



# The State Bar *of California*

OFFICE OF THE EXECUTIVE DIRECTOR

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Date: January 24, 2019

To: Members, Board of Trustees

From: Leah T. Wilson, Executive Director

Subject: Progress Update on the Strategic Plan

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The Board of Trustees received a detailed update regarding 2017-2022 Strategic Plan progress at its September 2018 meeting. To facilitate Board preparation for the January 24, 2019, Board Planning Session, the September report has been updated to reflect progress status as of January 2019 (Attachment A). Although the Planning Session will begin with an overview of Strategic Plan progress, given time limitations that overview will focus only on admissions and discipline-related Plan objectives, particularly as related to newly adopted discipline-system metrics and new case management systems for the Office of Admissions and the Offices of the Chief Trial Counsel and Probation, and State Bar Court. This written update is provided to supplement that discussion.

Attachment(s) List:

- A. Detailed Update, 2017-2022 Strategic Plan Implementation

**2017-2022 State Bar Strategic Plan  
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**Attachment A**

GOAL	SEPTEMBER 2018 STATUS	JANUARY 2019 STATUS
Goal 1:		
a. Determine whether additional functional areas will transition to the Sections entity, other organizations, or to new standalone entities and develop an action plan for those transitions.	On Track. See Appendix I report and recommendations on the Board's September 13 agenda.	On track. See Appendix I report and recommendations on the Board's January 25 agenda.
b. Implement and pursue governance, composition, and operations reforms needed to ensure that the Board's structure and processes optimally align with the State Bar's public protection mission.	<p>Staff has identified three specific goals in this area for completion by December 31, 2018:</p> <p><u>Board Book revamp.</u> Working with a consultant who has extensive Department of Consumer Affairs experience and Board liaisons, staff is "zero-basing" the Board Book to ensure that it is a useful, accurate, and relevant document, supporting Board members in carrying out their oversight duties.</p> <p><u>Recruitment to diversify the Board of Trustees and sub-entity applicants.</u> Staff is developing an outreach plan that will encourage applications from diverse public and attorney members.</p> <p><u>Standardization of sub-entity meeting agendas and templates.</u> Staff is standardizing processes and materials used by all sub-entities to ensure a ONEStateBar approach.</p>	On track. Revised Board Book submitted to the Executive Committee for adoption at its January 25 meeting. Recruitment efforts designed to increase applicant diversity are underway.
c. No later than September 30, 2018, determine the appropriate role of, and Board responsibility for, State Bar Standing Committees, Special Committees, Boards, and Commissions in the new State Bar.	Same as above.	Same as a. above.

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<b>Goal 2: Attorney Discipline Objectives</b>		
a. For greater transparency, accountability, efficiency, and access, develop and deploy a new case management system for the Office of Chief Trial Counsel, State Bar Court, and the Office of Probation by October 31, 2018.	Configuration completed and deployment being planned; full deployment may be postponed to February 2019. Staff to provide an update at the September 13 RAD meeting.	Soft launch has occurred. Full deployment to occur on February 11.
b. Evaluate the impact of Workforce Planning reforms by January 31, 2019.	ED will recommend that this objective be deleted given other workload considerations.	Objective deleted.
c. Develop and implement transparent and accurate reporting and tracking of the health and efficacy of the discipline system, to include: (a) completion of a workload study for OCTC and SBC; (b) identification of staffing and resource needs based on the results of that study; and (c) development of new metrics for measuring the effectiveness of the discipline system including any needed revisions to the statutory backlog metric.	Workload Study completed; see report on September 14 Board agenda.  New discipline system metrics identified; see report on September 14 <sup>h</sup> Board agenda.	Same.
d. Implement new-attorney MCLE requirements and evaluate their impact and effectiveness by July 1, 2021.	New attorney MCLE requirements have been implemented and State Bar mandated training deployed. ED recommending that this objective, particularly as related to the evaluation component, be deleted given other workload considerations.	Objective modified per September recommendation.

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e. Begin auditing attorney compliance with MCLE requirements in the most cost effective and efficient manner no later than December 31, 2019.	This project is underway. Initial requirements have been drafted and an MCLE provider group has been convened to give input regarding those requirements. Additional work is needed to finalize before development of the technology solution. ED recommends that the timeline be extended for this objective to December 31, 2020, given other workload considerations.	Objective modified per September recommendation.
f. Support adequate funding of the Client Security Fund.	The Board has taken a number of steps to increase funding to the CSF pursuant to recommendations from the March 2018 CSF report including: transferring funding from the LAP fund; revising the methodology for calculation of CSF reserves; and addition of a CSF assessment to various special admission fees.	Staff has identified the amount of one-time funding needed to eliminate the backlog in CSF applications; that amount is \$82.
g. No later than December 31, 2019, evaluate attorney self-assessment models and determine which model will be implemented in California.	ED will recommend that the timeline for this objective be extended to December 31, 2020, given other workload considerations.	Objective modified per September recommendation. Forthcoming recommendations of the Malpractice Insurance Working Group may result in an acceleration of some components of this objective.
h. No later than July 1, 2020, create a fully articulated preventative education approach to include a self-assessment component as well as client trust accounting modules which may be mandatory for some attorneys.	ED will recommend that the timeline for this objective be extended to July 1, 2021, given other workload considerations.	Objective modified per September recommendation.
i. No later than January 1, 2019, require all attorneys to report firm size and practice type to the State Bar and to maintain and update that information.	The original reporting requirement was designed to support implementation of the Bar's preventative self-assessment/education approach once established. Additional reporting may be useful to support the Bar's diversity and inclusion work. Staff will work with a small group of affinity bar volunteers to identify additional questions to be included in this effort. The addition of new reporting elements may cause a delay in implementation.	In progress. New survey questions designed to capture firm size and practice type as well as additional information that will inform the development of the Board's diversity and inclusion agenda.

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<b>Goal 2: UPL Objectives</b>		
j. Monitor improvements in the response to complaints regarding the unauthorized practice of law through tracking and reporting on complaints received, investigation timelines, civil filings, and law enforcement referrals.	Additional work needed. This process is underway manually but additional staffing to track law enforcement referrals and a focused effort led by ORIA is needed.	A dedicated staff person has been assigned to this effort; it is underway.
k. Partner with law enforcement agencies to create a coordinated regional response to the unauthorized practice of law.	OCTC is identifying agencies appropriate for partnership s and is beginning to meet with these agencies on a regular basis. A more robust, systemic effort is needed.	OCTC has engaged a number of District Attorney Offices throughout the state, building meaningful partnerships in both Southern and Northern California.
l. Identify funding sources, including grant or state funding, to support the Bar’s UPL efforts.	Completed. The State Bar has entered into a contract with eCivis, an aggregator of public, private, and foundation funding sources. One staff person has been identified as appropriate for assuming grant-writing responsibilities. This staff person will monitor the eCivis database and will be responsible for submitting one grant application per quarter.	Same.
m. Use communications strategies to support UPL enforcement objectives.	Ongoing. Fraud alerts issued; press releases regarding high profile UPL enforcement cases issued; news stories placed in mainstream English and Spanish language media; 5,000 UPL flyers distributed to legal aid organizations and community groups serving immigrants; and a monthly meeting between OCTC and the Office of Communications and Stakeholder Engagement designed to proactively identify messaging opportunities instituted.	Same.
<b>Goal 2: Admissions Objectives</b>		
n. For greater transparency, accountability, efficiency, and access, develop and deploy a new case management system for the Office of Admissions by June 30, 2019.	On track.	Same.

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o. After the results of the February 2019 Bar Exam are published, evaluate the results of the two-day exam on pass rates and costs.	ED will recommend that this objective be deleted given other workload considerations. Note that routine analyses of pass rates and costs occur after each bar exam; these would continue.	Objective not eliminated; analysis to occur later this year.
p. No later than June 30, 2019, conduct a California specific job analysis to determine the knowledge, skills, and abilities for entry level attorneys. Upon completion, conduct a new content validation study.	ED will recommend modification of timeline to extend due date to December 30, 2019, based on anticipated contractor start date. A vendor has been selected and project plan drafted and posted to <i>Smartsheet</i> . The State Bar will solicit interest in Job Analysis working group participation for appointment by the Board at its October meeting.	Objective modified per September recommendation. Project is underway.
q. No later than December 31, 2018, review special admissions rules to determine whether changes are needed to support the goal of increased access to legal services or for other reasons, and implement needed changes.	On track. See item on the September 13 Programs Committee agenda.	Completed.
<b>Goal 3: Employee Engagement Objectives</b>		
a. Improve productivity through performance accountability, training, and professional development.	Ongoing. Training calendar developed and implemented; self-service training platform launched; focus groups scheduled to explore expressed staff concerns regarding lack of performance accountability.	Same.
b. Improve staff morale and career satisfaction through recognition of performance, career path development, transparent and collaborative communication, and recognition and encouragement of innovation, efficiencies, and money saving ideas.	Insufficient progress has been made on this objective to date, specifically as related to the development of innovative ways to recognize staff.	Same.

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c. Implement a Training and Development Program and evaluate the implementation and related outcomes by January 31, 2019.	Training & Development program implemented. This program gives staff the opportunity to gain experiences in positions for which they may not qualify based on standard MQ's. ED will recommend modification of the objective to eliminate evaluation component based on workload considerations.	Objective modified per September recommendation.
d. Conduct an annual employee engagement survey, evaluate changes from prior years, and implement an action plan to address areas needing improvement.	Survey to be issued in December 2018.	Completed.
e. No later than July 1, 2018, develop and implement a Communications Strategy Plan for timely and effective internal communication.	Communications Strategy Plan developed. Regular staff newsletter launched.	Same.
<b>Goal 3: Financial Management Objectives</b>		
f. No later than November 30, 2018, determine whether reallocation of funds to support the discipline system continues to be possible in the light of the fact the Bar has not received a fee increase in 20 years. As part of this effort, reassess the Bar's current Fund classification structure and determine if any changes are needed.	ED will recommend elimination of this objective. Given the Bar's current financial condition it is no longer applicable.	Objective eliminated per September recommendation.
g. No later than January 31, 2019, evaluate current collection efforts and determine what might be necessary to improve the Bar's ability to collect discipline and CSF costs.	ED will recommend extension of the timeline for this objective to December 1, 2019, due to workload considerations.	Objective modified per September recommendation however January 25 Finance and Planning Committee agenda includes a cost benefit analysis of current collections efforts.
h. As part of the annual budget development process, determine, consistent with Business and Professions Code section 6140.9, whether there are excess funds in the LAP Fund which can be transferred to support the CSF.	This will occur as part of the 2019 budget development process.	Completed.

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<b>Goal 3: Information Technology Objectives</b>		
i. Implement a new Enterprise Resource Planning System (the Oracle Fusion suite of applications), beginning with the Human Capital Management module by the end of 2018 and continuing with the Finance and Procurement modules by the end of 2019.	On track.	On track.
j. Implement a new Licensee Information Management System (LIMS), replacing AS400, by the end of 2021.	Not started pending identification of a funding source.	Same.
k. Implement a phased upgrade to the Bar's Information Technology infrastructure (networks, servers, desktops, telecommunications and audio/visual), for enhanced capacity, functionality and security throughout 2018 and 2019.	On track.	On track.
<b>Goal 3: Management of Other Assets Objectives</b>		
l. No later than November 30, 2018, develop goals and objectives for each functional area of the Bar and use those to develop organizational performance metrics.	This work is underway. Initial goals and objectives have been drafted for all but two functional areas of the Bar. Work will be completed by due date and reflected in the Bar's November budget submission.	Completed. See January 25 Executive Director report.
m. In conjunction with annual budgets, ensure maintenance and use of the Bar's Los Angeles and San Francisco buildings to maximize benefit to the Bar and the people of California.	One of two available floors have been leased; negotiations are underway for the other available.	The second available floor at 180 Howard Street has been leased. The Board will consider authorizing funding to support renovation of the remaining vacant floor in the building at its January 25 meeting.
n. Pursue a two-year fee bill to ensure a balance between accountability and meaningful implementation of important reforms.	Delayed.	Same.



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Goal 4: Support access to justice for all California residents and improvements to the state's Justice System		
a. Support increased funding and enhanced outcome measures for Legal Services.	Ongoing. Direct outreach to banks has resulted in sizeable increases in interest rates on these accounts across a number of financial institutions; IOLTA revenue has increased significantly accordingly.	Same.
b. Study and implement improved programmatic approaches to increasing access to justice.	Not started. Will follow the Legal+Tech initiative and California Justice Gap Study.	Same.
c. By December 31, 2018, review Lawyer Referral Services certification rules with a goal of increasing access to justice.	On track. See September 13 Programs Committee agenda.	Completed.
d. Commencing in 2018 and concluding no later than December 31, 2019, study online legal service delivery models and determine if any regulatory changes are needed to better support and/or regulate the expansion of access through the use of technology in a manner that balances the dual goals of public protection and increased access to justice.	On track. See September 13 Board of Trustees meeting agenda.	Same.
e. No later than December 31, 2019, complete a California Justice Gap Study. The Justice Gap Study will be modeled on the 2017 Legal Services Corporation Justice Gap Study but will also include an evaluation of the costs of legal education in California and the impact of those costs on access to justice, as well as possible approaches to addressing the costs of legal education including loan forgiveness programs or other means.	On track. At its September 13 meeting the Board will be asked to approve a contract with the National Opinion Research Center (NORC) to conduct a California version of the Justice Gap Study that NORC completed for the Legal Services Corporation last year.	Contract approved and Study is underway.

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f. No later than December 31, 2020, explore options to increase access through licensing of paraprofessionals, limited license legal technicians, and other paraprofessionals.	Not started.	Same.
Goal 5: Proactively inform and educate all stakeholders, but particularly the public, about the State Bar's responsibilities, initiatives, and resources		
a. No later than July 1, 2018, develop and implement a Communication Strategy Plan for timely and effective communication about public protection goals, objectives, and accomplishments. to external audiences including the public, oversight bodies, regulated parties, and other bars.	Plan has been developed.	Same.
b. Develop metrics to measure both the quality and effectiveness of the Bar's communication and stakeholder engagement strategies and use those metrics to inform modifications to strategy.	Metrics not yet developed.	Metrics developed.
c. Maintain and enhance relationships with courts and other regulatory and enforcement agencies that share a mission of public protection.	OCTC has enhanced outreach to courts; additional work on this objective needed.	
d. Improve transparency, accountability, accessibility, and governance by increasing the availability of meeting materials and public access to meetings and records and reporting these efforts to stakeholders and the general public.	Ongoing. Work to standardize sub-entity agenda preparation and posting, as well as material distribution, will advance this objective.	Same.