



The State Bar *of California*

Random Audit of OCTC Cases Closed 9/1/2021 to 2/28/2022

George Cardona, Chief Trial Counsel

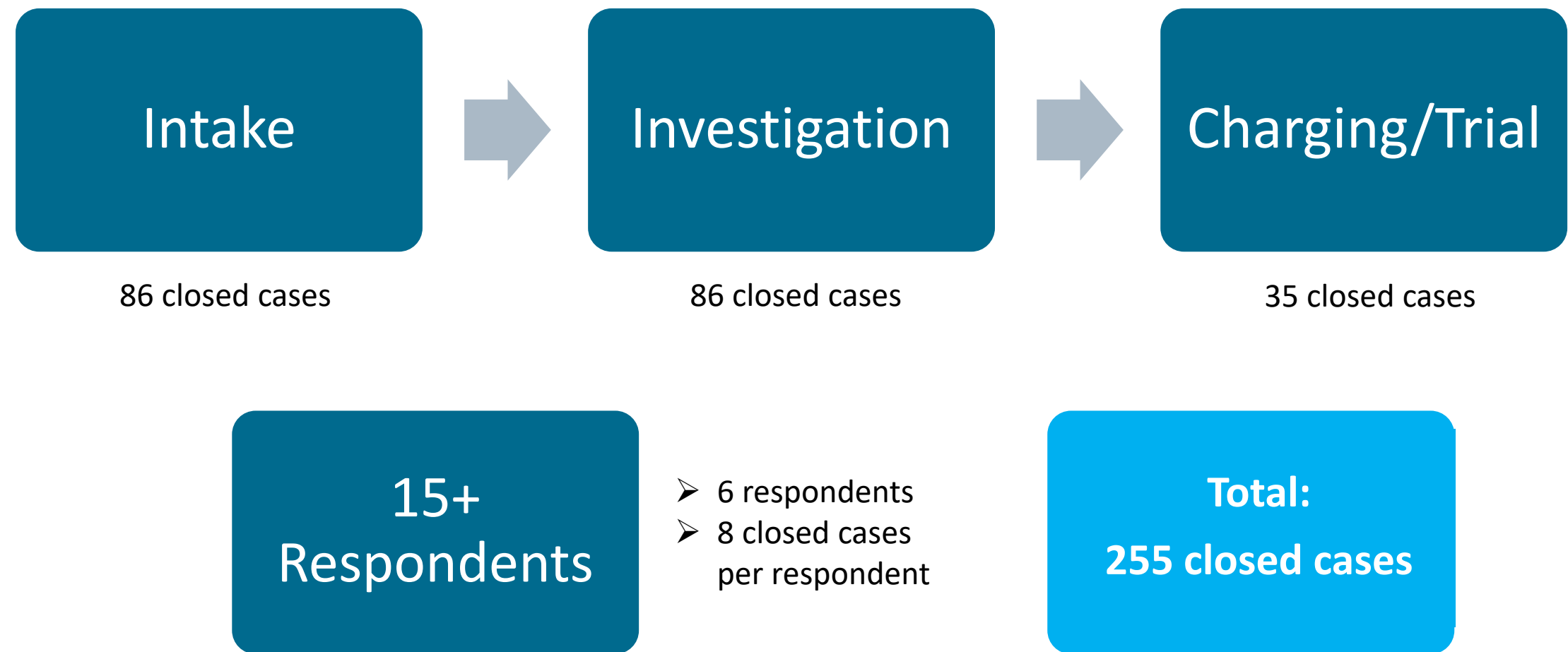
Board of Trustees Meeting, September 21–22, 2023

Twice Yearly Random Audit

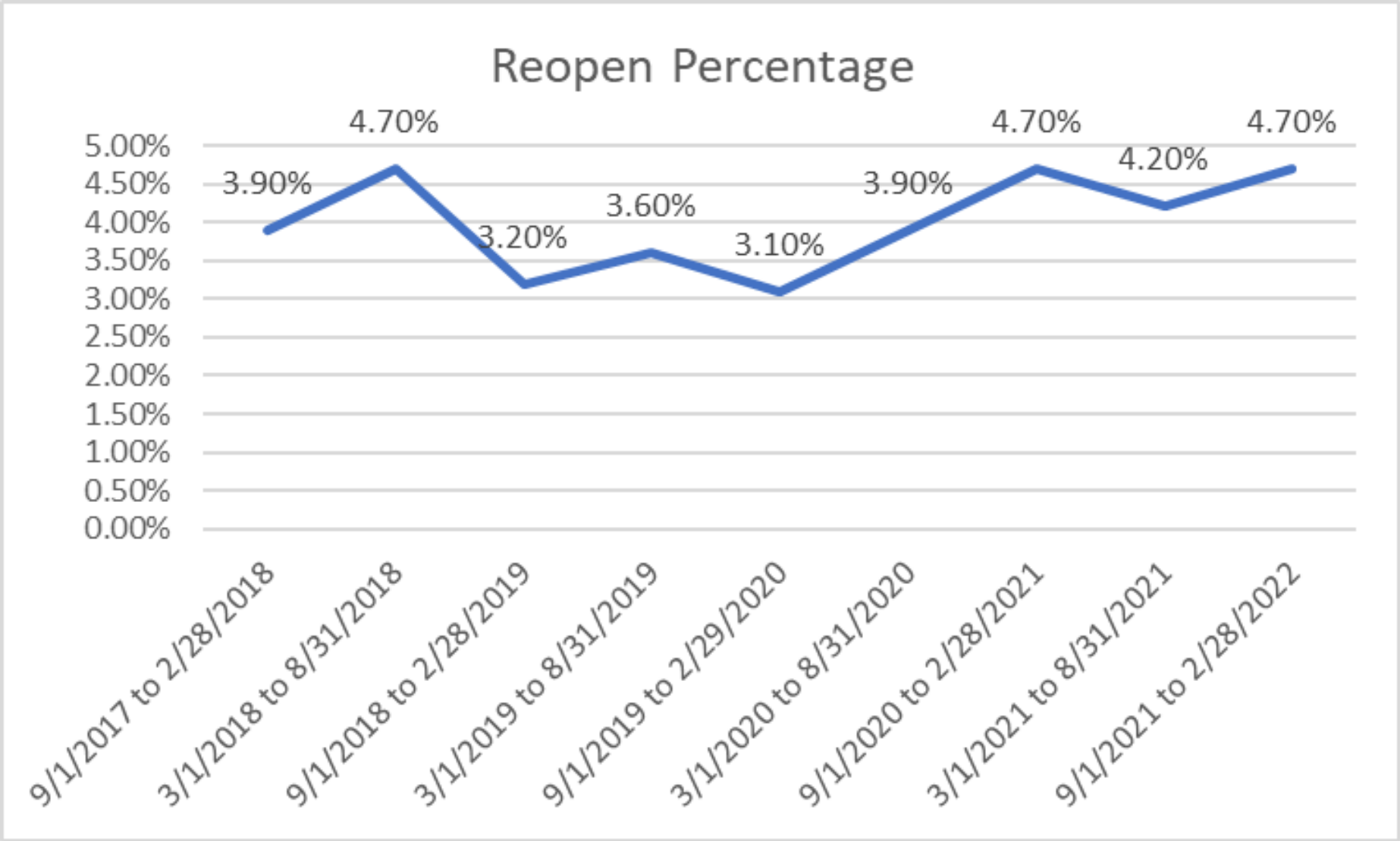
- Random selection of files closed or otherwise resolved within six month period
- Reviewed by independent outside auditor
 - Actions appropriate and consistent with procedures and policies
 - Substantive decisions comply with statutory provisions and case law precedent
 - Substantive decisions within acceptable range of prosecutorial discretion
 - Identify policy issues, training issues, corrective actions including recommendations to reopen
- Audit procedures updated July 18, 2022 and February 14, 2023
 - April 2022 State Auditor recommendations
 - Lessons learned from Girardi and review of 15+/40+ respondents
 - Updated checklist for efficiency and effectiveness
- Current audit
 - Catch-up audit following delays caused by COVID-19 pandemic
 - Cases closed or otherwise resolved September 1, 2021 to February 28, 2022
 - First to use full set of modified audit procedures



Randomly Selected Cases



Reopening Recommendations



- This audit: 12 out of 255 = 4.7%
- Target: $\leq 4.3\%$

Policy/Procedure Recommendations

- Placing calls to complainants/witnesses while working at home — addressed with Teams Voice
- Inconsistent issuance of resource and warning letters
 - 10/31/2022 policy directive on nonpublic resolutions
 - Formation of specialized CTA/Bank RA team
 - Formal diversion guidelines (pending)
 - Upcoming training
- Repeat responders
 - 2/25/2022 policy directive on intake consideration of prior closed complaints
 - 10/31/2022 policy directive on nonpublic resolutions
 - 12/1/2022 implementation of prior complaints pattern dashboard
 - 7/1/2023 formal procedures for assigning repeat respondents and handling 15+ respondents
- Additional information relating to closed cases
 - OCTC will consider more formal procedures as recommended
- Complaints against OCTC staff
 - OCTC will consider formal policy for assigning complaints as recommended



Training Recommendations

- Rule of limitations (provided 10/26/2022)
- Odyssey procedures and documentation (provided 4/6/2023)
- File closures and closing letters (TBD by 12/2023)
- Inadmissible evidence (TBD)
- Temporary representation rules (TBD)
- Level of discipline analyses (TBD)



Questions?

