



The State Bar *of California*

# Office of Chief Trial Counsel Performance Metrics – Q3 2023

George Cardona, Chief Trial Counsel

Board of Trustees Meeting, November 16–17, 2023

# Interactive Dashboard

Performance metrics for the Office of Chief Trial Counsel (OCTC) are available for viewing in an [interactive dashboard](#). Dashboard is updated and provided to the Board as a standing agenda item.

Last presented on Q-2 2023 performance metrics from dashboard at the July 20-21, 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 Q3

### CASE INVENTORY

**7502**

Previous QTR: 6660 (+842)

### CASELOAD CLEARANCE RATE

**82%**

Previous QTR: 86% (-4%)

Target Clearance Rate: 120%

### CRU REOPENS FOR REASONS OTHER THAN NEW EVIDENCE

**1%**

Target: 2% (-1.2%)

### RANDOM AUDIT REOPENS FOR SUBSTANTIVE REASONS

**4.7%**

Target: 4.3% (+0.4%)  
Period: Mar 2022 - Aug 2022

### AVERAGE DAYS SPENT IN INVESTIGATION

NON-COMPLEX CASES

**185**

Previous QTR: 189 (-4)

Target: 120 days

COMPLEX CASES

**257**

Previous QTR: 263 (-6)

Target: 180 days

### AVERAGE DAYS TO CLOSE

NON-COMPLEX CASES

**78**

Previous QTR: 72 (+6)

Target: 60 days

COMPLEX CASES

**336**

Previous QTR: 354 (-18)

Target: 233 days

### PERCENT CASES CLOSED WITHIN TARGET

NON-COMPLEX CASES  
CLOSED IN ≤180 DAYS

**90%**

Previous QTR: 89% (+1%)

Target: 90%

COMPLEX CASES CLOSED IN  
≤365 DAYS

**70%**

Previous QTR: 68% (+2%)

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 | KEY PERFORMANCE INDICATORS - 2023 Q3

Per discussion at last Board meeting, modified target from 100% to 120% with goal of working down case inventory over time.

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### PERCENT CASES CLOSED WITHIN TARGET

#### NON-COMPLEX CASES CLOSED IN ≤180 DAYS

**90%**

Previous QTR: 89% (+1%)

Target: 90%

#### COMPLEX CASES CLOSED IN ≤365 DAYS

**70%**

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Jan-Jun 2020: 190 average days reported by Auditor

### NOTES:

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OFFICE OF CHIEF TRIAL COUNSEL

CASE INVENTORY

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Case Category	Average Case Processing Time in Days	
	Current <sup>N1</sup>	Proposed <sup>N2</sup>
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
5. Closed after investigation: lower RPP, complex cases	307	210
6. Closed or filed in charging	449	300

AVERAGE DAYS SPENT IN INVESTIGATION

NON-COMPLEX CASES

**185**

Previous QTR: 189 (-4)

Target: 120 days

COMPLEX CASES

**257**

Previous QTR: 263 (-6)

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: 72 (+6)

Target: 60 days

Previous QTR: 354 (-18)

Target: 233 days

Complex Cases:

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

Previous QTR: 89% (+1%)

Target: 90%

CLOSED WITHIN TARGET

COMPLEX CASES CLOSED IN  
≤365 DAYS

**70%**

Previous QTR: 68% (+2%)

Target: 90%

NOTES:

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5. Closed after investigation: lower RPP, complex cases	307	210
6. Closed or filed in charging	449	300

**Non-Complex Cases:**  
 $75\% * 30$  (intake) +  $25\% * 150$   
(investigation, lower RPP,  
noncomplex cases) = 60 days

### AVERAGE DAYS SPENT IN INVESTIGATION

NON-COMPLEX CASES

**185**

Previous QTR: 189 (-4)

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COMPLEX CASES

**257**

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CLOSED IN  $\leq 180$  DAYS

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Target: 90%

COMPLEX CASES CLOSED IN  
 $\leq 365$  DAYS

**70%**

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Target: 90%

Jan-Jun 2020: 190 average days reported by Auditor

#### NOTES:

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**Complex Cases:**  
 $75\% * 210$  days (investigation, lower RPP,  
complex cases) +  $25\% * 300$  (charging) =  
233 days



## § 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

**185**

Previous QTR: 189 (-4)

Target: 120 days

COMPLEX CASES

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### PERCENT CASES CLOSED WITHIN TARGET

NON-COMPLEX CASES  
CLOSED IN **≤180 DAYS**

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Previous QTR: 89% (+1%)

Target: 90%

COMPLEX CASES CLOSED IN  
**≤365 DAYS**

**70%**

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### NOTES:

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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**

**2119**

2022 Backlog: 1851 (+268)  
2021 Backlog: 2068 (-217)

**15%**

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

**OPEN CASES IN BACKLOG STATUS IN 2023 Q3**

**3330**

2022 Backlog: 2211 (+1119)  
2021 Backlog: 1747 (+464)

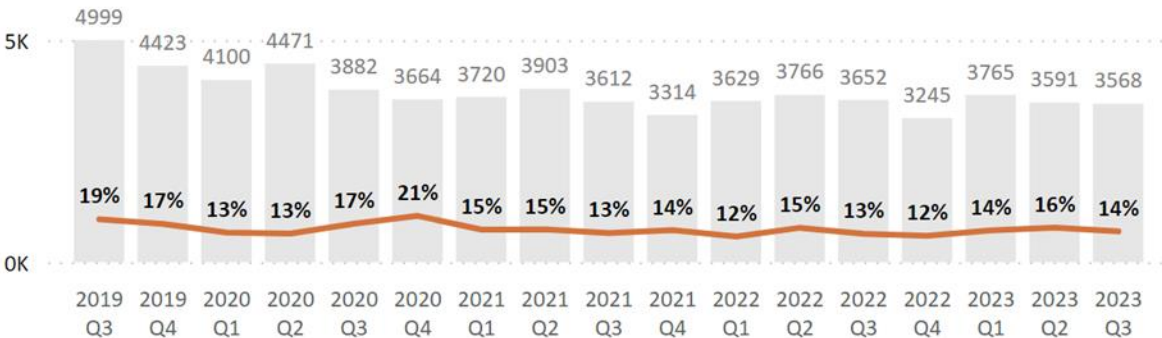
**44%**

2022 Backlog: 37% (+7%)  
2021 Backlog: 36% (+1%)  
**Target: 10%**

To reach the 10% target for open backlog cases by the year end, quarterly case closures must increase by **93%** comprising of all backlog cases for the next quarter.

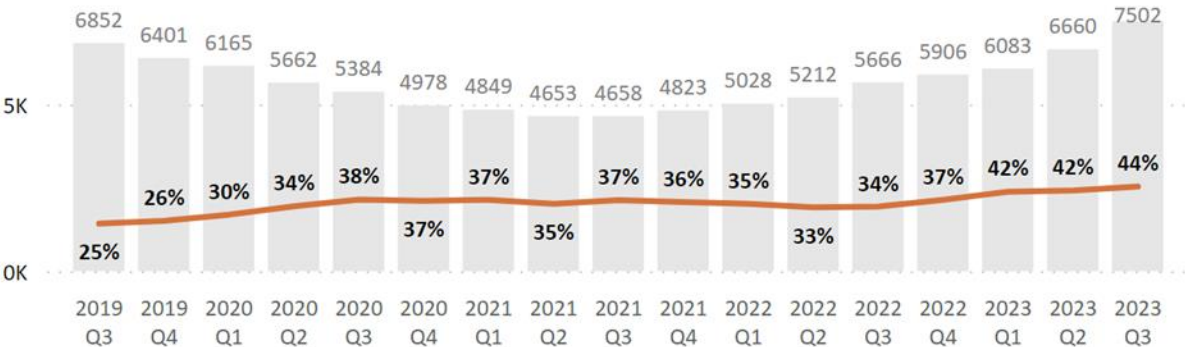
**% OF CASES CLOSED IN BACKLOG STATUS**

● No. of Cases ● % Backlog



**% OF OPEN CASES IN BACKLOG STATUS**

● No. of Cases ● % Backlog





FILTER BY:

Filter Info

ADR

☒ Yes☐ No

ABATED

☐ No

COMPLEX

☐ No☐ Yes

PERIOD

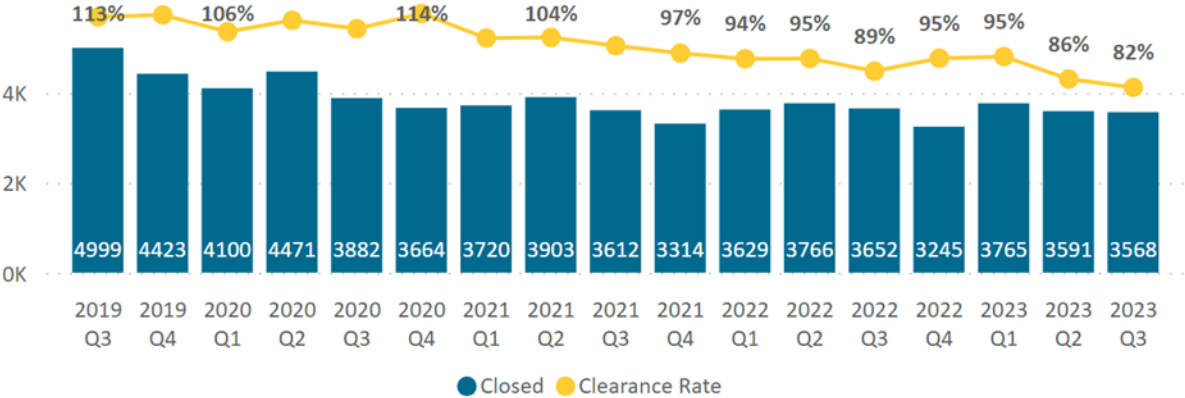
All

PRIORITY

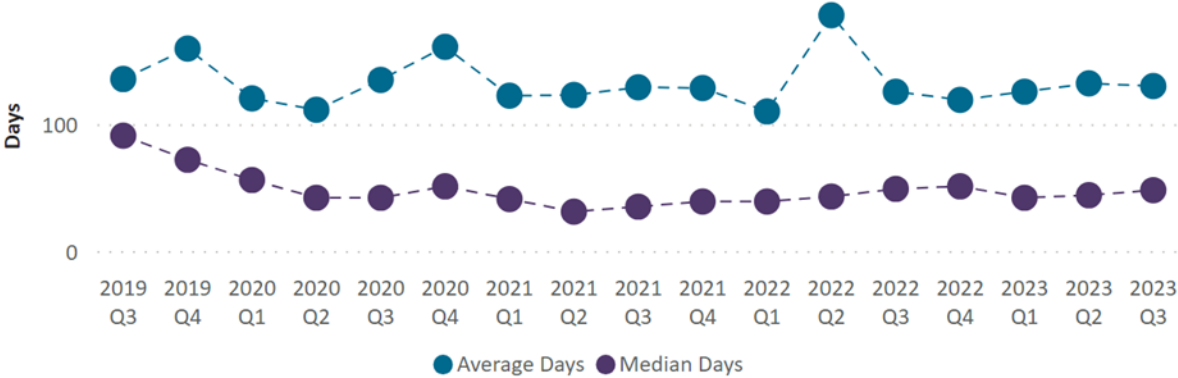
All

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

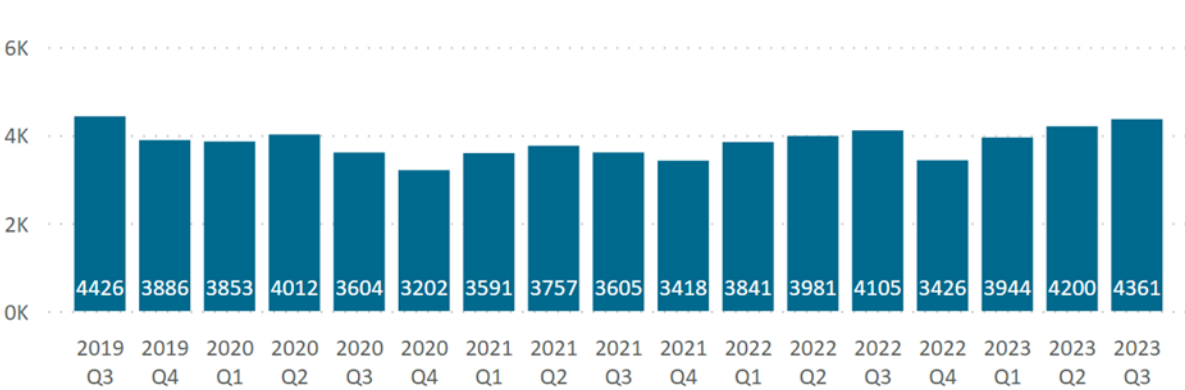
CASES CLOSED AND CLEARANCE RATE



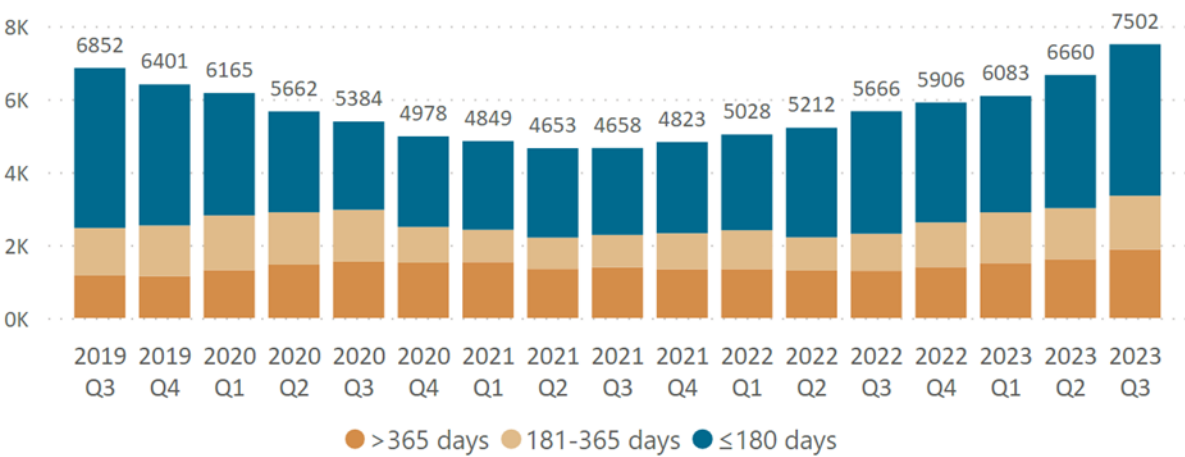
CASE AGE AT CLOSURE



INCOMING CASES



INVENTORY BY CASE AGE



FILTER BY:

Filter Info

ADR

☒ Yes☐ No

ABATED

☐ No

COMPLEX

☐ No☐ Yes

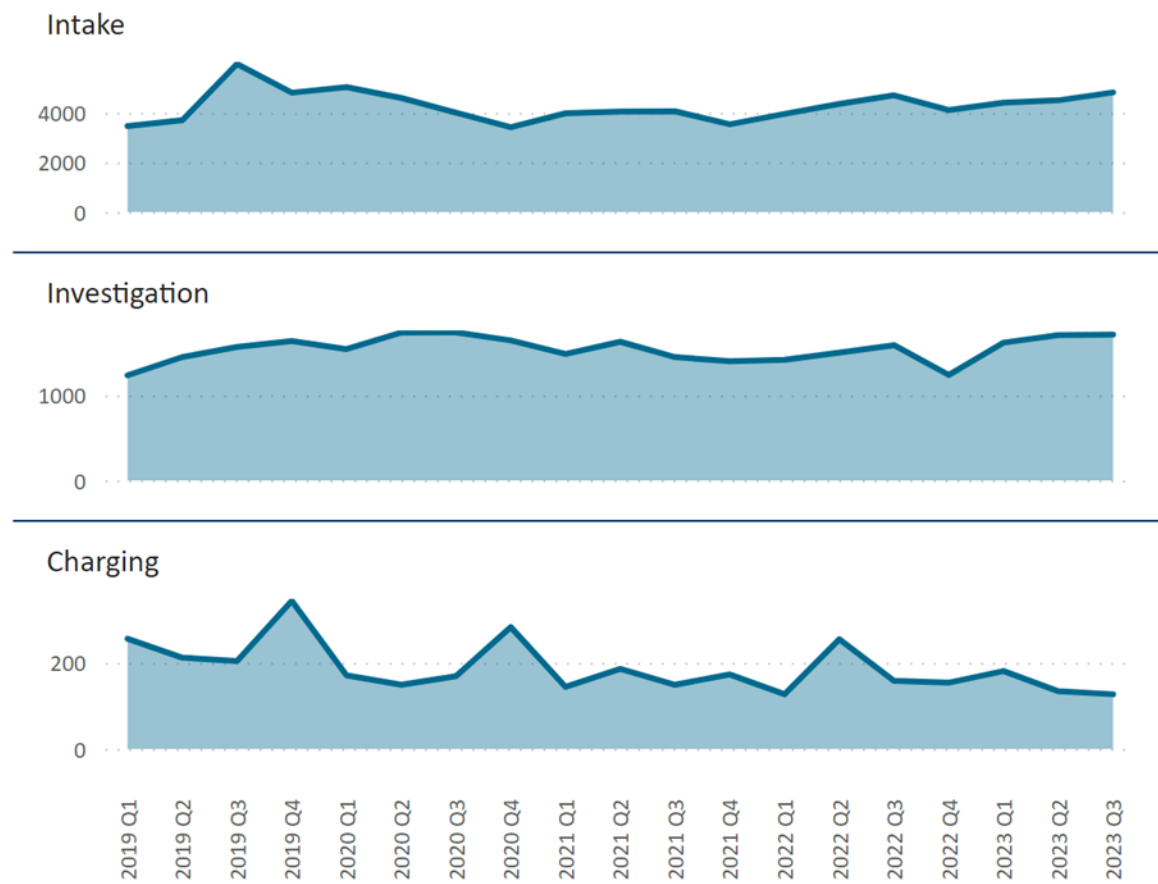
PERIOD

All

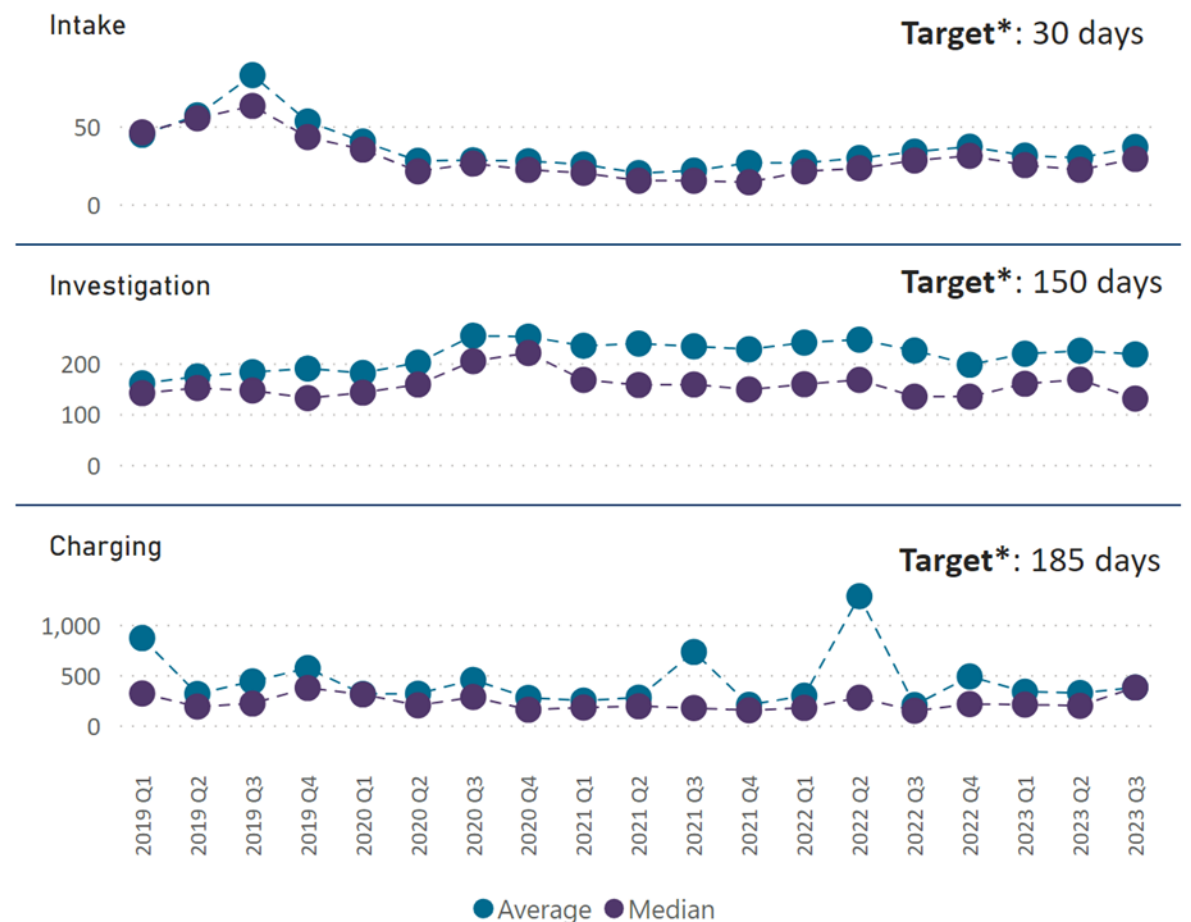
PRIORITY

All

CASES PASSING THROUGH EACH PHASE



DURATION OF CASES AT EACH PHASE (DAYS)



\*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

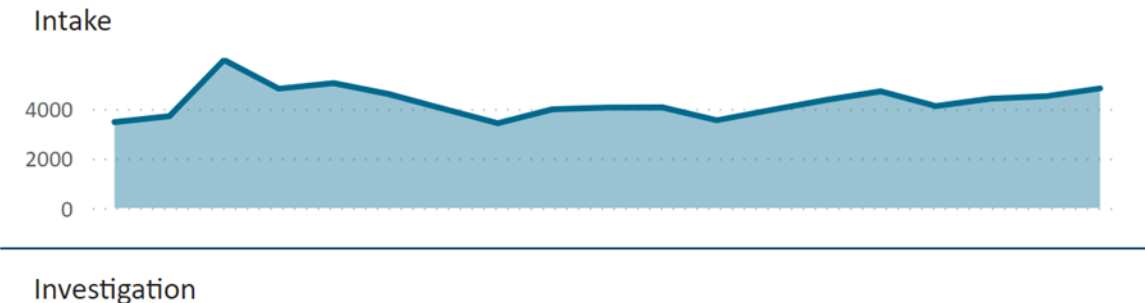
PERIOD

All

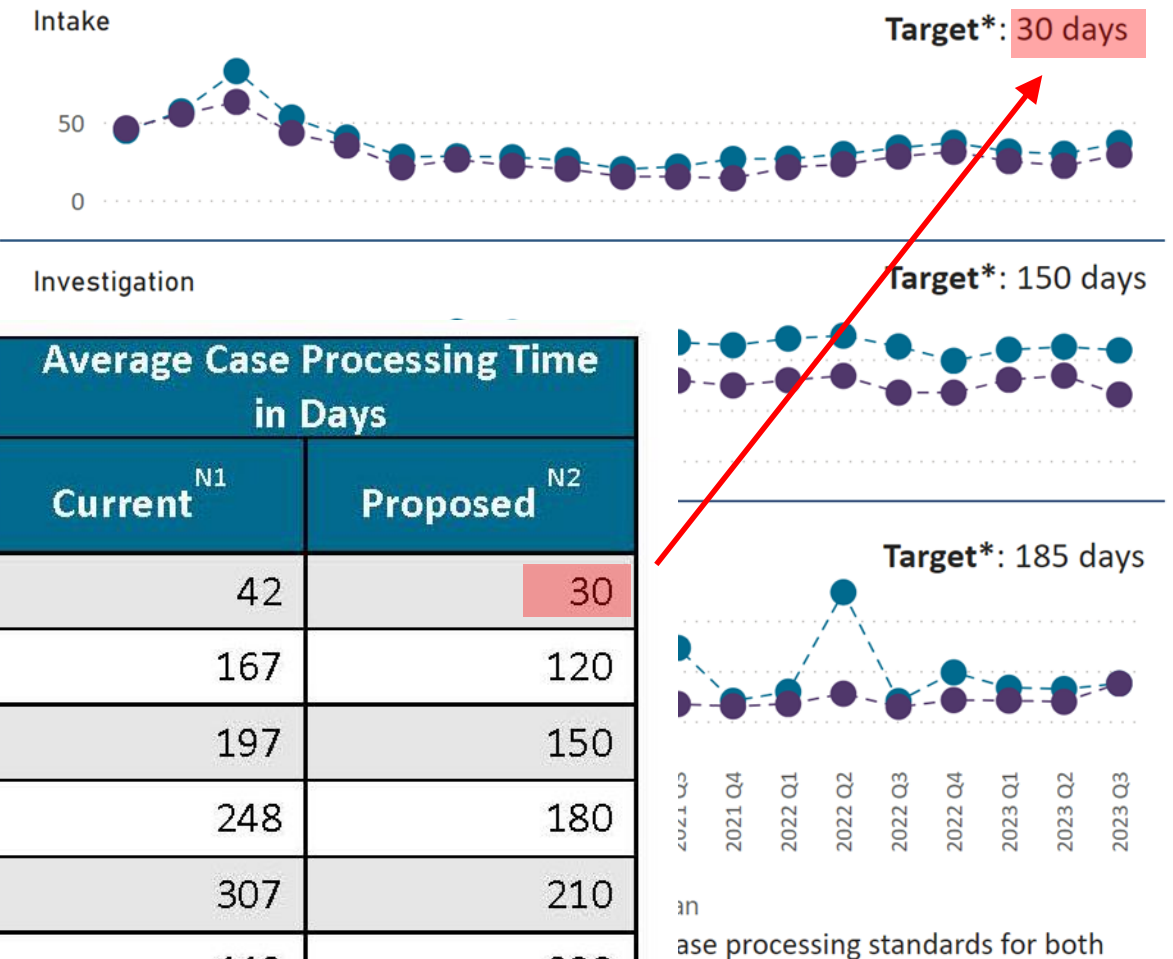
PRIORITY

All

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ADR

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ABATED

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COMPLEX

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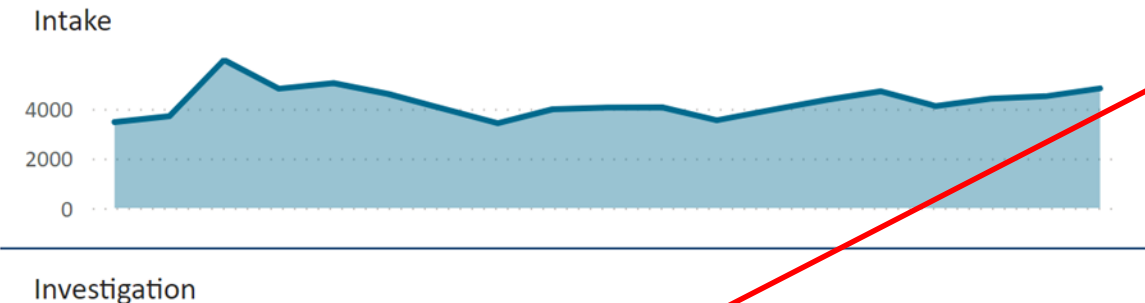
PERIOD

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PRIORITY

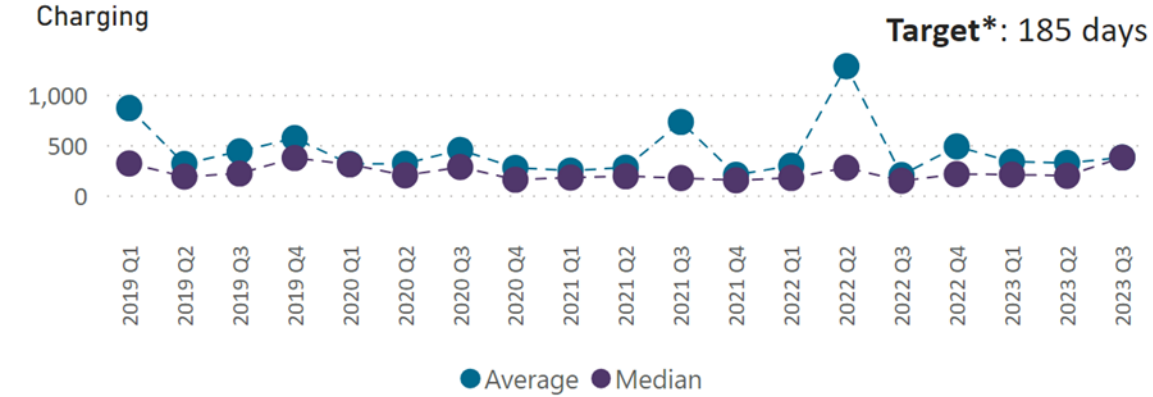
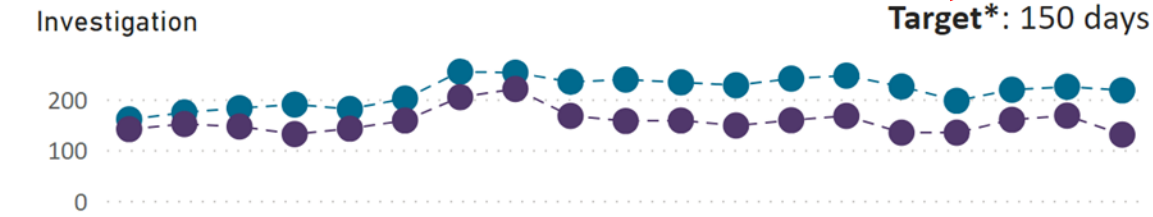
All

CASES PASSING THROUGH EACH PHASE



DURATION OF CASES AT EACH PHASE (DAYS)

120 (average days in investigation, noncomplex) \* 50%  
+ 180 (average days in investigation, complex) \* 50%  
= 150 days



The State Bar  
of California



Office of  
Chief Trial  
Counsel

Main Page

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Mission  
Advancement &  
Accountability  
Division,  
(MAAD)

OFFICE OF CHIEF TRIAL COUNSEL | KEY PERFORMANCE INDICATORS - 2023 Q3

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of California



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Counsel

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Division,  
(MAAD)

OFFICE OF CHIEF TRIAL COUNSEL | KEY PERFORMANCE INDICATORS - 2023 Q3

CASE INVENTORY		CASELOAD CLEARANCE RATE	CRU REOPENS FOR REASONS OTHER THAN NEW EVIDENCE	RANDOM AUDIT REOPENS FOR SUBSTANTIVE REASONS	
7502		82%	1%	4.7%	
Previous QTR: 6660 (+842)		Previous QTR: 86% (-4%)	Target: 2% (-1.2%)	Target: 4.3% (+0.4%)	
		Target Clearance Rate: 120%		Period: Mar 2022 - Aug 2022	
AVERAGE DAYS SPENT IN INVESTIGATION		AVERAGE DAYS TO CLOSE		PERCENT CASES CLOSED WITHIN TARGET	
NON-COMPLEX CASES	COMPLEX CASES	NON-COMPLEX CASES	COMPLEX CASES	NON-COMPLEX CASES CLOSED IN ≤180 DAYS	COMPLEX CASES CLOSED IN ≤365 DAYS
185	257	78	336	90%	70%
Previous QTR: 189 (-4)	Previous QTR: 263 (-6)	Previous QTR: 72 (+6)	Previous QTR: 354 (-18)	Previous QTR: 89% (+1%)	Previous QTR: 68% (+2%)
Target: 120 days	Target: 180 days	Target: 60 days	Target: 233 days	Target: 90%	Target: 90%

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COMPLEX

☐ No  
☐ Yes

PERIOD

All

PRIORITY

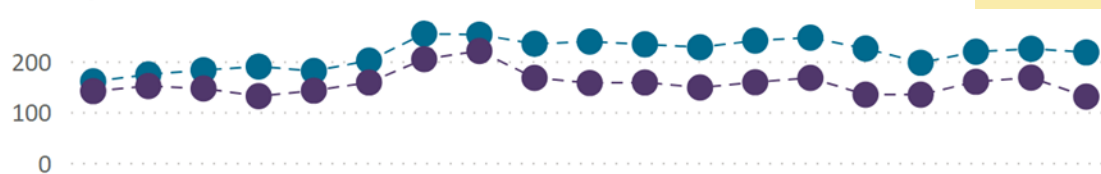
All

DURATION OF CASES AT EACH PHASE (DAYS)

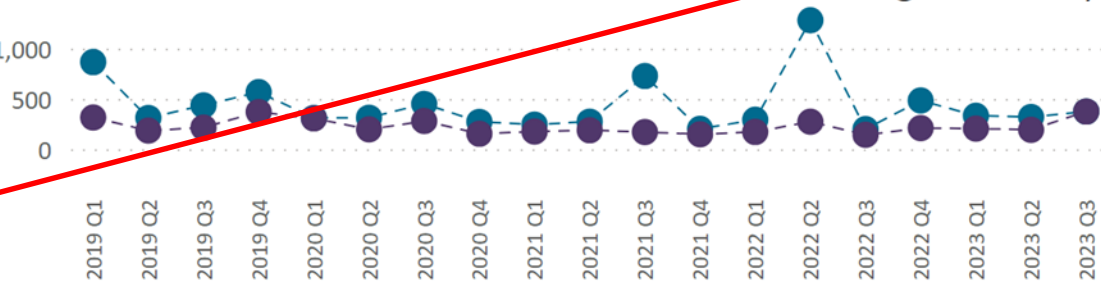
Intake Target\*: 30 days



Investigation Target\*: 150 days



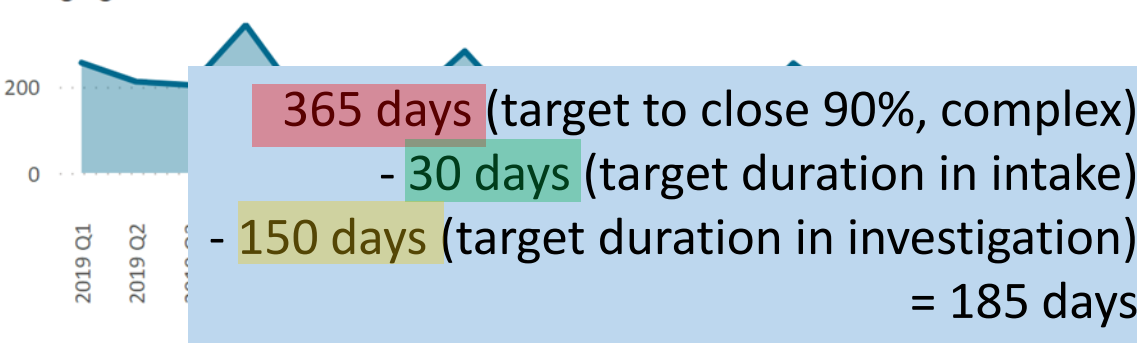
Charging Target\*: 185 days



● Average ● Median

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

Charging



**FILTER BY:**  

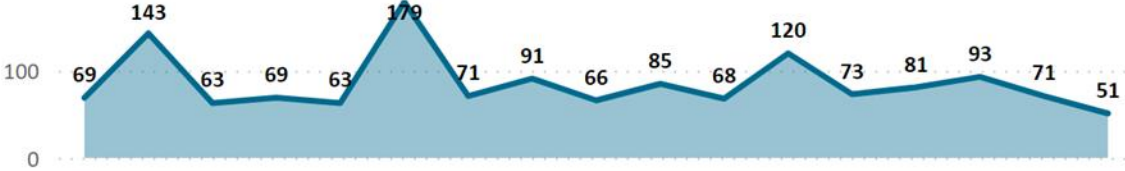
Filter Info

**PERIOD**  

All

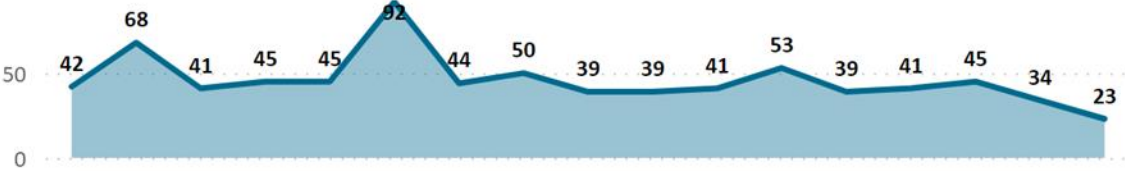
NUMBER OF FILINGS

Notices of Disciplinary Charges

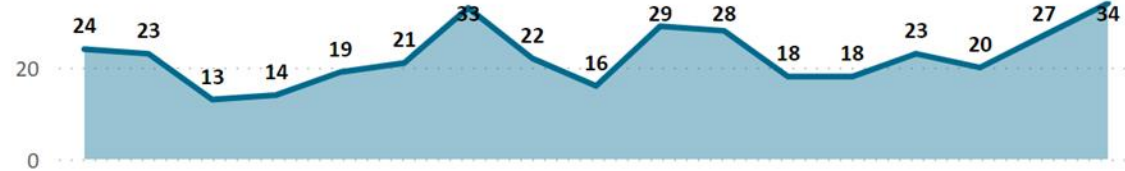


NUMBER OF ATTORNEYS

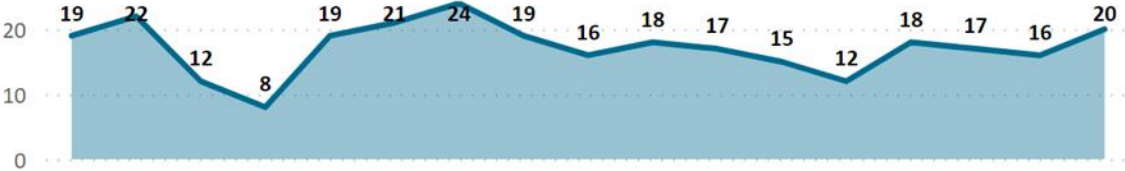
Notices of Disciplinary Charges



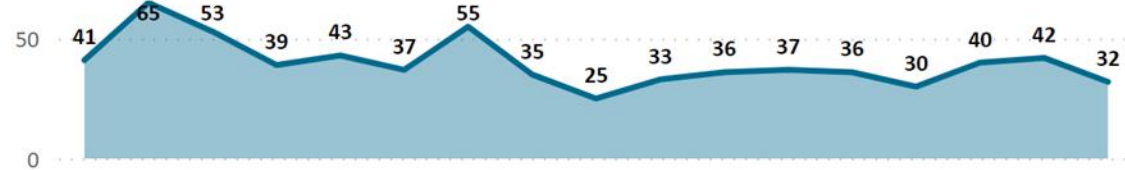
Stipulations to Facts and Discipline



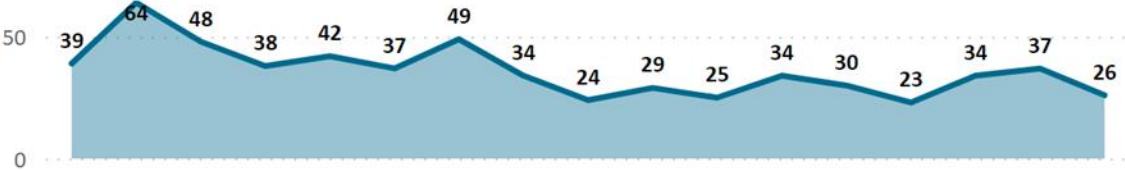
Stipulations to Facts and Discipline



Criminal Conviction Transmittals



Criminal Conviction Transmittals



FILTER BY:

Filter Info

ADR

- ☒ Yes  
☐ No

PERIOD

2023 (Year) + 3 (Qua... ▾

RESPONDENTS WITH NEW CASES  
OPENED IN 2023 Q3

TOTAL

3609

WITH 15+  
COMPLAINTS

168 5%

WITH 40+  
COMPLAINTS

28 1%

ALL RESPONDENTS WITH OPEN  
COMPLAINTS - CURRENT QUARTER

TOTAL

5415

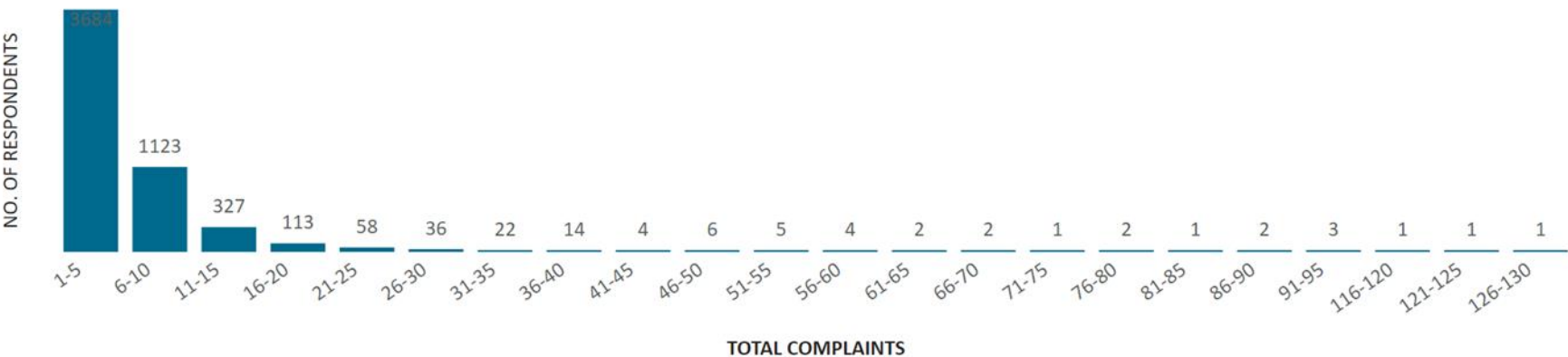
WITH 15+  
COMPLAINTS

281 5%

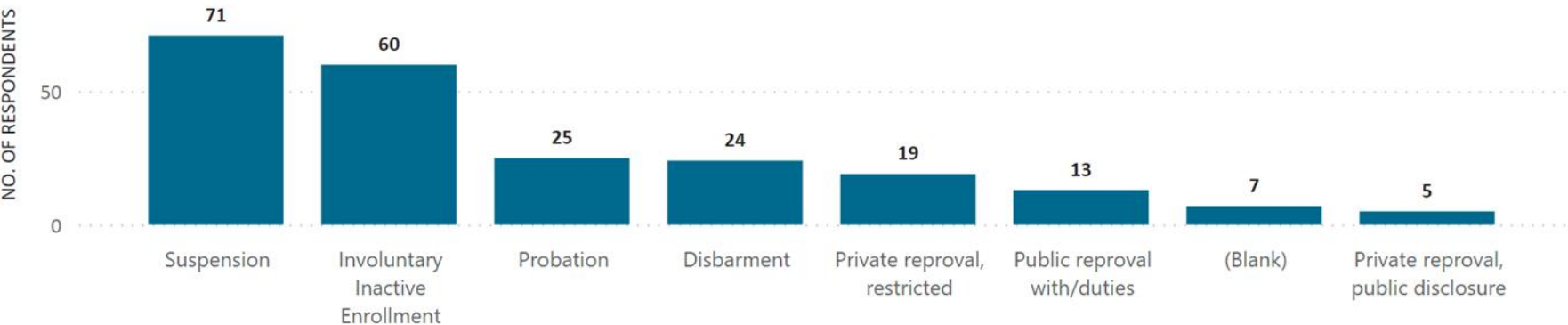
WITH 40+  
COMPLAINTS

38 1%

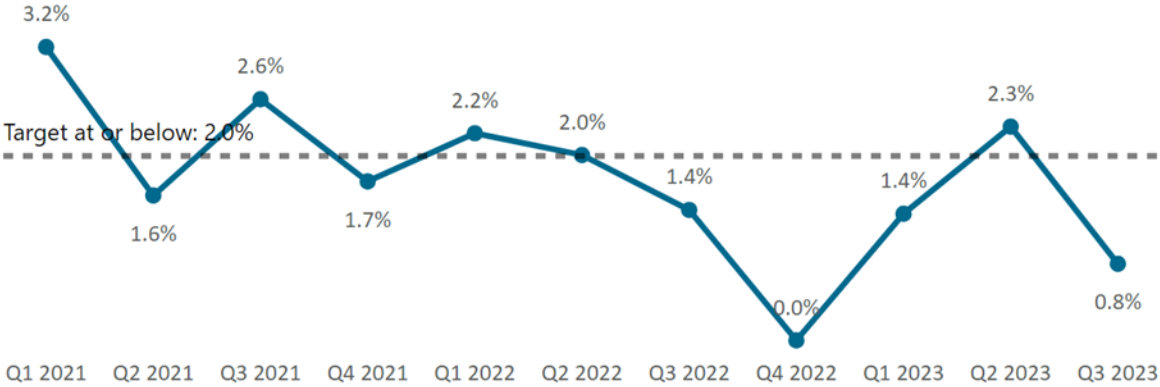
TOTAL COMPLAINTS: ALL RESPONDENTS WITH OPEN COMPLAINTS



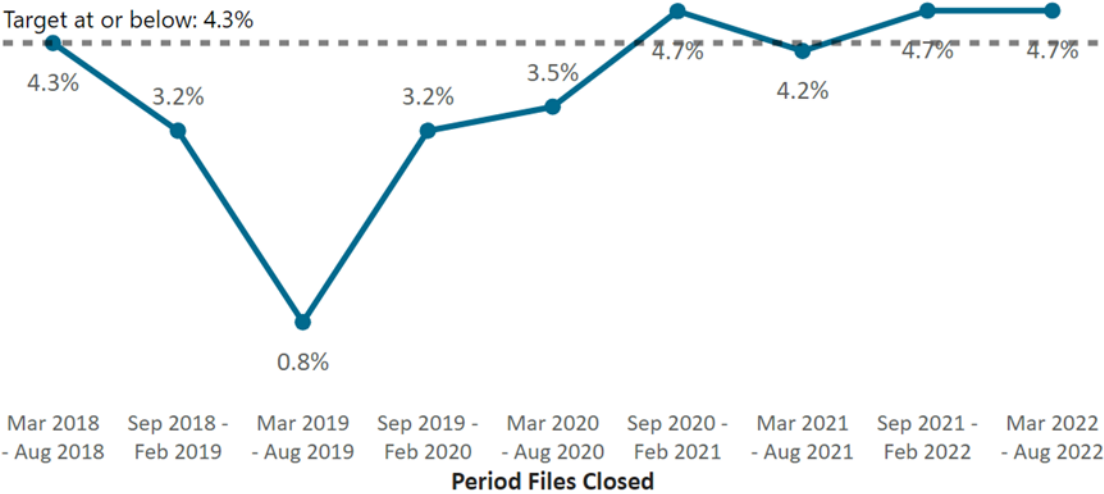
PRIOR DISCIPLINE HISTORY: ALL RESPONDENTS WITH 15+ COMPLAINTS



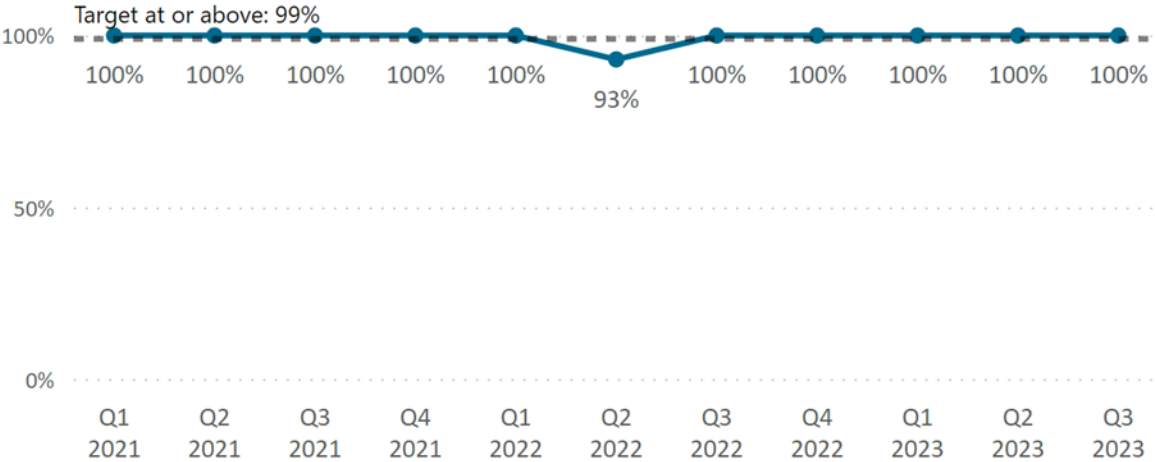
PERCENT OF COMPLAINT REVIEW UNIT REOPENS FOR REASONS OTHER THAN NEW EVIDENCE



PERCENT OF RANDOM AUDIT REOPENS FOR SUBSTANTIVE REASON



PERCENT OF WALKER PETITIONS DENIED





FILTER BY:

PERIOD

2023 (Year) + 3 (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 Q3 2023.

What is going well

- The complaint filing process was straightforward and user-friendly.

Challenges

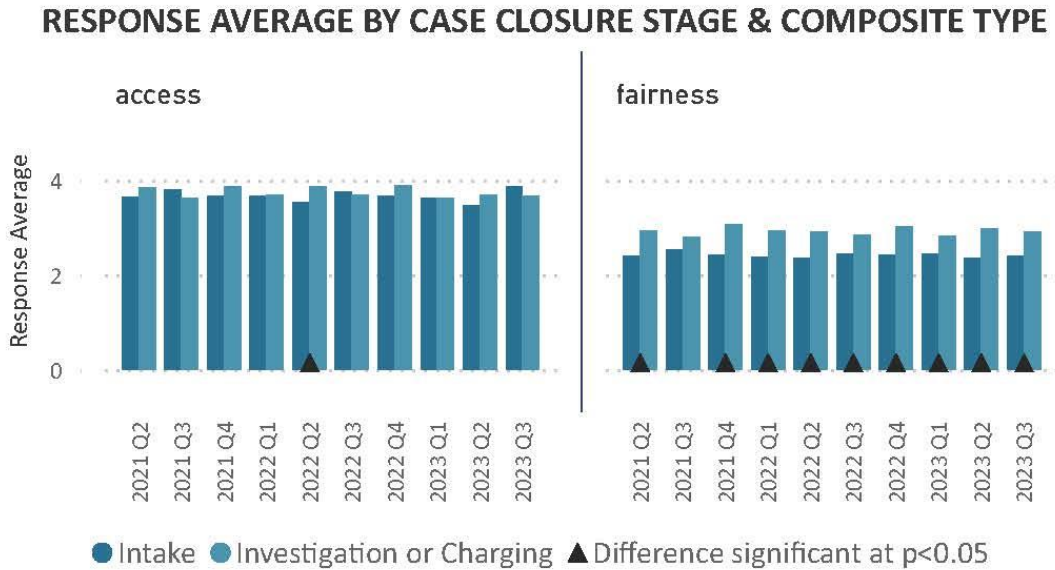
- Poor communication practices, including slow or no responses to inquiries from Complaining Witnesses.
- Staff seemed indifferent to complaints, leading to less-than-comprehensive review of the cases.
- Some staff members at the State Bar seem to be inadequately trained and have provided inconsistent and incorrect information to Complaining Witnesses.

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

293

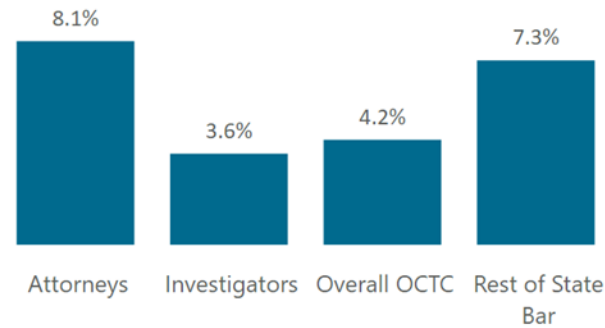
Respondents

2023 Q3

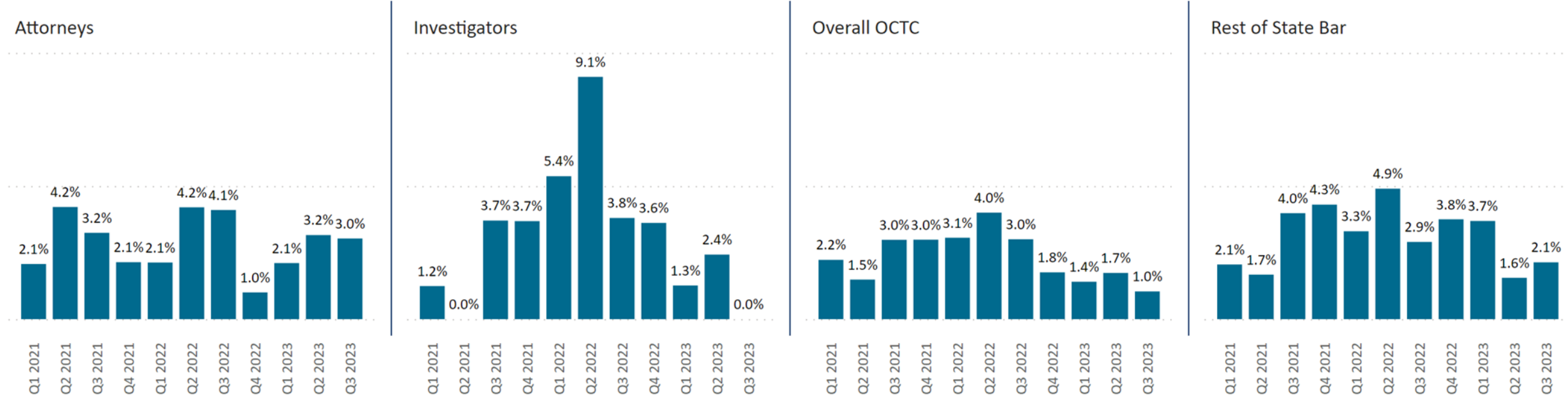


# OFFICE OF CHIEF TRIAL COUNSEL | EMPLOYEE ENGAGEMENT - TURNOVER RATES

## ANNUAL TURNOVER RATE - 2023



## QUARTERLY TURNOVER RATES



**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](#).

**Priority:** Effective 07/01/2023, the case priority designations have been revised as follows:

- **P1 – Higher RPP** (previously P1). Includes cases in which the conduct in the case caused substantial harm, or posed a risk of potential substantial harm, to clients or the public. Higher RPP cases also include those in which the attorney is the subject of multiple pending complaints, or the current complaint is similar to one or more prior closed complaints, suggesting an increased risk that, absent disciplinary action, the attorney may continue to engage in misconduct.
- **P3 – Lower RPP** (previously P3): Cases that do not meet the criteria for higher RPP cases.
- **P2 – No longer in use:** Discontinued. Includes expedited cases opened prior to the recent changes. Now new cases aren't given a separate priority. They are tagged as "expedited" and also fall under "P1- Higher RPP", "P3 - Lower RPP" or "No Priority" categories.

**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?

