



The State Bar *of California*

OPEN SESSION AGENDA ITEM 707 JANUARY 2024

DATE: January 18, 2024

TO: Members, Board of Trustees

FROM: Leah T. Wilson, Executive Director

SUBJECT: 2022–2027 Strategic Plan Review

EXECUTIVE SUMMARY

The Board of Trustees adopted the 2022–2027 State Bar Strategic Plan at its meeting on March 24–25, 2022. The plan can be found [here](#). Staff developed two operational plans to support the implementation of the Strategic Plan. The operational plans were presented to the Board at its meeting on January 19-20, 2023. This item serves as a progress update on the implementation of the Strategic Plan and corresponding operational projects over the first two years of the plan.

BACKGROUND

The State Bar Board of Trustees is responsible for setting the strategic direction of the organization. It executes this responsibility in part through the adoption of strategic plans every five years; these plans are revisited annually to review progress and to assess whether any amendments or modifications are needed.

DISCUSSION

The Strategic Plan is organized around four goals. Each goal has multiple implementation steps. The Strategic Operational Plan (SOP) ensures all objectives are achieved by outlining specific activities that will be taken to advance each step outlined in the Strategic Plan.

The Core Operational Plan (COP) addresses the organization's infrastructure or backbone needed to support Strategic Plan success, namely services provided by Human Resources, Information Technology, and other administrative offices. The SOP and COP can be found as Attachments A and B of the January 2023 [Board agenda item](#) on this topic. Staff regularly update the status of operational plan activities internally.

- Of the 82 projects currently in the strategic operational plan with due dates through Q4 2023, 58 are complete, 12 are in progress, and 12 are not started.
- Of the 17 implementation steps scheduled for full completion within the first two years of the plan, 10 are complete (59 percent).

Highlights of completed, delayed, and in progress projects are provided below.

KEY ACCOMPLISHMENTS INCLUDE:

- Developed new case processing standards as outlined in Senate Bill 211
- Launched the Office of the Public Trust Liaison
- Implemented the Client Trust Account Protection Program (CTAPP)
- Improved and promoted new guidelines for public participation at meetings and in relation to public comment opportunities
- Refined targeted outreach approaches on subentity appointment opportunities to support long-range goal of diversifying subentity membership
- Assessed Office of Chief Trial Counsel (OCTC) staffing structure and processes to assess capacity for investigating and prosecuting attorneys in large firms/sophisticated actors
- Assessed the relevance and effectiveness of training offered to OCTC staff
- Identified follow up action steps related to OCTC's 2020 Culture Report and developed implementation timeline
- Conducted research on complaining witnesses to identify gaps between complainants' understanding of what the State Bar can do compared to actual State Bar capabilities
- Assessed need for and implemented as warranted compensation adjustments for key OCTC positions pursuant to collective bargaining process
- Identified and addressed OCTC processes that contribute to prolonged case processing times
- Developed and implemented policy and procedures for documenting conflict checks by investigators and attorneys at assignment and prior to taking action to close or resolve cases
- Finalized Ad Hoc Commission on the Discipline System recommendations and submitted to the Board of Trustees
- Submitted final Blue Ribbon Commission report and recommendations to the Board of Trustees and Supreme Court
- Produced a report with key data highlighting the performance of California accredited and unaccredited law schools
- Increased collections rate for outstanding debt
- Developed new resources for licensees in the areas of substance abuse, mental health, competency, practice management, and aging
- Launched the DEI Leadership Seal Program

Examples of Projects Not Started:

- Assess feasibility and value of contracting with legal service provider/s to provide direct technical assistance to people needing help filing complaints
- Implement Public Trust Liaison's consumer education plan
- Enhance the online complaint form to capture additional and more useful information on the

front-end to support identification of patterns and trends

- Implement plan to grow an influencer network

Examples of Projects in Progress:

- Collaborate with the Legislature and other stakeholders to increase public protection and support the State Bar's mission
- Revisit ADA accessibility for remote/hybrid meetings, develop consistent agencywide guidelines
- Collaborate with the Council on Access and Fairness to develop imposter syndrome training and resources
- Develop a pro bono policy for State Bar attorneys
- Implement revised testing accommodation rules, processes, and outward facing materials to streamline the process, ensure compliance with the ADA, improve timeliness, reduce reliance on outside medical professionals, and improve the experience for applicants
- Develop new case processing standards for Complaint Review Unit cases to include prioritization and related time standards
- Assess existing processes for case management, establish target timelines and prioritization guidance for processing cases
- Develop a Pro Per Practice Guide for unrepresented respondents
- Identify ways to expand the efficiency, reach, and accessibility of mandatory fee arbitration

Additional modifications or updates to the operational plans will be considered after the Board's January 2024 planning session.

FISCAL/PERSONNEL IMPACT

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

Goal 2. Protect the Public by Enhancing Access to and Inclusion in the Legal System

Goal 3. Protect the Public by Regulating the Legal Profession

Goal 4. Protect the Public by Engaging Partners

RECOMMENDATIONS

None

ATTACHMENT LIST

- A. Redlined Strategic Plan

ATTACHMENT A: REDLINED STRATEGIC PLAN

The State Bar of California Strategic Plan 2022-2027

[Revised: ~~September 6, 2023~~ January 18, 2024]

2022-2027 Strategic Plan Goals

The State Bar's mission is rooted in protecting the public. The strategic goals reflect the organization's vision for realizing that mission over the next five years. As a foundational principle, the State Bar is committed to advancing diversity, equity, and inclusion with respect to both its own operations and the legal profession itself.

1. **Protect the Public by Strengthening the Attorney Discipline System:** Administer an attorney discipline system that is efficient, accountable, and transparent.
2. **Protect the Public by Enhancing Access to, and Inclusion in, the Legal System:** Increase access to the legal system through public outreach and education, improved access to legal advice and services, and a legal profession that reflects the diversity of California.
3. **Protect the Public by Regulating the Legal Profession:** Promote the ethical and competent practice of law and prevent misconduct by providing education, resources, and support for the legal profession.
4. **Protect the Public by Engaging Partners:** Engage partners and stakeholders to enhance public protection and restore the State Bar's credibility, reputation, and impact.

Goal 1: **Protect the Public by Strengthening the Attorney Discipline System:** Administer an attorney discipline system that is efficient, accountable, and transparent.

Vision: *The State Bar discipline system is, and is recognized as, effective, fair, and timely.*

Strategies:

- **Effectiveness:** Adopt new case processing standards and improved operational practices to focus resources on cases posing the most significant risks of harm and reduce the backlog of unresolved disciplinary cases.
- **Consumer Focus:** Assist the public in navigating the complaint process and seeking fair, appropriate, and timely resolution.
- **Diversity, Equity, and Inclusion:** Continue to address any racial, or other disparities in the attorney discipline system.
- **Policy and Systems Change:** Respond to emerging issues regarding attorney misconduct and promote solutions to increase public protection.

ATTACHMENT A: REDLINED STRATEGIC PLAN

Goal 1 Implementation Steps:

Strategy	Implementation Steps
Effectiveness	Support accountability in the attorney discipline system through the development and implementation of new case processing standards that ensure complaints are processed in a timely manner; evaluate and report performance against the case processing standards.
	Secure additional funding for the attorney discipline system.
	Sustain a well-resourced, motivated, and accountable, prosecutorial workforce.
	Maximize the efficiency of the discipline case management system and make technological, resource, and other investments as needed to increase the accuracy, comprehensiveness, and timeliness of the investigation and prosecution of attorney misconduct complaints.
	Reduce the time from Client Security Fund (CSF) application to payout by reassessing rules and policies, streamlining processes, and increasing funding as necessary.
Consumer Focus	Assist members of the public needing assistance in submitting complaints and resolving problems by providing clear information about how the system works, outlining what constitutes a viable complaint, and facilitating connections with other resources where consumer issues do not warrant attorney discipline.
	Educate communities most likely to be subject to the unauthorized practice of law (UPL) to reduce the incidence of victimization.
Diversity, Equity, and Inclusion	Implement reforms and recommendations to reduce inequities identified in the 2019 report: <i>Discrepancies by Race and Gender in Attorney Discipline by The State Bar of California: An Empirical Analysis</i> .
	Conduct a follow up study of racial disparities in attorney discipline, identify areas for improvement, and implement recommendations.
	Identify and implement strategies to address other disparities in discipline rates and outcomes, including those related to solo and small firm practitioners. [Basis for change: Limit the scope of the implementation step to research; implementation is covered under Goal 2, Diversity, Equity, and Inclusion, Implementation Step 3]
Policy & Systems Change	Align and implement recommendations of the Special Discipline Case Audit Committee and the Ad Hoc Commission on the Discipline System.
	Develop strategies to effectively investigate and prosecute attorneys who commit misconduct, regardless of the nature of their practice, including attorneys in large organizations and firms.

Goal 2: Protect the Public by Enhancing Access to and Inclusion in the Legal System: Increase access to the legal system through public outreach and education, improved access to legal advice and services, and a legal profession that reflects the diversity of California's communities.

Vision: *All California residents have access to high quality, affordable, and culturally competent legal advice and services.*

Strategies:

- **Effectiveness:** Increase representation through the State Bar's existing regulatory and oversight authority including special admissions and pro bono practice programs.
- **Consumer Focus:** Increase public education, outreach, and awareness to close the knowledge gap and connect consumers to relevant legal resources.
- **Diversity, Equity, and Inclusion:** Support the law school to profession pipeline to foster a diverse legal profession representative of California's communities, particularly as related to race, ethnicity, and socio-economic status.
- **Policy and Systems Change:** Identify and advocate for innovative policy and regulatory reforms needed to increase access to legal services, particularly by disenfranchised, underserved, and rural communities.

Goal 2 Implementation Steps:

Strategy	Implementation Steps
Effectiveness	Increase the number of attorneys admitted through special admissions programs.
	Update and modernize Revise the bar admissions requirements to be more relevant to the practice of law, in alignment with the recommendations of the Blue Ribbon Commission on the Future of the Bar Exam. <u>to eliminate unnecessary barriers to admission, or to implement changes to the bar examination or other pathway to licensure approved by the Supreme Court.</u> [Basis for change: Clarify updated authority to approve changes; minor wording edits]
	Incentivize and support licensees and law firms to increase the number of pro bono hours provided to underserved groups.
	Administer the Attorney Census annually.
Consumer Focus	Continue to analyze data points to identify the root potential causes of inequities in accessing legal services to inform policy recommendations to and reduce the access to legal services gap. [Basis for change: Clarified the implementation step is related to research and informing policy]
	Better understand the knowledge gap and develop strategies to address the barriers consumers face in securing legal advice.
	Keep abreast of the legal services market and how changes in the market impact individual consumers.
	Make the State Bar a leader in connecting the public to legal representation by enhancing public awareness of the resources available and continually enhancing those resources.
Diversity, Equity, and Inclusion	Publish an annual report card on workforce diversity and retention trends in the legal profession.
	Increase the numbers of diverse attorneys in the legal profession by encouraging through diversity pipeline programs that support aspiring attorneys in graduating from law school and passing the bar exam. [Basis for change: Minor wording edit]
	Identify data-supported practices that promote retention and advancement of a diverse and inclusive legal profession, including strategies that support solo and small-firm practitioners, and share those practices through toolkits and other resources. [Basis for change: Clarify focus of activities]
	Engage DEI leaders and other stakeholders to encourage legal employers to set and publicly commit to measurable diversity, equity, and inclusion goals through the State Bar DEI-Diversity Leadership Seal Program. [Basis for change: Minor wording edit]

ATTACHMENT A: REDLINED STRATEGIC PLAN

Strategy	Implementation Steps
	Continue the Mindsets in Legal Education Initiative and evaluate the merits of expanding the program.
	Conduct an equity and cost focused analysis of the impact of various options for administration of the bar exam on pass rates, including remote and open-book formats.
	Provide implicit bias trainings for bar exam proctors and graders to reduce any potential bias.
	Continue to diversify the exam development and grading pool.
Policy & Systems Change	Create a policy foundation for regulatory reform to increase access to affordable legal advice and services.
	Collaborate with legislative and other stakeholders to establish a law school student loan forgiveness program to make legal aid an attractive and sustainable career goal.
	Collaborate with stakeholders and law schools to improve the law school accreditation process.

Goal 3: Protect the Public by Regulating the Legal Profession: Promote the ethical and competent practice of law and prevent misconduct by providing education, resources, and support for the legal profession.

Vision: *State Bar licensees exemplify excellence and personal responsibility in the practice of law.*

Strategies:

- **Effectiveness:** Use data to identify attorneys most at-risk of misconduct complaints and to develop the resources and supports needed to prevent misconduct.
- **Consumer Focus:** Develop and deploy self-assessment modules, minimum continuing legal education (MCLE), practice tools, and other resources to support attorneys in continued education, professional development, and the competent practice of law.
- **Diversity, Equity, and Inclusion:** Support retention, development, and advancement of a diverse legal profession, with a focus on preventative measures to address disproportionate complaint and discipline rates.
- **Policy and Systems Change:** Explore and implement regulations to address and deter actions that pose significant risks of public harm.

Goal 3 Implementation Steps

Strategy	Implementation Steps
Effectiveness	Develop metrics for assessing the impact of the State Bar’s prevention and proactive risk-based management work.
Consumer Focus	Implement the Office of Professional Competence’s 5-year plan for preventative education e-learning and self-assessment modules. [Basis for change: Condense; activities fit under current Goal 3, Consumer Focus Implementation Step 2]
	Position the State Bar as a trusted resource; and increase proactive interactions with licensees beyond admitting attorneys into the profession, collecting fees, and monitoring MCLE compliance ensure that licensees are aware of how the work of the Bar supports the competent and ethical practice of law. [Basis for change: Incorporate language from three merged implementation steps under Goal 3]
	Provide effective support for attorneys experiencing practice management and other challenges that affect competency.
	Collaborate with the California Lawyers Association (CLA) and other bar associations on providing programming and continuing education content to licensees.
	Create a licensee resource page on the State Bar website to provide information and tools on emerging topics and issues including mental health, financial literacy, and navigating imposter syndrome in the workplace. [Basis for change: Condense; activities fit under current Goal 3, Consumer Focus Implementation Step 2]
Diversity, Equity, and Inclusion	Support attorneys from disenfranchised and underserved communities who may experience unique practice management and other challenges. [Basis for change: Condense; activities fit under current Goal 3, Consumer Focus Implementation Step 2]
	Identify competency related factors that drive disparate voluntary departures from the legal profession by race and gender.
Policy & Systems Change	Implement the Client Trust Account Protection Program.

Goal 4: Protect the Public by Engaging Partners: *Engage partners and stakeholders to enhance public protection and restore the State Bar’s credibility, reputation, and impact.*

Vision: *Partners and stakeholders are actively involved in and supportive of the State Bar’s public protection initiatives, achievements, programs, and services.*

Strategies:

- **Effectiveness:** Increase public trust and consumer awareness by demonstrating competence, consistency, and transparency.
- **Consumer Focus:** Establish collaborative relationships with community and consumer facing organizations and engage partners in collaborative workgroups.
- **Diversity, Equity, and Inclusion:** Ensure that communications materials and resources are accessible to California’s diverse communities.
- **Policy and Systems Change:** Partner with stakeholders to increase public protection and attorney regulation through legislation and policy change.

Goal 4 Implementation Steps

Strategy	Implementation Steps
Effectiveness	Increase access to State Bar data and performance outcomes.
	Ensure that licensees are aware of the work of the State Bar and how the bar supports competent and ethical practice. [Basis for change: Condense; activities fit under Goal 3, Consumer Focus Implementation Step 1]
	Enhance visibility of and accessibility to State Bar <u>public</u> meetings. [Basis for change: Minor wording edit]
	Serve as an incubator for innovation, share successes and best practices, and support implementation efforts in other organizations.
Consumer Focus	Create and sustain partnerships with other organizations, entities, and stakeholder groups. Build a robust, diverse, and mission-oriented network of partners. [Basis for change: Merged with Goal 4, Diversity, Equity, and Inclusion Implementation Step 2; condense language]
	Demonstrate transparency and, within constraints imposed by law, maximize disclosure in public communication.
Diversity, Equity, and Inclusion	Expand multilingual content and outreach.
	Increase the number and variety of stakeholders to include affinity bar associations and a broad range of organizations invested in the mission of the State Bar. [Basis for change: Merged with Goal 4, Consumer Focus implementation step 1; improve language clarity]
	Engage diverse voices in the development and evaluation of State Bar policy.
Policy & Systems Change	Collaborate with the Legislature and other stakeholders to increase public protection and support the State Bar’s mission.