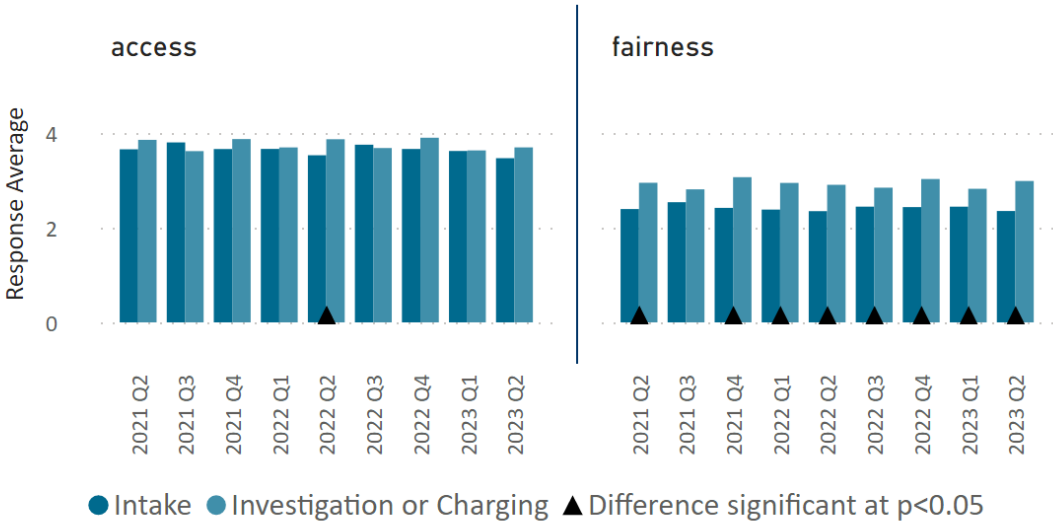
Challenges

- Many have expressed dissatisfaction with the State Bar's lack of communication and failure to provide timely updates and responses.
- The investigation process was inadequate, often neglecting certain issues or parts of complaints and displaying a lack of concern for the grievances raised, resulting in a failure to thoroughly examine cases.
- Some State Bar staff lack sufficient training and have provided contradicting and inaccurate information to complaining witnesses.

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

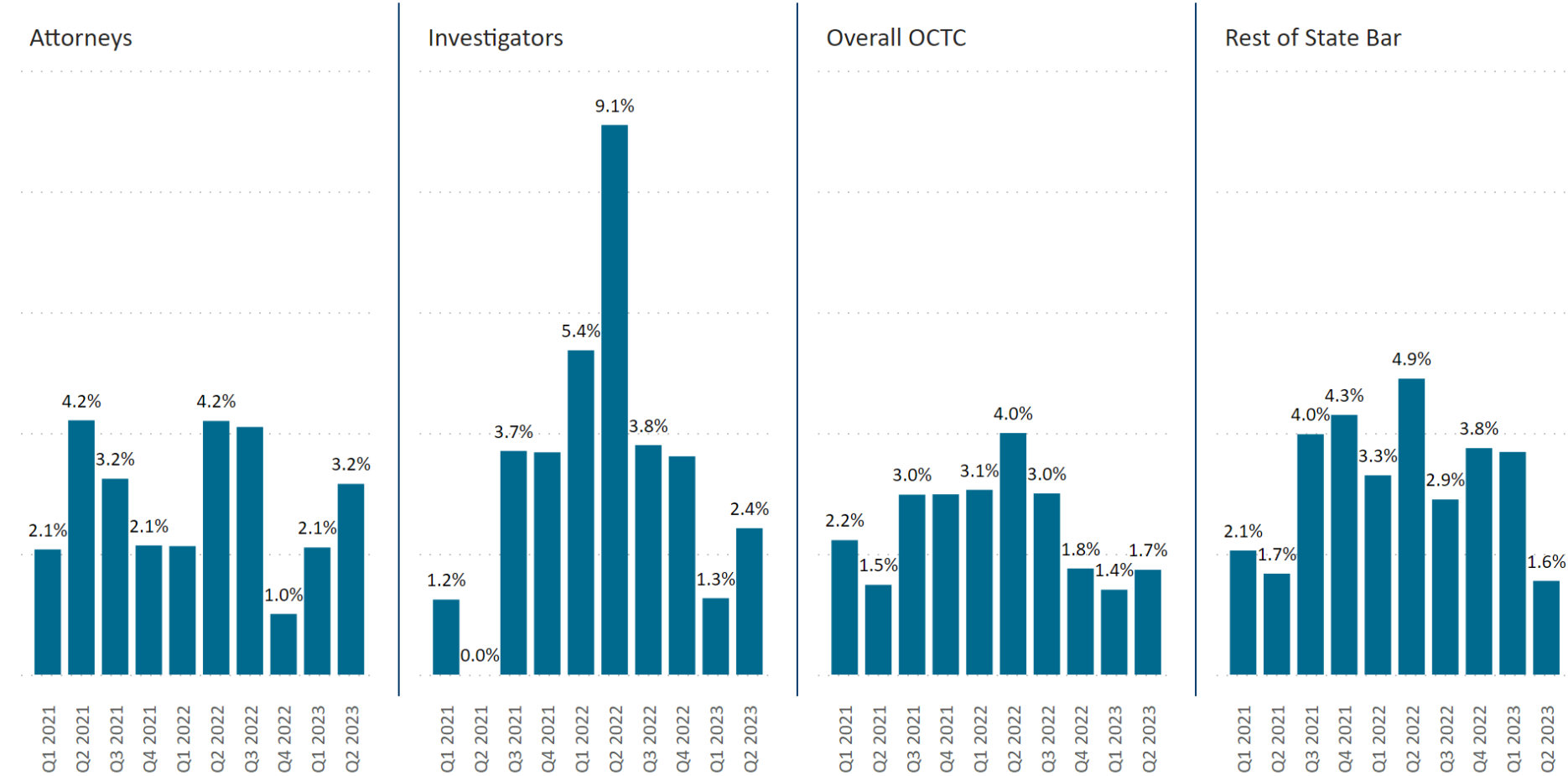
307
Respondents
2023 Q2

RESPONSE AVERAGE BY CASE CLOSURE STAGE & COMPOSITE TYPE

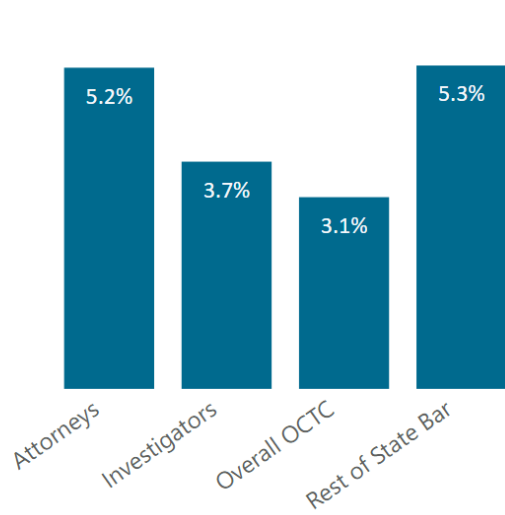


OFFICE OF CHIEF TRIAL COUNSEL | EMPLOYEE ENGAGEMENT - TURNOVER RATES

QUARTERLY TURNOVER RATES



ANNUAL TURNOVER RATE - 2023



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

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
- Repeal 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.

Disciplinary Filings: Cases are filed in State Bar Court (SBC) via a Notice of Disciplinary Charges (NDC), Stipulations to Facts and Discipline, and Transmittal of Criminal Convictions. Cases in which an NDC is filed or information about a criminal conviction is transmitted that are later resolved by stipulation are only counted based on the initial filing in SBC.

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?

