



The State Bar
of California

Report on 2017 Operational Plan

Implementation of
2017-2022 Strategic Plan



MISSION STATEMENT

The State Bar of California's mission 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.

GOAL

1

Successfully transition to the “new State Bar”—an agency focused on public protection, regulating the legal profession, and promoting access to justice.

GOAL

2

Ensure a timely, fair, and appropriately resourced admissions, discipline, and regulatory system for the more than 250,000 lawyers licensed in California.

GOAL

3

Improve the fiscal and operational management of the State Bar, emphasizing integrity, transparency, accountability, and excellence.

GOAL

4

Support access to justice for all California residents and improvements to the state's justice system.

GOAL

5

Proactively inform and educate all stakeholders, but particularly the public, about the State Bar's responsibilities, initiatives, and resources.

Successfully transition to the “new State Bar”—an agency focused on public protection, regulating the legal profession, and promoting access to justice.

2017 ACTIVITIES IN FURTHERANCE OF GOALS AND OBJECTIVES

36 agenda items identified as addressing Goal 1 were presented to the BOT in 2017

OBJECTIVE A

Manage and support the transition of the State Bar Sections to a new standalone entity.

- ✓ Worked closely with Sections to accomplish transition
- ✓ Incorporated the California Lawyers Association
- ✓ MOU negotiated re: terms of separation including transfer of assets, intellectual property, and reserves, collection of CLA membership dues
- ✓ Transferred reserve funds to CLA to fund start-up costs
- ✓ Negotiated services agreement and agreement to lease space

OBJECTIVE B

Determine whether additional State Bar functional areas will transition to the Sections entity, other organizations, or to new standalone entities.

- ✓ Negotiated the transition of insurance and affinity programs to the California Bar Foundation
- ✓ Terminated State Bar’s MOU with CEB

OBJECTIVE C

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.

- ✓ Submitted the Governance in the Public Interest Taskforce 2017 report to the Legislature
- ✓ Developed anti-trust policy; implemented policy upon direction of the California Supreme Court; trained trustees on anti-trust policy
- ✓ Adopted Trustees Skill Matrix
- ✓ Realigned the executive management of the Bar
- ✓ Adopted Dashboards to provide progress reports on key activities identified by the BOT
- ✓ Revised Board Book to reflect changes in governance structure and responsibilities

OBJECTIVE D

Finalize an updated Mission Statement for the State Bar reflecting programmatic areas remaining after the transition analysis in order to improve the Bar's focus on its public protection and regulatory functions.

- ✓ Adopted new Mission Statement

OBJECTIVE E

Determine the appropriate role of, and Board responsibility for, State Bar Standing Committees, Special Committees, Boards, and Commissions in the new State Bar.

- ✓ Revised the Board committees' charters and structure to ensure alignment with State Bar operations
- ✓ Combined Board committees to better align roles and responsibilities
- ✓ Reduced the number of sub-entities
- ✓ Set timeline for completion of Appendix I review re: sub-entities

Ensure a timely, fair, and appropriately resourced admissions, discipline, and regulatory system for the more than 250,000 lawyers licensed in California.

2017 ACTIVITIES IN FURTHERANCE OF GOALS AND OBJECTIVES

8 agenda items identified as addressing the attorney discipline system objectives of Goal 2 were presented to the BOT in 2017

ATTORNEY DISCIPLINE SYSTEM

OBJECTIVE A

Develop and deploy a new case management system for OCTC, SBC, Probation, and Admissions for greater transparency and accountability.

- ✓ Significant ongoing activities including learning the Odyssey project, configuration of Odyssey fields and steps to current and future business processes, data conversion for OCTC, SBC, and Probation
- ✓ RFP for Admissions Information Management System concluded. Vendor selection pending

OBJECTIVE B

Implement Workforce Planning and evaluate the impact of reforms.

- ✓ Workforce planning recommendations implemented. For example, in OCTC:
 - Create new generalized team structure, including administrative staff, headed by supervising attorney
 - Eliminate levels of review
 - ✓ Evaluation scheduled for completion and report back to the Board January 2019
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OBJECTIVE 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.

- ✓ Time study/weighted caseload analysis performed to determine appropriate caseload levels for staff in OCTC, SBC, and Probation
- ✓ Workload study: High level results to be presented to leadership of involved offices
- ✓ Workload study: Finalizing data cleaning and compilation, creation of draft case weights
- ✓ Workload study: Scheduling focus groups to review draft case weights and process allocation maps
- ✓ Discipline system metrics: simplified and provided more useful metrics to RAD and BOT. Ongoing work with OCTC, SBC, Probation, and CSF to finalize metrics and develop new metrics. Scheduled for completion March 2018
- ✓ Discipline system metrics: exploring with internal and external audiences the way discipline system metrics are reported in the Annual Discipline Report and whether there are opportunities to present additional information / focus on public protection activities
- ✓ Monitoring case processing and timelines for cases in State Bar Court through use of Court Performance Standards (CourTools) utilized by the National Center for State Courts
- ✓ Evaluating and beginning implementation of the requirement that all active attorneys be fingerprinted

ATTORNEY DISCIPLINE SYSTEM

OBJECTIVE D

Develop and implement new attorney MCLE requirements and evaluate their impact and effectiveness.

2017 ACTIVITIES IN FURTHERANCE OF GOALS AND OBJECTIVES

8 agenda items identified as addressing the attorney discipline system objectives of Goal 2 were presented to the BOT in 2017

- ✓ Revised MCLE rules to require completion of 10 hours of MCLE in the first year after admission
- ✓ Conducted focus groups to determine appropriate content of 10-hour new attorney training program
- ✓ Contracted with e-learning vendor to consult with the Bar and develop the course material
- ✓ Conducted an orientation, subject matter expert on-boarding sessions, project planning, and design workshops
- ✓ Proposed amendments to law school regulations rules to require 6 units of competency training

OBJECTIVE E

Develop and implement an effective mechanism for ensuring compliance with MCLE requirements.

- ✓ Implemented changes to the MCLE compliance audit process

OBJECTIVE F

Support adequate funding of the Client Security Fund.

- ✓ Efforts to eliminate judgment backlog and ensure that judgments needing renewal are renewed timely
- ✓ Efforts to better track payments to the Bar and evaluate efficacy of collection agencies to collect debt owed to the Bar
- ✓ Beginning planning of analysis due to the Legislature March 2018, of the Bar's oversight of the CSF, the ongoing needs of the fund to satisfy claims in a timely manner, to identify efforts that can be taken to increase the collection from attorneys, and whether other discretionary expenditures can be redirected to better fund the CSF

ADMISSIONS

OBJECTIVE G

Implement the two-day Bar Exam and evaluate results of the new exam on pass rates and costs.

2017 ACTIVITIES IN FURTHERANCE OF GOALS AND OBJECTIVES

4 agenda items identified as addressing the admissions related objectives of Goal 2 were presented to the BOT in 2017

- ✓ 2-day exam conducted July 2017. Results released November 17, 2017, reflecting an increased pass rate of 6 percentage points over July 2016
 - ✓ Cost savings and pass rate information scheduled for evaluation in December 2017
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OBJECTIVE H

Conduct Bar Exam validity and pass line studies to determine whether or not additional changes to exam content, format, administration, or grading are needed, and implement needed changes.

- ✓ Conducted and issued report on recent performance changes on the CBX
 - ✓ Conducted and issued report on pass line (cut score), providing 3 options to the Supreme Court for setting the pass line
 - ✓ Conducted and issued report on content validity, confirming the current scope of subjects and skills tested on CBX align with the KSAs expected of entry level attorneys
 - ✓ Conducting study on law school bar exam performance
 - ✓ Set as next steps a California-specific job analysis and a revised content validation study
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OBJECTIVE I

Review special admissions rules to determine whether changes are needed, and implement needed changes.

- ✓ Working group composed of Programs Committee members and staff assigned to develop amendments to MJP and other special admissions rules in 2018

UNAUTHORIZED PRACTICE OF LAW

OBJECTIVE 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.

2017 ACTIVITIES IN FURTHERANCE OF GOALS AND OBJECTIVES

0 agenda items identified as addressing the UPL objectives of Goal 2 were presented to the BOT in 2017

- ✓ Initiated monitoring of NA/UPL caseload of attorneys and investigators
- ✓ Initiated monitoring of weekly and annual NA/UPL dispositions
- ✓ Ensured access to statistics regarding the number of cease and desist letters sent
- ✓ Initiated monitoring of NA/UPL cases in intake, investigation, and civil filing stages, including capturing if matter relates to immigration practices
- ✓ Initiated tracking of benchmark timeframes for intake, investigation, and civil filing cases
- ✓ Initiated early and enhanced referrals of cases to law enforcement and tracking of law enforcement referrals
- ✓ Developed NA/UPL report to track and report information on unauthorized practice of law cases. Report to be run and distributed monthly
- ✓ Working to refine NA/UPL measures, in particular the tracking of law enforcement referrals

OBJECTIVE K

Partner with law enforcement agencies to create a coordinated regional response to the unauthorized practice of law.

- ✓ Attend various meetings with law enforcement agencies including:
 - Immigration summits in San Diego County
 - Vietnamese Lawyers' Association in Orange county
- ✓ Working with SD County DA to develop ongoing outreach to vulnerable victims
- ✓ Working with US Attorney for the Eastern District to coordinate on NA/UPL issues

Improve the fiscal and operational management of the State Bar, emphasizing integrity, transparency, accountability, and excellence.

2017 ACTIVITIES IN FURTHERANCE OF GOALS AND OBJECTIVES

22 agenda items identified as addressing Goal 3 were presented to the BOT in 2017

OBJECTIVE A

Implement an updated Classification and Compensation structure reflecting the results of classification and compensation analyses completed in February 2017.

- ✓ Implemented classification and compensation recommendations re: supervising attorney; confidential employees and executive employees
- ✓ Engaged in grievance and fact finding in response to proposal to implement public service representative classification and compensation recommendations
- ✓ Ongoing labor negotiations re: implementation of additional classification and compensation recommendations

OBJECTIVE B

Improve productivity through performance accountability, training, and professional development.

- ✓ Hired dedicated training resource in HR
- ✓ Streamlined and improved employee orientation and onboarding, including New Hire intranet page and resources
- ✓ Developed and delivered supervisor/manager training; deployed Supervisor/Manager intranet page and resources
- ✓ Conducted training survey to determine training needs for staff
- ✓ Deployed online e-learning platform to provide online content available to employees 24/7 to supplement instructor-led offerings

OBJECTIVE C

Improve staff morale and career satisfaction through recognition of performance, career path development and transparent and collaborative communication.

- ✓ Developing formal training and development program
- ✓ Developing training for career path development (to be delivered in 2018)
- ✓ All OCTC staff surveyed to indicate interest in rotational assignment opportunities

OBJECTIVE D

Reallocate funds to support the discipline system based on expenditure review, revenue enhancement measures, implementation of the Bar's reserve policy, and other reengineering efforts.

- ✓ Adoption of final 2017 budget; adoption of preliminary 2018 budget reflecting increased expenditures for OCTC
- ✓ Adopted proposal to increase MCLE and Legal Specialization Provider Accreditation fees

OBJECTIVE E

Develop outcome and performance accountability metrics for assessing organizational and service effectiveness throughout the Bar.

- ✓ Implemented Access and Fairness Survey assessing service provided by OCTC, focusing on procedural fairness
- ✓ Developed/focused on key outcome metrics for the CSF program

OBJECTIVE F

Implement the 2017-2020 technology plan.

- ✓ Completed cybersecurity audit
- ✓ Completed web re-design project
- ✓ Development of electronic signature capacity
- ✓ Deployed agency billing for 2017 fees
- ✓ Board authorized procurement of the Oracle Fusion solution to update the Enterprise Resource and Planning System
- ✓ Transitioning technology related systems needed for a smooth transition of the Sections to the California Lawyers Association

OBJECTIVE G

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.

- ✓ Ongoing implementation of 180 Howard Street Capital Improvement Program, including security access system upgrade, partial fire/life safety system replacements, and energy management system front end replacement. Further plans include upgrades to elevators, HVAC, electrical and plumbing systems, and fire/life safety systems
- ✓ Lease pending for 11th floor in San Francisco building
- ✓ Leased space for LAP offsite to remove concerns associated with LAP offices located in the State Bar building
- ✓ Developed plans to reconfigure LAP space in LA to support additional attorney resources for OCTC
- ✓ Board approved funding for reconfiguration of LAP space in LA and HR space in SF to support OCTC expansion

OBJECTIVE H

Pursue a two-year fee bill to ensure a balance between accountability and meaningful implementation of important reforms.

- ✓ Initially sought a 2-year fee bill covering fees due in 2018 and 2019. Required to revise to a single year fee bill

Support access to justice for all California residents and improvements to the state's justice system.

2017 ACTIVITIES IN FURTHERANCE OF GOALS AND OBJECTIVES

3 agenda items identified as addressing Goal 4 were presented to the BOT in 2017

OBJECTIVE A

Support increased funding and enhanced outcome measures for Legal Services.

- ✓ Ongoing exploration with LAAC and others to identify state agencies receiving federal funding that can be granted to legal services providers
- ✓ Working with banks to increase the yield on IOLTA accounts
- ✓ Working with legal services providers to collect data to document the economic benefits of funding to legal services providers
- ✓ Provide district-specific information for legislators

OBJECTIVE B

Study and implement improved programmatic approaches to increasing access to justice.

- ✓ Following a convening of legal services providers, working to develop an online referral platform for pro bono attorneys
- ✓ Exploring ways to educate and support law students in pro bono activities and to orient and train new pro bono attorneys
- ✓ Partner with legal services organizations serving constituents impacted by Northern California wildfires; provide online resources and pamphlets; provide hotline; recruiting pro bono attorneys to staff the hotline; educate individuals on what to expect of a lawyer and how to ensure they are working with a licensed lawyer; educate attorneys on their responsibilities; issued a fraud alert in 3 languages for victims of the wildfires
- ✓ Perform legal research as a precursor to implementation of a “built in, not bolted on” approach to diversity and inclusion issues with the goal of better integrated diversity and inclusion throughout the work of the Bar

Proactively inform and educate all stakeholders, but particularly the public, about the State Bar’s responsibilities, initiatives, and resources.

2017 ACTIVITIES IN FURTHERANCE OF GOALS AND OBJECTIVES

1 agenda item identified as addressing Goal 5 was presented to the BOT in 2017

OBJECTIVE A

Develop and implement a Communication Strategy Plan for timely and effective external and internal communication about public protection goals, objectives, and accomplishments.

- ✓ Development (ongoing) of internal communications plan
- ✓ 3 Legislative Newsletters distributed in 2017; plans for improvements in 2018, including regular attention to grants to legal services organizations and access to justice activities in legislative districts and general news of interest to all legislators
- ✓ Implemented broader dissemination of attorney discipline information to the press and the public (resulted in more widespread and more coverage of attorney discipline)
- ✓ Regular meetings with OCTC and Communications to strengthen external communications about attorney discipline

OBJECTIVE B

Develop metrics for assessing efficacy of communication and stakeholder engagement efforts and use those metrics to inform modifications to strategy.

- ✓ Communications dashboard developed to report on number of press releases and other pro-active outreach to reporters; news stories about the State Bar; number of legislative newsletters sent; website metrics, and social media reach and engagement metrics

OBJECTIVE C

Redesign the State Bar website to improve access, legibility, and utility for all stakeholders.

- ✓ State Bar website, phase I completed. Ongoing review occurring. Planned future updates include Board and Committee meetings pages

OBJECTIVE D

Partner with legal service providers and others to educate vulnerable populations regarding the problem of unauthorized practice of law and ways that individual issues can be addressed.

- ✓ Partnered with legal services organizations to get information out to victims of Northern California wildfires re: unauthorized practice of law
- ✓ Attend UPL meetings, workshops in communities
- ✓ Attend immigration services workshops
- ✓ Participating in outreach activities with legal services providers and law enforcement
- ✓ Working to develop detention center education programs

OBJECTIVE E

Maintain and enhance relationships with other regulatory and enforcement agencies that share a mission of public protection.

- ✓ Working with regulatory and law enforcement agencies to educate the public about the legal system and attorney discipline
- ✓ See activities related to NA/UPL

OBJECTIVE F

Improve transparency by increasing the availability of meeting materials and expanding upon existing mechanisms for regular communication with the Supreme Court, Legislature, Governor's Office, and the public.

- ✓ Instituted Board created requirement to post Board materials 5 days in advance of Board meetings
- ✓ Track compliance with requirement for posting meeting materials on dashboard reports
- ✓ Include Board of Trustee, Board Committee, and sub-entity meetings on the public calendar available on the website
- ✓ Created the position of Chief of Mission Advancement and Accountability with oversight responsibilities for governmental affairs, including communications with the Legislature and Governor's office, as well as serving as liaison to the Supreme Court in support of the efforts of the Executive Director

LIST OF ACRONYMS & ABBREVIATIONS

BOT - Board of Trustees

CBX - California Bar Exam

CEB - Continuing Education of the Bar

CLA - California Lawyers Association

CSF - Client Security Fund

IOLTA - Interest on Lawyers' Trust Accounts

KSAs - Knowledge, Skills, and Abilities skills

LAAC - Legal Aid Association of California

LAP - Lawyer Assistance Program

MCLE - Minimum Continuing Legal Education

MJP - Multijurisdictional Practice

MOU - Memorandum of Understanding

NA/UPL - Non-Attorney Unauthorized Practice of Law

OCTC - Office of Chief Trial Counsel

RAD - Board Committee on Regulation, Admissions and Discipline

RFP - Request for Proposal

SBC - State Bar Court

UPL - Unauthorized Practice of Law



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