



# The State Bar of California

## Fact Sheet: Rule 2201 (Special Deputy Trial Counsel) Program

When California attorney discipline cases involve individuals with close ties to the State Bar or who pose other potential conflicts, the Office of Chief Trial Counsel (OCTC) cannot investigate or prosecute the case. In those instances, cases are referred to outside conflicts counsel, or Special Deputy Trial Counsel (SDTCs) in the Rule 2201 Program.

### Background

[Rule 2201 of the State Bar Rules of Procedure](#) sets forth grounds for identifying potential conflicts as well as the requirement for recusal whenever such conflicts occur. Conflict cases are referred by the chief trial counsel (CTC) to the SDTC administrator. The administrator reviews the case and assigns investigations and prosecutions to SDTCs—paid outside counsel under contract for this work.

After such a referral, OCTC has no further involvement. The SDTC administrator has all the powers and duties of the CTC, and SDTCs have the same duties and authority as OCTC attorneys to investigate and prosecute alleged misconduct. They determine whether cases should be investigated and whether disciplinary charges should be filed. SDTCs have the same access to past complaints and investigatory files as internal OCTC staff. SDTCs also prosecute disciplinary cases that move to trial in the State Bar Court.

### Oversight

- The SDTC administrator, currently Stacia Laguna, assigns cases, supervises the work of the SDTCs, reviews and approves fees and expenses, and approves all dispositions.
- The [Board of Trustees](#), acting as the Regulation and Discipline Committee, appoints the administrator and SDTCs, each of whom enter a limited-term contract with the State Bar for the services.
- The Board and its discipline liaisons perform ongoing oversight, using performance metrics that are updated regularly on an [online dashboard](#) shared regularly with the Board.

### Caseload

While the overall case inventory varies year to year, in recent years the Rule 2201 Program has handled approximately 1 percent of the State Bar's overall caseload. For example, in calendar year 2022, the program handled 174 cases, approximately 1.2 percent of the overall caseload. In 2022, the program had 20 SDTCs handling cases.

### Program Cost

Costs for the Rule 2201 Program are rising. In 2021, program expenditures were nearly \$500,000, a significant increase from the prior year due to two factors: a Board-approved raise in the hourly rate paid to SDTCs, and a concerted effort to reduce the program's case backlog.

In 2022, when a full-time administrator was hired and efforts to reduce the backlog accelerated, program expenditures were nearly \$900,000. The program budget in 2023 is \$1.3 million.

## **Improvements**

### **2016**

- Board approves funding to transition SDTCs from volunteer to compensated status.
- Internal program management transitions from Executive Office to Office of General Counsel.
- Professional part-time independent administrator hired.
- Rules amended to expand the types of cases from which the CTC must recuse.

**2017** The State Bar begins annual reporting on its expenditures for outside counsel, including expenditures on the Rule 2201 Program.

**2021** Board approves increase in hourly pay for SDTCs to enhance recruitment and retention of quality and productive attorneys.

**2022** Board approves hire of Stacia Laguna as first full-time SDTC Administrator, increasing efficiency of conflict case handling. Conflicts of interest disclosure requirements also improved.

**2023** Online performance metrics dashboard developed.