



The State Bar *of California*

Complaint Review Unit Overview and Update

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Board of Trustees, September 21–22, 2023

Complaint Review Unit (CRU) Overview and Updates

Today's Presentation:

- What is CRU and the Second-Look Process?
- CRU's Structure and Case Processing
- Organizational Goals
- Preview of CRU Dashboard



What is The Second-Look Process

- The Second-Look Process is a case review conducted by the Complaint Review Unit (CRU)
 - Where OCTC closes a complaint, the complainant has the right to request CRU Review
 - Complainant must request review within 90 days of OCTC closure
 - Extensions are available
- Following its review, CRU can recommend to OCTC that the complaint be reopened:
 - Where the complainant presents significant new evidence; or
 - CRU finds other good cause to make such recommendation
- Where CRU determines the complaint should remain closed, complainant can seek review with the California Supreme Court – known as an Accusation or *Walker* petition
 - Must be filed within 60 days of CRU letter



What is the Second-Look Process

Rule 2603. REOPENING INQUIRIES, INVESTIGATIONS, AND COMPLAINTS

...

(b) Notwithstanding the Office of Chief Trial Counsel's exclusive jurisdiction over disciplinary matters as expressed in Rule 2101, the Board of Trustees of the State Bar delegates to the Office of General Counsel the authority to review closures of inquiries, investigations and complaints upon request by complainants. Upon recommendation by the Office of General Counsel following review of a request by a complainant to review closure of an inquiry, investigation or complaint, the Office of Chief Trial Counsel may reopen the case for investigation.



- CRU is housed in the Office of General Counsel (OGC)
 - Currently, only a few OGC attorneys are assigned to CRU as a portion of their workload
 - Historically, CRU work was distributed among nearly all OGC attorneys
 - Monthly expectation: resolve 9 matters
 - Due to vacancies and increase in requests received, CRU's clearance rate declined
 - CRU backlog resulted



As of June 30, no funding to maintain this level of resources

October 2022–June 2023:
Utilized contract attorneys as dedicated CRU staff along with the OGC attorneys assigned to CRU as 50% of their workload

Result: improved case processing

	Apr. 2022– Sept. 2022	Oct. 2022– May 2023	July 2023
Pending caseload	1,051	969	1020
Requests resolved	69 (average)	123 (average)	61
Disposition time	276	238	280



CRU – Office of General Counsel

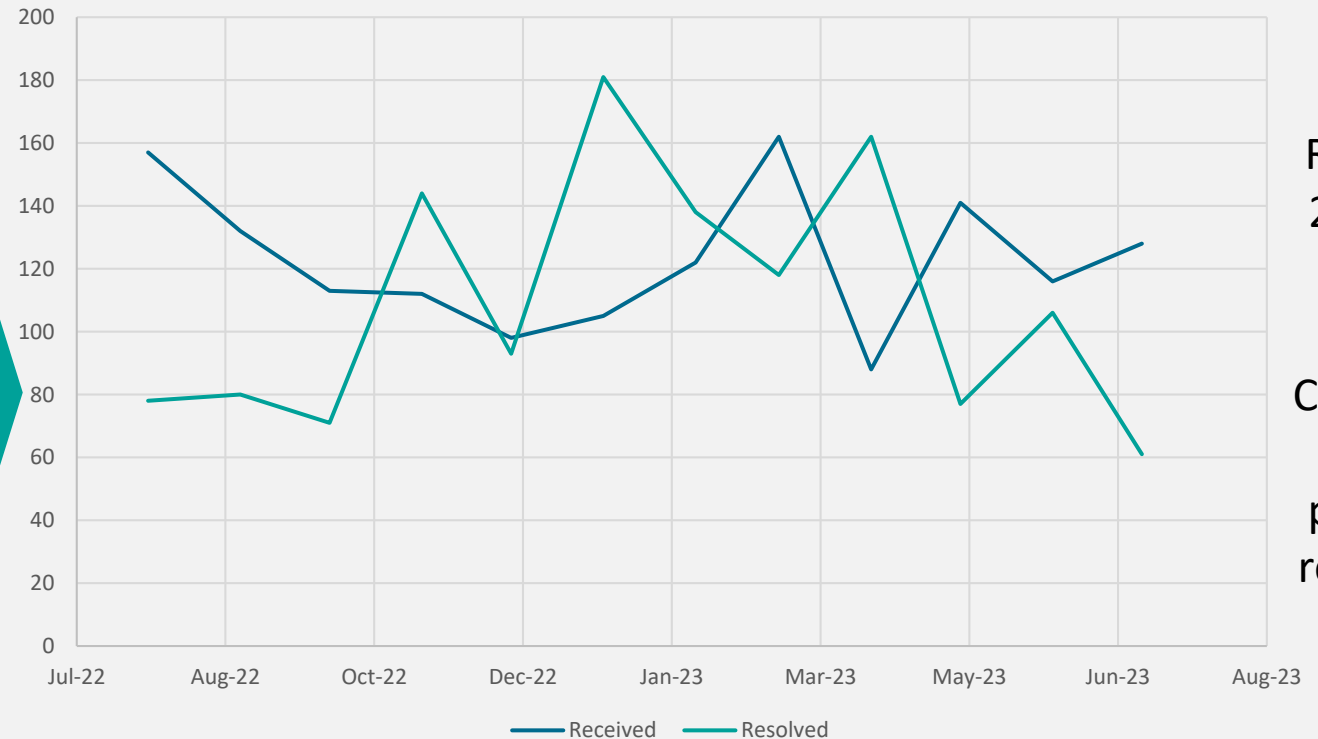
On average, CRU receives more requests each month than it resolves

Result: CRU backlog is increasing

July–August: 2 FTE equivalent

September: 2.5-3 FTE equivalent

- 3 OGC attorneys assigned to CRU as 50% of their workload
- 2 OGC attorneys assigned to CRU as 25% of their workload
- 7 OGC attorneys performing CRU work as OGC workload permits
- 1 part-time contract attorney



Reopens:
2/month

Caseload:
1020
pending
requests



Organizational Goals

- Create CRU backlog reduction plan to resolve backlog by 2025
 - Resource driven
- Implement public facing program improvements
- Develop new case processing standards



CRU Backlog Reduction



As of July 31:

Current caseload: 1020

Current staffing: 2.5–3
FTE equivalent

Projection:

CRU can resolve 60-70
requests each month



Maintain current
caseload: resolve 122
requests each month

Projected need:
5 full time employees



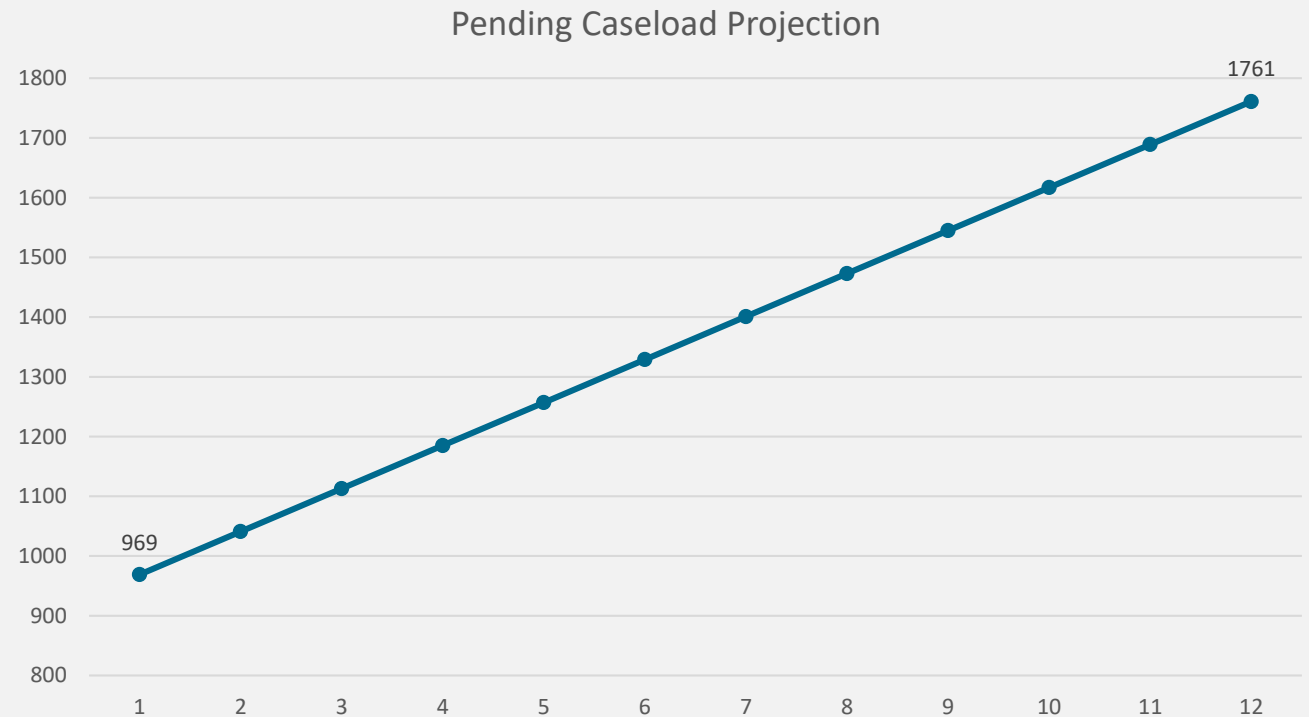
50% reduction in 12
months: resolve 161
requests each month

Projected need:
6¾ full time employees



CRU Backlog Reduction

Current staffing – CRU backlog will continue to increase



Public Facing Improvements

- Publicly Available Information About CRU
 - Information about the CRU process was added to the State Bar Website on March 29, 2023
 - <https://www.calbar.ca.gov/Public/Complaints-Claims/Complaint-Review-Process>
 - Updated existing CRU email auto-reply response to provide more information
- Improvements to CRU intake process
 - Established procedures for granting requests for extensions and requests to expedite
 - Exploring online submission of CRU requests
- Working with Office of Public Trust Liaison and the contact center to provide faster response to inquiries concerning CRU matters
- Conflict of Interest Policies (May 2023)
 - Implemented policy directives regarding conflicts of interest and ethical screening



Request for Review Processing Standards

- Rule 2603 does not establish processing standards for request for review
- OGC is working with MAAD to develop informed CRU request processing standards
- Until CRU backlog reduced to target, processing standards will need to account for current increased disposition times

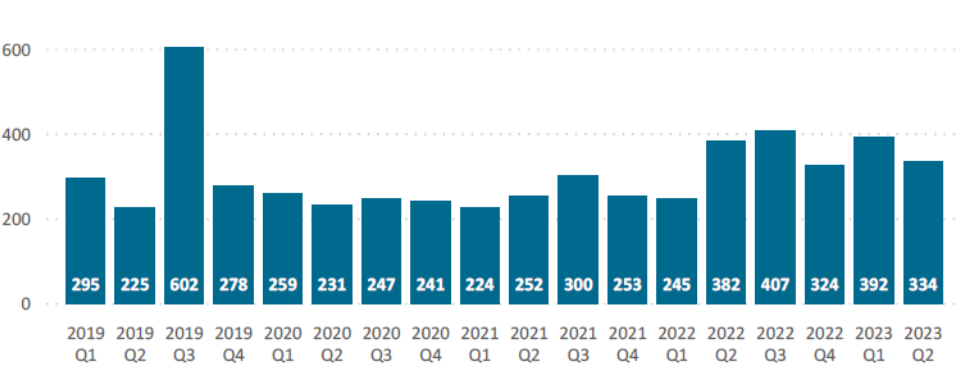


CRU Dashboard Preview

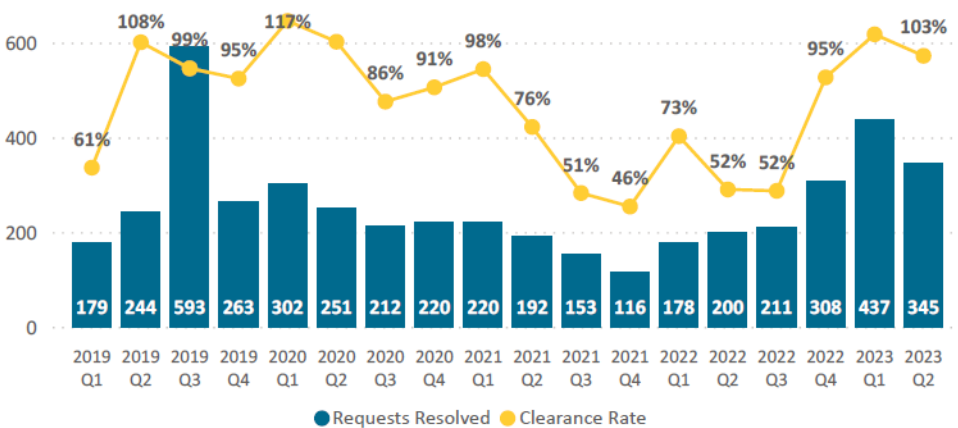
OFFICE OF GENERAL COUNSEL | COMPLAINT REVIEW UNIT (CRU) CASE PROCESSING BY QUARTER

FILTERS (TO BE ADDED)	PRIORITY HIGH / LOW	PHASE INTAKE/ INVESTIGATION/ PRE-FILING/ POSTFILING	COMPLEX YES / NO	MENU	PREVIOUS PAGE	NEXT PAGE
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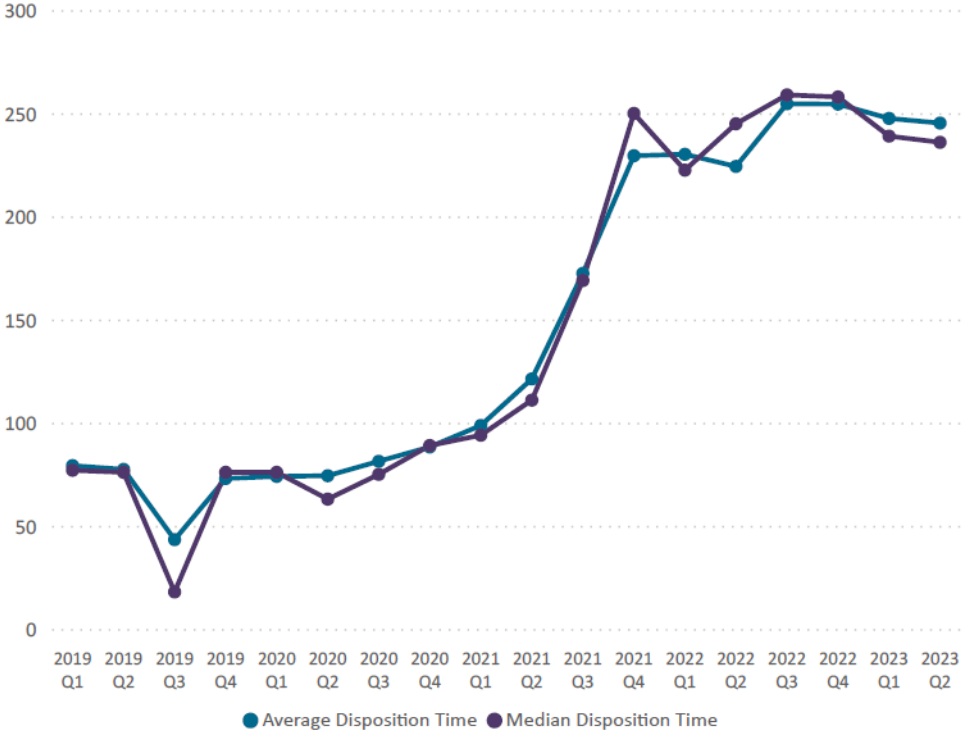
REQUESTS RECEIVED



REQUESTS RESOLVED AND CLEARANCE RATE

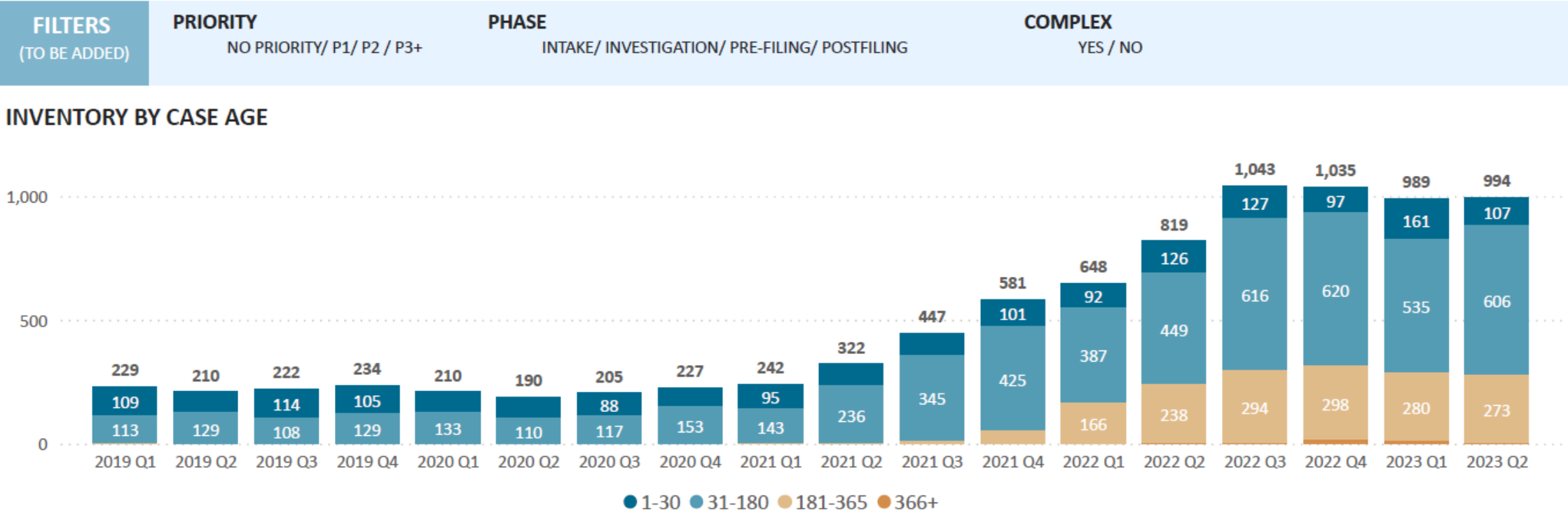


AVERAGE AND MEDIAN DISPOSITION TIME



CRU Dashboard Preview

OFFICE OF GENERAL COUNSEL | COMPLAINT REVIEW UNIT (CRU) INVENTORY BY QUARTER

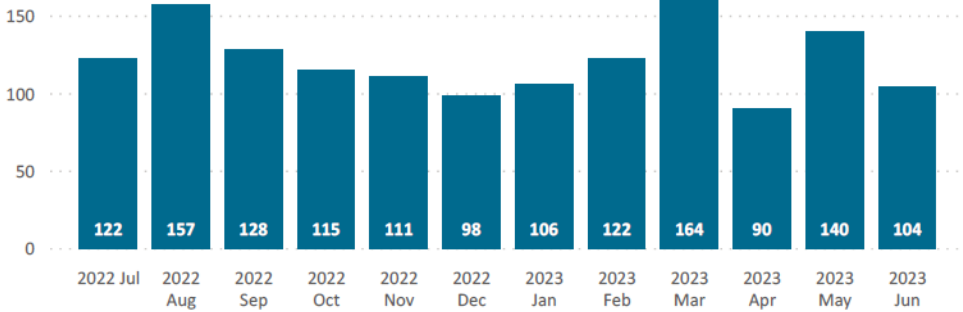
The State Bar of California

CRU Dashboard Preview

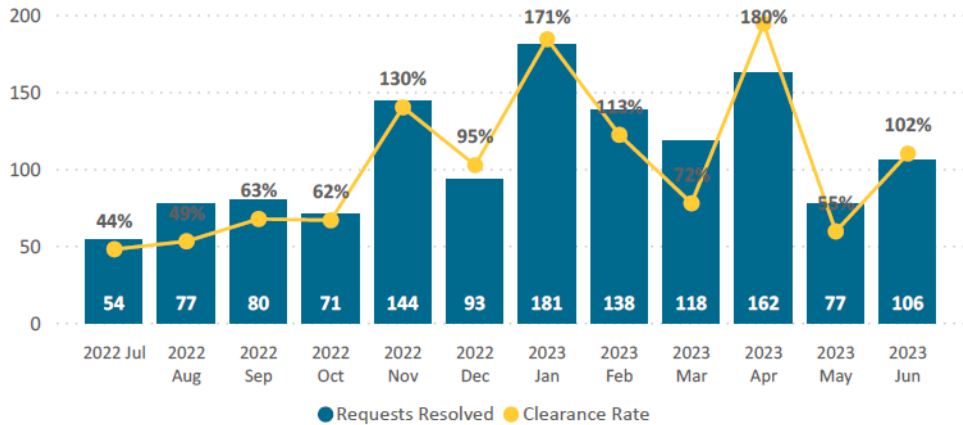
OFFICE OF GENERAL COUNSEL | COMPLAINT REVIEW UNIT (CRU) CASE PROCESSING BY MONTH

FILTERS (TO BE ADDED)	PRIORITY HIGH / LOW	PHASE INTAKE/ INVESTIGATION/ PRE-FILING/ POSTFILING	COMPLEX YES / NO	MENU	PREVIOUS PAGE	NEXT PAGE
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REQUESTS RECEIVED



REQUESTS RESOLVED AND CLEARANCE RATE



AVERAGE AND MEDIAN DISPOSITION TIME



CRU Dashboard Preview

OFFICE OF GENERAL COUNSEL | COMPLAINT REVIEW UNIT (CRU) INVENTORY BY MONTH

FILTERS (TO BE ADDED)	PRIORITY NO PRIORITY/ P1/ P2 / P3+	PHASE INTAKE/ INVESTIGATION/ PRE-FILING/ POSTFILING	COMPLEX YES / NO
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INVENTORY BY CASE AGE

