



The State Bar *of California*

OPEN SESSION AGENDA ITEM 709 JULY 2023

DATE: July 20, 2023

TO: Members, Board of Trustees

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

SUBJECT: Approval of State Bar Metrics Reporting Schedule and Discussion of Case Processing and Operational 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. Comprehensive metrics reports are published annually.

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.

This agenda item: (1) provides a summary of the California State Auditor's evaluation of the State Bar's performance in meeting its 2021 performance targets and presents the State Bar's analyses of the same data, (2) summarizes the findings of the recently published 2022 metrics report, and (3) shares proposed case processing and operational metrics for 2023 and beyond.

The Board is asked to review the proposed case processing and operational metrics and approve the proposed metrics reporting schedule.

BACKGROUND AND 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.¹

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 one-time 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 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 accurate, historically, 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.²

¹ 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.

² The 2021 metrics report states that 63 metrics had performance targets rather than the 65 reported here. It will be revised and republished.

To summarize, the approaches employed by staff do not evaluate performance measures at the level of individual offices or functional areas, unlike the CSA's methodology. Staff recognizes the merit of the CSA's approach and will investigate its potential application in future metrics reporting.

2022 State Bar Metrics Report

The State Bar published its [2022 State Bar Metrics Report](#) in June 2023. The report covers 68 metrics, with 49 having performance targets. Among these, 57 percent met their targets for all reporting periods in 2022, representing an improvement compared to 2021. For the 21 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 eight programs and offices that did so, including three administrative offices. This, too, represents an improvement compared to 2021.

2023 State Bar Metrics

Case Processing Metrics

Attachment A contains 19 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.

Operational Metrics

Attachment B 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.

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	Two times per year to RAD
Operational Metrics	One time per year (via 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 approve the proposed metrics reporting schedule.

ATTACHMENTS LIST

- A.** Proposed 2023 Case Processing Metrics
- B.** Proposed 2023 Operational Metrics

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	Decrease case disposition time for the 90th percentile of cases (by case stage and complexity)	Updated metric (reflecting addition of case stage and complexity)
3	OCTC	Decrease average case disposition time (by case stage and case complexity)	Updated metric (reflecting addition of case stage and complexity)
4	OCTC	Track percent of disciplined cases resolved with non-public discipline	New metric
5	OCTC	Track number of attorneys who have 15+ prior complaints and discipline outcomes for those attorneys	New metric
6	OCTC	The external random auditor recommends less than 4.3 percent of cases for reopening	Updated metric. The metric will be based on what the percent of cases the auditor recommends rather than the percent of cases OCTC decides to reopen
7	OCTC	The California Supreme Court will deny 99% of Walker Petitions.	Updated metric; the target was previously expressed as “1 percent of Walker Petitions will be granted”; same metric, presented differently
8	OCTC	Less than two percent of Complaint Review Unit dispositions result in reopens for reasons other than new evidence	Carry-over metric
9	SDTC	Decrease average case disposition time for 2201 cases	New metric. 2201 matters not previously reported on in metrics reports
10	SDTC	Decrease case disposition time for the 90th percentile of 2201 cases	New metric. 2201 matters not previously reported on in metrics reports
11	SDTC	90 percent of 2201 cases will be processed within 180 days for non-	New metric. This metric will be measured starting from the date the

No.	Responsible Office	Proposed Metric	Notes
		complex cases, and 365 days for complex cases measuring from case referral date	case was referred to the 2201 program
12	State Bar Court	Track the time that cases spend in the Early Neutral Evaluation Conference (ENEC) process	New metric. Time will be measured from the date of the first ENEC meeting to the date of the last ENEC meeting
13	State Bar Court	Decrease average case disposition time for Original and Criminal Conviction cases	New metric. Case disposition time will be calculated from filing of Notice of Discipline Charges to final case disposition
14	State Bar Court	90 percent of Original and Criminal Conviction cases are processed within case type timelines standards	Updated metric
15	Office of General Counsel	Track the Complaint Review Unit (CRU)'s case clearance rate	New metric. CRU matters not reported on previously other than in relation to OCTC cases
16	Office of General Counsel	Track case processing time for CRU cases	New metric. CRU matters not reported on previously other than in relation to OCTC cases
17	The State Bar	Increase the percentage of respondents that retain representation	Carry-over system-wide metric
18	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)
19	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 2023 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 80 percent of email inbox inquiries within two business days of receipt	New metric. The expectation is that the response will contain the substantive information requested or notification that additional time is needed for review, along with a reasonable estimated follow up date.
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 Monitored Lawyer Assistance Program	Updated metric

No.	Responsible Office	Proposed Metric	Notes
11	Mandatory Fee Arbitration	Assign 90 percent of matters to arbitrators within 110 days after application completion	New metric
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	Complete quarterly dashboards used by the Board's Discipline Liaisons to oversee performance of	New Metric

No.	Responsible Office	Proposed Metric	Notes
	Accountability Division	OCTC, 2201 cases and the Complaint Review Unit cases	
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. The expectation is that the response will contain the substantive information requested or notification that additional time is needed for review, along with a reasonable estimated follow up date.
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

No.	Responsible Office	Proposed Metric	Notes
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
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

No.	Responsible Office	Proposed Metric	Notes
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
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