



The State Bar *of California*

2023 Office of Public Trust Liaison Annual Report **First Year Accomplishments, Recommendations, and Future Plans**

May 1, 2024

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EXECUTIVE SUMMARY

In its inaugural year, the Office of Public Trust Liaison (OPTL) emerged as an important hub for public engagement. The inquiries, submissions, and critiques received played a pivotal role in pinpointing areas of growth and for improvement, notably within the discipline and admissions functions of the State Bar of California, but also, within the OPTL itself.

With dedicated efforts concentrated on improving communication with and responsiveness to the public in 2023, the OPTL successfully resolving a total of 480 cases.

In addition, during its first year of operations, the OPTL identified areas of improvement through external customer satisfaction surveys. The insights garnered from this initiative highlighted the public's desire for more transparency and responsiveness. With the rise in popularity of the office, public engagement with the office also increased, creating a need for additional staff to maintain the level of responsiveness the public desires.

Going forward, the OPTL anticipates integrating public feedback into its operational enhancements throughout the year, with a focus on responding to inquiries more efficiently and developing public education about the State Bar and its programs. The office looks forward to leveraging the wealth of insights gained during its first year of operation to refine its practices and elevate its role as a responsive and indispensable resource for the public and State Bar staff alike.

THE CREATION OF THE OFFICE OF PUBLIC TRUST LIAISON

The State Bar of California created the OPTL in 2023 to improve accessibility and accountability in the State Bar's discipline and admissions systems. State Bar reform recommendations over the years have highlighted the necessity for an independent ombuds-type function to improve communication and understanding between the complaint system and the public it serves. Most recently, the California State Auditor in its report [2022-30](#) identified the need for an independent oversight mechanism, as well as support for individuals needing assistance filing complaints and appeals.

After years of being raised but not moved to implementation, the Board of Trustees funded the inaugural effort as part of the State Bar's 2023 budget. The Board determined that, in addition to discipline-related issues, the OPTL should handle admissions matters, given the large volume of complaints and concerns surrounding the admissions process.

2023 HIGHLIGHTS AND ACCOMPLISHMENTS

- Inquiries received in the first quarter of 2023 highlighted a clear need for the establishment of a [Deceased Attorney webpage](#). These early inquiries sought guidance on what to do when an active attorney dies. In response, the OPTL launched a webpage with information on this issue. This webpage specifically assists attorneys, family members, and clients by providing information and addressing questions related to the death of their attorney.
- Outreach and Public Education: Outreach efforts, including engagements with Spanish news media, radio placements, and social media campaigns during March 2023 led to an

unprecedented surge in phone call volume and more than 100 PTL inquiries (PTLI) in the month of April alone.

PUBLIC TRUST LIAISON INQUIRIES



The OPTL received 575 requests during its first year of operation; 480 were resolved.

Areas of Concern

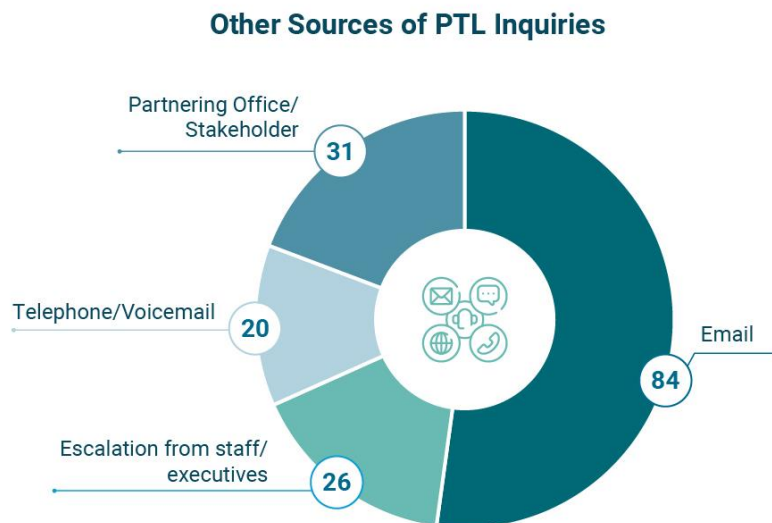
The majority of the 575 total submissions and 480 resolutions in 2023 involved the Office of Chief Trial Counsel (OCTC). Admissions issues were the next highest submission area. Remaining areas of concern covered almost the entirety of bar operations. Additionally, some inquiries could not be categorized as they encompassed multiple issues, many of which were outside the scope of OPTL operations or the State Bar altogether.

PTL Inquiry Issue Area	PTL Inquiries
Office of Chief Trial Counsel	319
Admissions	95
Multiple Issues/Other	46
Filing a Complaint	30
Complaint Review Unit	24
Attorney Regulation	12
Client Security Fund	12
Lawyer Referral Services	12
Attorney Search Assistance	9
Unauthorized Practice of Law	8
Fee Arbitration	8
TOTAL	575

Source of Inquiries

In 2023, the PTLI form on the State Bar website was the most common source of submission for resolved inquiries. Of the 480 resolutions, 315 (66 percent) were inquiries that were submitted through the PTL’s webpage, “[Public Trust Liaison Inquiry form.](#)”

Email accounted for most of the non-form submissions: partnering offices, internal and external stakeholders, and members of the public all directed email inquiries to the OPTL.



Inquiry Submission Trends

The number of PTLI submissions began slowly in 2023 because of limited office visibility at launch. However, following successful media campaigns, public awareness of the office increased dramatically, resulting in a surge in submissions. In April 2023, the office received triple the number of new inquiries as experienced in January.¹



¹ Table above reflects inquiries submitted online, which comprised about 80 percent of total inquiries received during the reporting period.

The peak in PTLIs received in April 2023 was in direct response to a public awareness campaign launched in collaboration with the Office of Communications.

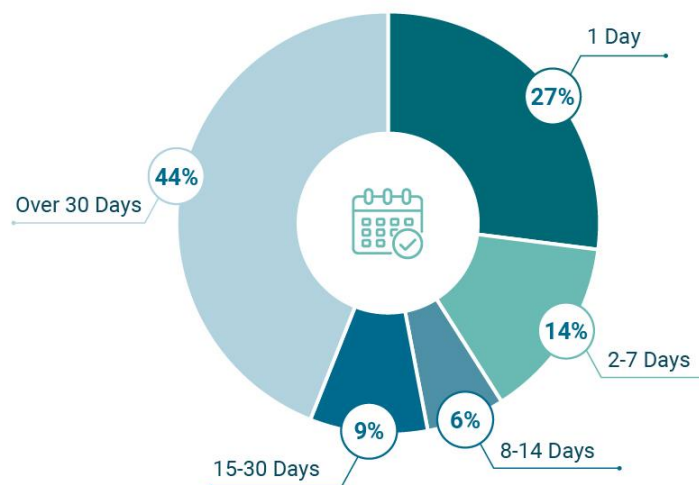
Resolutions and Staffing Levels

From January through May 2023, the PTL was the sole full-time employee (FTE) charged with responding to inquiries. In July 2023, OPTL began to incorporate an additional FTE assigned to assist with resolution. The additional staffing decreased response time, increased resolutions, and reduced the pending inventory of PTLIs.

	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
FTE	1	1	1	1	1	1.5	2	2	2	2	2	2
Received	33	44	72	94	57	53	63	51	25	25	33	25
Resolved	23	36	34	39	64	25	27	33	59	39	48	51
Pending	10	18	56	111	104	132	188	205	172	158	143	117

The average days to resolve an inquiry since receipt varied. A significant portion, accounting for 46 percent of cases, took over 30 days to resolve. Also notable, 27 percent of inquiries were resolved within 0–1 day, indicating swift resolution in a substantial portion of cases. Additionally, 14 percent were resolved within 2–7 days, 6 percent within 8–14 days, and 9 percent within 15–30 days. The extended period of resolution can be attributed to limited resources, as only one full-time employee was responsible for addressing these inquiries for the first six months. Resolution rates for 2024 have greatly improved with the addition of an additional FTE and an improved tracking system.

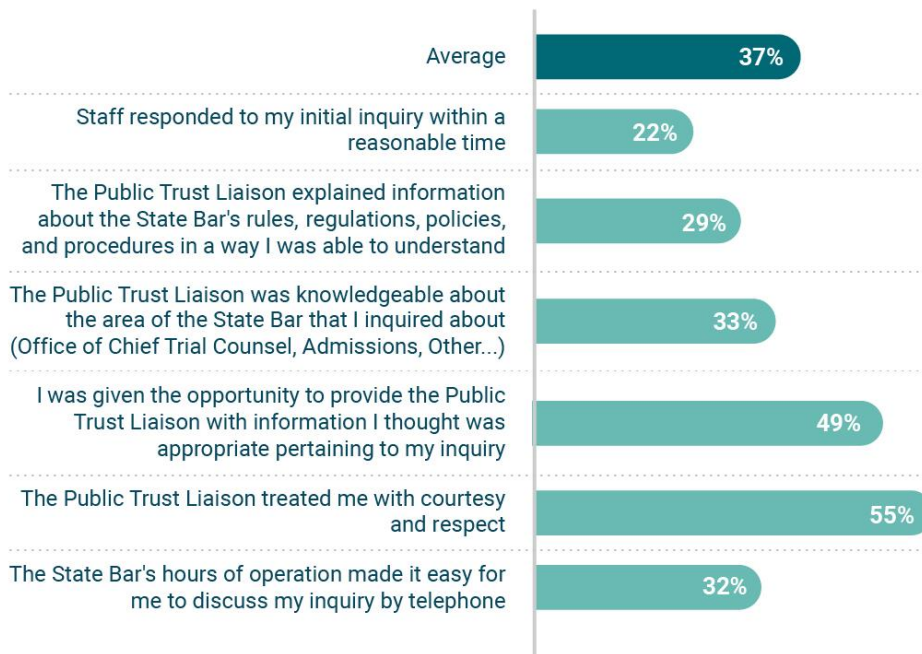
Average Days to Resolve an Inquiry



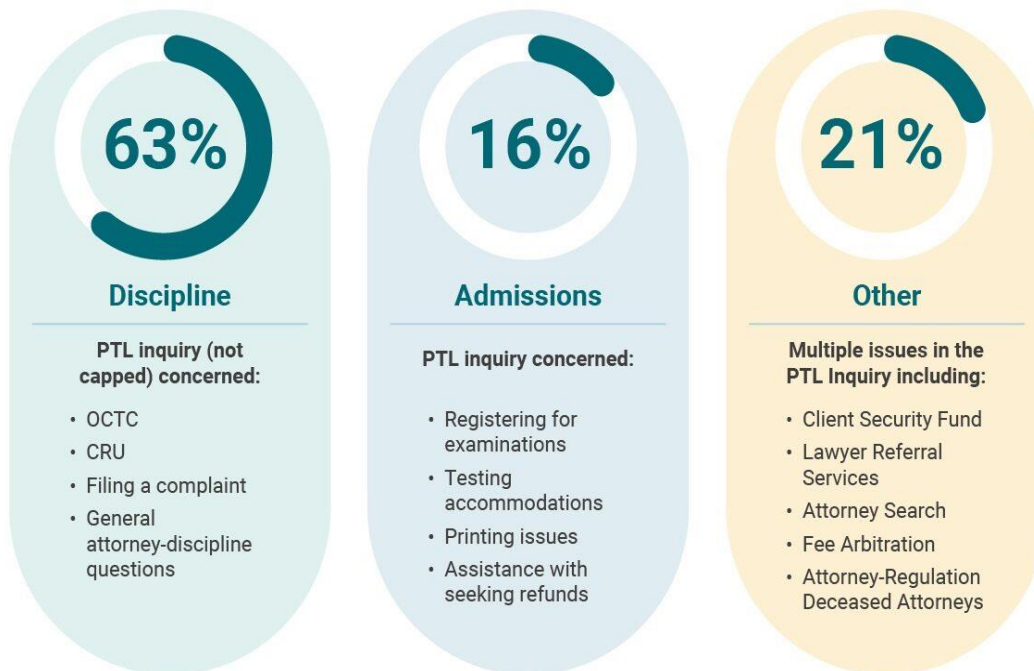
Customer Satisfaction Survey

A customer satisfaction survey was deployed to 199 individuals who were assisted by the OPTL in the last quarter of 2023, 24 percent of whom responded. Among the survey participants, 55 percent said they were treated with courtesy and respect, and almost half of those surveyed said they had the opportunity to provide the information to the OPTL that they thought was pertinent to their inquiry. However, only 37 percent expressed satisfaction with the PTL as measured across several survey items. The OPTL will strive to improve upon this baseline result by enhancing procedural efficacy to improve response time and overall service accessibility. In addition, in 2024, methods for increasing the survey response rate will be explored.

Percent that Strongly Agree/Somewhat Agree



SUMMARY OF KEY ISSUES RAISED



In 2023, the office successfully resolved a total of 480 inquiries, addressing various areas of concerns raised by the public. Of these resolved matters, the majority of these inquiries, comprising 63 percent, were related to attorney discipline matters. Another 16 percent of the resolved inquiries were associated with admissions concerns regarding the process of admitting individuals to legal practice and bar examinations. The remaining 21 percent of resolved inquiries were categorized under “other” areas of the bar, encompassing a diverse range of topics beyond attorney discipline and admissions.

Discipline Inquiries

A significant portion of the resolved inquiries in 2023, constituting 63 percent, were centered around matters related to attorney discipline. Within this category, individuals sought information and assistance on various aspects of the attorney discipline process. These inquiries predominantly included questions about the status of filed complaints. Individuals also sought clarification about how to provide additional information once the complaint was submitted and wanted updates on the progress of their complaints.

Additionally, inquiries in this category included questions about the procedures for filing an attorney complaint. Often, the inquiries focused on technical issues with the electronic complaint form such as how to upload large files to supplement their complaint allegations. In other instances, members of the public inquired whether their particular issue with an attorney merited filing a complaint.

General attorney discipline questions were also a notable proportion of the inquiries, indicating that the public wanted to understand the rules and standards that lawyers have to follow.

Inquiries specific to the OCTC were centered around procedures—for example, how do cases go from intake to investigation. Individuals wanted to know when an investigator would be assigned to their case or requested outreach from the investigators. Some individuals with active complaints also added that they struggled to communicate with the assigned investigator on the case.

Inquiries related to the Complaint Review Unit (CRU) were primarily about CRU's role in evaluating and processing complaints and associated deadlines and timelines. In particular, people were interested in understanding how to get their matters filed with CRU and sought assistance in adding more information to their existing CRU files.

Admissions Inquiries

In 2023, 16 percent of resolved inquiries focused on various concerns related to the admissions process. These inquiries showcased some of the challenges applicants face when navigating the pathway to becoming attorneys.

A significant subset of admissions inquiries involved questions about registering for examinations. Individuals sought clarification on the examination registration process. Additionally, inquiries related to how the admissions process accommodates individuals with specific testing needs. Several inquiries in this area also focused on modifying existing accommodations and on deadlines for submitting medical information. Some PTL clients added that they were struggling to communicate with admissions staff.

The inability to print or access exam admission tickets was also the focus of a notable component of admissions inquiries, particularly right before bar exam administration. Applicants communicated challenges or sought assistance in obtaining their admissions tickets, emphasizing the importance of streamlined processes to facilitate smooth and stress-free entry into examinations.

Other admissions-related inquiries involved requests for assistance in seeking refunds, or general questions about the refund policy.

To a lesser extent, there were questions about the moral character determination process.

Other Inquiries

The “other” category encompassed inquiry topics that fell outside the primary focus of the office. While the office directed its attention to admissions and discipline in 2023, 21 percent of the total inquiries addressed other areas, including the CSF, fee arbitration, and requests for lawyer referral services. Despite these areas not being the primary focus, the office resolved these matters as practicable.

Within this category, inquiries frequently involved questions about the CSF, specifically regarding the application process and eligibility criteria. Individuals sought guidance on how to access and use this valuable resource, reflecting a strong interest in understanding the mechanisms in place for financial protection from unethical attorneys.

Additionally, there were inquiries related to lawyer referral services, with individuals seeking information about how to connect with qualified legal professionals for their specific needs. These individuals were provided with State Bar Certified Lawyer Referral services in their area.

The attorney search function on the website was also a common subject of inquiries. Specifically, individuals either did not know it existed or needed help with the advanced search function. They sought guidance on effectively using this tool to find information about attorneys or to verify an attorney's license status in the state, emphasizing the importance of user-friendly interfaces for accessing relevant information.

Fee arbitration inquiries were another component of the "other" category. Individuals sought clarification on the fee arbitration process or asked for the fee arbitration provider in their area, indicating a practical interest in understanding the mechanisms for resolving fee-related disputes within the legal framework.

This section also included inquiries about deceased attorneys. These inquiries were more frequent at the onset of the office. As mentioned above, the OPTL responded by launching a dedicated webpage addressing the issue. The new webpage serves to aid attorneys, family members, and clients by furnishing pertinent information and resolving queries related to the death of their attorney. A notable consequence of this webpage launch is that inquiries in this subject has since decreased.

Last, inquiries related to attorney regulation were observed in this category, especially near the end of the year when attorney annual fees and Client Trust Account Protection Program compliance reporting were coming due.

RECOMMENDATIONS FOR IMPROVEMENT

Office of Chief Trial Counsel

The OCTC processes and investigates thousands of complaints per year. Below are recommendations for systematic improvements based on the comments and criticisms heard during this reporting period.

Recommendation 1: Implement a procedure to systematically process additional mail on closed cases where a new complaint has been filed.

There are situations where a complaining witness (CW) files a complaint against a respondent that is subsequently closed. Sometimes, the CW submits what they consider to be a new complaint against the same attorney at a later date. Currently when this happens, OCTC attaches this new complaint to the closed complaint as new information received. The OCTC attorney who had been assigned to the original complaint is tasked with reviewing the new information to determine whether it constitutes a new allegation, or the same allegations already investigated. This review process seems to be taking a long time, and the CW then contacts the State Bar wondering what has happened with the new complaint they filed. To

address this, the OPTL suggests enhancing the online complaint form by incorporating a section allowing CWs to clarify that they are submitting a new complaint with new allegations against an attorney against whom they have previously filed. This user-friendly addition, such as a drop-down menu, would streamline the process, facilitate an efficient initial review, and mitigate the risk of the CW feeling neglected.

Recommendation 2: Reissuing closing letters with an updated deadline for CRU review purposes.

OPTL inquiries revealed inconsistencies in “stay-closed” letters issued by OCTC. Complainants have a 90-day window following most OCTC closures to seek CRU review. When a CW submits additional information after the closure, the assigned legal advisor determines whether the matter will reopen or remain closed. If the legal advisor determines that the matter should remain closed, a stay-closed letter is issued. Some OCTC letters restate the original closure date in these letters and specify that the CW has 90 days from *that* date to apply to CRU. Other letters reset the 90-day deadline to the date of the new stay-closed letter, resulting in an inconsistent practice. The OPTL recommends that OCTC attorneys offer a new 90-day CRU deadline following OCTC’s post-closure review of further information in their stay-closed letters.

Recommendation 3: Complaining witnesses who required ADA assistance in submitting their complaints might still need assistance at the intake stage.

On limited occasions, CWs who required Americans with Disabilities Acts (ADA) assistance to file a complaint because they could not communicate in written form encountered difficulties responding to letters or emails from intake attorneys requesting additional information in writing. Consequently, these complaining witnesses had to reach out to the OPTL for further assistance. To address this, the OPTL suggests adding an Odyssey case flag similar to that used to indicate that a witness needs a translator, so that intake personnel can readily determine the need for ADA support. This flag could be triggered by some information in the complaint narrative submitted to data entry for processing; for example, the opening line that indicates that the complaint was completed with ADA assistance.

Office of Admissions

The Office of Admissions annually manages a substantial volume of applications for various stages of the admissions process. Below are recommendations for systematic improvements based on the comments and criticisms heard during this reporting period.

Recommendation 1: Improve communication with law school and applicants.

OPTL clients, both applicants and law school staff, reported a perceived harsh tone in written communication from the Office of Admissions. In addition, clients reported a lack of staff

responsiveness to phone inquiries. It is recommended that the Office of Admissions review written correspondence sent to applicants and law school faculty for tone and adopt protocols to improve phone responsiveness.

Recommendation 2: Create a process for members of the public seeking to supplement an applicant's moral character application with additional information.

On several occasions, members of the public expressed a desire to supplement an applicant's moral character application with information they believed should be considered before admitting applicants to practice law. As of 2023, there was no way on the website to effectuate this goal. The OPTL recommends creating a user-friendly method for members of the public who wish to supplement an applicant's moral character application with additional information. This could be achieved by providing a published form and clear instructions that prompt submitters to identify the applicant and allow for the seamless uploading of supplemental information.

EXTERNAL AUDITOR

As part of the ombuds-type powers vested in the OPTL, the office holds the authority to refer discipline cases to the external auditor program managed by the Mission Advancement & Accountability Division. The OPTL made no such referrals in 2023.

SPECIAL DEPUTY TRIAL COUNSEL

During 2023, the OPTL identified a potential conflict-of-interest issue in one OCTC case originally from 2021. After OPTL brought this to the attention of OCTC, OCTC determined that the best course of action was to refer the matter to the special deputy trial counsel. A special deputy trial counsel is appointed pursuant to rule 2201 of the Rules of Procedure of the State Bar of California, where the complaint presents a conflict of interest.

A LOOK AHEAD TO 2024

ATTORNEY-CLIENT BRIDGE PROGRAM

The OPTL plans to introduce a new initiative in 2024, the Attorney-Client Bridge Program (Bridge Program). This innovative program will serve as a front-end alternative complaint resolution effort. Currently, it is a limited pilot with existing resources. Expansion and formal implementation will be dependent on the outcome of the April 1, 2024, Legislature funding request.

The Bridge Program aims to address and resolve issues related to attorney-client communication breakdowns or challenges with the return of client files. Recognizing the significance of resolving issues amicably, the Bridge Program will provide a streamlined and efficient avenue for resolving these issues without clients having to resort to the formal discipline process. By proactively intervening at the outset, the State Bar seeks to enhance communication, mitigate conflicts, reduce OCTC caseload, and uphold the principles of professionalism and accountability within the attorney-client relationship.

Improvements to Certified Lawyer Referral Services Webpage

As outlined above, the OPTL received numerous inquiries regarding LRS during the reporting period. In addition, State Bar contact center data indicates that LRS-related questions account for the majority of public outreach to the State Bar. The OPTL aims for significant enhancements to the Certified Lawyer Referral Services webpage in 2024. Recognizing it as one of the most sought-after areas for State Bar support, the goal is to further refine the user experience and ensure that the webpage serves as a comprehensive and user-friendly hub for individuals seeking legal assistance.

New Inquiry Tracking System

In January 2024, PTLI submissions again increased as both the seasonal low ebbed and a growing number of new admittees began using the PTL Inquiry submission system. Even with the increase in submissions, OPTL staff resolved 79 percent of January 2024 inquiries within 14 days of receipt.

In the first quarter of 2024, the office implemented a new tracking system to improve the reporting of inquiry submission data. This system includes a ticketing function that will allow careful monitoring of time that inquiries have been pending which will allow staff to promptly identify open requests that require immediate attention.

CONCLUSION

The data obtained and trends observed during the inaugural OPTL year will serve as a crucial benchmark for the future. The inquiries, submissions, and critiques submitted to the office have identified areas of needed growth and improvement within the discipline and admissions areas of the bar. Similarly, the OPTL gained awareness of its opportunities for development from internal and external customer satisfaction surveys administered during its first year of operations. The OPTL actively commits to serving as a trusted intermediary between the public and the State Bar, fostering transparency and responsiveness, and continuously enhancing our services. The office looks forward to incorporating the feedback received by the public to improve its operations, responding to inquiries more efficiently and continuing to grow and evolve.

APPENDIX

California State Auditor. (2022). Report 2022–030. Retrieved from

<https://www.auditor.ca.gov/reports/2022-030/index.html>