



# The State Bar of California

## **Progress Report on Discipline System Case Processing Standards and Analysis of Office of Chief Trial Counsel Staffing Needs**

**Submitted Pursuant to Business and Professions Code  
Section 6145.1**

**April 1, 2024**

## EXECUTIVE SUMMARY

The mission of the State Bar of California is to protect the public. The most significant way this is accomplished is through the discipline process, specifically the intake, investigation, and, where warranted, prosecution of attorneys for misconduct performed by the Office of Chief Trial Counsel (OCTC). In 2021, the Legislature directed the State Bar to develop recommended case processing standards for competently, accurately, and timely resolving cases, taking into account the mechanics of the discipline process, the risk to public protection, reasonable expectations of the public for resolution of complaints, and the complexity of cases. (See Bus. & Prof. Code § 6094.5, amended by SB 211 (Ch. 723, Stats. of 2021)). Importantly, the proposal was not intended to reflect the timelines the State Bar was able to meet at that time with its then-current resources, but rather what the literature, practice, and expectations suggest the timelines should be. Following the Legislature's direction, the State Bar consulted with other states and with state and national experts on the discipline system and recommended standards that reflect the goal of resolving attorney discipline matters in a timely, effective, and efficient manner, maintaining small backlogs and protecting the public.

In 2023, SB 40 (Ch. 677, Stats. of 2023) added section 6145.1 to the Business and Professions Code, asking for a progress report describing:

- The status of recent changes made to disciplinary processes and an assessment of how those changes impact current case processing times;
- How the State Bar has addressed past recommendations from the Legislative Analyst and the California State Auditor (CSA) to improve operational efficiency;
- An update on how current case processing times compare to the proposed standards; and
- An update on how current case processing times compare to the proposed backlog standards, for both the inventory closed cases and pending cases.

In addition, as a further update of the proposed case processing standards report developed by the State Bar, this report updates the staffing needed to meet the proposed case processing standards.

Briefly stated, this report makes the following conclusions:

- The changes OCTC has made to its case disciplinary processes, many adopted to address concerns related to operational efficiency recommended by the CSA and Legislative Analyst's Office (LAO), have resulted in improvements in average case processing time for the 96 percent of discipline cases resolved in the intake and investigation phases. For cases resolved in the charging stage, average case processing times have increased.
- Despite improvements, OCTC's average case processing times do not meet the proposed case processing standards and the number of pending cases in backlog has continued to increase.
- OCTC requires additional resources to both reduce backlog and to perform at a level consistent with the goals set forth in the recommended case processing standards. The

State Bar recommends phasing in additional resources over a three-year period, enabling the Legislature to assess the progress made with each new cohort of staff and evaluate at that time the additional staff required.

## **KEY THEMES**

### **OCTC Has Made Progress in Efficiency and Effectiveness**

The report details some of the more significant changes that OCTC has implemented in recent years. One of the most significant was a staff reorganization, effective July 1, 2023, which saw the return of specialized enforcement teams, including teams dedicated to horizontal investigations (handing cases off after investigation for charging and trial), charging and trials, immigration-related cases, client-trust account related cases, and nonattorney unauthorized practice of law cases. In addition, effective January 1, 2024, OCTC expanded the use of expedited investigation procedures to nearly all investigations. The report catalogs 52 policy and program changes initiated since 2020. However, the report notes that some changes, though important to improve effectiveness (for example, changes to tighten conflict of interest procedures) may reduce efficiency.

As a result of these changes, coupled with increases in OCTC staff over the last six years, OCTC has improved the average case processing time for the majority of its cases. In particular, over the last two years (2022 and 2023) as compared to the previous four years analyzed in the SB 211 Report (2018 to 2021), average case processing times for cases resolved in the intake stage decreased by 17 percent and average case processing times for cases resolved after investigation decreased by 8 percent. Together, cases resolved in intake and investigation constitute 96 percent of OCTC's caseload.

In addition, improvements have also been made that affect individuals at the human level. In a recent survey, OCTC staff have expressed confidence that the recent OCTC reorganization and expedited procedures will lead to improvements in efficiency. OCTC has also made progress in optimizing its workforce, as evidenced by an overall 36 percent reduction in recruitment time and a 60 percent reduction in turnover rate over the past six years.

One factor that is often missing from these analyses is that the caseload processing standards only measure a part of the time spent by OCTC on cases and tasks. The standards track cases up to the point where a case is either closed by OCTC or filed with the State Bar Court. Although just four percent of cases make it to this final post-filing stage, they require around 20 percent of OCTC's staff resources based on the random moment survey results provided by OCTC staff.

### **We Are Still Not Meeting Our Goals, and in Some Cases Have Moved in the Wrong Direction**

Despite the improvements in case processing timelines, the case processing times in intake and investigation do not meet the proposed case processing standards. On average, cases resolved in intake take seven days longer than the 30-day proposed standard, while cases resolved after investigation take 30 days longer than the 180-day proposed standard. And, the average case processing times for cases resolved in charging have continuously increased, moving further away from the 300-day proposed standard.

The percentage of total cases resolved in backlog status has remained essentially unchanged over the last six years, with 27 percent of the total cases being resolved in backlog status in both 2018 and 2023. However, the percentage of pending inventory (cases open at year-end) in backlog status has increased at a concerning rate over the last six years, from 21 percent of the pending inventory in 2018 to 36 percent in 2023. Cases pending in the charging phase are of particular concern, with 71 percent of those cases in backlog status.

OCTC is taking a number of steps to address the increase in pending backlog and has set and is tracking progress towards what it believes is an attainable goal of reducing the pending inventory by 15 percent by year-end 2024. Further, because changes like the reorganization into specialized, not generalist, teams and expanding the use of expedited investigation procedures have only very recently been implemented, the statistics do not yet reflect the full impact of these and other operational changes.

### **Staff Resource Need**

To assess what would be needed to be able to meet the proposed case processing goals, the State Bar explored two different approaches—a refined linear projection model and a new random moment time study. At the suggestion of the LAO, different weights were applied to the different case types to better refine the amount of time required to process matters in OCTC. Both methods resulted in similar results for the staffing needed to meet the proposed case processing standards and reduce the number of pending cases in backlog status to 20 percent of pending inventory. The report estimates that 73 additional staff are needed for OCTC to achieve the proposed case processing standards and reduce pending backlog.

However, as required by Business and Professions Code section 6068.20, the State Bar has developed a recommendation for a Diversion Program for low-level violations, which would result in resolving some cases more quickly and diverting others entirely from having to come to OCTC. If the recommended Diversion Program is approved and funded, it would reduce the staffing need to 57 positions overall.

The State Bar recommends phasing in additional resources over a three-year period, enabling the full impacts of the most recent operational changes to be realized, the Legislature to assess the progress made with each new cohort of staff, and evaluate at that time whether the next new cohort of additional staff is still required.

## INTRODUCTION

The mission of the State Bar of California is to protect the public and includes the primary functions of licensing, regulation, and discipline of attorneys; the advancement of the ethical and competent practice of law; and support of efforts for greater access to, and inclusion in, the legal system.

The State Bar's Office of Chief Trial Counsel (OCTC) is responsible for investigating and prosecuting complaints of attorney misconduct. Complaints are most often received from former clients but are also submitted by opposing counsel or opposing parties, judicial officers, or others. In addition, complaints may be opened based on reports received from financial institutions regarding overages in an attorney's client trust account, self-reports about certain conduct, and court opinions highlighting the misconduct of attorneys. The State Bar may also open a disciplinary matter on its own initiative without receiving a complaint.

OCTC's processing of complaints about California-licensed attorneys is divided into three separate stages: intake, investigation, and charging. For cases that result in charges being filed, OCTC is responsible for prosecuting those matters in State Bar Court.

Based on data from the State Bar's most recently published [Annual Discipline Report](#), on average, OCTC opens approximately 15,000 discipline cases per year. Of these, approximately 60 percent are closed at the intake stage following review by intake attorneys. Cases that move beyond the intake stage are handled by teams of investigators, attorneys, paralegals, and other support staff, overseen by a supervising attorney. Approximately 36 percent of cases are closed in the investigation stage, while 4 percent proceed to the charging stage. A smaller, varying percentage of those cases that proceed to the charging stage result in the filing of charges in the State Bar Court.

Business and Professions Code section 6145.1, subdivision (b), added by Senate Bill 40 (Chapter 697, Stats. 2023), directs the State Bar to provide to the Board of Trustees, the Chief Justice of the Supreme Court, and the Assembly and Senate Committees on Judiciary, a progress report on OCTC's case processing standards that must include all of the following:

1. The status of changes made to case disciplinary processes and an assessment of how those changes are impacting case processing times;
2. A discussion of how concerns related to operational efficiency raised by the California State Auditor and the Legislative Analyst's Office have been addressed or are planned to be addressed;
3. An assessment of how recent case processing times compare [to the State Bar's proposed average case processing standards](#). This assessment shall also include data on the timeliness of the completion of the hearing stage in order to provide a comprehensive picture of case processing times; and
4. An assessment of how recent case processing times compare to the State Bar's proposed backlog standards, as well as the proposed standards calculated using pending

rather than closed workload as discussed by the Legislative Analyst's January 2023 report.

This report provides the required discussion and assessments. Part One discusses key changes to case disciplinary processes made within OCTC since 2020, including an assessment of how these changes have influenced case processing times and addressed concerns related to operational efficiency raised by the CSA and the LAO. Part Two compares recent case processing times and backlog performance (considering both resolved and pending backlog as discussed by the LAO's January 2023 report) to the State Bar's [proposed case processing standards](#). Part Three uses two different methodologies to estimate the staffing needed by OCTC to meet the proposed case processing standards and to reduce pending backlog.

## **PART ONE: ASSESSING THE EFFECTS OF CHANGES MADE TO THE DISCIPLINE SYSTEM TO IMPROVE OPERATIONAL EFFICIENCY**

Since 2020, OCTC has implemented significant changes to its organization, policies, and practices, driven by its own desire to improve its performance, as well as by concerns identified and recommendations and suggestions made by the CSA and LAO.

OCTC compiled a list of 52 policy, procedure, and organizational changes implemented since the beginning of 2020 (see Appendix A). This list includes changes implemented in response to the CSA's April 30, 2019, and April 29, 2021, (pre-*Girardi*), and April 14, 2022, and April 13, 2023, (post-*Girardi*), reports and suggestions in the LAO's January 2023 report addressing the State Bar's case processing standard proposal (see Appendix B).

This report identifies key changes from this list that are believed to have most directly impacted case processing efficiency. Staff used a mixed-methods approach to analyze the impact of each change. By examining both quantitative data (e.g., case processing times and case outcomes) and qualitative data (e.g., focus groups and open-ended survey responses), the report aims to provide as comprehensive an analysis of the OCTC changes as possible.

OCTC's many changes, necessary as they have been, have resulted in a near-constant state of flux, with staff having to be trained on and adjust to new policies, procedures, and team structures. This, along with the fact that simply not enough time has passed to rigorously evaluate the most recent changes, presents a methodological challenge when conducting a thorough assessment. As stated by the LAO in its January 2023 report, the "full impact of organizational and procedural changes will likely not be known in 2023." Given the limitations, this report seeks to show the overall trend of OCTC's case processing efficiency, describe the most significant changes made by OCTC since 2020, and, where possible, provide data to evaluate each change's impact on case processing. When this is not possible, this report seeks to identify key metrics to assess moving forward.

While many of OCTC's changes have sought to improve case processing times by making investigations and charging decisions more efficient, others, in response to concerns identified by the CSA and OCTC itself in the wake of *Girardi*, are targeted at improving case processing

effectiveness, that is, the independence, thoroughness, and accuracy of OCTC's investigations and case closure decisions. Certain changes to improve effectiveness may reduce efficiency. Therefore, where relevant, evaluation of each OCTC change will incorporate a discussion of its impact on both case processing efficiency and case processing effectiveness.

## **ADDRESSING EFFICIENCY CONCERNS RAISED BY THE CSA AND LAO**

Over the past several years, OCTC has made significant changes to address issues identified and recommendations made by the CSA and LAO.

### **Recommendations from the CSA's Four Audits**

Since 2019, the CSA has performed four audits of the State Bar, resulting in 13 CSA recommendations that directly relate to OCTC. CSA Report 2018-030 (issued April 30, 2019) contained three recommendations for OCTC "to operate more efficiently and reduce the backlog of discipline cases: (1) develop benchmarks delineating the duration of each step in OCTC's investigation process, (2) ensure consistency in the policy and guidance documents OCTC staff follow when performing investigations work, and (3) use OCTC performance measures and collected data going forward to evaluate its case processing goals and work with the Legislature to revise the 180-day statutory goal if necessary."

CSA Report 2020-030 (issued April 29, 2021) contained five recommendations for OCTC to ensure "it is operating efficiently," "determine if the changes to its discipline process have been effective," and "reduce its backlog of discipline cases": (1) assess the impact of its discipline system reorganization (which had changed its enforcement teams from specialists in specific categories of cases to generalists who reviewed complaints of all types), including determining how the changes have affected its ability to efficiently resolve cases and fulfill its mandate to protect the public, and determine whether additional changes to its organizational structure are warranted, (2) implement methods to monitor its enforcement process performance, including comparing its trial counsel staff's performance against its benchmarks, (3) develop and recommend an appropriate backlog measure and goal, including the number of days at which a case should be added to the backlog as well as a goal for the number of cases in the backlog, (4) determine the staffing level necessary to achieve that goal, and (5) work with the Legislature to establish this backlog measure and goal and to revise its reporting requirements accordingly and request additional resources required to meet the goal.

CSA Report 2022-030 (issued April 14, 2022) contained five recommendations for modifying OCTC operations to improve the effectiveness of its investigations: (1) revise OCTC policies to define specific criteria that describe which cases are eligible to be closed using nonpublic measures and which are not, (2) monitor compliance with its new policy for identifying the circumstances on which investigators should continue to investigate even if the complainant withdraws the complaint, (3) use the American Bar Association's data bank to identify attorneys disciplined in other jurisdictions who have not reported that discipline to the State Bar, (4) to more easily identify patterns of similar complaints made against attorneys, begin using its general complaint type categorizations when determining whether to investigate a complaint, and (5) create a formal process for determining and documenting in its cases files the



determination whether OCTC is able to objectively assess whether to close a complaint against an attorney on the conflict list or should instead refer it to an independent administrator.

CSA Report 2022-030 also contained five recommendations for modifying OCTC policies and procedures to improve the effectiveness of its review of complaints involving overdrafts and alleged misappropriations from client trust accounts: (1) discontinue its use of informal guidance for review of bank reportable actions and direct all staff to follow the policies established in its intake procedures manual, (2) revise its intake manual to disallow de minimis closures if the attorney has a pending or prior bank reportable action or case alleging a client trust account violation, (3) establish a monitoring system to ensure staff are following its policies for de minimis closures, (4) when investigating these complaints, require its staff to obtain both the bank statements and the attorney's contemporaneous reconciliations of the client trust account, and determine if the relevant transactions are appropriate, and (5) require a letter with client trust account resources be sent to the attorney after the closure of every bank reportable action.

CSA Report 2023-031 (issued April 13, 2023) contained two recommendations relating to the timeliness and impartiality of external disciplinary cases, that is, cases handled not by OCTC but by Special Disciplinary Trial Counsel (SDTC) as the result of OCTC having a conflict: (1) review the accuracy of the data in its Odyssey system for these cases and correct any errors, and (2) formalize the SDTC administrator's process for identifying her own and any external investigators' conflicts of interest related to these cases.

The State Bar has addressed the CSA recommendations outlined above, as described in detail in the State Bar's reports to the CSA on its implementation of these recommendations (see Appendix B). Many of the 52 policy, procedure, and organizational changes implemented by OCTC since 2020 were made in response to these recommendations. As noted, some of these changes are expected to increase OCTC's efficiency, while others directed primarily at OCTC's effectiveness may result in reductions in efficiency. Some of the CSA recommendations are addressed by the Legislature's passage of Senate Bill 211 (Chapter 723, Stats. of 2021), which directed the State Bar to propose updated discipline case processing standards. In October 2022, the State Bar submitted its proposal for new case processing standards.

### **Organizational Concerns Raised by Both the CSA and LAO**

In its report 2020-030 (issued April 29, 2021), the CSA raised the concern that OCTC's 2019 organizational change "converting OCTC trial teams from specialist teams that handle particular case types to generalist teams who generally handle all case types and promoting some of its most senior attorneys to full-time supervisors in 2017—significantly reduced the efficiency of the system by significantly increasing case processing times and the backlog of cases even with attorneys being disciplined at a significantly lower rate." In its January 2023 report, the LAO followed up on this, posing a key question for legislative consideration, "Are Changes to OCTC's Organization and Operation Needed?" The LAO report explained:

The Legislature will also want to consider whether changes to OCTC's current organization and operation are warranted. This is because how OCTC is structured



impacts how effectively and efficiently it operates. For example, the Legislature could prefer more specialized trial teams based on case type or approach (such as more expeditor teams) or the use of horizontal prosecution in certain case types or at certain stages of the disciplinary process. Specialized teams or specializing in particular tasks through the use of horizontal prosecution focuses staff work in particular areas, which could result in the processing of cases more efficiently and effectively as staff would be more familiar with how to investigate (such as what evidence is needed and how to obtain that evidence) and prosecute such cases.

OCTC responded to the organizational concerns identified by the CSA and LAO with a substantial reorganization effective July 1, 2023, which was subsequently modified effective January 1, 2024. As result of the reorganization, OCTC moved to investigation and trial teams specialized by case type and approach: (1) four teams (“horizontal investigation teams”) are tasked with handling the bulk of routine investigations, receiving those cases from intake and either resolving them after investigation or handing them off to the two pretrial/trial teams if it is determined they should move forward to charging; (2) two pretrial/trial teams are tasked with handling the filing of cases moved forward to charging by the horizontal investigation teams, (3) three teams (“vertical investigation/trial teams”) are tasked with handling the investigation and charging of cases (often more complex cases) for which there are benefits from having a single team assigned to the case from start to finish, receiving those cases from intake and handling them through resolution or trial; and (4) three teams are specialized by case type—immigration-related complaints, bank reportable actions and CTA-related complaints, and non-attorney unauthorized practice of law complaints.

As a part of the reorganization, OCTC eliminated its designated expedited investigation team and ceased designating individual staff as expeditors to conduct investigations of specially identified cases using expedited investigation techniques. Instead, given the success of these techniques in speeding investigations, effective January 1, 2024, OCTC issued a new policy directive that the expedited investigation procedures previously limited to cases assigned to expeditor teams would now be the norm for all horizontal investigation cases and the default in most vertical investigation cases unless a determination was made that more formal procedures are needed given the nature of the case.

Given the recency of these organizational changes, it is too early to evaluate the extent of improvement in overall case processing efficiency. Indeed, like many large-scale changes, the transition to a new organizational structure and accompanying new procedures required the reassignment of many cases, time, and training for staff to adjust to their new teams, procedures, and caseloads. During the transition period, effects on operational efficiency are likely to be negative, requiring evaluation of the actual effects on operational efficiency to wait until after the transition period. Furthermore, the major reorganization of OCTC also affects the ability to accurately evaluate the impact of other new policies and procedures, which may be masked or amplified by the reorganization.

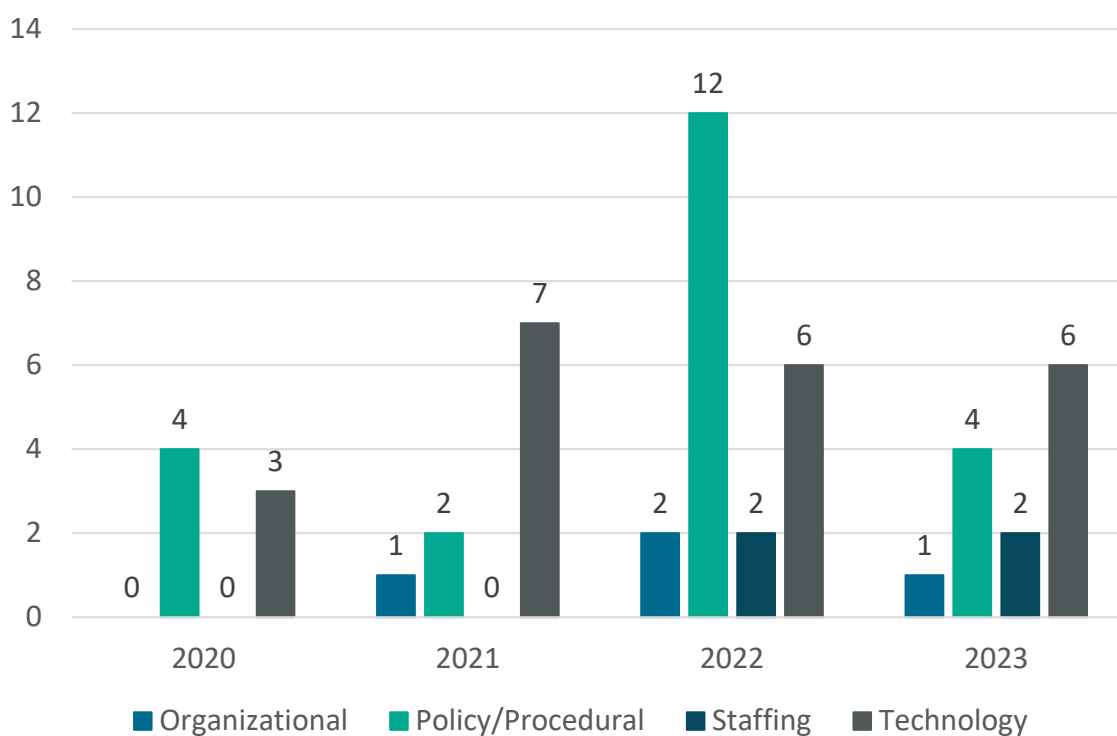
As OCTC moves out of the transition period from its recent reorganization, it can begin to evaluate the effect of the reorganization on overall case processing efficiency.

## OVERVIEW OF CHANGES AND STAFF FEEDBACK

As noted above, OCTC has identified 52 changes since 2020 to its organization, policies, and procedures, many of which were implemented in response to concerns identified and recommendations made by the CSA and/or LAO (see Appendix A). The 52 changes can be grouped into four main categories: organizational, policy/procedural, staffing, organizational, and technology. Each set of changes is described in more detail below. Most changes require staff training and acclimation time before their impacts can be meaningfully assessed.

Figure 1 shows the number of changes made within OCTC in each year from 2020 through 2023, sorted according to the four categories. By far the largest volume of changes occurred in 2022, with the implementation of 22 different changes. Many of these were policy/procedural changes made in response to recommendations in the CSA's April 2022 audit report.

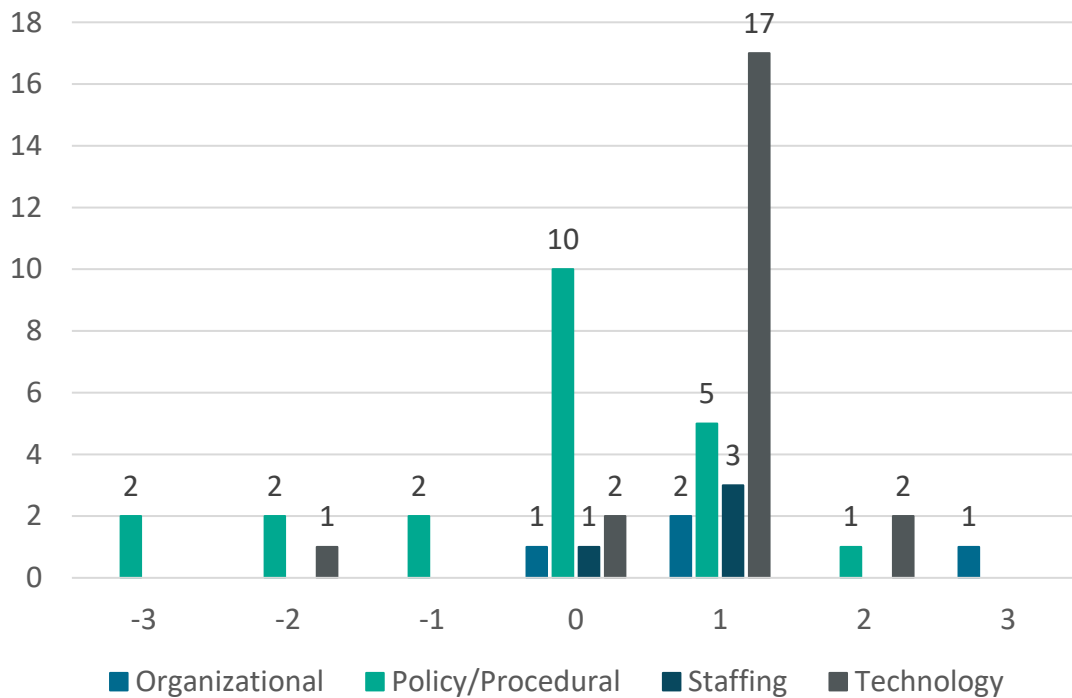
**Figure 1. Number of OCTC Changes by Type and by Year**



These changes vary in magnitude and impact on OCTC's case processing efficiency and effectiveness. For example, some technology changes have limited impact on overall case-processing efficiency and little or no impact on overall case-processing effectiveness. Other changes, however, such as the recent reorganization of OCTC, are expected to significantly impact both case processing efficiency and effectiveness. Still, other changes, such as the new requirements for conflict-of-interest checks by investigators and attorneys *both* at case assignment and case resolution, are expected to improve case processing effectiveness (by more thoroughly ensuring that case decisions are free from conflicts) but decrease case processing efficiency (by adding procedural steps that require time). The implementation

periods of many changes also overlap, leading to an interactive effect of multiple changes together. Given this complexity, it is difficult to isolate and assess the impact of individual changes on case processing efficiency. Nevertheless, figure 1.1 identifies OCTC’s expectations for the effect on case processing efficiency of each of the 52 changes across the four main categories on a seven-point scale of -3 (greatly decreasing efficiency) to 3 (greatly increasing efficiency), with 0 being the midpoint of no impact.

**Figure 1.1 Count of OCTC Changes by Expected Efficiency (2020-2023)**

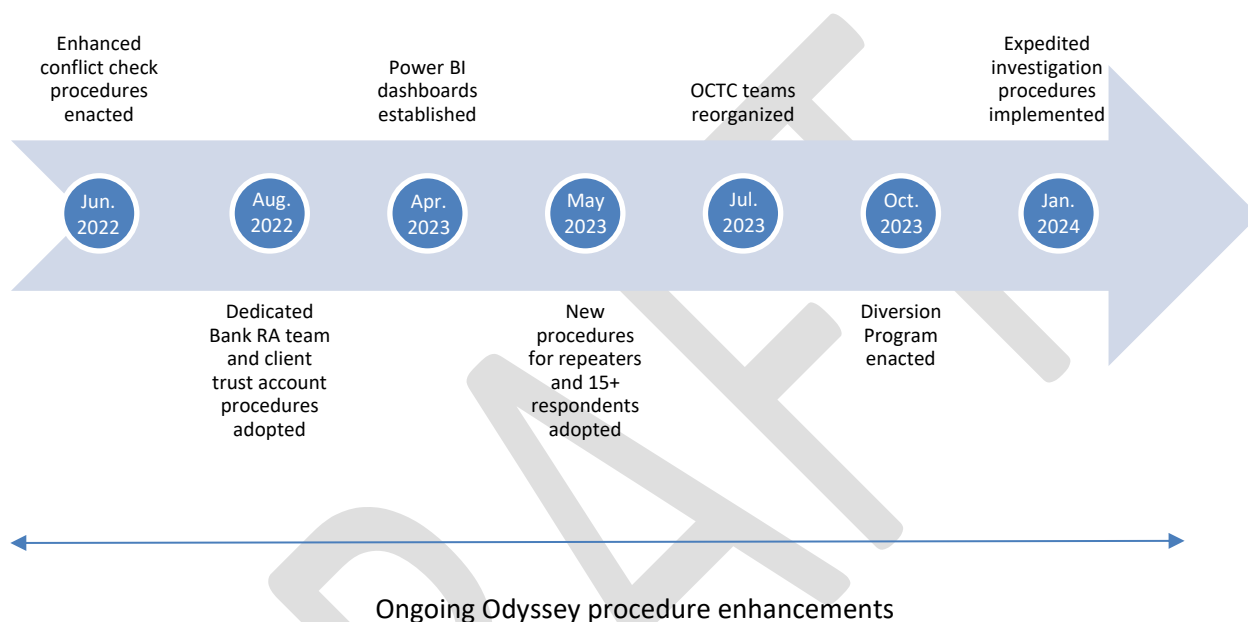


*Note: Expected efficiency ranges from -3 (very negative) to 3 (very positive) and is based on the Chief Trial Counsel’s evaluation.*

Feedback was provided by OCTC staff on seven of the most significant changes. These seven key changes are shown in figure 1.2 below. This section of the report describes these key

changes, summarizes staff feedback on the changes, and, where possible, provides an assessment of the effect of these changes on OCTC's case processing efficiency.

**Figure 1.2 Timeline of Seven Major OCTC Changes**



### Staff Survey Results

As noted above, assessing the effects of OCTC's many changes can be challenging. OCTC leadership identified seven key changes that may have the largest impact on the efficiency and effectiveness of staff to provide feedback. OCTC staff provided input via a survey conducted in the first week of February 2024.

In the survey, OCTC staff were shown the seven key OCTC changes and were asked to indicate which of the changes they experienced. For the rest of the survey, participants were only asked about changes that they had selected. Each participant then rated the changes along two dimensions: impact on efficiency (case processing speed) and effectiveness (independence, thoroughness, and accuracy). Both dimensions were rated on a scale of 1 to 5, with 1 being "Greatly decreased" and 5 being "Greatly increased." After assigning the ratings, each participant was shown a randomly selected change and asked to evaluate the impact of the change by rating their own case processing efficiency and effectiveness at each of the three time points: before the change (baseline), 0 to 12 months after the change (short-term effect), and 12+ months after the change (long-term effect). These ratings were also on a 1 to 5 scale, from "Very low" to "Very high." Staff were presented with three open-ended questions that asked for (1) suggestions to address pending backlog, (2) suggestions for streamlining work

processes, and (3) suggestions for improving and balancing case processing efficiency and effectiveness. The five-point Likert scale survey questions were analyzed by calculating average ratings, while the open-ended responses were thematically summarized through closed AI software.

The following tables present the results of the OCTC staff survey. Tables 1 and 1.1 show the extent to which staff felt each of the seven changes increased or decreased case processing efficiency. As seen in table 1, staff felt that the broader adoption of expedited investigation procedures had the largest positive impact on efficiency, with a mean rating of 4. The conflict of interest procedures and repeater and 15+ respondent procedures were the lowest rated changes, with staff indicating on average that these procedures had a slight negative impact on case processing speed, with mean ratings of 2.7 and 2.8, respectively. With regard to effectiveness, staff rated all changes above the midpoint score of 3 (neither decreased nor increased), suggesting that no changes negatively impacted perceived effectiveness. See table 1.1. Of all changes, the expedited investigation procedures were rated as having the greatest positive impact on case processing effectiveness, with a mean rating of 3.9.

**Table 1. Perceived Impact of OCTC Changes on Case Processing Efficiency**

Changes	Count	Mean	Std. dev.
New conflict of interest procedures in Odyssey	130	2.7	0.9
Updated procedures for bank reportable actions/client trust account cases	98	3.2	0.8
New Power BI tools	134	3.4	0.8
New procedures for repeaters and 15+ respondents	135	2.8	1.0
Diversion Program procedures	145	3.3	1.2
Reorganization of OCTC teams	160	3.3	1.2
Expedited investigation procedures	133	4.0	1.1

*Note: Rated on a scale of 1 to 5, from greatly decreased to greatly increased.*

**Table 1.1 Perceived Impact of OCTC Changes on Case Processing Effectiveness**

Changes	Count	Mean	Std. dev.
New conflict of interest procedures in Odyssey	120	3.2	0.7
Updated procedures for bank reportable actions/client trust account cases	99	3.4	0.7
New Power BI tools	130	3.4	0.8
New procedures for repeaters and 15+ respondents	129	3.3	0.9
Diversion Program procedures	139	3.5	0.9
Reorganization of OCTC teams	148	3.4	1.1
Expedited investigation procedures	127	3.9	1.0

Table 1.2 shows the impact over time of each of the seven changes. Staff rated their individual case processing efficiency and effectiveness at three-time points, with the impact of the specific change in mind. Consistent with the findings in the previous tables, staff rated the conflict of interest procedures and repeater and 15+ procedures as having a negative impact on their case

processing efficiency. On the other hand, the reorganization was rated as having a positive impact on efficiency, and the expedited investigation procedures were perceived to have a positive impact on both efficiency and effectiveness. The other changes, including the Diversion Program, Bank RA Pilot Program, and Power BI Dashboards, were rated as having no real perceived change in case processing efficiency or effectiveness.

**Table 1.2 Staff's Perceived Impact of Changes on Case Processing: Before, Short-Term, and Long-Term**

Change	Outcome	Before	0 to 12 months after	12+ Months after	Net change
Reorganization	Efficiency	3.3	3.8	4.1	0.8
	Effectiveness	3.4	3.2	3.5	0.1
Diversion Program	Efficiency	3.3	3.1	3.4	0.1
	Effectiveness	3.7	3.5	3.8	0.1
Bank RA pilot program	Efficiency	3.6	3.6	3.6	0.0
	Effectiveness	4.0	4.0	4.1	0.1
Power BI dashboards	Efficiency	3.5	3.4	3.7	0.2
	Effectiveness	3.7	3.6	3.9	0.2
Conflict of interest procedures	Efficiency	3.6	3.2	3.2	-0.4
	Effectiveness	3.6	3.5	3.5	-0.1
Repeater and 15+ procedures	Efficiency	3.9	3.2	3.3	-0.6
	Effectiveness	3.9	3.7	3.9	0.0
Expedited investigation procedures	Efficiency	3.0	3.7	4.2	1.2
	Effectiveness	3.3	3.8	4.1	0.8

Along with their numerical ratings of each change, staff also provided open-ended responses to three questions asking about (1) backlog, (2) streamlining processes, and (3) improving case processing.

**Backlog:** Staff identified the need for increased staffing, noting that increasing caseload has impacted the proportion of cases going into backlog. They also identified the need for streamlining procedures.

*"Hiring more staff to handle more investigations and processing of cases. Retention policies also a critical factor at the State Bar."*

*"Expedited procedures in Odyssey. Less entries necessary since the system is slow when processing new information. Only include relevant information and have a consistent expediting team."*

**Streamlining Processes:** Staff reported that increased staffing would naturally streamline processes, that further streamlining is needed, and that staff could benefit from higher quality and more frequent training.

*"Hiring more attorneys and investigators would automatically streamline everything because our workloads would be significantly lighter. We're trying to work down older cases while new ones keep piling on."*

*“We need to further streamline Odyssey procedures and grant more authority to staff regarding resolution of cases in hopes of eliminating the levels of approval necessary for resolutions.”*

*“Again, training could use improvement. A one-time class where we listen and observe doesn’t work for many of us who need hands-on training.”*

**Improving Case Processing:** Staff indicated frustrations with insufficient staffing, inefficient processes, disruptions from constant change, and overwhelming caseloads.

*“Like a quarterback and receiver, investigator efficiency depends on their relationship with their [Legal Advisors]. My biggest frustration is the constant transfers of people and teams, breaking up the momentum and relationship built that increase dispositions.”*

*“New investigator, trial counsel and corresponding administrative support positions need to be created so that caseloads for existing staff can be reduced to manageable levels and meritorious cases can be handled appropriately to protect the public.”*

*“Again, training could use improvement. A one-time class where we listen and observe doesn’t work for many of us who need hands-on training.”*

## Specific Changes

Below are more detailed discussions of the seven changes with a brief description of each change, an assessment of the effect of the change based on data (if data is available), and the staff evaluation of the change.

### Reorganization of OCTC (January 2024)

**Description:** Effective January 2024, OCTC completed a reorganization of its investigation and trial teams. Prior to the reorganization, the majority of the teams were generalist teams that handled all types of cases from investigation through charging and trial. Following the reorganization, the majority of teams are specialized by case type and approach, as described in detail above. The goal of the reorganization was to increase case processing efficiency and effectiveness by having staff more familiar with particular types of cases assigned to handle those cases. In addition, the move to horizontal investigation teams for the majority of investigations was intended to improve efficiency by ensuring that attorneys on those teams would remain available to closely collaborate with investigators in determining and executing necessary investigative steps and would not be drawn away and rendered unavailable by the need to charge and try cases resulting from the investigations.

**Assessment:** The relatively recent completion of the reorganization, coupled with the significant transition time needed to reassign cases and complete cases assigned while working under the prior team structure means that it is too soon to generate meaningful data regarding the effects of the reorganization.

**Staff Survey Feedback:** When asked about the impact of the reorganization on case processing, OCTC staff reported they thought there was a slight improvement in efficiency (3.3) and



effectiveness (3.4), based on the five-point Likert scale. When asked about how the reorganization has impacted case processing in the short term and long term, staff reported an improvement in efficiency, from 3.3 to 3.8, in the first year, and an expected improvement to 4.1 in the long term. These findings are consistent with the expectation within OCTC that staff will need time to adjust to the new team structures and functions. It is anticipated that six months after the completion of the reorganization, fuller impacts in efficiency improvement will be realized, with improved average case processing times. Staff reported no meaningful perceived change in case processing effectiveness as a result of the reorganization in either the short or long term.

### **Diversion Program (October 2023)**

*Description:* Effective October 23, 2023, using existing staff, OCTC implemented a pilot Diversion Program under which OCTC may resolve cases involving minor violations without discipline where it is determined that the attorney does not pose a significant risk of harm to their clients or the public. Typically, the resolution is in the form of a diversion agreement under which if the attorney complies with specific conditions intended to address the causes of the alleged misconduct (e.g., educational or practice management requirements), OCTC agrees to close the complaint without discipline. In certain instances, OCTC also diverts cases using a warning letter, with the only condition being that, during the diversion period, the respondent remains free from a new complaint that proceeds through investigation to charging. To determine eligibility for diversion, OCTC applies a set of predetermined disqualifying factors.

*Assessment:* OCTC is piloting its Diversion Program with existing staff using two paralegals who have been assigned part-time (in addition to their other work) to monitor compliance with diversion conditions. With only four months between the implementation of the Diversion Program and the time at which data was run for this report, the State Bar lacks the necessary data to evaluate its impact on case processing. Many cases selected for diversion have already been in OCTC's discipline system for significant lengths of time and therefore provide an inaccurate picture of the timeline for diversion cases. Furthermore, all current diversion cases that have been conditionally closed (pending compliance with the specified diversion conditions) have not reached the end of the specified diversion term (the default diversion term is 270 days) by which respondents are typically required to have completed their diversion conditions. Once meaningful data is available, the State Bar will assess the impact of the Diversion Program on case processing efficiency and effectiveness by analyzing both changes in case processing times and in recidivism rates of Diversion Program participants. The latter will take longer to observe as it will require an assessment of whether successful diversion participants sustained additional complaints or discipline over a period of time.

Despite the short time frame, we can report that from the inception of OCTC's pilot on October 23, 2023, through February 29, 2024, 213 cases involving 194 attorneys have been identified for participation and moved to some stage in the Diversion Program. Of these 213 cases, diversion was offered but rejected in 36 cases.

*Staff Survey Feedback:* When asked how the implementation of the Diversion Program has impacted case processing, OCTC staff reported a small improvement in both efficiency (3.3) and

effectiveness (3.5). However, short- and long-term ratings of the Diversion Program showed no perceived meaningful change between case processing before diversion, in the short term, or the long term.

### **Bank Reportable Action and Client Trust Account (CTA) Specialized Team (August 2022)**

*Description:* As a pilot program, a specialized Bank RA/CTA team was implemented in August 2022 with the goal of improving the handling of investigations related to client trust accounts. The implementation of the pilot program was accompanied by changes in criteria for de minimis closures of bank reportable actions that increased the likelihood of those cases moving to investigation, as well as changes to procedures for investigating these cases that required the obtaining of bank records and attorney reconciliations for relevant transactions. Evaluation of the pilot program in early 2023 confirmed that the program had accomplished its intended objectives in that the specialized pilot team: (1) processed investigations more quickly, (2) issued more warning and resource letters, and (3) slightly increased the proportion of cases charged. Given the favorable results of the evaluation of the pilot program, the specialized team became permanent effective July 1, 2023, as part of OCTC's broader reorganization.

*Assessment:* The new procedures put in place in conjunction with the Bank RA/CTA Pilot Program have increased the frequency of bank reportable action cases moving forward from intake to investigation. Instead of 73 percent being closed in intake, now 73 percent of bank reportable action cases undergo investigation, which includes securing bank records through a subpoena to the financial institution and undertaking more scrutiny of account activities. CTA cases based on complaints filed by complaining witnesses have not seen a significant change in the proportion forwarded to investigation. The outcomes of bank reportable action cases have also changed over time, with a larger number receiving either resource or warning letters. In future years, the effectiveness of these types of letters as a deterrent will be evaluated by examining recidivism rates and collecting respondent survey feedback.

*Staff Survey Feedback:* When asked about their perceptions of how the Bank RA/CTA Pilot Program has impacted case processing, staff reported a small positive impact on efficiency (3.2) and effectiveness (3.4). Staff reported no perceived change in either their own efficiency or effectiveness from before the program's implementation, in the short term, and in the long term.

### **Power BI Dashboard Creation (November 2022 and April 2023)**

*Description:* In 2022, OCTC set out to improve its case processing through the introduction of Power BI dashboards. Power BI is an interactive data visualization tool developed by Microsoft that allows users to connect data sources and create reports and dashboards that present data in multiple ways. Using case data from the case management system (Odyssey), two Power BI dashboards were created: (1) Inventory Report Dashboard, and (2) Prior Complaints Dashboard. The Inventory Report Dashboard, implemented in April 2023, allows viewers to see the current caseloads of individual teams and staff members and is updated on a weekly basis to provide key case information for all pending OCTC cases. Since its implementation, features have continued to be added, including a case management tool that now allows viewers to monitor

the status of criminal conviction and diversion cases. OCTC staff use this information to monitor and prioritize case work on both an individual and team basis. The Prior Complaints Dashboard, implemented in November 2022, allows users to see the complaint and discipline histories of respondents, grouped using general complaint type categorizations. OCTC staff use this information to more easily and quickly identify respondents who have patterns of particular types of misconduct that may indicate that the current complaint against them should receive stricter scrutiny.

*Assessment:* Given that the Power BI dashboards are used primarily for monitoring and prioritizing work on particular cases, it is difficult to assess their direct impact on case processing efficiency or effectiveness.

*Staff survey feedback:* When asked about how the use of Power BI dashboards has impacted case processing, OCTC staff reported a slight improvement in both efficiency (3.4) and effectiveness (3.4). Staff indicated that the Power BI dashboards had no effect on their own efficiency and effectiveness in the short term but will likely have a small positive impact in the long term.

### **Policy and Procedural Changes (2020–2024)**

*Description:* Since 2020, OCTC has implemented a number of policy and procedural changes that affect the ways in which it processes cases. Some of these changes, such as the updated conflict of interest procedures and policies for repeater cases, have added extra procedural requirements and steps intended to improve effectiveness by ensuring that investigations are independent, thorough, and complete. In some instances, these changes have negatively affected case processing efficiency. On the other hand, other policy and procedural changes have done the opposite, removing unnecessary procedures that hampered case processing efficiency while not contributing significantly to case processing effectiveness. A notable example is the recent adoption of expedited investigation procedures as the norm for most investigations.

OCTC identified three policy and procedural changes as those with the most significant expected impact on case processing efficiency and effectiveness:

- **New Conflict of Interest Procedures (June 2022):** OCTC implemented new procedures requiring that all investigators and attorneys do a comprehensive conflict of interest check and record the results of this conflict check in Odyssey at two different times when assigned a case and before closing or otherwise resolving the cases. The purpose of the check is to ensure that any conflicts of interest are identified before action is taken on cases and that the case file (as maintained in Odyssey) contains the results of the conflict checks. These procedures were adopted in response to a recommendation from the CSA. They were expected to increase case processing effectiveness (by ensuring that case decisions are free from conflicts of interest) but decrease case processing efficiency (because they add procedural steps that must be completed in every case).

- **New Repeater Respondent Procedures (July 2023):** OCTC implemented new procedures regarding the assignment of repeater respondents (attorneys subject to a current complaint who have another complaint pending or closed within the past 90 days) and requiring attorneys to identify respondents with 15+ complaints within the past five years and subject any current complaint against such respondents to stricter scrutiny. The purpose of these changes is to identify and appropriately address respondents whose complaint histories suggest that they may pose a greater risk. These procedures were adopted in response to recommendations from the CSA. They were expected to increase case processing effectiveness but decrease case processing efficiency.
- **Expansion of Expedited Investigation Procedures (January 2024):** As referenced above, in conjunction with its recent reorganization, OCTC expanded its use of expedited investigation procedures that eliminate some formal procedures while insisting on closer collaboration between attorneys and investigators in determining and executing necessary investigative steps. The purpose of these changes is to increase both case processing effectiveness and case processing efficiency.

*Assessment:* In the aggregate, these policy and procedural changes have a mixed effect on case processing efficiency and effectiveness. As a collective set of changes, there is no direct causal assessment to be made of the impact on case processing efficiency. The State Bar expects, however, that the overall impact of these changes will be reflected in the overall case processing times for 2023 and beyond.

*Staff Survey Feedback:* Staff reported that the new conflict of interest procedures and the procedures for repeater and 15+ complaint respondents both negatively impacted case processing efficiency. Additionally, staff felt that these two new procedures had little to no improvement in effectiveness. Staff, however, felt very positive about the new expedited investigation procedures, reporting short-term improvements in both case processing efficiency and effectiveness, and predicted even larger improvements in both in the long term. Additionally, staff included open-ended comments encouraging even more procedures to be streamlined.

## **AN OVERALL ASSESSMENT OF THE CHANGES**

To evaluate the overall performance of OCTC, the total workload needs to be taken into account. As shown in table 1.3, case types that are subject to the State Bar’s case processing standards proposal (referred to as SB 211 cases) constitute 92 percent of the cases that OCTC opened and 86 percent of cases that OCTC resolved (closed or filed) in 2023. Table 1.4 provides information on the types of cases opened each year. It is important to note that when examining OCTC’s efficiency, a significant number of cases are omitted from the reported case processing resolution counts and times (“non-SB 211 cases”). These cases, while differing procedurally from SB 211 cases, still require significant resources and time from OCTC staff. For instance, some case types, such as reinstatement and criminal conviction cases, may require a

trial in the State Bar Court. Others, such as unauthorized practice of law (UPL) cases, have an entire team dedicated to processing them. See Appendix C for details of the case types.<sup>1</sup>

**Table 1.3 Overall OCTC Workload, 2018-2023**

Case categories		2018	2019	2020	2021	2022	2023
SB 211 case types	Pending at year start	5,188	5,854	7,015	5,784	5,910	7,320
	Opened during	16,130	17,280	15,174	14,790	15,891	16,779
	Closed during	15,463	16,119	16,405	14,664	14,481	14,792
	Pending at year end	5,854	7,015	5,784	5,910	7,320	9,307
Non-SB 211 case types	Pending at year start	632	791	3,003	3,900	3,833	2,662
	Opened during	1,219	3,650	2,847	1,482	1,131	1,291
	Closed during	1,060	1,438	1,950	1,549	2,302	2,101
	Pending at year end	791	3,003	3,900	3,833	2,662	1,852
Total	Pending at year start	5,820	6,645	10,018	9,684	9,743	9,982
	Opened during	17,349	20,930	18,021	16,272	17,022	18,070
	Closed during	16,523	17,557	18,355	16,213	16,783	16,893
	Pending at year end	6,645	10,018	9,684	9,743	9,982	11,159

**Table 1.4 OCTC Workload by Case Category, 2018-2023**

Case type	2018	2019	2020	2021	2022	2023
Complaints & State Bar initiated inquiries	12,840	13,880	12,781	12,430	13,171	14,219
Reportable action, bank	2,099	1,806	1,175	1,159	1,397	1,281
Reportable action, not bank	544	584	461	485	461	507
Criminal conviction matters	305	2,623	2,105	747	282	295
Unauthorized practice of law	696	797	606	558	732	882
Immigration matters	682	641	444	442	492	517
Other*	183	599	449	451	487	369
Total cases	17,349	20,930	18,021	16,272	17,022	18,070

\* Includes various case types that typically require a disproportionate amount of investigations or procedures, such as moral character, reinstatement, and petitions for involuntary enrollment as inactive (B&P sec. 6007).

To assess how OCTC changes are impacting case processing times, this report presents the performance of OCTC's case processing system in two dimensions: productivity and efficiency. Productivity is operationalized as the number of SB 211 cases resolved each year in each of the

<sup>1</sup> The case processing standards were proposed for and derived from data for only cases of the types reported in tables SR 1B and 2 of the Annual Discipline Report, that is: complaints, state bar-initiated inquiries, and reportable actions (self and other). These types of cases are referred to as "SB 211 cases." SB 211 cases exclude the following types of cases reported in table SR 1A and elsewhere in the Annual Discipline Report: criminal conviction cases, unauthorized practice of law, interim suspensions, moral character, resignations with charges pending, and reinstatements. In a given year, SB 211 cases typically account for 88 to 94 percent of OCTC's total caseload, with the majority of non-SB 211 cases being criminal conviction cases.

six SB 211 case categories. A case can be resolved either through closure in intake, investigation, or charging, or through filing of charges in State Bar Court.

The second dimension, efficiency, is operationalized as the cumulative average time to resolution in each of the six SB 211 case categories. The SB 211 proposal sorted OCTC cases into six categories, for each of which it proposed a target cumulative average case processing time from receipt to resolution (closure or filing). See Part Two for a more thorough description of each of these six categories.

The SB 211 proposed case processing standards were derived from OCTC case processing data for 2018 through 2021. As a follow-up assessment, this report compares OCTC's case processing performance for the two most recent years (2022 and 2023) with the four years on which the SB 211 proposal's analyses were based (2018–2021).

### Case Resolution Counts (Productivity)

The following tables and figures show the number of cases resolved by year within each of the six SB 211 case categories. As shown in figure 1.3 below, the total number of cases resolved in 2023 (13,995) almost returned to the level resolved in 2018 (14,305). Overall, OCTC's productivity remained unchanged.

**Figure 1.3 Number of Cases Resolved by Year**

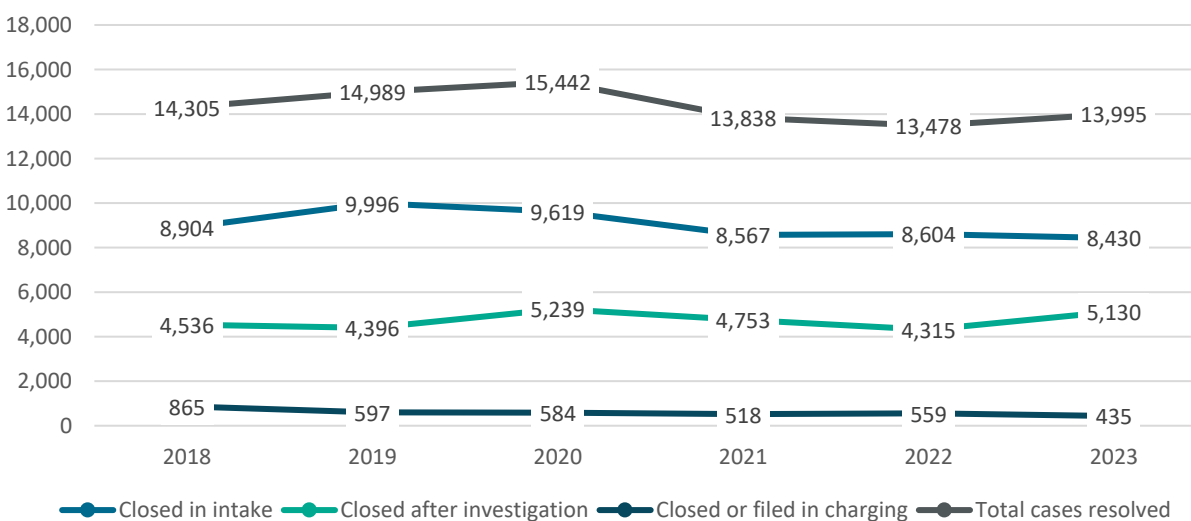


Table 1.5 displays the number of cases resolved in each SB 211 category as a percentage of total cases closed. It shows a decrease in the percentage of cases closed during intake, and an increase in the percentage of cases closed during investigation, particularly in 2023. This shift appears attributable to the implementation of new policies and procedures intended to ensure that certain types of cases posing potential risks of public harm are not prematurely closed before investigation. For example, as described above, OCTC adopted new closure guidelines that make it more likely that cases involving CTA-related misconduct and cases involving attorneys with 15+ closed complaints within the last five years will move to investigation.



**Table 1.5 Proportion of Cases Resolved in Each SB 211 Case Category**

Case category	2018–2021* (%)	2022–2023 (%)	2022 (%)	2023 (%)
1. Closed in intake	63.3	62.0	63.8	60.2
2. Closed after investigation: higher RPP, noncomplex cases	3.7	3.3	3.0	3.7
3. Closed after investigation: lower RPP, noncomplex cases	16.7	16.4	15.6	17.3
4. Closed after investigation: higher RPP, complex cases	2.1	2.8	2.6	3.1
5. Closed after investigation: lower RPP, complex cases	9.7	11.8	10.9	12.6
Investigation total	32.3	34.4	32.0	36.7
6. Closed or filed in charging	4.4	3.6	4.1	3.1
OCTC total	100.0	100.0	100.0	100.0

\*The numbers presented for 2018–2021 and 2022–2023 represent the average.

### Average Case Processing Time (Efficiency)

The State Bar’s proposed case processing standards set cumulative average time standards for cases resolved in three case processing stages: intake, investigation, and charging. Comparing the average times to resolution for 2022–2023 with those for 2018–2021, OCTC improved case processing times for five of the six case categories (see table 1.6), including cases closed in intake (from 42 days to 35 days), high-risk noncomplex cases closed after investigation (from 169 days to 132 days), low-risk noncomplex cases closed after investigation (from 196 days to 163 days), high-risk complex cases closed after investigation (from 248 days to 226 days), and low-risk complex cases closed after investigation (from 307 days to 300 days). Cases closed in these categories make up the overwhelming majority (roughly **96 percent**) of SB 211 cases handled by OCTC.

For cases resolved in charging, however, average case processing times have increased by 25 percent from 2018–2021 to 2022–2023 (from 450 to 567 days).

**Table 1.6 Average Case Processing Time (Days)**

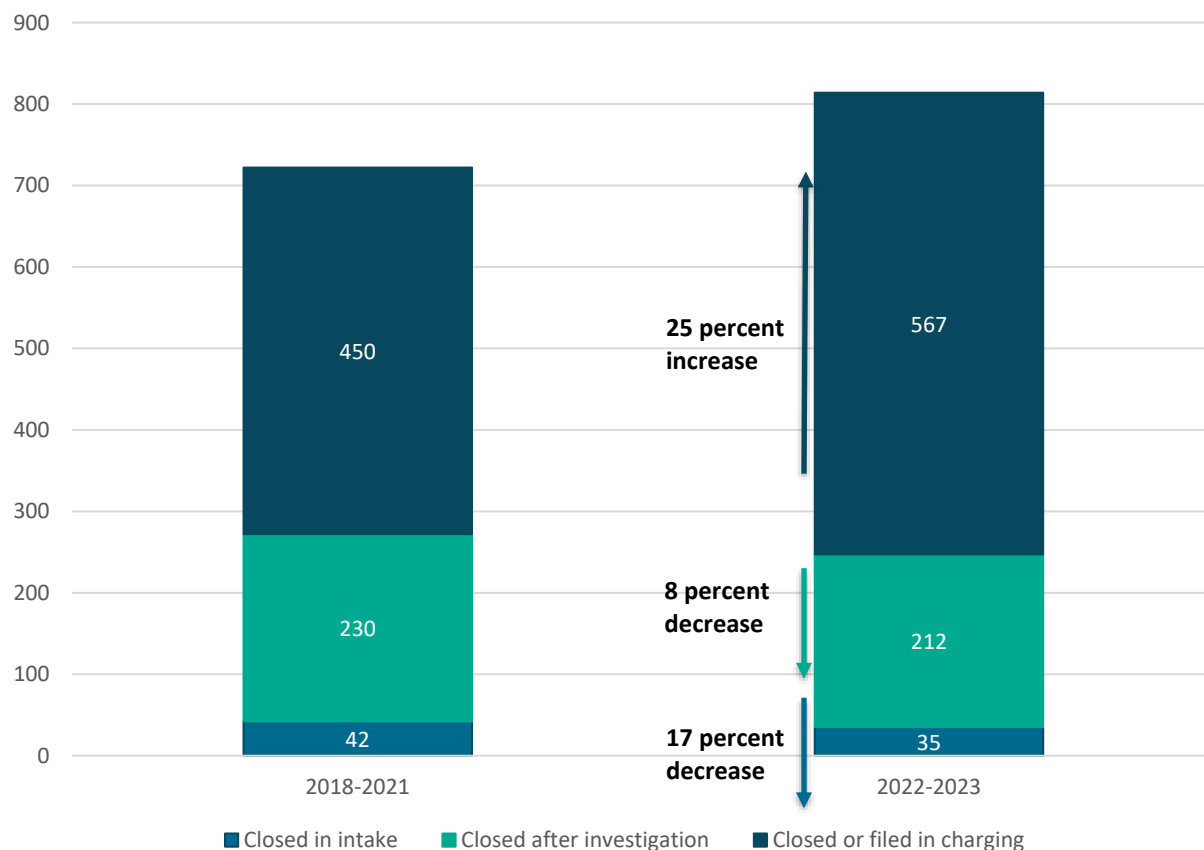
Case category	2018–2021	2022–2023	Percent change
1. Closed in intake	42	35	-17%
2. Closed after investigation: higher RPP, noncomplex cases	169	132	-22%
3. Closed after investigation: lower RPP, noncomplex cases	196	163	-17%
4. Closed after investigation: higher RPP, complex cases	248	226	-9%
5. Closed after investigation: lower RPP, complex cases	307	300	-2%
6. Closed or filed in charging	450	567	25%

Overall, comparing the SB 211 reporting period (2018–2021) with the post-SB 211 period (2022–2023), the data shows a 17 percent reduction in average case processing time for cases closed in intake, an 8 percent reduction in average case processing time for cases closed after



investigation, and a 25 percent increase in average case processing time for cases resolved (closed or filed) in charging (See figure 1.4).

**Figure 1.4 Pre- and Post-SB 211 Average Case Processing Times (Days)**



## PART TWO: OCTC PERFORMANCE AND BACKLOG RELATIVE TO PROPOSED STANDARDS

In 2021, SB 211 added subdivision (b) to Business and Professions Code section 6094.5 directing the State Bar of California to propose new case processing standards for competently, accurately, and efficiently resolving cases within OCTC. Following the guidance of the statute, the State Bar reviewed prior reports from the LAO and CSA, considered case processing standards in six other states, consulted with state and national experts on attorney discipline, conducted research into reasonable public expectations for attorney discipline, and reviewed OCTC’s then-current case processing operations.

In October 2022, the State Bar submitted its [proposal](#) for new case processing standards and outlined three key factors influencing the time it takes to process cases: the stage in which a case is closed, the complexity of a case, and the risk to public protection of the alleged misconduct. Based on these factors, the State Bar defined six categories of discipline cases: cases closed in intake; high-risk, noncomplex cases closed after investigation, high-risk, complex

cases closed after investigation; low-risk, noncomplex cases closed after investigation; low-risk, complex cases closed after investigation; and cases resolved (closed or filed) in charging.

For each of these case categories, an average time to resolve a case was calculated after considering a summation of the time needed to complete necessary procedures of each stage, elimination of idle time in which cases sit without meaningful action, and consideration of what is seen as reasonable by the public. These average times represent the expected cumulative time that a case should spend in the State Bar disciplinary system, from the date a complaint is received to the date a case is resolved through closure or the filing of charges in State Bar Court.

In addition, section 6094.5 required the State Bar to propose a new backlog metric for case processing. After conceptualizing an idealized normal distribution curve that reflected improved efficiency in OCTC's slowest cases, the State Bar proposed a two-part backlog standard, setting both a target time for case resolution and a threshold for how many cases should be resolved within the target time.

Following its review of the State Bar's proposed case processing standards, the LAO raised several questions regarding the reasonableness of these standards, including whether the target times and backlog threshold were too aggressive. Recognizing these concerns, the following section compares OCTC's current case processing performance with the proposed case processing standards.

## RECENT CASE PROCESSING TIMES COMPARED TO PROPOSED STANDARDS

Table 2 compares OCTC's case processing performance for the most recent year (2023) with the proposed case processing standards for each of the six case categories.

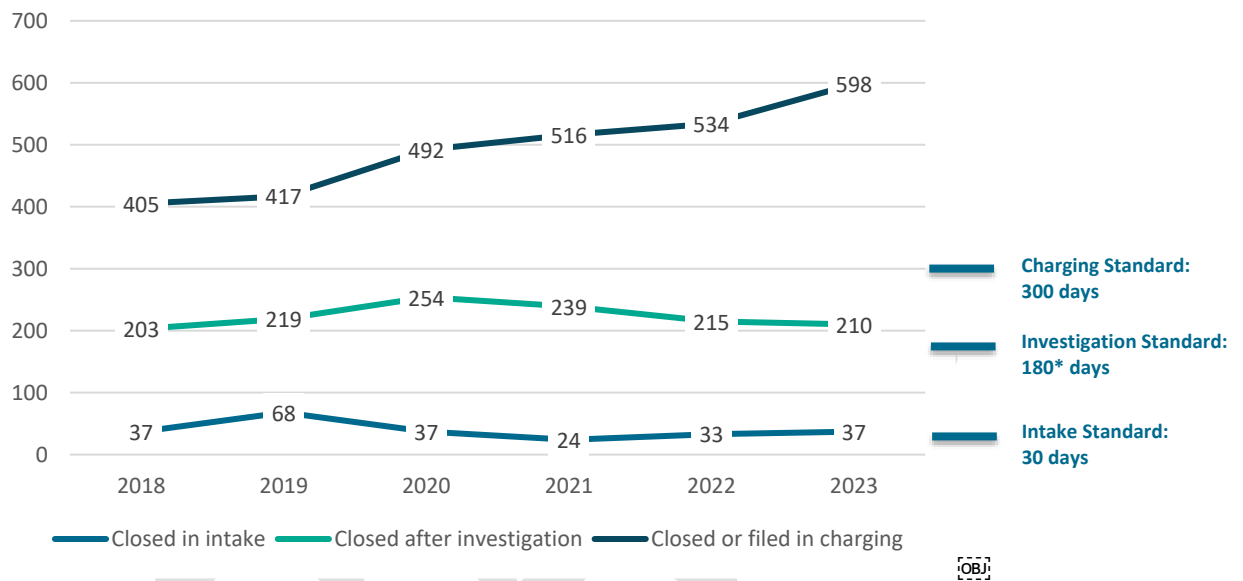
**Table 2. Case Processing Times Compared with Proposed Standards (Days)**

Case category	2018–2021	2022–2023	2023	SB 211 standard	Gap from standard
1. Closed in intake	42	35	37	30	7 (23%)
2. Closed after investigation: higher RPP, noncomplex cases	169	130	130	120	10 (8%)
3. Closed after investigation: lower RPP, noncomplex cases	196	164	169	150	19 (13%)
4. Closed after investigation: higher RPP, complex cases	248	226	225	180	45 (25%)
5. Closed after investigation: lower RPP, complex cases	307	300	286	210	76 (36%)
6. Closed or filed in charging	450	562	598	300	298 (99%)

As seen in figure 2, which for ease of comparison collapses closed after investigation into one category, OCTC's performance relative to the proposed case processing standards depends on the stage in which cases are closed. Cases closed in intake and after investigation are closest to

the proposed standards, no more than 25 percent above the proposed average case processing time. Cases resolve in charging, however, demonstrate a much larger gap between actual and proposed processing times. These cases, which make up only about 4 percent of OCTC’s SB 211 caseload, are closed in nearly double the amount of time (598 days) of the proposed standard (300 days).

**Figure 2. Average Case Processing Time for Cases Closed in Intake, Investigation, and Charging Relative to the Proposed Standards (Days)**



*\*Note: There is no official SB 211 standard for investigation cases at the aggregate level. OCTC uses an internal standard of 180 days, derived from the four SB 211 standards for investigation cases, to monitor and evaluate its day-to-day case processing benchmarks.*

Table 2.1 provides data on the completion of the hearing stage (after charges are filed in State Bar Court). The first row of table 2.1, cumulative time, represents the total time a case spends in the State Bar disciplinary system, from the initial date that a complaint is filed to when it is closed in the hearing department or forwarded to the review department. The second row of table 2.1, non-cumulative time, represents the time a case spends, on average, in the hearing stage at State Bar Court.

As seen in the bottom row of table 2.1, the time that cases spend in the hearing stage at State Bar Court is stable across the past six years, indicating that the increase in cumulative time through hearing is attributable to the increase in the average time OCTC takes to file charges.

**Table 2.1 State Bar Court Average Case Processing Time (Days)**

Case category	2018–2021	2022–2023	2022	2023
7. Closed in hearing or forwarded to review (cumulative)	659	821	814	828
7. Closed in hearing or forwarded to review (noncumulative)	189	183	190	177

## RESOLVED BACKLOG AND PENDING BACKLOG

Along with new average case processing time standards, the State Bar also proposed a new backlog metric for SB 211 cases. Using the same set of six case categories, the State Bar proposed backlog standards equating to 150 percent of the average case processing time targets, with a goal of having no more than 10 percent of cases reach backlog. Put another way, at least 90 percent of cases should be resolved prior to reaching the backlog timeline standard. In previous State Bar reports, the number and average age of cases closed in backlog have been the primary metrics reported. As identified by the LAO’s January 2023 report, however, cases that remain open in intake, investigation, or charging at year-end and are in backlog status (defined as “pending backlog” for this analysis) also serve as an important indicator of OCTC’s efficiency. To account for this, the current report includes statistics for both closed and pending backlogs and assesses the state of OCTC’s backlog using four key metrics:

1. Percent of cases resolved in backlog;
2. Average case processing time of cases resolved in backlog;
3. Percent of cases pending in backlog; and
4. Average case processing time of cases pending in backlog.

## Percent of Cases Resolved in Backlog

Tables 2.2 and 2.3 report the number and percentage of cases resolved in backlog, including any cases closed in a total time longer than 150 percent of the average case processing time. As seen in table 2.2, none of the six OCTC case categories are meeting the proposed standard of 10 percent or fewer cases in backlog. Overall, 28 percent and 27 percent of OCTC cases were resolved in backlog during 2022 and 2023, respectively. Examining trends at the case category level, intake cases and noncomplex investigation cases have the fewest proportion of cases in backlog (19–25 percent), while complex investigation and charging cases have more (28–58 percent). When comparing the pre-SB 211 (2018–2021) and post-SB 211 (2022–2023) periods, the percentage of intake and noncomplex investigation cases closed in backlog has decreased. The proportion of complex investigation cases closed in backlog is essentially unchanged, and the proportion of charging cases resolved in backlog has increased.

**Table 2.2 Resolved in Backlog as a Percent of Total Resolved Closed Cases**

Case category	2018–2021 (%)	2022–2023 (%)	2022 (%)	2023 (%)
1. Closed in intake	34	25	26	24
2. Closed after investigation: higher RPP, noncomplex cases	36	23	19	25
3. Closed after investigation: lower RPP, noncomplex cases	28	23	21	25
4. Closed after investigation: higher RPP, complex cases	29	28	28	28
5. Closed after investigation: lower RPP, complex cases	37	38	43	34
6. Closed or filed in charging	42	51	45	58
OCTC total	33	27	28	27

**Table 2.3 Number of Cases Resolved in Backlog**

Case category	2018–2021	2022–2023	2022	2023
1. Closed in intake	12,557	4,248	2,239	2,009
2. Closed after investigation: higher RPP, noncomplex cases	787	206	75	131
3. Closed after investigation: lower RPP, noncomplex cases	2,720	1,047	438	609
4. Closed after investigation: higher RPP, complex cases	358	221	99	122
5. Closed after investigation: lower RPP, complex cases	2,089	1,225	627	598
6. Closed or filed in charging	1,077	503	252	251
OCTC total	19,588	7,450	3,739	3,720

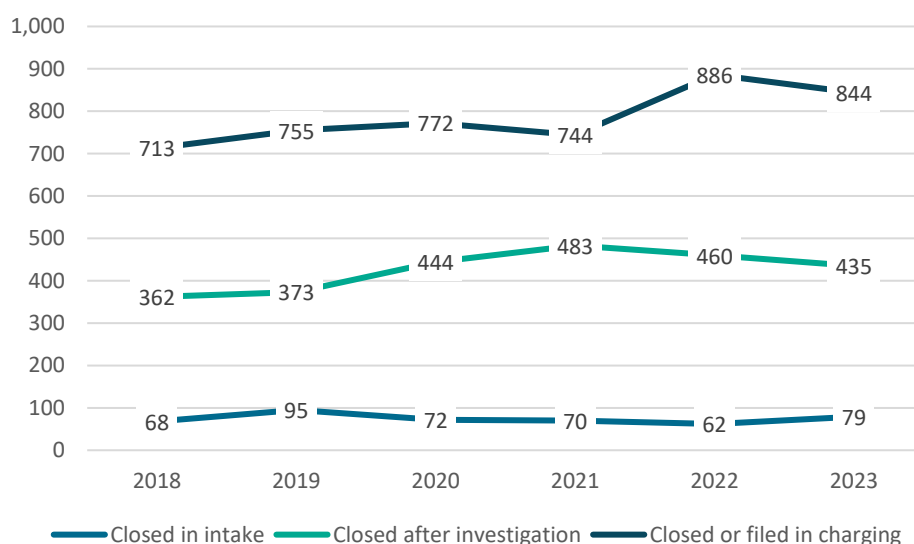
**Average Age of Cases Resolved in Backlog**

To understand the time it takes OCTC to resolve its backlog cases, table 2.4 and figure 2.1 show the average ages of cases resolved in backlog. As seen in table 2.4, the average case processing times for intake and investigation cases closed in backlog during 2022 and 2023 are relatively unchanged from previous years, while backlog times for cases resolved in charging have risen. Importantly, none of these average ages are close to the proposed backlog time standards.

**Table 2.4 Average Age of Cases Resolved in Backlog**

Case category	2018–2021	2022–2023	2022	2023
Closed in intake	82	70	62	79
Closed after investigation	422	446	460	435
Resolved in charging	745	865	886	844

**Figure 2.1 Average Age of Cases Resolved in Backlog**



### Percent of Cases Pending in Backlog

Similar to table 2.2, table 2.5 displays pending cases in backlog (using the proposed time standard for cases resolved in backlog) as a percentage of total pending cases. A case's designation as complex or noncomplex can change depending on what happens during the investigation stage; as a result, there can be no final determination of whether a case is complex or not until it is resolved after investigation or moves to the charging stage. For this reason, table 2.5 collapses investigation cases into only two case categories, defined by risk. The proposed backlog time standards for these collapsed case categories are calculated by averaging the individual time standards for complex and noncomplex cases together.

Comparing 2023 to previous years, the only case category that has seen a reduction in pending backlog, is high-risk investigation cases. This is likely attributable to OCTC's prioritization of these cases. Intake, low-risk investigation, and charging cases have all seen an increase in pending backlog over the past two years. Of particular concern, 71 percent of cases pending in charging have already reached backlog status.

**Table 2.5 Pending Backlog as a Percent of Total Pending Cases**

Case category	2018–2021 (%)	2022–2023 (%)	2022 (%)	2023 (%)
1. Pending in intake	19	17	15	20
2. Pending in investigation: higher RPP	30	30	36	28
3. Pending in investigation: lower RPP	32	37	32	42
4. Pending in charging (without ENEC)	50	70	69	71
OCTC total	29	34	31	36

*Note: This table excludes "U" cases.*

**Table 2.6 Number of Pending Cases in Backlog at Year End**

Case category	2018–2021	2022–2023	2022	2023
1. Pending in intake	264	238	195	281
2. Pending in investigation: higher RPP	128	299	201	397
3. Pending in investigation: lower RPP	885	1271	975	1,566
4. Pending in charging	129	279	270	287
OCTC total	1406	2086	1,641	2,531

*Note: This table excludes “U” cases*

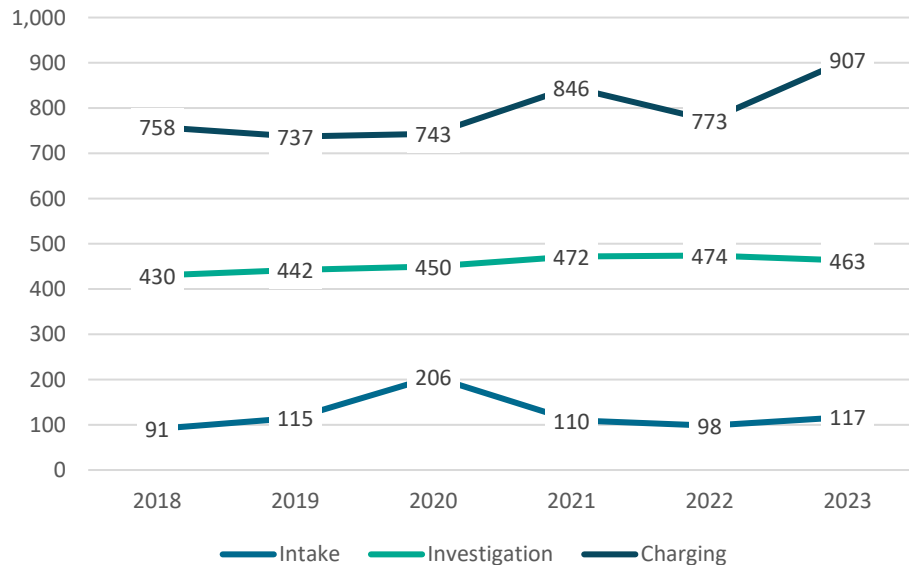
### Average Age of Cases Pending in Backlog

Table 2.7 and Figure 2.2 show the average age of cases pending in backlog. The average age of pending backlog cases is relatively stable for cases pending in intake and investigation. Pending cases in charging, however, saw an increase in their average age in 2023. The average age of pending backlog cases in both intake and investigation substantially exceed the proposed backlog standard. The average age of pending backlog cases in charging are roughly double the proposed backlog standard.

**Table 2.7 Average Age of Cases Pending in Backlog**

Case category	2018–2021	2022–2023	2022	2023
1. Pending in intake	112	109	98	117
2. Pending in investigation: higher RPP	402	406	436	391
3. Pending in investigation: lower RPP	458	481	482	481
4. Pending in charging	772	842	773	907

*Note: This table excludes “U” cases.*

**Figure 2.2 Average Age of Pending Cases in Backlog**



## PART THREE: OCTC STAFFING NEEDS ANALYSIS

In 2022, when the State Bar proposed the new set of case processing standards, it included a preliminary estimate of additional OCTC staff resources needed to achieve the new standards. Two methods were used to generate the estimate: (1) a time study conducted in 2021 that assessed resources in relation to workload, and (2) a linear projection model based on an assumed linear correlation between case processing time and staff resources.

In response to the State Bar's preliminary staffing needs assessment, the LAO cautioned that an accurate assessment of staffing needs would be challenging, given that various OCTC operational and programmatic changes were at different stages of implementation. As described in Part One of this report, since 2020 OCTC has introduced numerous policy and programmatic changes, each with varying intended impact on case processing efficiency, effectiveness, and staff morale. Some of the most significant changes have occurred within the last year, including a reorganization of OCTC's team structure in July 2023, the implementation of a pilot post-complaint Diversion Program in late October 2023, and an expansion of expedited investigation procedures in January 2024. The State Bar agrees with the LAO's observation regarding the difficulty of assessing the effects of these changes on staffing needs.

Despite the uncertainty posed by the many recent changes in OCTC operations, the State Bar believes it is clear that OCTC needs additional staff resources to move case processing times closer to the proposed case processing standards. As discussed in Part Two of this report, OCTC's operational changes, coupled with increases in OCTC staffing accomplished by reassignment of existing State Bar resources, appear to have decreased case processing times for the majority of cases (those resolved in Intake and Investigation). However, these times still remain above the new SB 211 standards. Additionally, the number of pending cases in backlog status has continued to grow. This suggests that OCTC's internal changes are insufficient to allow its current staffing levels to achieve the proposed case processing standards.

The State Bar has reassessed its current staffing needs using updated and refined methods previously used in the case processing standards proposal – a linear projection model and a time study. The results of both methods are the same and indicate a need for a substantial increase in OCTC staffing.

### LINEAR PROJECTION MODEL

#### As used in the Case Processing Standards PROPOSAL

The State Bar's case processing standards proposal used a linear projection model to estimate staffing needs based on the assumption that the number of staff needed is proportional to the time it takes to process cases. This model provides a simple assessment by assuming that more staff will process more cases faster. While recognizing that the real-world correlation is not precisely linear, the model provides a practical baseline for estimating staffing needed to reach the proposed case processing targets.

The model analyzed average case processing times from 2018 to 2021 against the proposed case processing targets, using the percentage difference in time to adjust staffing levels for investigators.<sup>2</sup> The weighted average case processing time to resolution was 256 days while the weighted average target case processing standard was 183 days.<sup>3</sup> This implied that to meet the proposed case processing target, the average case processing time would need to improve by 29 percent, from 256 to 183 days. Assuming a linear relationship between the reduction in processing time and the necessary increase in staffing, the model calculated that a 29 percent increase in staff was required to achieve this efficiency improvement.

Staffing for other positions (attorneys, support staff, supervisors, and managers) was derived from their current proportional relationship to investigators. For instance, with an attorney-to-investigator ratio of nearly 1:1 in 2021, an addition of 23 investigators would have required 23 more attorneys to maintain operational balance. In summary, the linear model estimated that 350 total positions (an increase of 78 from OCTC's then current staffing of 272) were needed to meet the proposed case processing targets.

### **A Refined Linear Projection Model: Updated Estimates to Meet the Proposed Case Processing Standards**

As used in the State Bar's case processing standards proposal, the linear projection model did not consider case processing time variability across different case stages. Adding this differentiation to the current analysis introduces a greater level of detail and precision by examining staffing requirements for all six case categories used in the case processing standards proposal and OCTC's actual staff time allocations based on OCTC's current team structure. Table 3 compares staffing needs across different models and data points:

- **SB 211 Needs:** Estimates provided in the State Bar's case processing standards proposal, which, based on observed case processing times from 2018 to 2021, indicated an estimated need for 350 total positions..
- **Updated SB 211 Estimates:** Updated estimates using the same simple model but based on the most recent observed case processing times (for 2023), which reflect improvements in case processing efficiency, reducing the estimated need to 340 total positions.
- **Current Refined Model Estimates:** Current estimates from the refined model, using the 2023 data, indicate an estimated need for 350 total positions. This increase from the updated SB 211 estimates suggests that the refined model identifies needs not captured by the previous model.

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<sup>2</sup> The analysis focused on investigators because the investigation phase, comprising four out of six case categories in the proposed case processing standards, is a major factor in the overall duration and potential delays of case handling.

<sup>3</sup> The weighted average case processing time was calculated by analyzing average case closures from 2018 to 2021, with each category's average processing time weighted according to its proportion of total closures, thus reflecting its impact on overall processing duration. The weighted average target speed was calculated similarly, ensuring each case type's case processing targets were proportionately represented.

OCTC had 302 budgeted positions in 2023. According to the current refined model, OCTC requires 350 positions to meet the proposed SB 211 case processing targets, indicating a need for an additional 48 budgeted positions (see table 3).

**Table 3. Staffing: Assessed Needs, FTEs Filled and Budgeted**

Position type	Assessed staffing need (in FTEs)			2023 Filled FTE's	2023 Budgeted FTE's <sup>4</sup>	Additional FTE's needed
	SB 211 (2018–2021)	Updated SB 211 estimates (2022–2023)	Current refined model estimate (2022–2023)			
Attorneys	103	100	95	76	84	11
Investigators	102	99	103	86	89	14
Support staff	113	110	121	101	106	15
Manager	32	31	31	26	23	8
Total	350	340	350	289	302	48

Table 3.1 provides a detailed breakdown of the staffing needs by case category, aligned with current case processing times and the proposed case processing standards. As an example, during 2022–2023, the average case processing time for cases resolved in intake was 35 days, missing the 30-day target by 14 percent. To bridge this gap, the Intake unit, currently staffed with 19 attorneys, needs three additional attorneys, bringing the total to 22 attorneys. This calculation is replicated for all six categories for both investigators and attorneys. The calculation of support and management staffing needs is based on their current proportionate relationship to attorneys for intake and charging, and to investigators for the four investigation categories, reflecting the attorney-centric nature of intake and charging phase, and the investigator-centric focus during the investigation phase. Staffing needs for the six different case categories are detailed in the table, along with the percentage gap from the proposed case processing standard for each category.

**Table 3.1 Staffing Need by Case Category Based on Gap Between Current Case Processing Time and SB 211 Proposed Case Processing Standards**

Case category	Percent gap between current case processing and SB 211 target	Assessed staffing need (in FTEs)			Supervising Attorneys and other managers	Total
		Attorneys	Investigators	Support staff		
Intake	14%	22	2	22	4	50
Investigations		34	88	51	13	186
Higher RPP, noncomplex	8%	3	8	4	1	16

<sup>4</sup> One attorney position was reallocated from OCTC to the Public Trust Liaison, effective 10/02/2023. As a result, this report reflects 302 positions, as opposed to the 303 that were included for OCTC in the 2023 [Adopted Budget](#) (p54).

Case category	Percent gap between current case processing and SB 211 target	Attorneys	Investigators	Support staff	Supervising Attorneys and other managers	Total
Lower RPP, noncomplex	8%	15	39	23	6	83
Higher RPP, complex	21%	3	7	4	1	15
Lower RPP, complex	30%	13	34	20	5	72
Charging	44%	37	13	16	7	73
Administrative staff*		2	0	32	7	41
Total		95	103	121	31	350

\*Includes executive, data, and training staff.

### Additional Staffing Needs to Address Pending Backlog

In addition to the staff needed to meet the proposed case processing standards, further resources are needed to address the growing number of cases in OCTC's inventory that remain open but already have a case age that places them in backlog status. Pending cases older than 45 days for intake, 215 days for higher RPP investigations, 255 days for lower RPP investigations, and 450 days for charging are considered in backlog status under the case processing standards proposal. Table 3.2 shows a significant rise in OCTC's inventory of pending cases at year-end, from 5,045 in 2018 to 7,016 in 2023, with the percentage of these cases in backlog status escalating from 21 percent to 36 percent despite a steady rate of resolving cases. This growth in inventory may be partially due to an increase in incoming cases, which, after a likely pandemic-induced drop to 15,174 in 2020 and 14,790 in 2021, climbed to 16,779 in 2023.

**Table 3.2 Open, Closed, and Pending Cases in Backlog, 2018–2023**

	2018	2019 <sup>5</sup>	2020	2021	2022	2023
Opened cases	16,130	17,280	15,174	14,790	15,891	16,779
Closed cases	14,305	14,989	15,442	13,838	13,478	13,994
Cases closed in backlog status (N)	3,914	7,764	4,868	3,042	3,730	3,720
Percent of cases closed in backlog status	<b>27%</b>	<b>52%</b>	<b>32%</b>	<b>22%</b>	<b>28%</b>	<b>27%</b>
Pending cases	5,045	5,906	4,422	4,221	5,312	7,016
Pending cases in backlog status (N)	1,055	1,739	1,578	1,250	1,641	2,531
Percent of pending cases in backlog status	<b>21%</b>	<b>29%</b>	<b>36%</b>	<b>30%</b>	<b>31%</b>	<b>36%</b>

The State Bar aims to reduce pending backlog to a reasonable level, setting a target of 20 percent for the percentage of pending cases in backlog status<sup>6</sup>. The State Bar’s case processing standards proposal set a backlog target threshold of 10 percent for cases resolved in backlog but did not establish a backlog target for pending cases. Setting a target for pending backlog helps ensure that priority is given to resolving older cases and not just newer cases. This shift in priority will, in the short-term, lead to an increase in the number of cases closed in backlog, but in the long term should improve OCTC’s overall efficiency.

The correlation between a higher inventory and an increased backlog percentage is evident from the data. In 2018, OCTC had 5,045 pending cases with a 21 percent backlog rate, which escalated to 7,016 cases with a 36 percent backlog rate by 2023. Therefore, establishing the optimal inventory size is the first step in determining staffing needs to meet the pending backlog target. This target inventory size (pending cases) is calculated based on 2023 data, assuming a proportional relationship between the backlog percentage and the number of pending cases. For example, with 405 pending cases in the “Charging” category at a 71 percent backlog rate in 2023, reducing the inventory to below 114 cases would achieve the 20 percent target. This calculation is repeated across four case types, as shown in table 3.3.<sup>7</sup>

**Table 3.3 Estimated Pending Inventory to Reduce Backlog to 20 Percent**

Case category	2023 Pending cases	2023 Percent backlog	Target pending cases (to reach 20 percent backlog)	Additional annual resolutions (to reach target pending cases over 5 years)	2023 Resolutions	Required percent increase in resolutions
Intake	1,412	20%	1,419	0	8,430	0%
Investigation: higher RPP	1,428	28%	1,027	80	944	8%
Investigation: lower RPP	3,771	42%	1,816	391	4,186	9%
Charging	405	71%	114	58	434	13%
Total	7,016	36%	4,377	529	13,994	

The next step is to determine the number of pending cases OCTC needs to resolve annually, in addition to their regular caseload. This is done by distributing the difference between the current and target pending cases over five years. For example, this means that OCTC needs to

<sup>6</sup> Pending backlog is based on pending inventory, meaning that the pending backlog number is smaller than the closed backlog number. However, as pending inventory is growing, there will be some transitional time (five years) during which closed backlog target will not be reached until pending backlog is addressed first.

<sup>7</sup> Cases processed in the investigation stage were separated into four categories in the case processing standards proposal. The categorization depended on two factors: risk to public protection and complexity. The method for defining a complex case relies on case characteristics and event data that may become available only after the case has reached final disposition. Since the relevant data is incomplete for pending cases, only the risk factor could be used for case classification, thus the original four investigation case categories are combined into two.

resolve 58 additional “Charging” cases annually (a total difference of 291 cases spread over five years) on top of their regular caseload to maintain a 100 percent case clearance rate and simultaneously reduce backlog. This translates to a 13 percent increase in case resolutions in this category to meet the backlog reduction target for pending cases.

Finally, the staffing implications of pending case backlog reduction are assessed. In the previous section, it was determined that OCTC needed 350 positions to resolve cases within the proposed case processing standards. Using the detailed staffing requirements outlined in table 3.1, the proportional staffing increase needed across each case type and position to meet the backlog reduction goal is calculated. For example, according to table 3.1, OCTC needs 37 attorneys to resolve “Charging” category cases within the proposed case processing standards. To achieve the pending case backlog reduction goal, OCTC needs to resolve 13 percent more cases in the Charging category, hence needing 13 percent more attorneys or 5 additional attorneys. Table 3.4 outlines the staffing increase required for each case category to reduce the pending inventory and correspondingly decrease pending backlog to 20 percent.

**Table 3.4 Additional Staffing Needed to Reduce Pending Backlog to 20 Percent**

Case category	Attorneys	Investigators	Support staff	Supervising Attorneys and other managers	Total
Intake	0	0	0	0	0
Investigation: higher RPP	1	1	1	0	3
Investigation: lower RPP	3	7	4	1	14
Charging	5	2	2	1	10
Total	8	10	7	2	27

To achieve the 20 percent pending backlog rate within five years OCTC will need 27 additional positions beyond the 48 new positions required to meet the proposed case processing standards. In total, OCTC will need 75 new positions bringing their overall staffing need to 377, as detailed in table 3.5.

**Table 3.5 Staffing Need to Reduce Pending Backlog**

Position type	Staff needed to meet SB 211 case closure standards	Additional staff needed to reach 20 percent pending backlog	Total staff needed
Attorneys	95	8	103
Investigators	103	10	113
Support staff	121	7	128
Management	31	2	33
Total	350	27	377

## RANDOM MOMENT TIME STUDY MODEL

### Methodology

The time study method, which focuses on establishing a correlation between workload and staff resources by creating a case weight, is often referred to as a “workload formula.” The formula consists of three elements:

- A. Staff time devoted to various tasks in processing different case types;
- B. Staff time available for case-processing activities; and
- C. Workload as measured by the number of cases processed.

With data collected for each of the three elements, case weights are calculated from the following formula:

$$A \times B \div C = \text{average time (minutes or hours) required to process a case}$$

The State Bar circulated a survey to generate aggregate responses representing the allocation of staff time across different case types and activities. The percentage distribution of time is then converted to the *amount* of time allocated to processing various case types. Given the volume of cases processed and the amount of time devoted to those cases, the formula in the final step calculates the case weights—the amount of time spent on processing each case.

The State Bar used the same survey instrument that was deployed in the 2021 study. (See Appendix D for the survey instrument.) During two weeks in mid-January, all 291 current OCTC staff received two surveys at randomly selected times throughout the day. A total of 5,274 surveys were sent out, with 4,427 responses (84 percent) received. In the survey, staff were requested to provide the following basic information:

- 1. Were they working on a case at the time when the survey arrived;
- 2. If yes, what was the case number; and
- 3. What was the case-processing task being performed?

Case numbers from the survey were used to gather additional information on case characteristics, primarily case type (see below) and case stage (i.e., intake, investigation, charging/prefiling, and postfiling in the State Bar Court). The combination of these two case attributes serves as an important proxy reflecting the different procedures required for processing different cases, with direct implications for case complexity and case weights.<sup>8</sup>

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<sup>8</sup> While case complexity is one of the case characteristics that define the six case categories in the SB 211 standards, complexity data is constructed from various case characteristics and events that become available only after the case has reached final disposition. In contrast, the cases being reported during the time-study are still pending. Therefore, complexity as defined in SB 211 cannot be captured as a case attribute to create differentiated case weights. (If you make a change earlier based on my comment re: designating a case as complex while it’s pending, then please make a similar edit here)



Staff differentiated the following seven case types as the basis for creating a set of different case weights.

1. Original matters – complaints initiated by a complaining witness or the State Bar;
2. Bank reportable actions (bank RA) – overdrafts on client trust accounts as reported by a financial institution to the State Bar;
3. Other reportable action matters from various sources, including courts and insurance companies;
4. Criminal conviction matters;
5. Unauthorized practice of law;
6. Immigration matters; and
7. All other matters.

While case type and stage categorize cases in a way that helps to evaluate different case weights, the data on time allocation across case-processing activities provide more detailed information on why cases require different amounts of resources. The survey creates two lists of case-processing tasks: one for attorneys and investigators, and another for support staff. Tasks for attorneys and investigators consist primarily of:

- Communications regarding a case, which are further broken down into those involving internal vs. external sources. For external communications, the current study further differentiated those related to the complaining witness (CW) and others;
- Various activities for processing documents, including reviewing, drafting, and creating documents. The same distinction is made to differentiate internal vs. external sources, as well as CW vs. non-CW related;
- Case/file administration in Odyssey;
- Research; and
- Various activities related to preparation for court appearance.

Tasks for support staff include the following:

- Case/file administration in Odyssey;
- Processing/preparing documents and correspondences;
- Processing/preparing subpoenas;
- Creating bank reports (which are summaries of account activity generated from subpoenaed bank records); and
- Scheduling/coordinating events.

### Key Findings from Time-Study Data

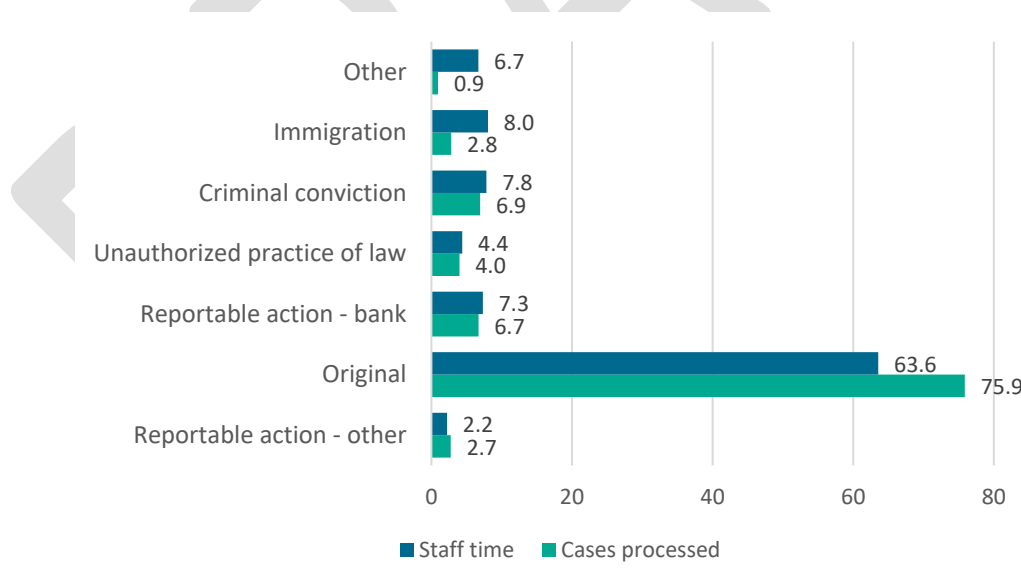
Figure 3. shows the percentage distribution of cases in two measures representing caseload vs. staff resources: caseload is measured by the number of cases closed over the past three years from 2021 to 2023, and staff resources are derived from the time study. The gaps between the two across the case types reflect the difference in their case weights. For example, original matters represent about 75 percent of all cases processed, relative to 64 percent of staff

resources devoted to processing those cases. Based on the difference between case count and staff time allocation, the graph displays the different case types sorted in descending order, with cases at the top requiring more staff resources.

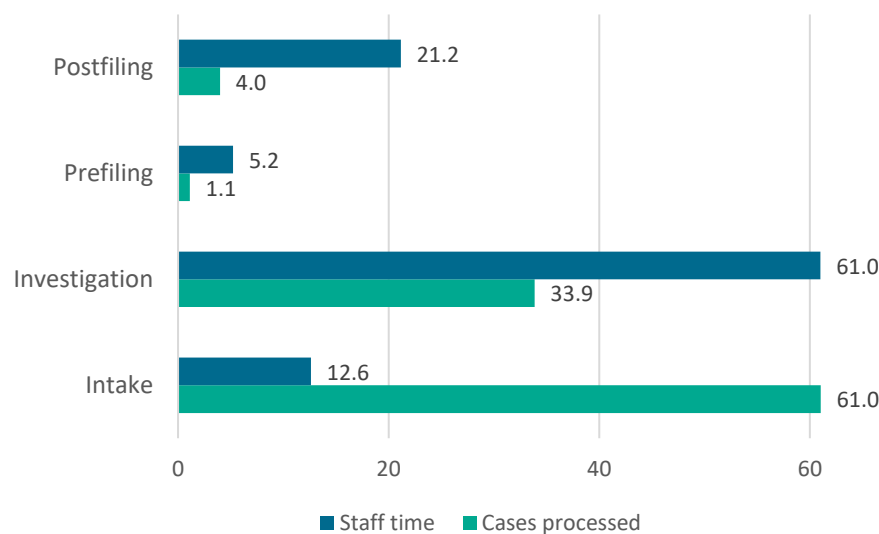
Ranked above original matters are bank RA cases that required more staff resources per case than original matters. Unlike original matters in which staff resources represent a smaller proportion relative to their share of the total caseload (64 percent vs. 76 percent), bank RA cases require slightly more resources relative to their share of the total caseload (7.3 percent vs. 6.7 percent). It is important to note that staff resources devoted to bank RA cases increased from 3 percent in the 2021 study to about 7 percent in the current study. This change is largely the result of a substantially higher proportion of bank RA cases being investigated than in the past (which, in turn, is the result of a 2022 change in OCTC policies and procedures relating to bank RA cases).

Ranked at the top are immigration and a small number of cases grouped into the “other” category, which consists of half a dozen case types such as moral character, reinstatement, and 6007 proceedings seeking to place a licensee on involuntary inactive status. These two case categories combined represent less than three percent of all the cases processed; they require, however, nearly 15 percent of all staff resources. Relative to original matters, the case weight for the “other” case category is almost 10 times higher, and that for immigration cases is more than 3 times higher.

**Figure 3. Caseload Measures by Case Type, Cases Processed vs. Staff Time (Percent of Total)**



**Figure 3.1 Caseload Measures by Case Stage, Cases Processed vs. Staff Time (Percent of Total)**



With cases and staff time viewed in a similar manner but organized by case stage, figure 3.1 highlights the following findings:

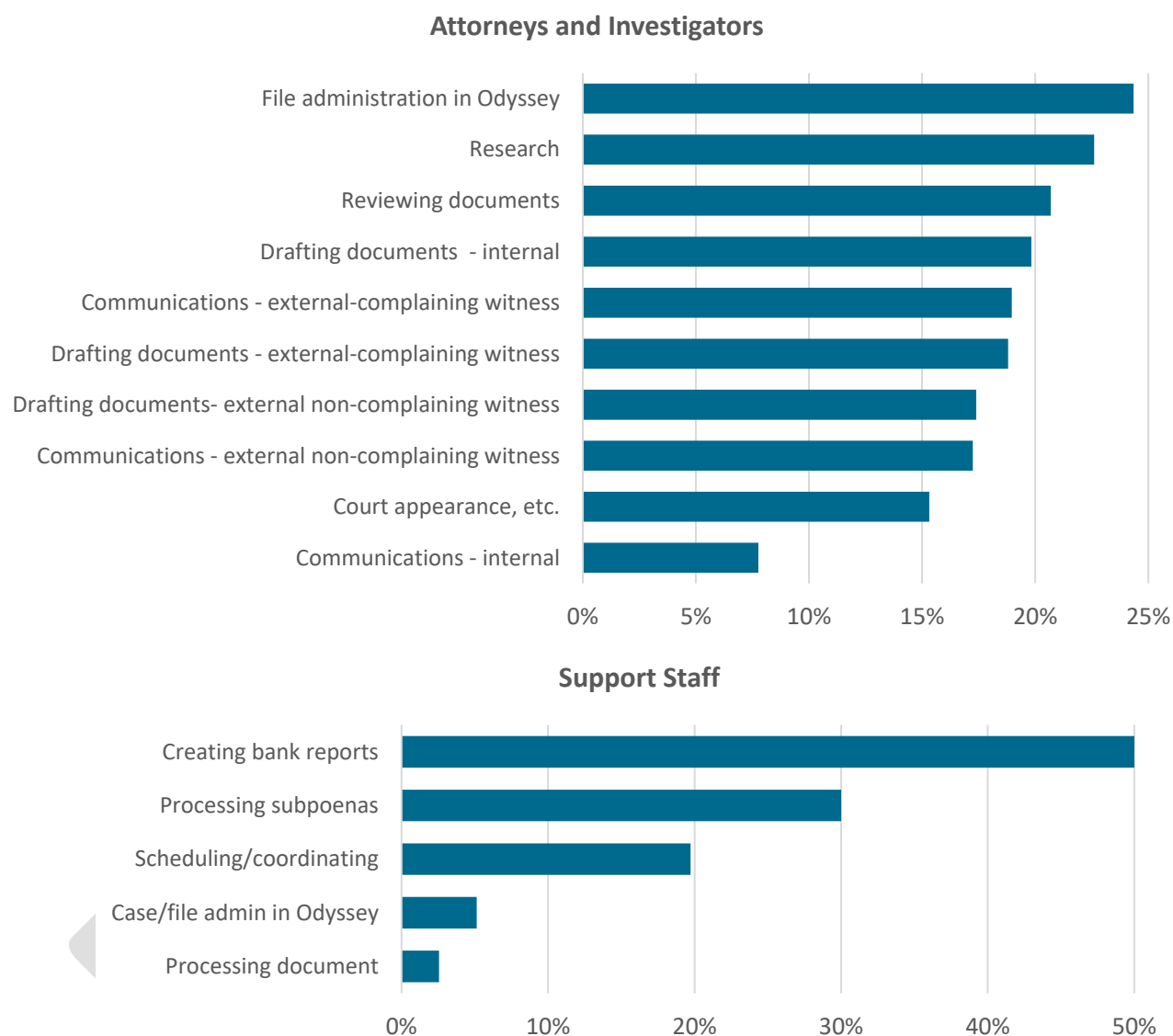
- While only one-third of cases go through investigations, nearly two-thirds of staff time is devoted to processing cases at this stage.
- While only 4 percent of cases reach the final stage of postfiling in the State Bar Court, they require about 20 percent of OCTC staff resources.
- It is worth noting that the substantial OCTC staff resources devoted to postfiling cases are resources not available to assist with cases covered by the proposed case processing standards, as those standards track cases only up to the point where a case is either closed by OCTC or filed with the State Bar Court. For example, significant time and resources from OCTC attorneys are required during the hearing stage of the State Bar Court.

The additional breakdown of external-oriented activities (involving communications and creation of documents) into CW vs non-CW-related tasks provides important insights into the competing priorities among different case processing tasks. The data shows that attorneys spent approximately 9 percent of their time working on CW-related communications or documents. The same CW-related tasks take up 13 percent of investigators' time. Over the past few years, OCTC has evaluated different practices in performing various CW-oriented tasks, such as verbal communications when closing cases or the amount of effort required in explaining closing decisions in a closing letter. Policy changes have been made in balancing the need to assist and provide information to CWs whose cases are closing or have been closed relative to the need to dedicate resources to enhance productivity with respect to open cases.

As a supplement to the data on time allocation across tasks, OCTC staff also provided their assessment regarding the amount of time considered to be sufficient and adequate for

performing various tasks. On a five-point scale, ranging from 1 for “not at all” to 5 for “always,” figure 3.2 shows the proportion who selected “not at all” or “rarely,” i.e., those who felt that they often didn’t have sufficient time for identified tasks. The high percentages of attorneys and investigators who felt they lacked sufficient time for file administration in Odyssey and of support staff who felt they lacked sufficient time for the creation of bank reports and processing subpoenas are consistent with recent workload increases in those areas. An evaluation of Odyssey-related tasks indicates that, since the implementation of the new conflict check procedure in June 2023, the amount of Odyssey data entry in case notes nearly doubled. With regard to support staff’s time spent on the creation of bank reports, the proportion grew from barely 1 percent in 2021 to 6 percent in the current survey. Similarly, there was a large increase in staff time spent on subpoena processing. These clearly resulted from OCTC’s new policies and procedures (implemented in 2022) regarding the handling of bank RA and CTA-related cases.

**Figure 3.2 Staff Perception Indicating Lack of Sufficient Time to Perform Various Tasks (%)**



### Differentiated Case Weights

The discussion of time study results in the previous section provides context for understanding the multiple factors influencing staff's day-to-day work on processing cases. Case weights, thus, should be viewed as representing two distinct characteristics of case-processing activities. One is the estimated case processing time by case type. For example, an average immigration case will always be more complex than an average original matter. The other is shifts in case processing activities caused by policy or procedure changes. For example, the policy change that led to more bank RA cases being forwarded to investigations and more subpoenas being issued in bank RA and CTA-related cases likely increased the average amount of time needed to process these cases.

The seven case categories in figure 3 distinguish cases that typically go through different procedures, thus requiring different amounts of resources. In addition to variance across case categories, case weight differences by staff type also offer important insights into staff resource requirements. Table 3.6 shows that, despite the fact that an average bank RA case currently requires more staff resources in general than an original matter (with an overall case weight of 32 hours per case vs. 24 hours, respectively), the contrast in investigation resource need is noteworthy. Specifically, the investigation resources required for an average original matter are more than double those for an average bank RA matter, at 23 vs 10 hours, respectively.

**Table 3.6 Estimated Case Weight (Hour/Case) by Case and Staff Type**

Staff type	Original	Bank RA	Other RA	Criminal conviction	UPL	Immigration	Other
Attorney	6.1	7.3	9.8	10.1	6.5	20.5	63.5
Investigator	23.1	10.2	20.5	0.0	21.0	32.2	182.3
Support staff	6.9	13.8	3.9	21.0	9.3	29.0	110.9
Sup/Manager	2.2	2.0	2.9	4.2	0.7	6.6	31.1
Overall	24.1	31.5	23.2	32.5	31.6	81.9	203.4

*Note: The case weights for investigators are calculated from the investigation caseload, as opposed to those for other staff types, which are calculated from cases processed through all stages. As a result, the individual case weight for each staff type does not add up to the total case weight.*

### Delphi Sessions for Case Weight Adjustments

The estimated case weights represent the resource level devoted to processing cases under current procedural requirements to meet various performance expectations. The next step of the study is to assess whether the current staffing level is adequate and, if not, to identify the staffing level appropriate for achieving the various performance targets. The time-sufficiency survey, as discussed above, measures staff's perception of the adequacy of time available to perform various tasks. Further translating the perceived need to quantifiable numbers requires a more in-depth assessment of the different tasks and their associated time as derived from the time study. This was achieved through two Delphi sessions, one with attorneys and another with investigators. The Delphi method is a form of structured focus group in which subject matter experts (SMEs) review quantitative data, along with other qualitative contextual information, to reach a consensus on the validity of the data and to make appropriate adjustments where necessary.<sup>9</sup>

The time study data were shared with Delphi participants shortly before the meeting, with a request that they review the results and make appropriate adjustments as they saw fit. The

<sup>9</sup> Kleiman, Matthew and Lee, Cynthia G. and Ostrom, Brian and Schauffler, Richard, Case Weighting as a Common Yardstick: A Comparative Review of Current Uses and Future Directions (October 4, 2017). Oñati Socio-Legal Series, Vol. 7, No. 4, 2017, Available at SSRN: <https://ssrn.com/abstract=3047725>

sessions went through each task area, discussed the reasons for any adjustments recommended, and reconciled any differences in order to reach a consensus.

Table 3.7 shows the adjustments from the investigator session. It is worth noting that the size of recommended adjustments for each task is mainly in alignment with the time-sufficiency survey results, with research and file administration in Odyssey identified as in need of the most additional time.

With adjustments on all task areas taken into account, the investigator case weight would increase from the current 21 hours per case to 26 hours, an increase of 24 percent. As shown in more detail below, this increase translates into an increase in investigator FTEs from the current budgeted positions of 89 to 111.

**Table 3.7 Delphi Adjustments for Investigator Case Weight (Hours)**

Task	Current time	Adjusted time	Percent change
Communications – internal	1.9	2.3	25%
Communications - external-CW	2.1	2.2	8%
Communications - external-non-CW	1.3	1.4	12%
Creating/drafting docs – internal	5.8	6.3	10%
Creating/drafting docs - external-CW	1.5	2.5	66%
Creating/drafting docs - external-non-	1.7	2.0	17%
Reviewing docs	4.4	5.4	25%
File administration in Odyssey	1.3	2.0	58%
Research	0.4	1.0	150%
Other	0.7	0.7	-
<b>Total</b>	<b>20.9</b>	<b>26.0</b>	<b>24%</b>

In contrast to the investigator session, attorneys did not reach a consensus on the appropriate case weight adjustments needed. A dominant theme concerning their workload is related to their role acting as a legal advisor to investigators. Attorneys noted that the work product of new investigators—generally within their first year or so—would often lead to redundant work on their part as legal advisors and thus cause considerable inefficiency. Given very recent organizational changes resulting in a shift of more attorney time toward investigation cases, as pointed out earlier, coupled with the recent turnover trend resulting in a higher proportion of less experienced staff, it seems reasonable that attorneys would find it difficult to relate to the estimated case weight intuitively and suggest adjustments.

### Adjusted Case Weights and Staffing Need Estimates

Table 3.8 shows the results of adjusted case weights converted to estimated staffing needs. With filled positions as the baseline, the adjustment implies that OCTC would require a total increase of 71 positions (from 302 to 373), including 22 additional investigators, 19 attorneys, 25 support staff, and five more supervisor/manager positions.



While the conversion formula is driven by adjusted case weights, along with current positions and caseload, it is important to note a few important assumptions.

1. The Delphi results from investigators, relative to those for attorneys, are assumed to reflect more accurately the ongoing workload pressure, partly evidenced by the consistent sentiments shared by investigators;
2. Cases processed in the investigation stage currently require 60 percent of all staff resources. Excluding the resources devoted to postfiling cases, at 20 percent of the total, investigation resources represent nearly 80 percent of all staff resources that are relevant for the proposed case processing performance standards.
3. Based on the information provided above, it is reasonable to consider investigator resources as the primary requirement for meeting the proposed case processing performance standards. Therefore, a staffing needs model was developed by starting with a 25 percent increase for investigators, based on the 24 percent time adjustment calculated in table 3.7.
4. Given the current practice and division of labor among staff types in OCTC, an adjustment in one specific staff category requires proportional changes in other staff complements working closely with investigators, including support staff, attorneys, and supervisors.
5. Given the multiple policy and programmatic changes discussed earlier that are likely to either increase or reduce resource needs, with uncertain net effects in the near future, two additional scenarios on staffing needs are presented, at 15 and 35 percent increase over the current budgeted positions.

**Table 3.8 Estimated Staffing Needs Anchored on Budgeted Positions**

Staff type	Current staff*	2023 Budgeted FTE	Three scenarios anchored on Delphi-based 25 percent adjustments			Total FTE needs relative to budgeted positions (25 percent increase from Delphi)
			15 Percent increase	25 Percent increase	35 Percent increase	
Investigator	87	89	13	22	30	111
Attorney	76	84	11	19	27	103
Support staff	101	106	15	25	35	131
Total line staff	264	279	40	66	92	345
Supv/Mgr	22	23	3	5	8	28
Total staff	285	302	43	71	100	373

\* Based on staff who participated in the time study in mid-January 2024.

## OCTC WORKFORCE ANALYSIS

OCTC's case processing efficiency is affected by factors beyond just the count of attorneys and investigators, such as staff tenure, turnover rates, and training requirements. The addition of new staff positions does not immediately impact case processing efficiency because recruitment and training take time. New hires at OCTC face a steep learning curve due to the

procedural complexity and specific nuances of their roles. Both investigators and attorneys at OCTC undergo a rigorous initial training program lasting about two months, during which they are assigned a few cases. New staff are gradually introduced to their responsibilities, starting with simpler cases and progressively taking on a fuller caseload. The complex nature of OCTC's work typically requires around 6–12 months for new hires to reach decent productivity and 1–3 years to reach full productivity. Given this significant investment in training, retaining staff becomes crucial for OCTC to preserve its resources and maintain operational efficiency.

From 2018 to 2023, OCTC consistently increased budgeted and filled positions, as detailed in Table 3.9. Attorney budgeted positions increased by 24 percent, from 68 to 84, while the filled positions saw a 12 percent rise, from 67 to 75. Investigators experienced significant growth, with budgeted positions rising by 33 percent, from 67 to 89, and filled positions increasing by 48 percent, from 58 to 86. Support staff, both budgeted and filled positions, increased by 23 percent, from 86 to 106. Conversely, managerial budgeted positions decreased by 12 percent, from 26 to 23, but their filled positions grew by 16 percent, from 19 to 22.

**Table 3.9 Budgeted and Filled Positions, 2018–2023**

		Position type				Total
		Attorneys	Investigators	Support staff	Manager	
2018	Budget	68	67	86	26	<b>247</b>
	Filled	67	58	86	19	<b>230</b>
2019	Budget	73	69	92	22	<b>256</b>
	Filled	72	74	85	19	<b>250</b>
2020	Budget	82	81	91	23	<b>277</b>
	Filled	78	79	92	20	<b>269</b>
2021	Budget	81	82	93	23	<b>279</b>
	Filled	69	81	90	27	<b>267</b>
2022	Budget	80	85	99	25	<b>289</b>
	Filled	82	84	102	22	<b>290</b>
2023	Budget	84	89	106	23	<b>302</b>
	Filled	75	86	106	22	<b>289</b>

### Turnover Rate

When experienced staff leave, their departure not only depletes OCTC's collective human resources and expertise but also triggers a cycle of recruitment and training that diverts resources away from case processing. Table 3.10 provides an overview of staff retention trends over the past six years. Turnover rates were calculated by averaging the number of employees at the start and end of each year and dividing the total number of separations for the year by this average. This calculation includes all types of separations, such as retirements, resignations, and terminations, without distinguishing between them or accounting for internal movements like transfers or promotions.

For OCTC overall, the turnover rate has fluctuated, beginning at 12.4 percent in 2018, peaking at 14.6 percent in 2019, and then decreasing to a low of 4.9 percent by 2023. Although retention rates improved for attorneys and investigators, attorney turnover has remained high.

**Table 3.10 Turnover Percent Rate, 2018–2023**

	2018 (%)	2019 (%)	2020 (%)	2021 (%)	2022 (%)	2023 (%)
Attorneys	18.6	19.6	12.8	13.6	11.3	10.3
Investigators	24.2	15.8	9.2	8.8	20.6	3.5
OCTC – overall	12.4	14.6	7.3	9.7	11.2	4.9

### Recruitment Time

Over the past six years, attorney positions at OCTC have required two to three months to fill, while investigator roles have been filled within one to two months. However, an analysis of recruitment trends, as shown in table 3.11, reveals an improvement in reducing the time to hire attorneys in recent years. On the other hand, investigator recruitment duration has seen a marked increase over the last two years. This suggests that while OCTC has become better at attracting attorneys, the recruitment process for investigators has faced challenges, exasperated by the hiring freeze in 2023.

**Table 3.11 Average Days to Fill Positions**

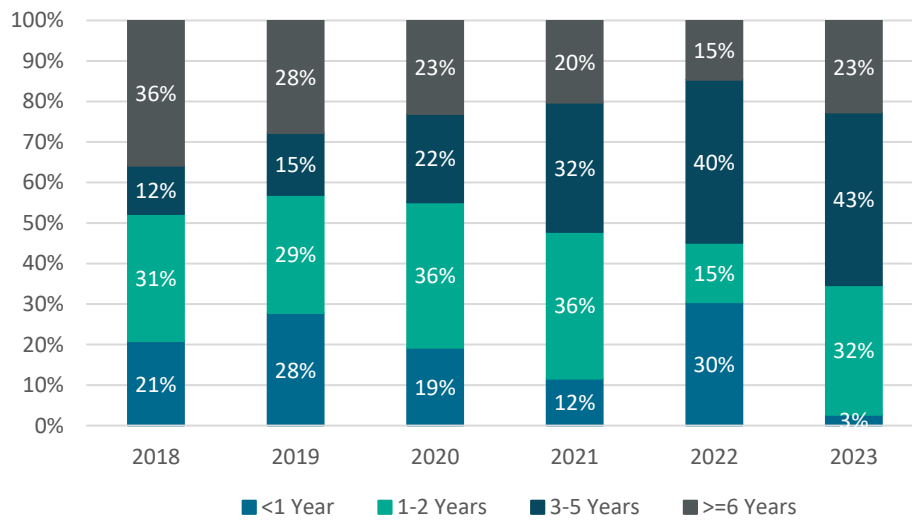
	2018	2019	2020	2021	2022	2023*
Attorneys	128	78	110	72	73	40
Investigators	65	47	42	51	76	166
OCTC - overall	80	62	70	56	76	51

*\*Hiring freeze*

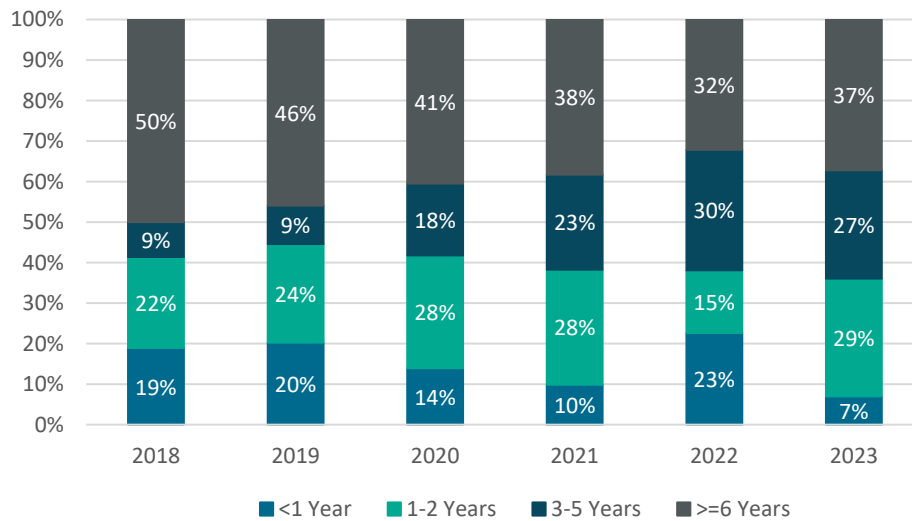
### Staff Tenure

Figures 3.3 and 3.4 show the trend data of OCTC staff's State Bar tenure from 2018 to 2023. The data reveals an undesirable gradual shift towards less experienced attorneys and investigators. In 2018, 64 percent of attorneys had less than five years of State Bar tenure; this percentage has increased to 77 percent in 2023. A similar trend can be seen among investigators, where the percentage of those with less than five years of tenure has risen from 50 percent in 2018 to 63 percent in 2023. The reasons behind this trend are complicated, but the increasing inexperience of the workforce is concerning and, unavoidably, has a negative impact on OCTC efficiency.

**Figure 3.3 Attorney Tenure, 2018–2023**



**Figure 3.4 Investigator Tenure, 2018–2023**



The fluctuating turnover rates, particularly the high turnover among attorneys, along with extended recruitment and training periods, impact OCTC's ability to effectively improve case processing efficiency through increased staff numbers. The shift towards less experienced staff indicates OCTC's need for additional resources to retain experienced staff essential for improving its case processing efficiency.

## FINAL PROPOSAL

This section presents two methodologies to assess OCTC's staffing needs. The first is the linear model, which is based on the mathematical relationship between current case processing speed and the proposed case processing targets, inventory size, and pending backlog

percentage. The second is the time study, based on an assessment of multiple sources of workload drivers, grounded on the case weight data and staff time allocation across activities. In this second method, staff's evaluation of resource needs through an iterative process led to adjusted case weights and estimated staffing needs. The linear model suggests a need for 75 additional positions, while the time study suggests a need for 71 positions. Based on these assessments, the State Bar proposes an addition of **73 positions**, an average of the numbers based on the two methodologies, to meet its operational demands efficiently.

The final estimation of 73 FTEs, however, does not consider the impact of the Diversion Program proposed in the report submitted pursuant to Business and Professions Code section 6086.20. The establishment of the program as envisioned, once funded, is expected to reduce OCTC's SB 211 caseload by 10 to 20 percent. Specifically, taking into account the approximately 213 cases moved into the pilot program as potential diversion matters over a four-month period, a rough estimation by the Chief Trial Counsel of the total reductions in caseload would be 14.2 percent, as shown in table 3.12.

**Table 3.12 Diversion Program's Projected Impact on Caseload**

Case type	Caseload reduction	Diverted to
Intake	2.2% (approx.300 cases/year)*	Office of the Public Trust Liaison
Intake/investigation/prefiling	0.9% (approx.130 cases/year)	Mandatory Fee Arbitration (MFA) Program*
Intake	4.7% (approx. 650 cases/year)	OCTC Diversion Program
Investigation -low RPP, noncomplex	6.2% (approx. 850 cases/year)	OCTC Diversion Program

\* The base number is the two-year average of total resolved cases, which is 13,736 (without postfiling).

\*\*Clients who have a fee dispute with their lawyer can go to the MFA program without filing a disciplinary complaint. The MFA program is a confidential, informal, and less costly forum for resolving such disputes.

If the Diversion Program is approved and funded, it would reduce the staffing needed to meet the proposed case processing standards by 16 positions (See table 3.13). The calculation is based on: (1) the percentage of each position relative to the reduced caseload for each case category (specifically, intake and lower-RPP/non-complex cases), and (2) a rough estimation of the workload remaining to be done by OCTC staff on diverted cases (reviewing and identifying cases for participation in the diversion program and processing those cases into diversion). The rough estimation needs to be tested and validated after a full year of the program implementation once the program is approved and funded.

In conclusion, the total staffing request will be 30 positions to meet the proposed case processing time standards and 27 positions to reduce pending backlog if the proposed Diversion Program is funded. This will result in a total of 57 positions requested, as shown in

Table 3.13. If the proposed Diversion Program is not funded, the OCTC staffing need would be 73 to meet the proposed case processing time standards and reduce pending backlog.

**Table 3.13 Diversion Program Adjusted Staffing Need**

Position type	Total additional staffing need – average of linear and random moment models	Potential Diversion Program adjustment	Diversion Program adjusted total staffing need
Attorneys	21	-5	16
Investigators	22	-6	16
Support staff	23	-5	18
Manager	7		7
Total	73	-16	57

Given the considerable logistical challenges associated with increasing staff, such as the time required to recruit and train new members, the State Bar recommends that OCTC staff be increased in three stages. Under this approach, the Bar would fill 19 new positions in the first year, 19 new positions in the second year, and 19 new positions in the third year, with an annual review of OCTC's staffing needs after each year to reassess operational efficiencies and the continuing need for the next year's staffing increase.

In the interest of transparency and accountability, the State Bar is committed to annually assessing efficiency improvements from the ongoing policy and program changes as well as the infusion of additional staff resources to adjust staffing requests.

## CONCLUSION

In accordance with Business and Professions Code section 6045.1(b) (enacted by Senate Bill 40, Chapter 697, Stats. 2023), this progress report on OCTC's case processing standards addresses each of the four statutory requirements:

1. The status of changes made to case disciplinary processes and an assessment of how those changes are impacting case processing times.

Part One of this report provides an overview of 52 changes to case disciplinary processes made by OCTC since 2020 and assesses the impact of these changes on case processing times based on data from OCTC's case management system and the results of a survey of OCTC staff. The assessment is complicated by both the interactions of multiple changes with differing effects on case processing time and by the recency of some of the most significant changes, including OCTC's reorganization to return to more specialized investigation and trial teams and its adoption of expedited investigation procedures for most of its investigations. As an overall conclusion, however, comparing the two most recent years (2022 and 2023) to the four years analyzed for the State Bar's case processing standards proposal (2018 through 2021), while work productivity

remained the same, case processing times for 96 percent of OCTC cases (those closed in intake and investigation) have improved. Staff members are moderately optimistic about further efficiency improvements resulting from these changes, especially the recent reorganization and expanded adoption of expedited investigation procedures.

2. A discussion of how concerns related to operational efficiency raised by the California State Auditor and the Legislative Analyst's Office have been addressed or are planned to be addressed.

As detailed in Part One of this report, many of the changes made by OCTC are a direct response to operational efficiency concerns raised by the CSA and LAO, including the concern that OCTC's use of generalist trial and investigation teams had decreased case processing efficiency. OCTC has reorganized to return to a structure of primarily specialist teams that are dedicated to horizontal investigations (handing cases off after investigation for charging and trial), charging and trials, immigration-related cases, client-trust account related cases, and non-attorney unauthorized practice of law cases. In addition, in response to recommendations by the CSA, OCTC has implemented new policies and procedures that result in more effective investigations for bank reportable actions, more thorough checks for conflicts of interest, a new program for diverting minor offense cases, and internal tools and dashboards that allow OCTC to better monitor its inventory and the satisfaction of investigation benchmarks.

3. An assessment of how recent case processing times compare to the State Bar's proposed average case processing standards. This assessment shall also include data on the timeliness of the completion of the hearing stage in order to provide a comprehensive picture of case processing times.

Part Two of this report compares the current average case processing times for OCTC cases at each stage (intake, investigation, and charging) with the proposed case processing standards. The average case processing time for cases closed in intake and investigation (96 percent of OCTC's cases) has improved as compared to 2018-2021 and is relatively close to the proposed case processing standards, but they still do not meet those standards. The average case processing time for cases closed or filed in charging has slowed as compared to 2018-2021 and remains far from meeting the case processing standards. Over the last six years, the average time cases spend in the hearing stage in State Bar Court (from filing of charges through resolution in the hearing department or forwarding to the review department) has remained stable at from 177 to 190 days.

4. An assessment of how recent case processing times compare to the State Bar's proposed backlog standards, as well as the proposed standards calculated using pending rather than closed workload as discussed by the Legislative Analyst's January 2023 report.

Response: Part Two of this report also compares OCTC's backlog, both cases closed in backlog and cases pending in backlog, to the proposed backlog standards. The



percentage of cases closed in backlog in intake and investigation, as well as the average age of these cases, have remained relatively stable or have improved, but both remain above the proposed backlog standards. The percentage and average age of cases closed in backlog in charging have increased and remain well above the proposed backlog standards. Of more concern is pending backlog, where all categories of cases but one, higher risk to public protection cases pending in investigation, have seen increases in both the percentage and average age of cases closed in backlog. The percentage and average age of cases closed in backlog in charging have significantly increased.

Moving forward, to address the increases in its pending inventory and backlog, OCTC has put in place policies and procedures for tracking and proactively addressing cases that are taking the longest to resolve. For example, OCTC has created an over-aged cases team to identify and take over some of the oldest pending cases to quickly move them to resolution. OCTC has also set and is tracking progress towards what it believes is an attainable goal of reducing pending inventory by 15 percent by year-end 2024. As recent changes to policies, procedures, and team structure take hold, stabilizing OCTC operations should also contribute to increased efficiency and enable OCTC staff to chip away at pending backlog. The impact of these changes needs to continue to be monitored, and additional policies and procedures put in place as needed to ensure that current resources are used as efficiently as possible to reduce pending backlog while also handling incoming cases.

Additional staff will help reduce the high caseloads of current staff, allowing them to process current backlog cases while also processing incoming cases to prevent them from entering backlog. In combination with OCTC's many changes to improve operational efficiency, this additional staff is needed in combination to produce long-term improvements in average case processing times and reductions in pending backlog.

Based on the use of two different methodologies, a linear projection model and a random moment work study, part three of this report identifies the additional staff needed to meet the proposed case processing standards and, over five years, reduce the pending backlog to 20 percent of pending inventory. The total staff needed is 57 positions if the State Bar's proposed diversion program is funded and implemented. The State Bar recommends that the needed staff be added in three phases. Under this approach, the State Bar would fill 19 new positions in the first year, 19 new positions in the second year, and 19 new positions in the third year, enabling the full impacts of the most recent operational changes to be realized, and the Legislature to assess the progress made with each new cohort of staff and evaluate at that time whether the next new cohort of additional staff is still required.

## LIST OF APPENDICES

1. Appendix A – 52 Changes Identified by the Chief Trial Counsel That Have Impacted Efficiency and Effectiveness
2. Appendix B – California State Auditor's OCTC Recommendations
3. Appendix C – Method of Case Counts: Annual Discipline Report v. SB 211 Proposal
4. Appendix D – OCTC 2024 Workload and Resource Study Survey Instrument

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## APPENDIX A

### THE 52 PROGRAMS IDENTIFIED BY THE CHIEF TRIAL COUNSEL THAT HAVE IMPACTED EFFICIENCY AND EFFECTIVENESS

Change	Description	Date of first implementation	Date of full/estimated implementation	Expected efficiency impact*	
Organizational					
1	Pilot program for case reassignments for departures/moves of attorneys/investigators -- reassignment wheels to all OCTC trial teams	Enact pilot program to reassign cases based on staff departures and lateral moves	11/14/2021	1/24/2022	1
2	Revised case reassignment procedures for departures/moves of attorneys/investigators -- reassignment wheels to all OCTC trial teams	Fully enact case reassignment procedures based on staff departures and lateral moves	1/24/2022	1/24/2022	1
3	Pilot project for team dedicated to handling bank reportable actions and client trust account related cases using more stringent investigatory procedures	Pilot project to enforce more stringent investigatory procedures for bank reportable action and client trust account cases	8/1/2022	8/1/2022	0
4	OCTC Reorganization	Reorganize OCTC team structure and assignments to more efficiently and effectively process case load	7/1/2023	3/31/2024	3
Policy/Procedural					
5	New NA/UPL specific case prioritization criteria	New procedure adopted to specify criteria to prioritize NA/unauthorized practice of law cases	2/11/2020	2/11/2020	0
6	Pilot project to suspend disposition phone calls to CWs in certain cases	Pilot suspension of case closure disposition phone calls	3/1/2020	9/30/2020	1
7	Odyssey Procedures Update: Addition of Odyssey events to facilitate advising CWs of no further review	Ongoing changes to Odyssey procedures, flags, and statuses to enhance the usefulness of the system for staff (applies to all Odyssey procedures)	6/22/2020	6/22/2020	1

Change	Description	Date of first implementation	Date of full/estimated implementation	Expected efficiency impact*
8	Policies and procedures for resource, directional, and warning letters	7/10/2020	7/10/2020	0
9	Archiving and limiting OCTC line staff access to closed complaints older than five years	11/13/2020	11/13/2020	0
10	Protocols for transmitting and prosecuting DUI convictions	5/27/2021	5/27/2021	1
11	Policies and procedures on alternatives to discipline -- resource, directional, and warning letters and agreements in lieu of discipline	6/28/2021	6/28/2021	0
12	Revisions to procedures for twice-yearly random audits of closed files	1/18/2022	1/18/2022	0
13	Requiring all TR letters to respondents to include the "Your California Bar License Is at Risk" attachment to advise of benefits of retaining counsel	1/28/2022	1/28/2022	-1
14	Policies and procedures for intake consideration of prior closed complaints in determining whether to move current complaint forward to investigation	2/25/2022	2/25/2022	0
15	Policies and procedures for closing cases when CW is uncooperative	2/25/2022	2/25/2022	-2
16	Intake begins monitoring read attorney assignment distribution and adjusting case assignments to reflect capacity	2/28/2022	2/28/2022	1

Change	Description	Date of first implementation	Date of full/estimated implementation	Expected efficiency impact*	
17	Updated case prioritization categories for disciplinary and NA-UPL cases	Implementation of a policy to prioritize investigatory resources to address attorney misconduct that has resulted in, or poses the risk of resulting in, significant harm to clients, the public, or the administration of justice.	4/1/2022	4/1/2022	0
18	Intake begins using shared spreadsheet for weekly data that allows prompt review of performance of individual staff members	Use of shared collaboration spreadsheet in Intake unit for weekly data, allowing for prompt staff performance review	5/31/2022	5/31/2022	1
19	New conflicts of interests policies and procedures; requires investigators and attorneys to perform and record conflict of interest checks in Odyssey at assignment and prior to resolution	Implementation of revised conflict of interest policies and procedures and to record conflict checks in the OCTC case management system	6/1/2022	6/1/2022	-3
20	Revised procedures for designating and approving actions in major cases	Updated policy to define major cases, ensure appropriate levels of review and approval, and provide regular updates on status	9/28/2022	9/28/2022	0
21	Requirement for resource language in closing letters to respondents in all bank reportable actions and client-trust account related cases	Require resource language in closing letters to respondents in all bank reportable actions and client-trust account related cases	10/11/2022	10/11/2022	-1
22	Intake updates process for reviewing and implementing screens on 2201 cases.	Addition of Intake unit procedure to review and implement conflict check screens on cases that fall under State Bar Rule of Procedure 2201	10/31/2022	10/31/2022	1
23	Criteria limiting the use of non-public resolutions for disciplinary complaints	Issuance of a policy to provide guidance on eligibility for and the exercise of discretion in electing to pursue a nonpublic resolution of a disciplinary matter.	10/31/2022	10/31/2022	-3

Change	Description	Date of first implementation	Date of full/estimated implementation	Expected efficiency impact*
24	Require E-Learning Course condition for stipulations for probation/reproval	1/4/2023	1/4/2023	0
25	Procedures for repeaters and 15+ respondents	5/10/2023	5/10/2023	-2
26	Procedures for obtaining CTAPP and IOLTA information from regulatory division	7/1/2023	7/1/2023	0
27	OCTC Diversion Program	10/23/2023	12/1/2023	2
<b>STAFFING</b>				
28	Initial addition of Investigator III positions to add resources to meet challenges of particularly complex or high-profile cases and problem repeater respondents	3/23/2022	5/30/2022	1
29	Hiring of full time forensic accountant to assist with more complicated CTA related cases and other financial investigations	7/25/2022	10/1/2022	1
30	Creation of new Attorney IV and V positions to provide new promotion track for OCTC attorneys	2/23/2023	9/4/2023	0
31	Filling of new Senior Paralegal position to coordinate and streamline work of paralegals; provides new promotional pathway.	9/18/2023	10/1/2023	1

Change	Description	Date of first implementation	Date of full/estimated implementation	Expected efficiency impact*	
TECHNOLOGY					
32	Odyssey Procedures Updates: Addition and revision of Odyssey events to modify investigative report workflow procedures.	Ongoing changes to Odyssey procedures, flags, and statuses to enhance the usefulness of the system for staff (applies to all Odyssey procedures)	1/15/2020	1/15/2020	0
33	Odyssey Procedures Update: Addition of Odyssey case flags to identify cases requiring a disposition telephone call to CW	Ongoing changes to Odyssey procedures, flags, and statuses to enhance the usefulness of the system for staff (applies to all Odyssey procedures)	9/30/20	9/30/20	1
34	Odyssey Procedures Update: Odyssey cascading approvals eliminate need to sign (electronically or manually) internal documents to reflect required internal approvals	Ongoing changes to Odyssey procedures, flags, and statuses to enhance the usefulness of the system for staff (applies to all Odyssey procedures)	1/8/2021	1/8/2021	1
35	Odyssey Procedures Update: Simplification and streamlining of closing and major case events, creation of new form for SBI requests, and elimination of outdated Odyssey forms.	Ongoing changes to Odyssey procedures, flags, and statuses to enhance the usefulness of the system for staff (applies to all Odyssey procedures)	1/15/2021	1/15/2021	1
36	Odyssey Procedures Update: Addition of Odyssey event to facilitate quarterly status reports on abated cases	Ongoing changes to Odyssey procedures, flags, and statuses to enhance the usefulness of the system for staff (applies to all Odyssey procedures)	1/20/2021	1/20/2021	1
37	Adobe Pro AutoPortfolio Plug-In -- Facilitates conversion and combination of emails and attachments for upload into Odyssey.	Implementation of Adobe Pro Portfolio Plug-in to facilitate document conversion, combination of emails, and attachments for Odyssey upload	8/5/2021	10/1/2021	1



Change	Description	Date of first implementation	Date of full/estimated implementation	Expected efficiency impact*	
38	Odyssey Procedures Update: Save/copy function to make cascading approvals easier for Odyssey events in multiple cases	Ongoing changes to Odyssey procedures, flags, and statuses to enhance the usefulness of the system for staff (applies to all Odyssey procedures)	8/19/2021	8/19/2021	1
39	Odyssey Procedures Update: Addition of Odyssey event with cascading approvals for expense authorizations	Ongoing changes to Odyssey procedures, flags, and statuses to enhance the usefulness of the system for staff (applies to all Odyssey procedures)	10/10/2021	10/10/2021	1
40	Odyssey Procedures Update: Addition of Odyssey event for U-Case requests	Ongoing changes to Odyssey procedures, flags, and statuses to enhance the usefulness of the system for staff (applies to all Odyssey procedures)	11/22/2021	11/22/2021	1
41	Adobe Acrobat Pro DC -- Enhanced tools for OCR, redacting, bates numbering, editing, and organizing and combining documents.	Implementation of Adobe Acrobat Pro DC -- Enhanced tools for redacting, bates numbering, editing, and organizing and combining documents.	1/26/2022	3/1/2022	1
42	OCTC migration from "H" drives to OneDrive	Migration of files to OneDrive cloud server	2/21/2022	2/21/2022	1
43	Odyssey Procedures Update: Improvements to document upload tool	Ongoing changes to Odyssey procedures, flags, and statuses to enhance the usefulness of the system for staff (applies to all Odyssey procedures)	5/23/2022	5/23/2022	1
44	Intake begins using Odyssey data to determine number of cases forwarded and closed in Intake (replaces manual tracking and reporting)	Intake unit begins using Odyssey data to determine number of cases forwarded and closed in Intake (replaces manual tracking and reporting)	10/31/2022	10/31/2022	1
45	Prior Complaints Pattern dashboard	Design and enact Power BI dashboards to monitor prior complaint history	12/1/2022	1/1/2023	-2

Change	Description	Date of first implementation	Date of full/estimated implementation	Expected efficiency impact*
46	Revised macros to generate resource attachment for closing letters to respondents in all bank reportable actions and client-trust account related cases	12/21/2022	12/21/2022	1
47	Odyssey Procedures Update: Add new Odyssey event for closing based on identity theft	1/9/2023	1/9/2023	0
48	Transition to Teams Voice	3/27/2023	5/1/2023	2
49	Power BI Inventory Report	4/24/2023	6/1/2023	2
50	Odyssey Procedures Updates: Revise Odyssey procedures for case initiation events and complaints received from judicial officers	6/21/2023	6/21/2023	1
51	Odyssey Procedures Updates: Revise Odyssey procedures for Intake designation and assignment, moving cases from Investigation to Pre-Filing, and prioritization codes	7/11/2023	7/11/2023	1
52	Odyssey Procedures Update: Revise Odyssey procedures for moving cases from Investigation to Pre-Filing	7/20/2023	7/20/2023	1

*\* This is the expected impact on case processing time. Values less than zero indicate that the program/policy will likely lead to less efficiency.*

## APPENDIX B

### CALIFORNIA STATE AUDITOR'S OCTC RECOMMENDATIONS

Report	Rec. no. & rec. text	CSA status	State Bar - submitted status	Completion date	Notes
<a href="#">2022-031;</a> <a href="#">issued</a> <a href="#">April 2023</a>	6. To ensure that it can correctly calculate the timeliness of its administration of external disciplinary cases, the State Bar should immediately review the accuracy of the data in its Odyssey system for these cases and should correct any errors. Unless required, it should not report data from the system to the public and the Legislature until it verifies the data's accuracy.	Fully Implemented	Fully Implemented	10/2023	1-year response due 4/14/2024
	4. To ensure that it fulfills its duties to investigate attorney misconduct, by April 2023, the State Bar should begin monitoring compliance with its new policy for identifying the circumstances in which investigators should continue to investigate even if the complainant withdraws the complaint.	Pending	Fully Implemented	3/2023	Revised response submitted 1/3/2024; CSA has not reviewed responses as of 1/30/24
<a href="#">2022-030;</a> <a href="#">issued</a> <a href="#">April 2022</a>	8. To improve its ability to identify and prevent conflicts of interest that its staff may have with attorneys who are subjects of complaints, the State Bar should develop a process by July 2022 for monitoring the accuracy of the information in its case management system used to flag attorneys with whom its staff have declared a conflict of interest.	Partially Implemented	Fully Implemented	4/2023	Revised response submitted 1/3/2024; CSA has not reviewed responses as of 1/30/24
	13. To ensure that it appropriately reviews complaints involving overdrafts and alleged misappropriations from client trust accounts, the State Bar should by July 2022, revise its intake manual to disallow de minimis closures if the attorney has a pending or prior bank reportable action or case alleging a client trust account violation.	Pending	Fully Implemented	7/2023	Revised response submitted 1/3/2024; CSA has not reviewed responses as of 1/30/24

Report	Rec. no. & rec. text	CSA status	State Bar - submitted status	Completion date	Notes
	14. To ensure that it appropriately reviews complaints involving overdrafts and alleged misappropriations from client trust accounts the State Bar should, by July 2022, establish a monitoring system to ensure staff are following its policies for de minimis closures.	Pending	Fully Implemented	7/2023	Revised response submitted 1/3/2024; CSA has not reviewed responses as of 1/30/24
	15. To ensure that it appropriately reviews complaints involving overdrafts and alleged misappropriations from client trust accounts, by July 2022 the State Bar should, when investigating client trust account-related cases and bank reportable actions not closed de minimis, require its staff to obtain both the bank statements and the attorney's contemporaneous reconciliations of the client trust account, and determine if the relevant transactions are appropriate.	Pending	Fully Implemented	7/2023	Revised response submitted 1/3/2024; CSA has not reviewed responses as of 1/30/24
<a href="#">2020-030; issued April 2021</a>	5. To ensure that it is operating efficiently, the State Bar should assess the impact of its discipline system reorganization, including determining how the changes have affected its ability to efficiently resolve cases and fulfill its mandate to protect the public. Based on the assessment's results, the State Bar should determine whether additional changes to its organizational structure are warranted.	Pending	Partially Implemented	9/2024	Revised response submitted 1/3/2024; CSA has not reviewed responses as of 1/30/24
	6. To determine if the changes to its discipline process have been effective and to help it identify problems in specific phases of its process before they affect the backlog, the State Bar should implement methods to monitor its enforcement process performance, including comparing the trial counsel staff 's performance against its benchmarks.	Pending	Fully Implemented	12/2023	Revised response submitted 1/3/2024; CSA has not reviewed responses as of 1/30/24

Report	Rec. no. & rec. text	CSA status	State Bar - submitted status	Completion date	Notes
	8. To reduce its backlog of discipline cases and ensure that it has appropriately allocated resources to all phases of its discipline process, the State Bar should determine the staffing level necessary to achieve the goal it develops and recommends, as required by state law.	Pending	Pending	9/2024	Revised response submitted 1/3/2024; CSA has not reviewed responses as of 1/30/24
	9. To reduce its backlog of discipline cases and ensure that it has appropriately allocated resources to all phases of its discipline process, the State Bar should work with the Legislature to establish the backlog measure and goal it develops and recommends, and to revise its reporting requirements accordingly. If necessary, the State Bar should also request the additional resources required to meet the goal.	Pending	Pending	9/2024	Revised response submitted 1/3/2024; CSA has not reviewed responses as of 1/30/24
	12. To further its ability to operate more efficiently and reduce the backlog of discipline cases, State Bar should develop benchmarks by December 2019 delineating the duration of each step in its investigations process.	Fully Implemented	Fully Implemented	4/2020	
<a href="#">2018-030; issued April 2019</a>	13. To further its ability to operate more efficiently and reduce the backlog of discipline cases, State Bar should ensure consistency by December 2019 in the policy and guidance documents its staff follow when performing investigations work.	Fully Implemented	Fully Implemented	4/2020	
	14. To further its ability to operate more efficiently and reduce the backlog of discipline cases, State Bar should use its performance measures and collected data going forward to evaluate its case processing goals and work with the Legislature to revise the 180-day statutory goal if necessary.	Fully Implemented	Fully Implemented	8/2021	

## APPENDIX C

### METHOD OF CASE COUNTS: ANNUAL DISCIPLINE REPORT VS SENATE BILL 211 Proposal

The purpose of this document is to compare how cases are reported in the Annual Discipline Report (ADR) compared to the SB 211 proposal. When referring to the ADR, the following main tables related to caseload and case-processing time are included:

- Table SR-1B. Case Processing
- Table SR-2. Inquiries and Complaints
- Table SR-5. Speed of Complaint Handling

There are two areas where the data are reported differently, one relating to the case types included and the other relating to how case-processing time is calculated.

### CASE-PROCESSING TIME

The SB211 proposal was focused primarily on the time standards for the Office of Chief Trial Counsel (OCTC). Different from the ADR report, abated cases were removed from the calculation of case-processing time, as cases are generally abated for reasons beyond the control of OCTC. Also, the SB 211 report considers a case closed at the charging stage when a notice is sent to the respondent to initiate the Early Neutral Evaluation Conference (ENEC) process. This is in contrast to the ADR report, in which a case is considered closed at the charging stage only at the point when a Notice of Discipline Charge (NDC) is issued.

### CASE TYPES

The ADR and SB 211 reports cover slightly different sets of case types. This can be seen in the table below, with SB 211 including a few more case types. In terms of the total cases processed by OCTC, the difference is negligible. The ADR report covers 87 percent of all cases closed, relative to nearly the same percentage in the SB 211 report, at 88 percent of all cases.

Code	Description	ADR	SB 211	Cased closed 2023
H	Reproval Violation	✓	✓	12
J	Discipline in Other Jurisdiction	✓	✓	33
N	9.20 Violation - Supreme Court Order	✓	✓	10
O	Original Matter	✓	✓	12,881
OPR	Probation Violation	✓	✓	23
OSBC	9.20 Violation – State Bar Court Order	✓	✓	18
RA1	RA – Insufficient Funds	✓	✓	1,310

Code	Description	ADR	SB 211	Cases closed 2023
RA2	RA – Contempt Order	✓	✓	3
RA3	RA – Insurance Claim	✓	✓	262
RA4	RA – Sanction Order	✓	✓	179
RA5	RA – Judgment	✓	✓	8
RA6	RA – Reversal of Judgment	✓	✓	7
RA7	RA – Multiple Lawsuits	✓	✓	4
RA8	RA – Prosecutor Withheld Exculpatory Evidence	✓	✓	0
RA9	RA – Discipline by Other Licensing Agency	✓	✓	6
RA10	RA – Civil Penalties	✓	✓	0
AE	Fee Arbitration	X	✓	0
CT	Contempt Proceeding	X	✓	0
LR	Lawyer Referral Service	X	✓	0
U	6180/6190 (Excluding Former Attorney)	X	✓	36
W	Resignation Without Charges Pending	X	✓	0
X	Rule 2605 - Vexatious Complainant	X	✓	0
Y	Perpetuation	X	✓	0
C	Conviction Matter	X	X	1,098
M	Moral Character	X	X	4
NA	Unauthorized Practice of Law – Nonattorney	X	X	900
PF	Pre-filing Motion to Quash	X	X	7
PM	Probation Revocation – Motion	X	X	0
Q	Resignation with Charges Pending	X	X	9
R	Reinstatement	X	X	9
TB	Inactive 6007(b)(1) Insanity or Mental Incompetence	X	X	0
TE	Inactive 6007(c) Substantial Threat /Harm	X	X	6
TH	Interim Remedies 6007(h) Restricted Practice	X	X	0



Code	Description	ADR	SB 211	Cases closed 2023
TR	Inactive 6007(b)(2) Order Jurisdiction Over Practice	X	X	1
TT	Inactive 6007(b)(3) Mental Illness or Substance Abuse	X	X	21
U	6180/6190 (Former Attorney)	X	X	31
V	Reinstatement 1.2(c)(1) Relief from Actual Suspension	X	X	15
ZB	Return 6007(b)(1) Inactive Insanity or Mental Incompetence	X	X	0
ZE	Return 6007(c) Inactive Substantial Threat /Harm	X	X	0
ZH	Return from Interim Remedies 6007(h) Restricted Practice	X	X	0
ZR	Return 6007(b)(2) Inactive Order Jurisdiction Over Practice	X	X	0
ZT	Return 6007(b)(3) Inactive Mental Illness or Substance Abuse	X	X	0

## APPENDIX D

### OCTC 2024 WORKLOAD AND RESOURCE STUDY SURVEY INSTRUMENT

---

#### Start of Block: Block 2



Q1.1 Were you working around \${e://Field/DistTime} on \${e://Field/DistDate} when the survey arrived? (For purpose of this survey, lunch, break, absence for any reason, or vacation would be counted in the non-work category.)

- ☐ Yes (1)
- ☐ No (2)

#### End of Block: Block 2

---

#### Start of Block: Default Question Block

Display This Question:

If Were you working around \${e://Field/DistTime} on \${e://Field/DistDate} when the survey arrived? (... = Yes



Q2.1 Were you working on a case around \${e://Field/DistTime} on \${e://Field/DistDate}?

- ☐ Yes (1)
- ☐ No (2)

---

Display This Question:

If Were you working on a case around \${e://Field/DistTime} on \${e://Field/DistDate}? = Yes



Q2.2 If so, what case were you working on? Please enter the case number. (Only one case number, and case number only; no other information about the case is needed. Please include all elements in the case number as in the format 19-C-056212.)

If you are working on a State Bar Court case, please provide any **one** of the associated OCTC case numbers.

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*Display This Question:*

*If Were you working on a case around \${e://Field/DistTime} on \${e://Field/DistDate}? = Yes*



Q2.3 Please enter the same case number again to make sure it's accurate.

---

End of Block: Default Question Block

---

Start of Block: Block 2

*Display This Question:*

*If Were you working on a case around \${e://Field/DistTime} on \${e://Field/DistDate}? = No*



Q3.1 Please select from the list below that best describes your work activity:

- ☐ Attending to supervision/management and other personnel matters (1)
- ☐ Attending training and meetings (2)
- ☐ Generating and reviewing case statistics reports (3)
- ☐ Other administrative work - please describe in the box provided: (4)

- 
- ☐ Special projects – please describe in the box provided: (5)
-

*Display This Question:*

*If pos\_workload = Investigator*

*Or pos\_workload = Attorney*

*Or pos\_workload = Sup/Mgr*

*And If*

*If Please enter the same case number again to make sure it's accurate. Text Response Is Not Empty*

JS

### Q3.2

- 1. Communicating regarding a case - Internal:** (with legal advisor, coworker, supervisor, etc.; via phone, text, e-mail, Zoom, in-person)
- 2. Communicating regarding a case - External-CW:** (interviewing or communicating with CW via phone, text, e-mail, Zoom, in-person)
- 3. Communicating regarding a case - External-non-CW:** (interviewing or communicating with witnesses, R, RC, bank or court personnel, etc.; via phone, text, e-mail, Zoom, in-person)
- 4. Drafting or creating documents - Internal:** (Investigative Plan, Investigative Report, all internal memos, Closing Documents, charging memos and NDCs, requests to abate/unabate, SBI requests, non-complaining witness waivers, etc.)
- 5. Drafting or creating documents - External-CW:** (CCW letters, closing letters, stay closed letters, status update letters, etc.)
- 6. Drafting or creating documents - External-CW:** (TR Letter, "Please Call" letter to witness, subpoena for bank, court or other records, letter to law enforcement agency, stipulation, conference statements, etc.)
- 7. Reviewing documents:** (Court records, bank records, medical records, Immigration records, law enforcement records, etc., written response from Respondent or RC, information from CW or other witnesses, news articles, etc., and case legal review/case disposition review for attorneys; also include work product such as major case memos, charging memos and NDCs, requests to abate/unabate, SBI requests, non-complaining witness waivers, etc.)
- 8. Case/file administration in Odyssey:** (Data entry into Odyssey, scanning or uploading documents into Odyssey, creating or responding to tasks in Odyssey)
- 9. Research:** (Google or other online research, Lexus, TLO, PACER, NICB, Westlaw, law library, Business & Professions Code / Rules of Professional Conduct, etc.)
- 10. All case-related tasks related to court appearance, preparation, mediation, etc.:** (including testifying as a witness, testimony prep with legal advisor, drafting pleadings, court appearances, preparation for ENEC, trial, and other hearings (inclusive of trial exhibits, witness prep, pretrial docs).
- 11. Other:** (such as fieldwork related to subpoena service, locating witnesses, assuming jurisdiction, meeting with law enforcement, etc.)

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Display This Question:

*If pos\_workload = Attorney*

*Or pos\_workload = Investigator*

*Or pos\_workload = Sup/Mgr*

And If

*If Please enter the same case number again to make sure it's accurate. Text Response Is Not Empty*



Q3.3 Please select from the list below that best describes your case-related work activity (see above for more details under each category):

- ☐ Communicating regarding a case - Internal (1)
  - ☐ Communicating regarding a case - External-CW (2)
  - ☐ Communicating regarding a case - External-non-CW (3)
  - ☐ Drafting or creating documents - Internal (4)
  - ☐ Drafting or creating documents - External-CW (5)
  - ☐ Drafting or creating documents - External-non-CW (6)
  - ☐ Reviewing documents (7)
  - ☐ Case/file administration in Odyssey (8)
  - ☐ Research (9)
  - ☐ All case-related tasks related to court appearance, preparation, mediation, etc. (10)
  - ☐ Other - please describe in the box provided: (11)
-

Display This Question:

If pos\_workload = Assistant

Or pos\_workload = Legal Secretary

Or pos\_workload = Paralegal

Or pos\_workload = Other

And If

If Please enter the same case number again to make sure it's accurate. Text Response Is Not Empty

JS

Q3.4

**1. Case/file administration:** (case initiation, case handling such as closing, abating, unabating, changing case status, and other Odyssey updating such as adding witnesses, events, documents)

**2. Processing/preparing documents, correspondence:** (Sending correspondence, proofreading, filing documents with SBC, preparing exhibits, translating, scanning, uploading documents into Odyssey or My Member Profile, preparing Cost Certificates, working with Adobe Pro, processing file requests)

**3. Processing/preparing subpoenas**

**4. Creating bank reports**

**5. Scheduling/coordinating events:** (depositions, witness preparation, trial testimony, travel arrangements, etc.)

Display This Question:

If pos\_workload = Assistant

Or pos\_workload = Legal Secretary

Or pos\_workload = Paralegal

Or pos\_workload = Other

And If

If Please enter the same case number again to make sure it's accurate. Text Response Is Not Empty

X→

Q3.5 Please select from the list below that best describes your case-related work activity (see above for more details under each category):

- ☐ Case/file administration in Odyssey (1)
- ☐ Processing/preparing documents, correspondence (2)
- ☐ Processing/preparing subpoenas (3)
- ☐ Creating bank reports (4)
- ☐ Scheduling/coordinating events (5)

**End of Block: Block 2**

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**Start of Block: Block 3**

Q5.1 This is the end of the survey. If you'd like to review your responses, please click the back button below. Otherwise click the next button to submit the survey. You will only be able to submit this survey once!

**End of Block: Block 3**

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