



# The State Bar of California

## Fast Facts on the State Bar's 2021 Disciplinary Actions

The State Bar of California's highest priority is protecting the public through efforts that include a rigorous licensing process, attorney regulation, imposition of discipline, closing down the operations of nonattorneys engaging in the unauthorized practice of law, and promoting ethical conduct. Below are highlights of the State Bar's disciplinary actions in 2021.

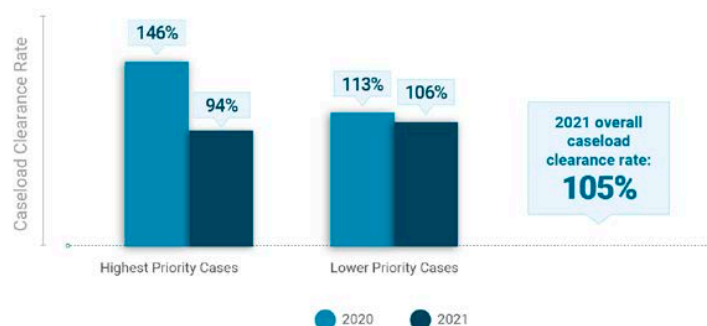
In 2021, the State Bar's Office of Chief Trial Counsel (OCTC):

- Opened 15,715 cases, including complaints against California attorneys for violations of the State Bar Act and the Rules of Professional Conduct as well as complaints against nonattorneys for the unauthorized practice of law (UPL).
- Filed notices of disciplinary charges in State Bar Court against 165 California attorneys.
- Opened more than 600 cases involving UPL, and referred approximately 360 of these cases to law enforcement.
- Obtained recommendations for discipline from the State Bar Court for 323 California attorneys, including recommendations for 85 disbarments, 159 suspensions/probation, and 79 public and private reprovosals.

Through the Client Security Fund, the State Bar reimbursed approximately \$5.66 million to 291 victims of attorney misconduct in 2021. Staff have made a concerted effort to shorten the payout time for victims. In the last two years, payout wait times have been reduced by 142 days, or 21.5 percent.

### Prioritizing High-Risk Cases; Reducing Backlog

- In 2018, the State Bar reformed its intake, investigative, and prosecutorial processes to focus resources on the highest priority cases, i.e., those with the greatest risk of harm to the public. Reducing its backlog of high-priority cases remains a major goal of OCTC.
- In 2021, OCTC reduced its overall statutory backlog by 8 percent.
- OCTC surpassed its caseload clearance rate target of 100 percent in 2021: For every 100 cases OCTC received, 105 were resolved, resulting in a caseload clearance rate of 105 percent.



## **Girardi response: address past harms, prevent future ones**

- After disciplining former licensee Thomas Girardi, alleged to have bilked clients out of millions of dollars from his law firm's client trust accounts over many years, State Bar leadership took decisive action to understand what happened and ensure it does not happen again.
  - A confidential third-party audit of closed Girardi cases was conducted, and the Board of Trustees appointed a special committee to recommend corrective measures.
  - The Board then approved several measures, including creation of a comprehensive new Client Trust Account Protection Program to safeguard clients' funds.
  - The State Bar is also investigating prior actions taken by staff to determine whether the agency's handling of past discipline complaints against Girardi was affected by his connections to or influence at the State Bar.
- The State Bar's Client Security Fund has prioritized reimbursement of Girardi's many victims. To date, the Fund has paid out nearly \$474,000 to 16 former clients of Girardi, with more payments to come.

## **Plans for 2022**

Looking forward, the State Bar is planning the following efforts and initiatives as part of its efforts toward continuous improvement:

- Implement a new Client Trust Account Protection Program that would enable the State Bar to assist and educate attorneys who make honest mistakes with their accounts, while establishing mechanisms to spot early patterns of fraud and abuse from attorneys acting egregiously.
- Development of new case processing standards that prioritize resources for cases that put the public most at risk.
- Continue ongoing efforts to reduce racial disparities in the discipline system and improve fairness.
- Strengthen policies and practices to ensure that the State Bar's disciplinary efforts are free of conflicts of interests.
- Implement the final recommendations—expected mid-year 2022—of an ad hoc commission addressing the discipline system's fairness and effectiveness.
- Continue to protect all Californians, including non-English-speaking immigrants, targeted by unscrupulous individuals engaged in the unauthorized practice of law (UPL).
- Expand proactive programs and outreach to attorneys to educate them on steps they can take to avoid discipline.
- Begin action on the State Bar Board of Trustees new 5-Year Strategic Plan, which includes public protection as a theme in all aspects of the State Bar's work and new strategies and implementation steps to strengthen the discipline system.

See the [2021 Digital Annual Report](#) and [Discipline Page](#) to learn more.