



The State Bar of California

Ad Hoc Commission on the Discipline System

The State Bar's Ad Hoc Commission on the Discipline System is undertaking a comprehensive review of California's attorney discipline system with the goal of ensuring that it is both fair and effective in protecting the public. Established by the Board of Trustees in 2020, the commission will build upon initiatives and reforms implemented in recent years by the Office of Chief Trial Counsel (OCTC) and the State Bar Court.

Background

In the past few years, the State Bar has implemented numerous initiatives, policies, and procedures to improve the effectiveness of the attorney discipline system, including:

- OCTC has taken steps to restructure its operations and focus resources by prioritizing cases that pose the great potential risk to the public.
- OCTC has expanded efforts to seek out and stop the unauthorized practice of law by those who prey on immigrants and other vulnerable victims.
- The State Bar has proactively examined the discipline system for disparate treatment based on race, gender, and other characteristics and has taken concrete actions to address findings related to disproportionate discipline imposed on Black male attorneys, including:
 - Archiving more than a half million closed complaints older than five years, so they are no longer considered in evaluating a new complaint;
 - Encouraging attorneys in the discipline system to seek representation by counsel; and
 - Evaluating the correlation between automatic notices to the State Bar of overdrafts in client trust accounts and other disciplinary issues, and undertaking reforms aimed at preventing such client trust account issues.
- The State Bar Court has also implemented changes to improve access, effectiveness, and efficiency, including rapid adaptation due to the COVID-19 pandemic of remote court events and electronic submission of pleadings.

Purpose

The Ad Hoc Commission on the Discipline System is charged with evaluating:

- Procedural justice and the experiences and perceptions of the system by complaining witnesses and respondents;
- Workload and operational efficiency of case processing;
- Case prioritization and differentiated case-flow management; and
- The efficacy of the system for preventing future attorney misconduct.

The commission will review the reforms recently implemented by OCTC to reduce racial disparities and improve the discipline system's effectiveness. After identifying focus areas within the discipline system's processes and policies, the commission will evaluate those focus areas and recommend additional or revised reforms to improve the fairness and effectiveness of the discipline system.

Composition

The 21-member commission will be chaired by Ruben Duran, Vice-Chair of the State Bar Board of Trustees. Board Chair Sean SeLegue will serve as vice-chair of the commission, and Trustee Brandon Stallings, who chairs the Board's Regulation and Discipline Committee, will also serve on the commission. The commission includes:

- Members of affinity bar associations for lawyers of color
- Representatives of the Association of Discipline Defense Counsel and the National Organization of Bar Counsel
- Four members who practice criminal law as defense counsel and prosecutors
- Two members who represent the California Lawyers Association
- A representative from the [Council on Access and Fairness](#)
- Representatives from the California Department of Consumer Affairs and the Medical Board of California
- Two judges from the State Bar Court
- Leaders of the Office of Chief Trial Counsel

The State Bar is continuing outreach for additional members, particularly Black male attorneys, to ensure that the commission is as broadly representative as possible.

Timeline

The commission will begin its work in early 2021 and present a final report on its findings and recommendations no later than June 30, 2022, with periodic status updates to be provided to the Board of Trustees.

To follow the activities of the commission, including meeting notices and information about public comment opportunities, those interested can [subscribe](#) to the commission's e-list.