



The State Bar of California

Review and Approval of 2023 Annual Discipline Report (ADR)

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Board of Trustees, October 23, 2023

What is the Annual Discipline Report?

Business and Professions Code 6086.15 (a)

“The State Bar shall issue an Annual Discipline Report by October 31 of each year describing the performance and condition of the State Bar discipline system, including all matters that affect public protection. The report shall cover the period from July 1 of the previous calendar year to June 30 of the year in which the report is issued and shall include accurate and complete descriptions of all of the following...”

Other Statutorily Mandated Reporting

Business and Professions Code sections 6086.15, 6094.5(d), 6095(b)

Civil Code section 55.32(f)(1)

Insurance Code section 1872.95(a)

Business and Professions Code section 6177

Case inventory and success meeting case processing goals

Case Inventory and disposition

Self-reported reportable actions

Reportable Actions, by others

Speed of complaint handling

Disciplinary filings and outcomes

Other matters

Unauthorized practice of law by former attorneys

Unauthorized practice of law by non-attorneys

Client Security Fund

Cost of the Discipline System

Disposition of felony convictions and conviction transmittals

Construction-related accessibility demand letters

Insurance Fraud

Provision of financial services by lawyers



Report Contents

Narrative

- Performance highlights
- Demographics of disciplined attorneys

Statutorily Mandated Reporting (15 tables)

Appendices

- Glossary of terminology
- Potential Conflicts of Interest: Rule 2201
- Attorney discipline system
- Methodology



OCTC Inventory

- The number of cases opened in FY 2023 was 17,360, a 6 percent increase over FY 2022.
- Note, year start numbers may not always match the previous year end as previous data is frozen and minor changes to case reporting may occur after that time.

Table 1. OCTC Inventory

	FY 2019	FY 2020	FY 2021	FY 2022	FY 2023
Case Time Stage					
Pending at Year Start	6,437	8,795	9,668	9,878	10,071
Opened During	18,252	20,979	17,190	16,355	17,360
Closed During	15,893	20,106	16,980	16,179	16,874
Pending at Year End	8,795	9,668	9,878	10,054	10,557



Cases Meeting Case Processing Goals

Business and Profession Code section 6094(a)

- ✓ **Noncomplex cases: 6 months**
- ✓ **Complex cases: 12 months**

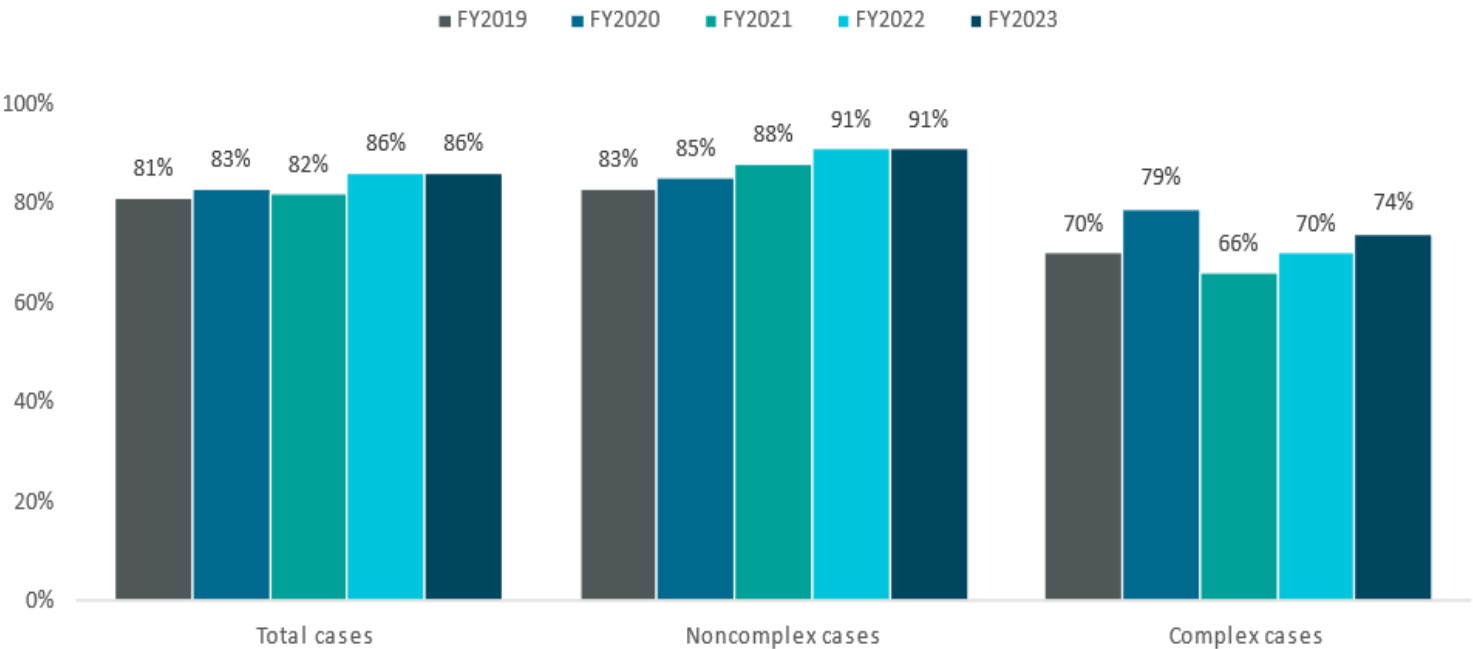
Findings

- ✓ Met case processing goals for 86 percent of cases, same as last year (percent of cases closed in backlog remains 14 percent)
- ✓ Percent of closed noncomplex cases meeting goals was 91 percent, same as last year
- ✓ Number of noncomplex cases closed in backlog was 1,019 in FY 2023, an increase of 18 percent from FY 2022
- ✓ Percent of closed complex cases meeting goals was 74 percent; an increase from last year; FY 2023 backlog was 964, a decrease of 12 percent from FY 2022

“Complex cases

- ✓ Designated as a “major” case
- ✓ Required subpoenas for records
- ✓ Numerous potential charges or parties
- ✓ Respondent fails to provide information within a reasonable time or at all.

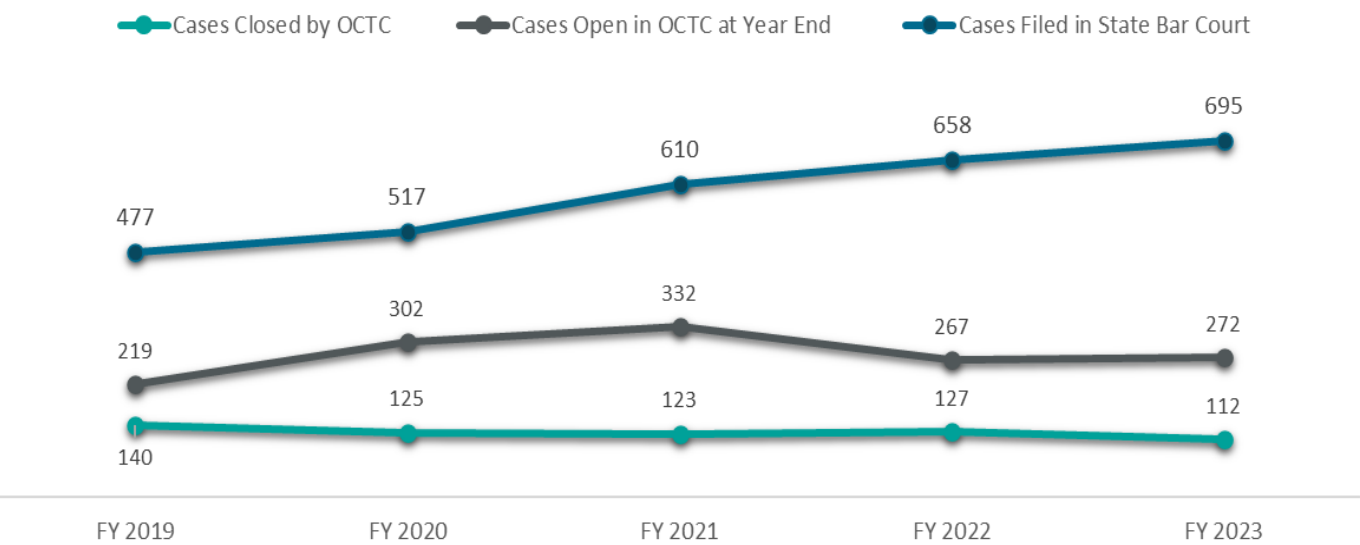
Figure 1. Cases Meeting Case Processing Goals, Complex and Noncomplex Cases



Case Processing Time

- ✓ **Cases closed with no action, a referral, or nondisciplinary action:** decreased from 140 days in FY 2019 to 112 days in FY 2023.
- ✓ **Cases open in OCTC at year end:** fluctuated from FY 2019 to FY 2023.
- ✓ **Cases filed in State Bar Court:** steadily increased over the last five years, from 477 days in FY 2019 to 695 days in FY 2023.

Figure 2. Average Case Processing Time (in Days)



Demographics of Disciplined Attorneys (First-time Reporting in ADR)

- ✓ The State Bar Obtained discipline for 243 attorneys, including 76 disbarments, 91 probation terms with actual suspensions, 31 probation terms with stayed suspensions, and 45 reprovais, both public and private.

Table 2. Race/Ethnicity of Attorneys Disciplined in FY 2023

Type of Discipline	Asian	Black/ African American	Hispanic/ Latino	White	Other	Unknown	Total
Number of Attorneys Disciplined							
Reproval	3	2	1	33	5	1	45
Probation	7	2	14	82	16	1	122
Disbarment	6	3	6	48	2	11	76
Total	16	7	21	163	23	13	243
Racial/Ethnic Distribution of Disciplined Attorneys							
Reproval	7%	4%	2%	73%	11%	2%	100%
Probation	6%	2%	11%	67%	13%	1%	100%
Disbarment	8%	4%	8%	63%	3%	14%	100%
Total	7%	3%	9%	67%	9%	5%	100%

Table 3. Gender Identity of Attorneys Disciplined in FY 2023

Type of Discipline	Women	Men	Other	Unknown	Total
Number of Attorneys					
Reproval	11	34	0	0	45
Probation	19	99	2	2	122
Disbarment	14	53	1	8	76
Total	44	186	3	10	243
Gender Distribution of Disciplined Attorneys					
Reproval	24%	76%	0%	0%	100%
Probation	16%	81%	2%	2%	100%
Disbarment	18%	70%	1%	11%	100%
Total	18%	77%	1%	4%	100%



Demographics of 243 Disciplined Attorneys

Figure 3. Race/Ethnicity Across Different Groups of Attorneys in FY 2023

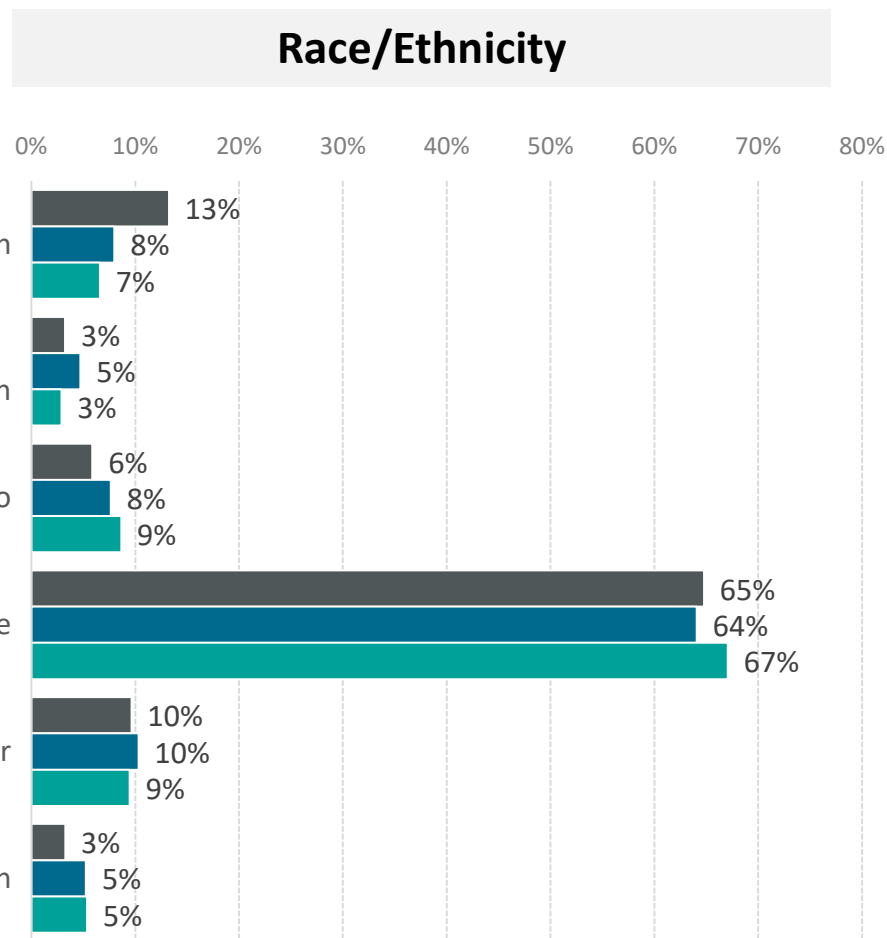
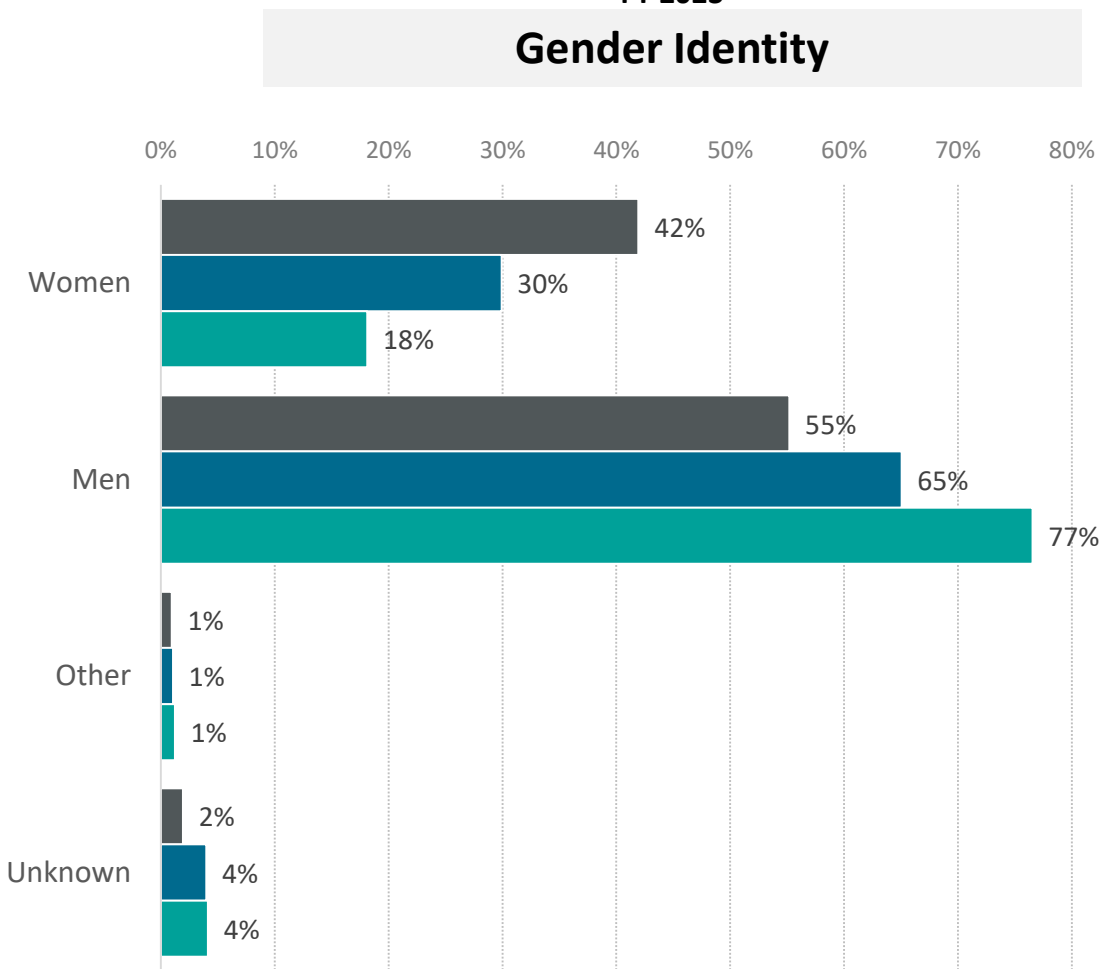


Figure 4. Gender Identity Across Different Groups of Attorneys in FY 2023



Demographic Results

- While there are minor differences in the rates of complaints and discipline by race as compared to the overall attorney population, these differences are small. Next year's discipline disparities report will help us understand the reasons for these differences, and whether they are statistically significant.
- Gender-based differences are more noticeable, with women significantly less likely to be subject of complaints or to be disciplined.
- Data results should be understood in the context of small cell size for certain groups and higher-than-average missing demographic data for disbarred attorneys.

