



The State Bar *of California*

Office of Chief Trial Counsel Performance Metrics – Q1 2024

George Cardona, Chief Trial Counsel

Board of Trustees Meeting, May 16–17, 2024

Interactive Dashboard

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

Last presented on [Q-3 2023 performance metrics](#) from dashboard at the November 15-16, meeting. Q-4 2023 performance metrics were incorporated in the April 1, 2024, "[Progress Report on Discipline System Case Processing Standards and Analysis of Office of Chief Trial Counsel Staffing Needs](#)"

Current dashboard includes a glossary that defines certain terms and has been updated to modify/add metrics and targets.





OFFICE OF CHIEF TRIAL COUNSEL | KEY PERFORMANCE INDICATORS - 2024 Q1

CASE INVENTORY

6833

Previous QTR: 7714 (-881)

CASELOAD CLEARANCE RATE

122%

Previous QTR: 94% (+28%)

Target Clearance Rate: 120%

CRU REOPENS FOR REASONS OTHER THAN NEW EVIDENCE

1%

Target: 2% (-1.2%)

RANDOM AUDIT REOPENS FOR SUBSTANTIVE REASONS

4.7%

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

AVERAGE DAYS SPENT IN INVESTIGATION

NON-COMPLEX CASES

220

Previous QTR: 182 (+38)

Target: 120 days

COMPLEX CASES

318

Previous QTR: 259 (+59)

Target: 180 days

AVERAGE DAYS TO CLOSE

NON-COMPLEX CASES

87

Previous QTR: 74 (+13)

Target: 60 days

COMPLEX CASES

386

Previous QTR: 339 (+47)

Target: 233 days

PERCENT CASES CLOSED WITHIN TARGET

NON-COMPLEX CASES
CLOSED IN ≤180 DAYS

87%

Previous QTR: 90% (-4%)

Target: 90%

COMPLEX CASES CLOSED IN
≤365 DAYS

63%

Previous QTR: 66% (-2%)

Target: 90%

Jan-Jun 2020: 190 average days reported by Auditor

NOTES:

- Rule 2201 (OEX) program cases are not included in this report.
- Metrics are marked blue when targets are met and red when missed, except for the Case Inventory KPI, which reflects the performance of the previous quarter.
- KPI's shown on this page are for ADR cases only. For ADR case definition, see [Glossary](#).

FILTER BY:

Filter Info

ADR

☒ Yes

☐ No

ABATED

☐ No

COMPLEX

☐ No

☐ Yes

PRIORITY

All

▼

OPEN CASES IN BACKLOG STATUS IN 2024 Q1

3754

2023 Backlog: 3539 (+215)
2022 Backlog: 2043 (+1496)

55%

2023 Backlog: 46% (+9%)
2022 Backlog: 35% (+11%)
Target: Under 10%

PROJECTED CASES CLOSED IN BACKLOG STATUS IN 2024

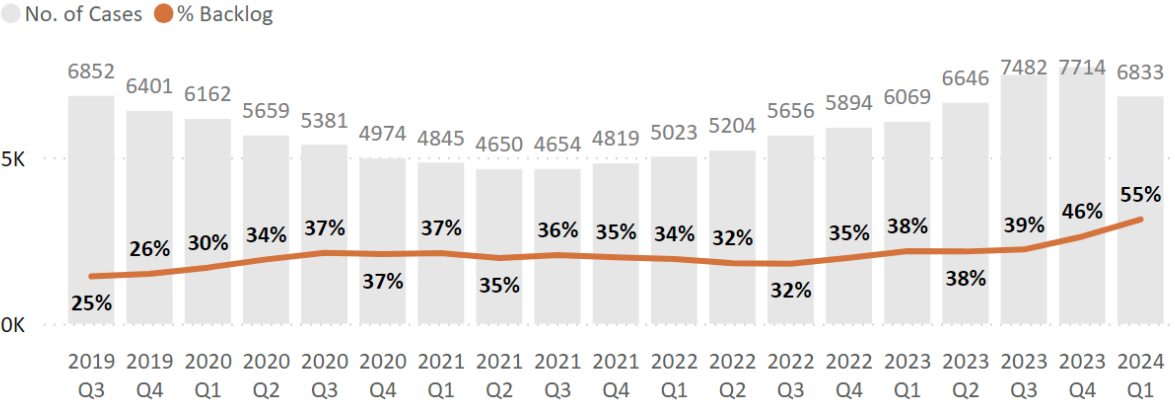
3736

2023 Backlog: 2122 (+1614)
2022 Backlog: 1845 (+277)

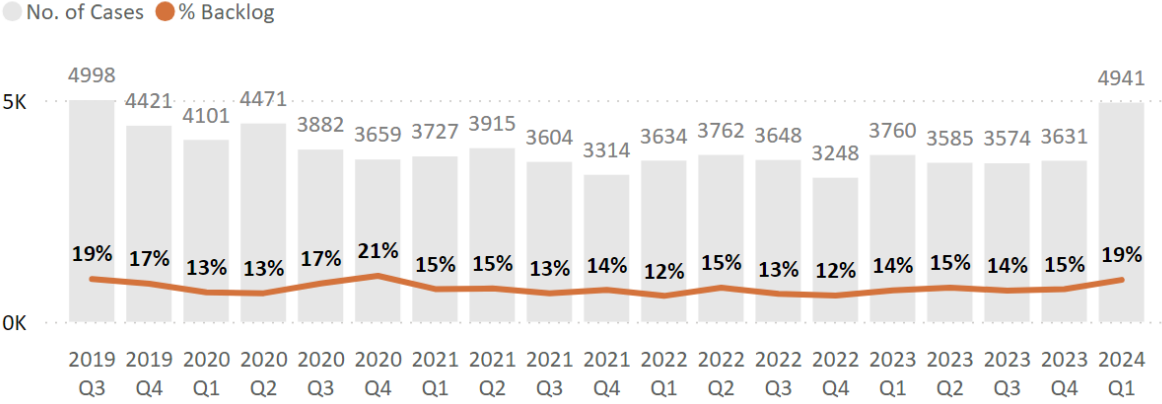
19%

2023 Backlog: 15% (+4%)
2022 Backlog: 13% (+2%)
Target: Under 10%

% OF OPEN CASES IN BACKLOG STATUS



% OF CASES CLOSED IN BACKLOG STATUS



FILTER BY:

Filter Info

ADR

☒ Yes☐ No

ABATED

☐ No

COMPLEX

☐ No☐ Yes

PERIOD

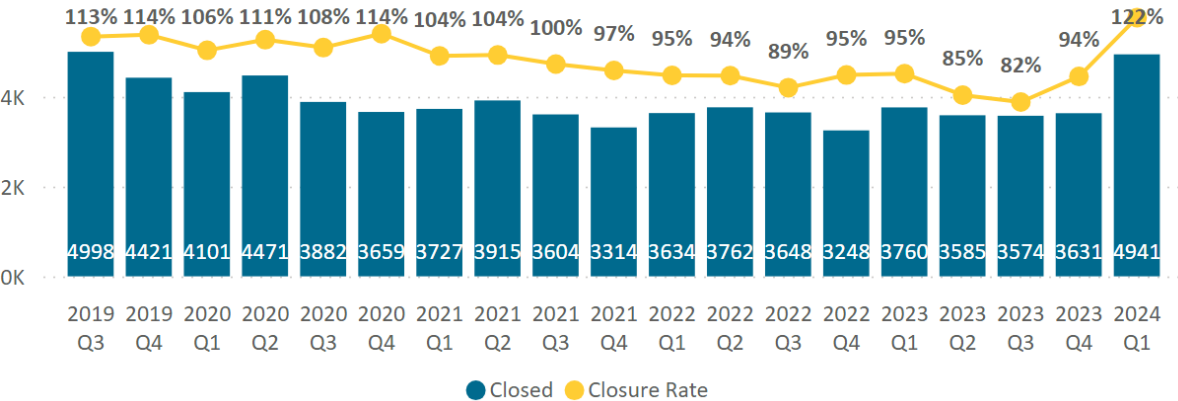
All

PRIORITY

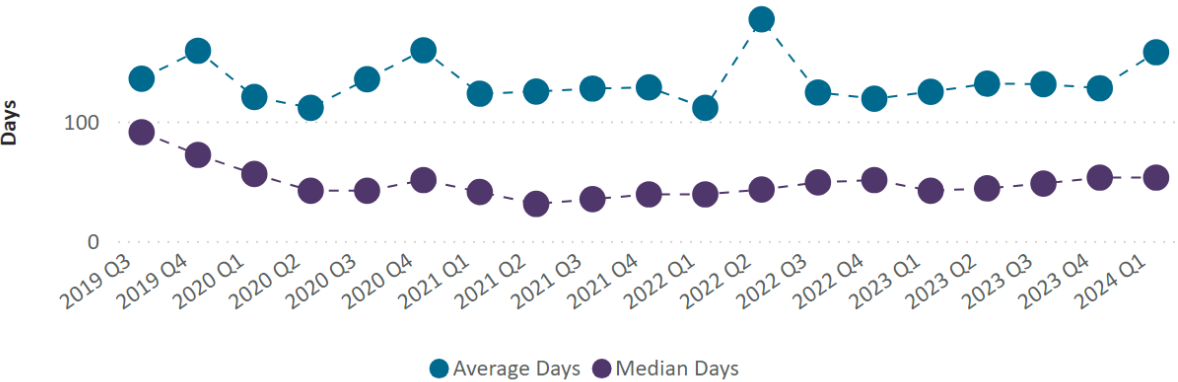
All

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

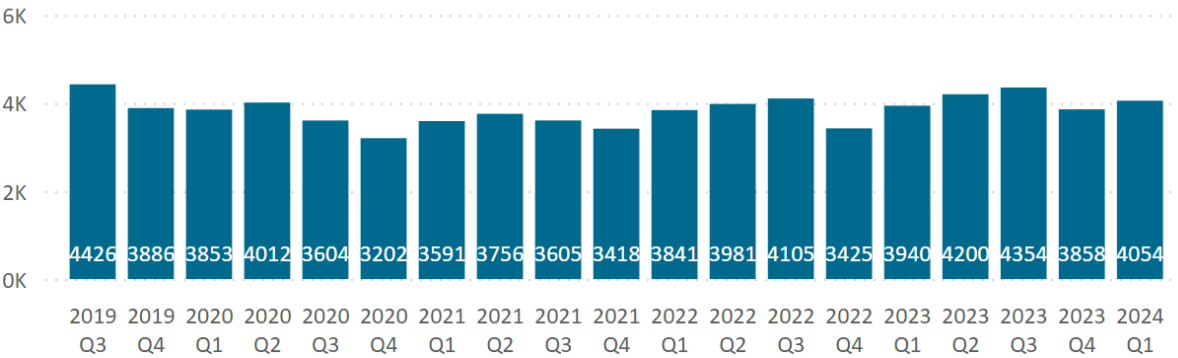
CASES CLOSED AND CLOSURE RATE



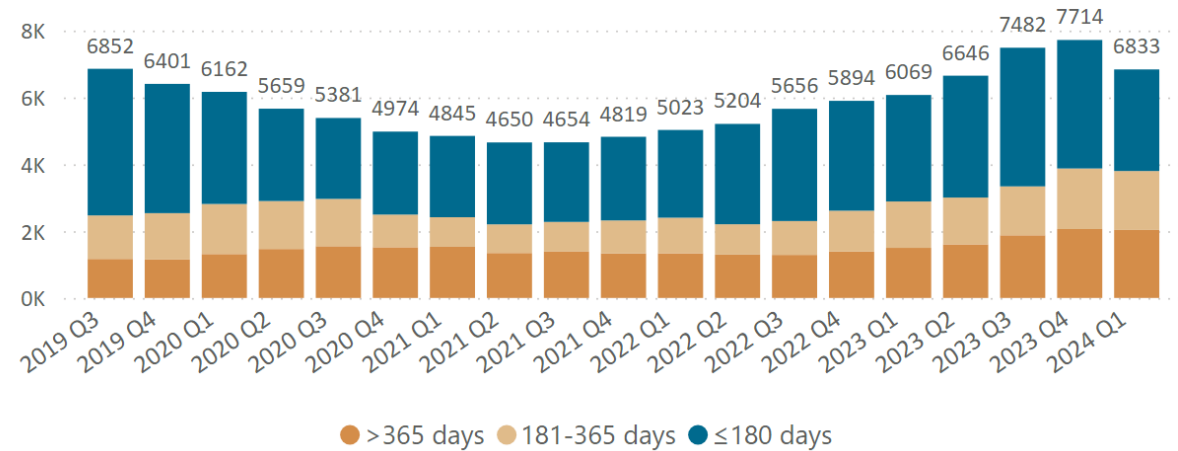
CASE AGE AT CLOSURE



INCOMING CASES



INVENTORY BY CASE AGE



FILTER BY:

Filter Info

ADR

☒ Yes☐ No

ABATED

☐ No

COMPLEX

☐ No☐ Yes

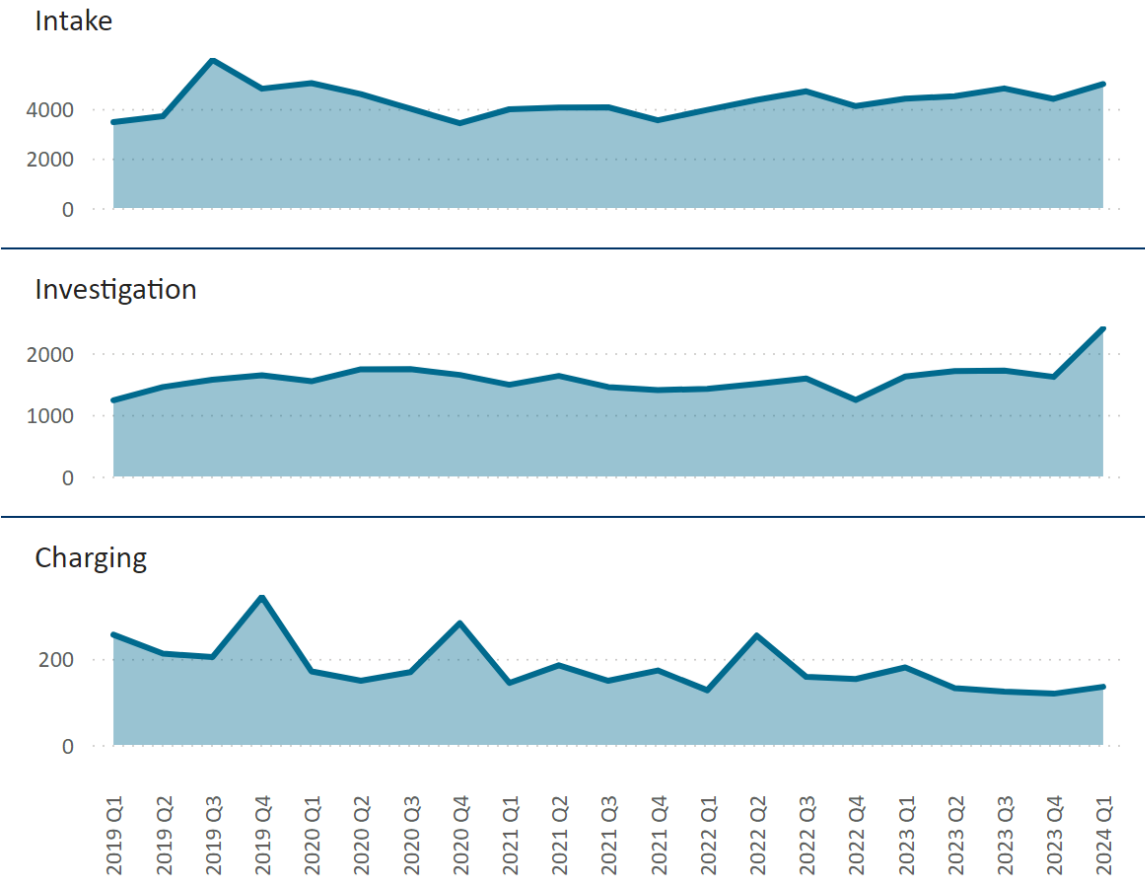
PERIOD

All

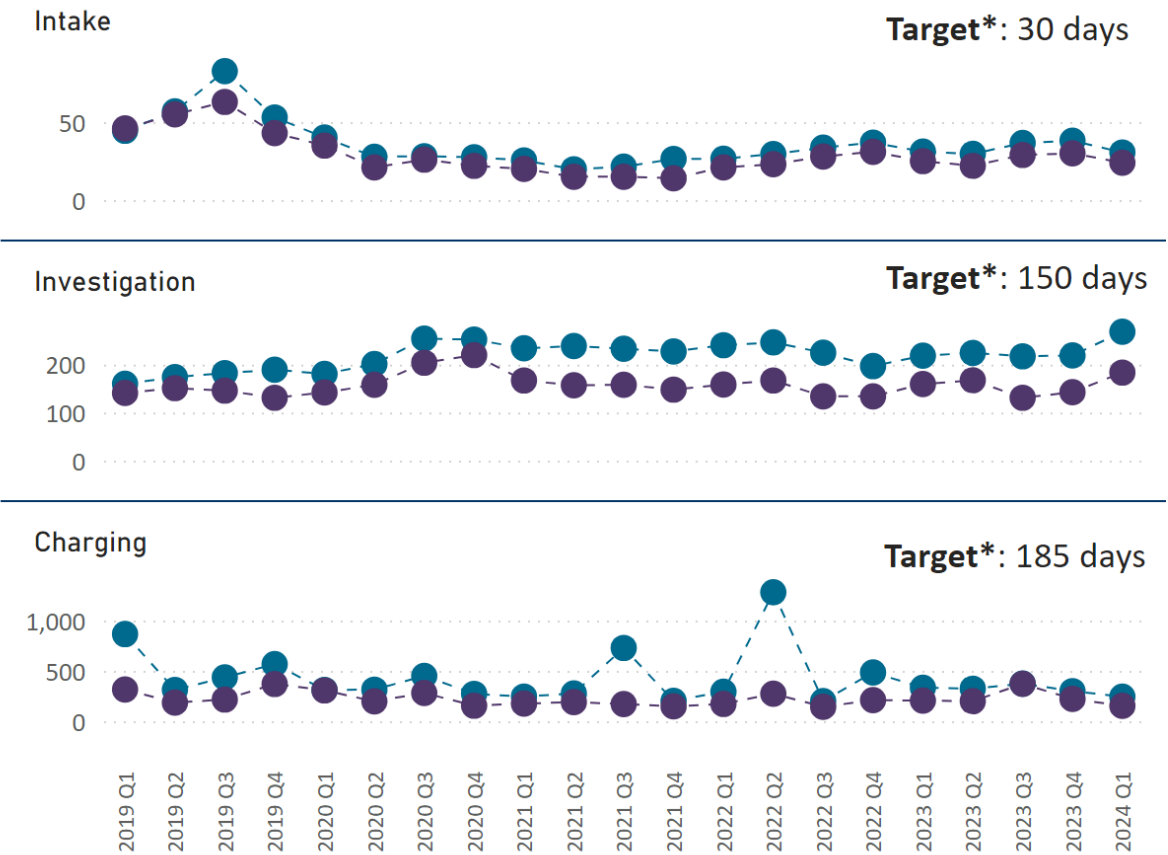
PRIORITY

All

CASES PASSING THROUGH EACH PHASE



DURATION OF CASES AT EACH PHASE (DAYS)



● Average ● Median

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

FILTER BY:

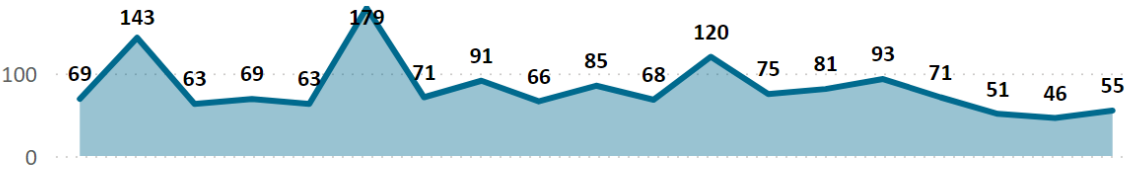
Filter Info

PERIOD

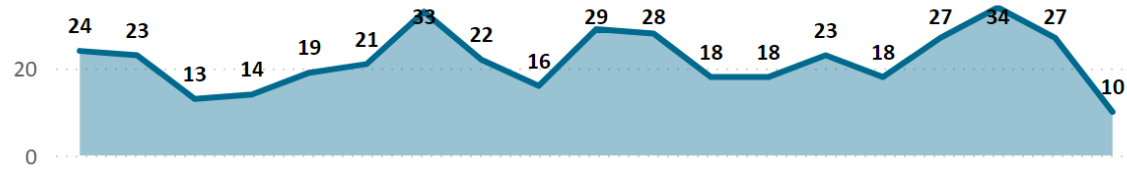
All

NUMBER OF FILINGS

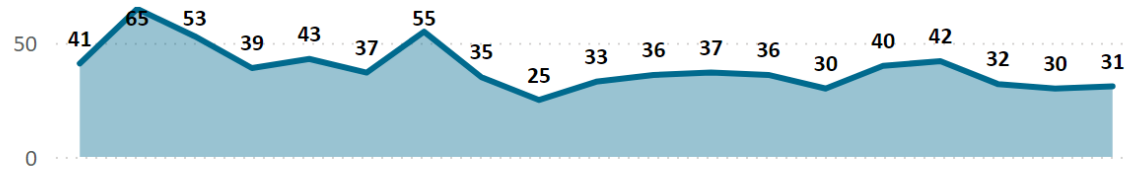
Notices of Disciplinary Charges



Stipulations to Facts and Discipline

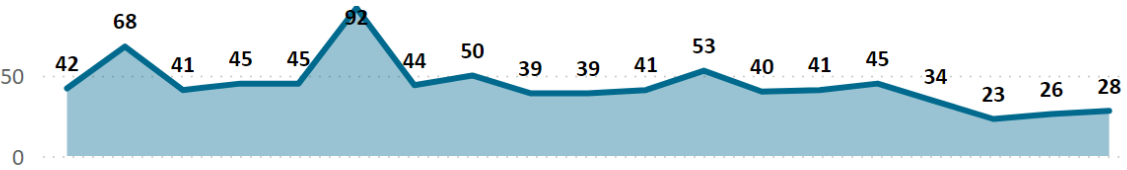


Criminal Conviction Transmittals

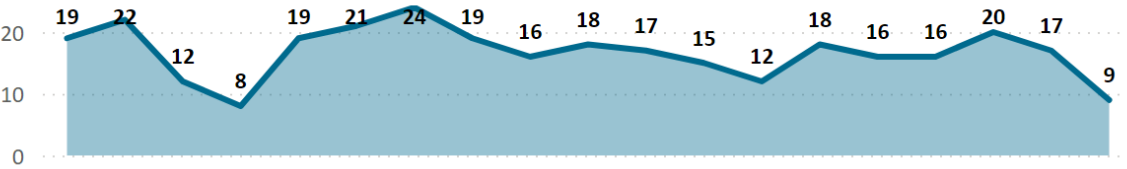


NUMBER OF ATTORNEYS

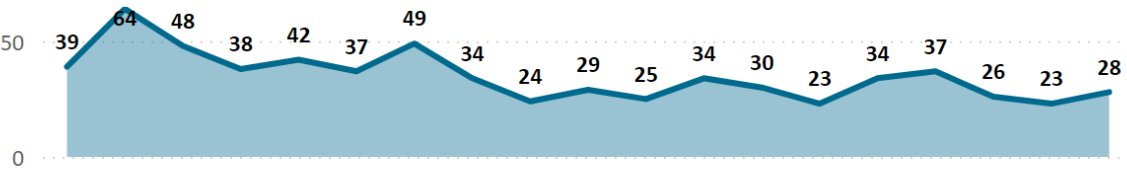
Notices of Disciplinary Charges



Stipulations to Facts and Discipline



Criminal Conviction Transmittals



NDC – Conflicts of Interest

- **In the Matter of Michael Jacob Libman, SBC 24-O-30064 (NDC filed 3/6/2024)**
 - The NDC charges respondent for his part in an alleged scheme of collusion and deceit related to a Los Angeles Department of Water and Power (LADWP) billing scandal. The NDC alleges that from 2015 through 2017, Libman colluded with two other attorneys who he knew represented the City of Los Angeles and LADWP, to structure, position, and settle a lawsuit against the City purportedly filed by respondent on behalf of his client, an individual, in a way that would serve the interests of the City and LADWP.
 - The NDC alleges that respondent failed to disclose and concealed his collusion with the City's attorneys from his own client, the court overseeing and approving the settlement of the lawsuit, and others.
 - The NDC also charges respondent with making false statements in a declaration submitted to the court overseeing the settlement to support his claim for, and ultimate receipt, of approximately \$1.65 million as his share of the approximately \$19 million in plaintiffs' attorney's fees approved by the court.
 - Trial pending for 6/18/2024.



Stipulation – Courtroom Conduct

- **In the Matter of Timothy Scott, SBC-23-O-30996 (stipulation filed 12/15/2023)**
 - Respondent was counsel in a jury trial in which the opposing party was represented by two female attorneys. At the end of arguments on motion for directed verdict, out of the presence of the jury, but in front of the judge, standing at the lectern, in public, respondent said, “I hope this doesn't sound unctuous, but just to end the weekend on a good note, I want to say thank the court staff. I want to say to have a good weekend to Mr. DeMaria. I want to say to have a good weekend to Ms. Frerich. And I want to say have a good weekend to both MTS counsel. I'll see you next Tuesday. See you next Tuesday.”
 - Unbeknownst to the court, but known to respondent, “See you next Tuesday” is a euphemism for a derogatory slang word directed towards women that refers to a woman’s genitalia. Unaware of this, the court thought respondent’s statement was a friendly overture, and responded, “How kind.”
 - Respondent’s opposing counsel were aware of what the phrase used by respondent meant. They ordered a transcript and emailed respondent, who ended up apologizing, admitting that he had used the phrase intentionally to make a joke that he thought would be understood only by a friend for whom it was intended, and agreeing that he would admit his conduct in court.
 - The court subsequently issued an order finding that respondent, with full knowledge of what he was doing, attempted to deceive the court and counsel into believing he was genuinely wishing everyone a nice weekend when in fact he was purposefully directing a derogatory epithet at the female defense attorneys. The court also referred the matter to the State Bar.
 - Stipulation to a public reproof.



NDCs – Misappropriations of Client Funds

- **In the Matter of Daniel S. March, SBC 24-O-30054 (NDC filed 2/23/2024)**
 - The NDC charges respondent with failing to maintain in trust and misappropriating advance fees totaling between \$78 and \$282 million that were collected by a debt relief practice group. The NDC also charges respondent with the improper employment of disbarred attorney, Tony Diab, who is alleged to have played a significant role in the advance fee scam. Trial pending for 6/25/2024.
- **In the Matter of Evie Pei Jeang, SBC 24-O-30082 (NDC filed 3/21/2024)**
 - Respondent represented the husband in a marriage dissolution proceeding, as part of which the proceeds from the sale of the parties' residential property, approximately \$4.8 million, were transferred from escrow to a client trust account (CTA) controlled by respondent.
 - The NDC alleges that respondent misappropriated the funds and then sought to cover this up by, among other things, fabricating an account statement that purported to show the funds still being held in the CTA, fabricating a ledger purporting to show legitimate expenses paid with a portion of the funds, and writing letters falsely representing that the proceeds remained in the CTA.
 - After the misappropriation was discovered, a civil judgment for fraud was obtained against respondent – the NDC alleges that she failed to report this judgment to the State Bar.
 - Respondent pleaded nolo contendere 4/26/2024; status conference 5/20/2024.



NDCs – Failures to Perform

- **In the Matter of Fahed Sayegh, SBC-24-O-30089 and 30089 (filed 3/29/2024)**
 - Respondent is charged in two separate cases. Trial set for 8/6/2024.
 - In one, the NDC alleges that respondent failed to file a complaint until after the SOL had run on the client's claim for damages based on a slip and fall in a Target store, lied about the date of the event in the complaint, fabricated and submitted to the court a letter from Target purporting to waive and extend the SOL, and ultimately moved to dismiss the case against Target without telling the client why.
 - In the second, the NDC alleges that after being retained to represent a client who was arrested for DUI, respondent failed to perform any services in connection with the DUI, failed to attend the client's criminal arraignment, which led to the issuance of a bench warrant for the client's arrest, and lied to the client to make her believe that he had gone to court and confirmed that no criminal case had been filed against her when in fact he had never gone to court and a criminal case had been filed.
- **In the Matter of Evan Charles Page, SBC 24-O-30087 (filed 3/29/2024)**
 - The client retained respondent to represent her in connection with the estate of her deceased former spouse who had a living trust of which his mother was the successor trustee and the client's minor son was a beneficiary. The NDC alleges that respondent failed to file a petition for guardianship over the minor son, failed to file a response to an action filed by the mother to evict the client from trust property, and lied to his client by telling her he had filed a guardianship petition and had filed an ex parte application for temporary relief from the eviction proceeding.
 - Status conference 5/13/2024.



Stipulation - Criminal Conviction

- **William David Turley, SBC 20-C-00005 (filed 11/13/2023)**
 - Stipulation to disbarment.
 - Respondent, age 59 at the time of the misconduct, was charged in federal court in two counts: (1) federal sex trafficking of a minor and (2) persuading an adult to travel to engage in prostitution. After pleading guilty to the second count, respondent was sentenced to 46 months in federal prison.
 - In a written plea agreement, and in State Bar Court, respondent stipulated to facts that supported the sex trafficking of a minor charge, specifically: Respondent contacted the minor female victim, who turned out to be a 16-year-old girl, through a “sugar daddy” website. Respondent met the victim at the library across the street from her high school, where the victim, who said she was 18, told respondent that she was grounded because of her failing grade in math, that her parents had taken her cellphone away, that she had a 4:30 pm curfew, and that she did not have a driver’s license. After continued chats on the “sugar daddy” website, respondent again met the victim at the library across from the high school, drove the victim to a nearby Target store where he bought her a pre-paid cell phone, and then drove the victim to a residential street where he parked and engaged in a sexual act with the victim in the car. After the sexual act, Respondent slipped \$300 into the minor female victim’s pocket.



FILTER BY:

Filter Info

ADR
☒ Yes
☐ No

PERIOD

2024

**RESPONDENTS WITH NEW CASES
OPENED IN 2024 Q1**

TOTAL

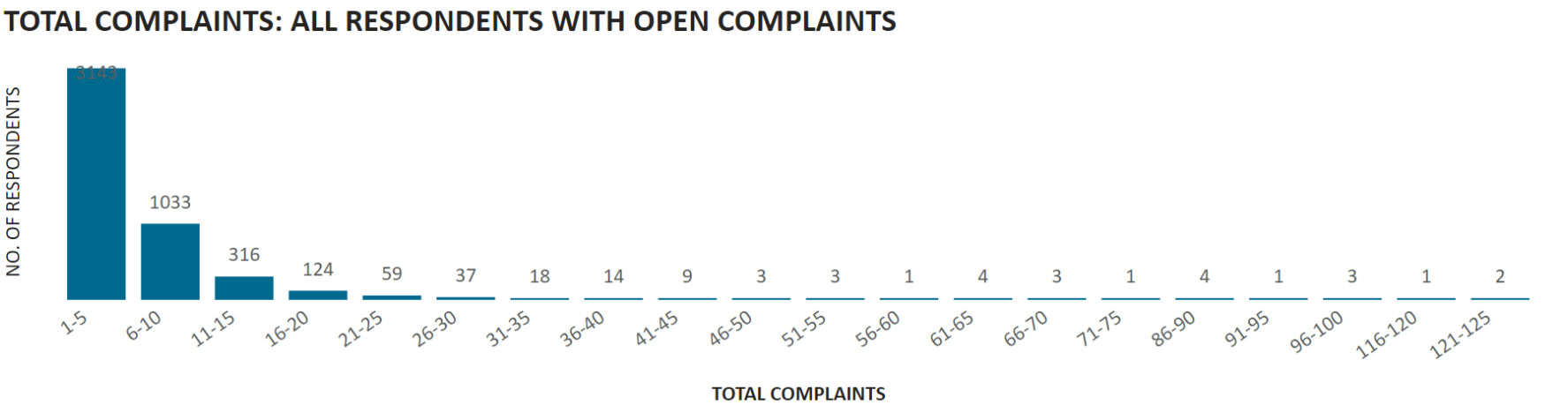
3426

WITH 15+ COMPLAINTS

1665%

WITH 40+ COMPLAINTS

291%



ALL RESPONDENTS WITH OPEN COMPLAINTS - CURRENT QUARTER

TOTAL

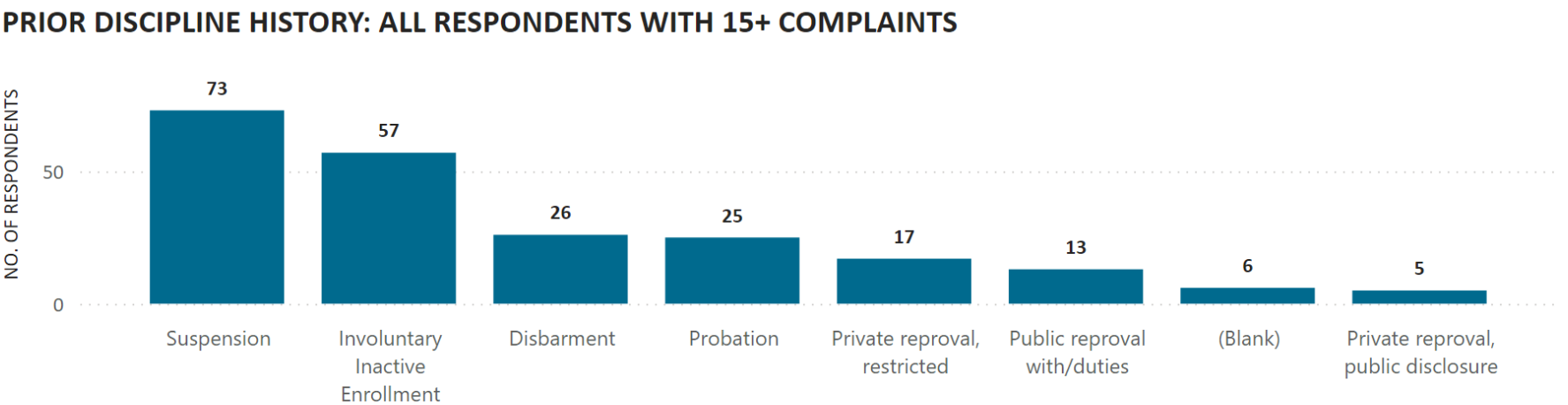
4780

WITH 15+ COMPLAINTS

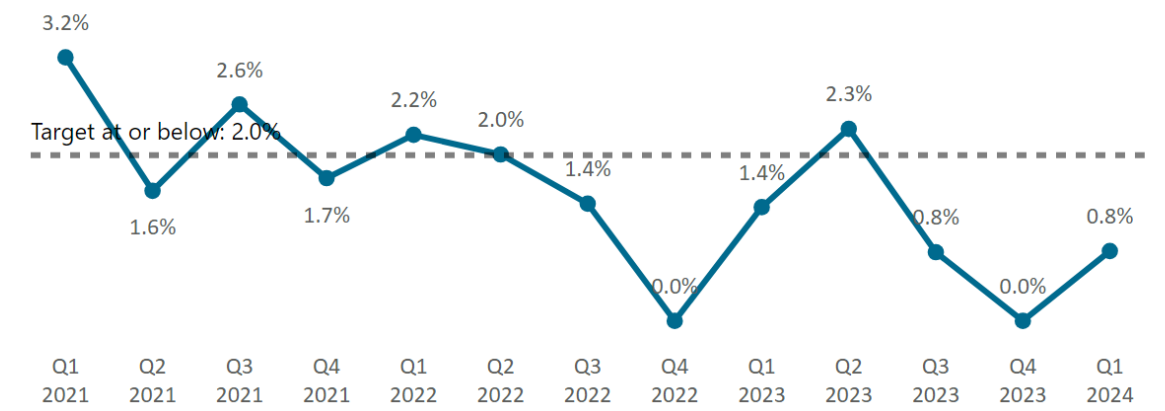
2886%

WITH 40+ COMPLAINTS

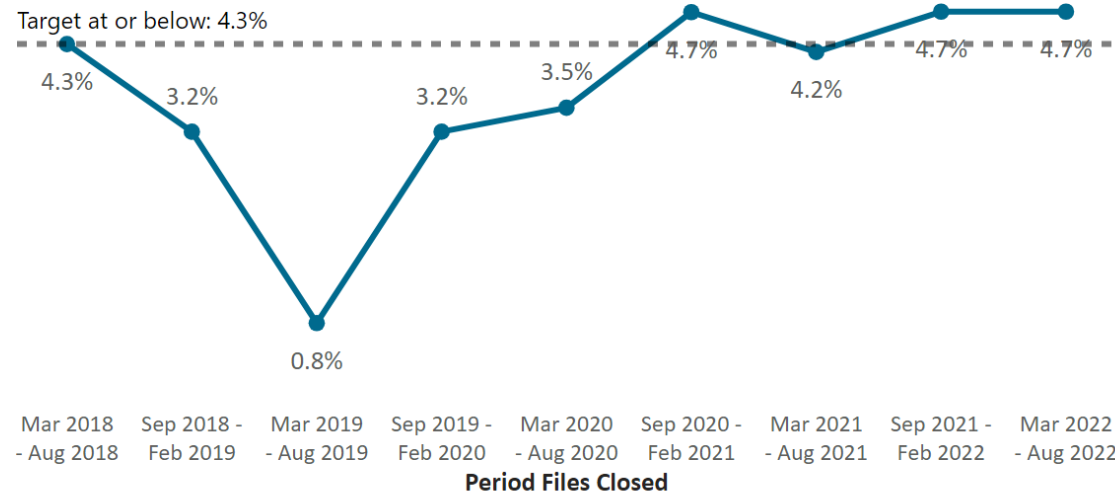
361%



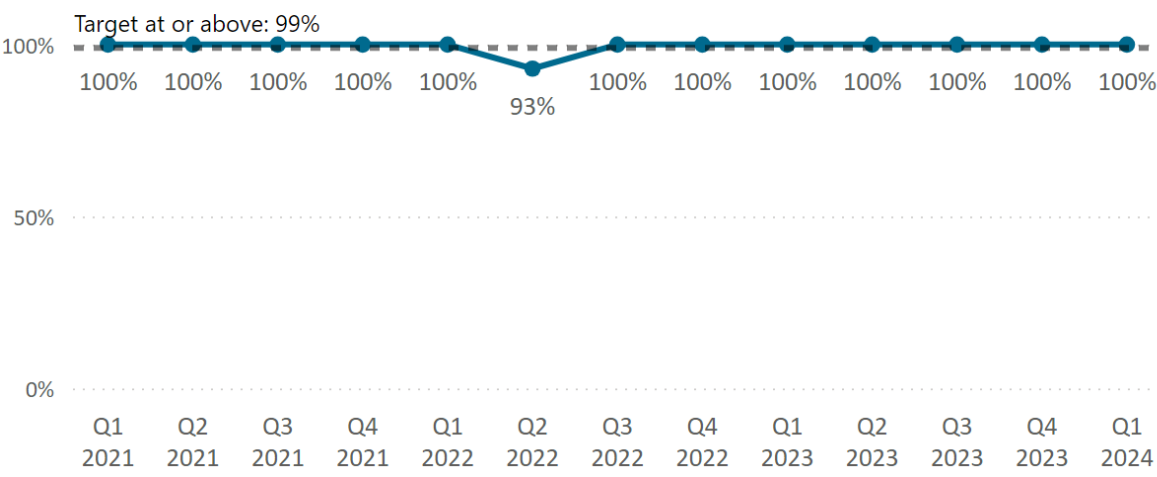
PERCENT OF COMPLAINT REVIEW UNIT REOPENS FOR REASONS OTHER THAN NEW EVIDENCE



PERCENT OF RANDOM AUDIT REOPENS FOR SUBSTANTIVE REASON



PERCENT OF WALKER PETITIONS DENIED



FILTER BY:

PERIOD

2024

▼

Complaining Witness Survey Comment Summary

i

Show Info

Below are the highlights gleaned from responses to open ended questions from the Complaining Witness survey received during Q1 2024.

What is going well

- When working with a live person, the public feels like the process is positive and helpful. They describe staff as courteous when they have direct interactions.
- Submitting a complaint is found to be convenient from the website. Multiple languages are greatly appreciated.

Challenges

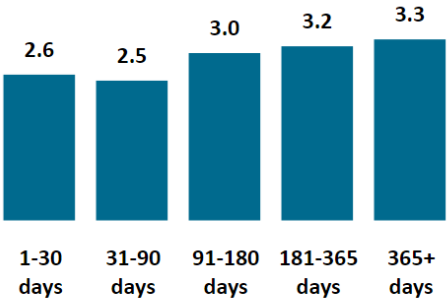
- Most complaints end in suspicion of SBOC bias in favor of California attorneys and against the public.
- Call wait times are too long and phone calls are often proclaimed as unproductive toward the caller's goals.
- Closing a complaint in under 90 days with little contact with the Complaining Witness yields very low fairness scores.

423

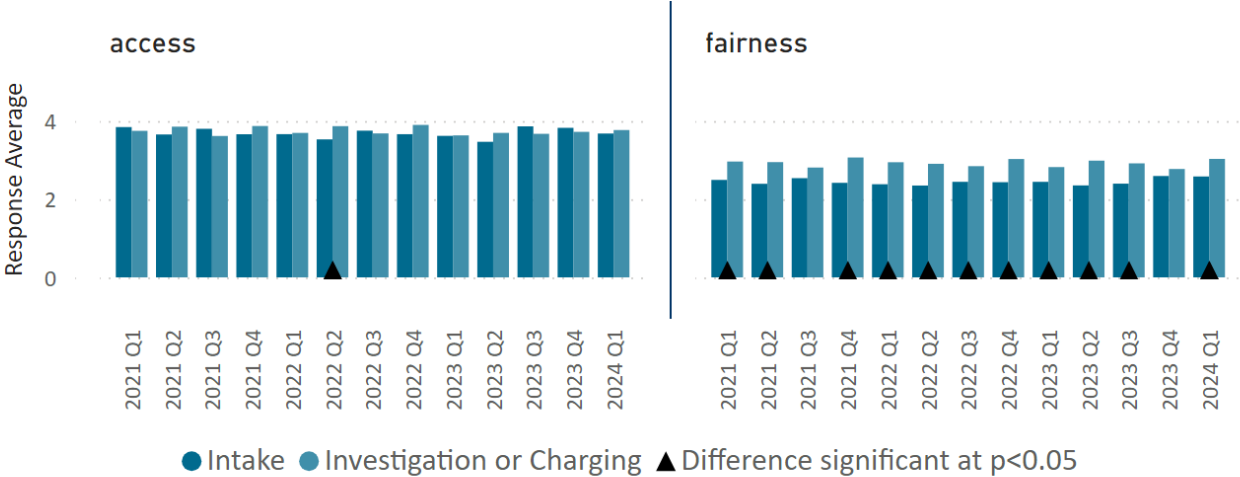
Respondents
2024 Q1

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

AVERAGE FAIRNESS RESPONSE BY CASE CLOSURE TIME

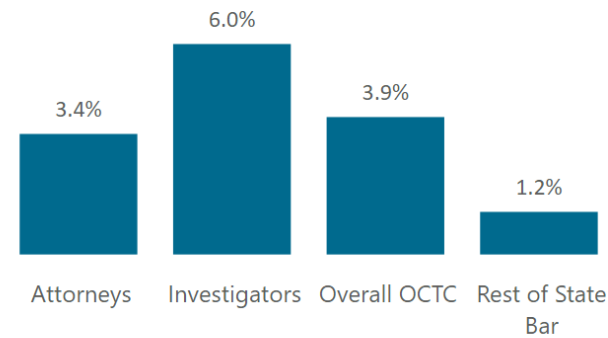


RESPONSE AVERAGE BY CASE CLOSURE STAGE & COMPOSITE TYPE

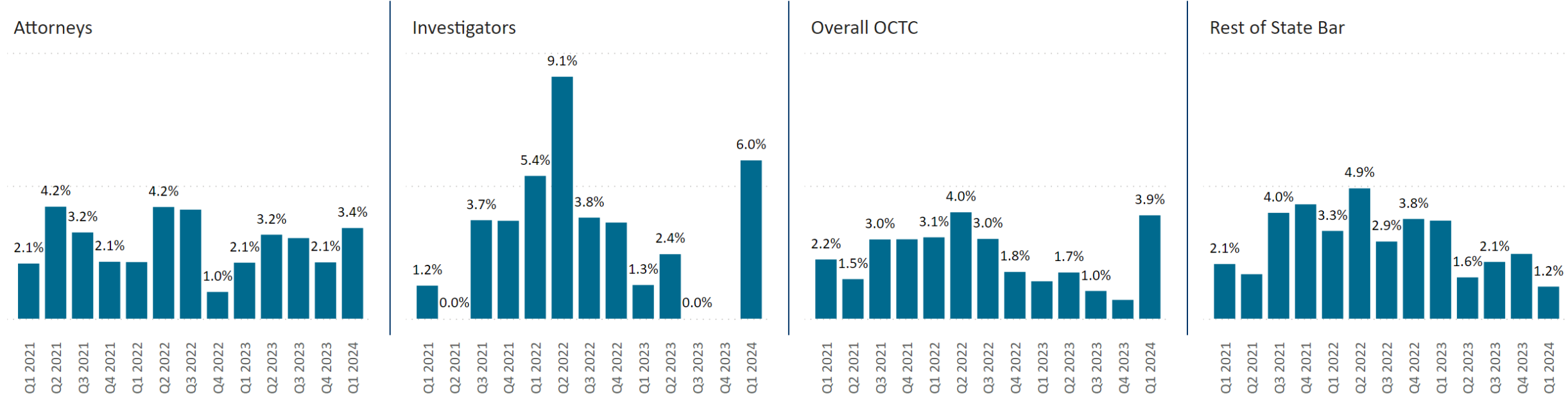


OFFICE OF CHIEF TRIAL COUNSEL | EMPLOYEE ENGAGEMENT - TURNOVER RATES

ANNUAL TURNOVER RATE - 2024



QUARTERLY TURNOVER RATES



ADR: Annual Discipline Report (ADR) cases include the following case types:

- 9.20 Violations (State Bar Court Orders & Supreme Court Orders)
- Discipline in Other Jurisdiction
- Original Matters
- Probation Violations
- Repeal Violations
- RA cases (including Contempt Orders, Discipline by Other Licensing Agency, Insufficient Funds, Insurance Claim, Judgment, Multiple Lawsuits, Reversal of Judgment, & Sanction Orders)

Abated: Matters that are abated by OCTC or after filing in State Bar Court. This action is usually taken where there are other investigations or cases pending against a respondent and prosecution of those other complaints is likely to result in disbarment of the lawyer.

Backlog: Cases that failed to meet case processing time standards: 180 days for noncomplex cases and 365 days for complex cases. This dashboard provides the following 2 backlog metrics:

- **Closed Backlog Cases** - Cases that were closed during the reporting period that did not meet case processing time standards. This metric is reported in the Table SR-1B of the 2022 Annual Discipline Report (ADR).
- **Pending Backlog Cases** - Number of pending cases at the end of the reporting period that are older than the case processing time standards.

Case: An individual complaint, Office of Probation referral, State Bar initiated inquiry, reportable action, motion to enforce fee arbitration, motion to revoke probation, motion to terminate practice,* or motion to impose interim suspension or license restrictions (petitions pursuant to section 6007).

Caseload Clearance Rate: Ratio of the total number of cases closed to the total number of cases opened during the reporting period.

Case Inventory: Number of pending cases at the end of a reporting period. For example, the case inventory metric for 2023 Q1 provides the number of pending cases on 03/31/2023.

Complex: Cases are designated as complex based on the indicators below:

- Major case designation;
- Subpoenas for records to banks, courts, federal immigration officials, or another third-party entity;
- Numerous potential charges (often arising from multiple incidents) or numerous potential parties; or
- Respondent fails to provide information as requested within a reasonable time or at all.

Disciplinary Filings: Cases are filed in State Bar Court (SBC) via a Notice of Disciplinary Charges (NDC), Stipulations to Facts and Discipline, and Transmittal of Criminal Convictions. Cases in which an NDC is filed or information about a criminal conviction is transmitted that are later resolved by stipulation are only counted based on the initial filing in SBC.

Prior Discipline: See Attorney Discipline Definitions page [here](#).

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

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

Respondents with 15+ (or 40+) Complaints: Respondents with over 15 (or 40) complaints including all open complaints plus complaints closed during the preceding 5-year period starting from the report ending date. For example, the 2023 Q1 report counts closed cases during the 5-year period, 03/31/2018 - 03/31/2023.

Questions?

