



# The State Bar of California

OFFICE OF THE EXECUTIVE DIRECTOR

180 Howard Street, San Francisco, CA 94105

[donna.hershkowitz@calbar.ca.gov](mailto:donna.hershkowitz@calbar.ca.gov)

213-765-1356

April 27, 2021

Honorable Tani G. Cantil-Sakauye  
Chief Justice of California  
Supreme Court of California  
350 McAllister Street  
San Francisco, CA 94102

Honorable Gavin Newsom  
Governor of the State of California  
State Capitol, Suite 1173  
Sacramento, CA 95814

Honorable Toni G. Atkins  
Senate President pro Tempore  
State Capitol, Room 205  
Sacramento, CA 95814

Honorable Anthony Rendon  
Speaker of the Assembly  
State Capitol, Room 219  
Sacramento, CA 95814

Honorable Tom Umberg  
Chair, Senate Committee on Judiciary  
State Capitol, Room 2187  
Sacramento, CA 95814

Honorable Mark Stone  
Chair, Assembly Committee on Judiciary  
1020 N Street, Room 104  
Sacramento, CA 95814

Erika Contreras  
Secretary of the California State Senate  
State Capitol, Room 3044  
Sacramento, CA 95814

Dear Chief Justice Cantil-Sakauye, Governor Newsom, Senate President pro Tempore Atkins, Speaker Rendon, Senator Umberg, Assemblymember Stone, Secretary of the Senate Contreras, Members of the Senate Judiciary Committee and Members of the Assembly Judiciary Committee:

The 2020 Annual Discipline Report (ADR) provides a statistical overview of some of the major components of the attorney discipline system focusing on data elements mandated by statute as well as highlights of initiatives the State Bar engaged in to prioritize its public protection mission despite the disruptions caused by COVID-19.

Highlights from this year's ADR include:

### **Case Prioritization Continues to Focus Resources on the Most Serious Cases**

In 2018 the Office of Chief Trial Counsel (OCTC), the office responsible for investigating and prosecuting discipline cases, developed a case prioritization system that identifies and focuses resources on cases that pose the greatest risk of harm to the public. This system ensures that OCTC resolves the highest-priority cases first. For every 100 new, highest-priority cases received in 2020, OCTC resolved 146, up from 136 per 100 received in 2019. At the same time, OCTC also improved its caseload clearance for lower-priority cases—resolving 113 for every 100 new cases received compared to 97 per 100 received in 2019. Finally, the number of high-priority cases in backlog declined by 17 percent. In just two years, OCTC decreased the share of highest-priority cases in the backlog by half, from 34 percent of all backlog cases in 2018 to 17 percent in 2020.

### **The Backlog<sup>1</sup> Decreased by 5 Percent**

In 2020 OCTC opened nearly 17,500 matters, a decline of 14 percent from 2019. This decline was driven primarily by a drop in complaints, associated with the decline in economic activity caused by the COVID-19 pandemic. This reduced complaint volume enabled OCTC to continue to work through the inventory of cases that accumulated in 2018 and 2019, when the number of complaints increased by 4 and 5 percent, respectively. As a result, the backlog of discipline cases fell by 5 percent as of December 31, 2020. The 2020 ADR provides crucial context to the backlog, identifying the relatively small proportion of active attorneys who pose a high risk to the public associated with that backlog statistic.

### **Implementation of Recommendations Addressing Racial Disparities in Discipline**

In 2019 the State Bar initiated a quantitative study of over 100,000 attorneys to determine whether there is disparate impact of the discipline system on attorneys of color and, if so, to understand its origins and take corrective action. The results of this study, which identified statistically significant disparities in certain discipline outcomes for Black versus white male attorneys in particular, led to the recommendation of multiple potential reforms across three broad areas: (1) client trust fund accounting, (2) the treatment of prior complaints and discipline history, and (3) securing legal representation for those facing discipline. The State Bar implemented several of these reforms in 2020 and has developed an action plan for 2021 addressing the remaining recommendations.

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<sup>1</sup> The backlog is statutorily defined as the number of complaints as of December 31 of the preceding year that were pending beyond six months after receipt without dismissal, admonition, or the filing of a notice of disciplinary charges (Business and Professions Code section 6086.15 (a)(1)).

### **OCTC's Quality Control Remained High throughout 2020**

OCTC continued to maintain high standards for case processing in 2020. The State Bar's Office of General Counsel Complaint Review Unit (CRU) completed 966 "second looks" of cases closed by OCTC; 1 percent of these second looks resulted in cases being reopened on the basis of new information provided by the complaining witness during the review process, and 2 percent were reopened due to reasons other than new evidence received. In 2020, the Supreme Court reviewed 109 "Walker Petitions" filed by complaining witnesses and granted none.<sup>2</sup>

### **Targeted Services and Outreach to Vulnerable Populations**

In 2020, OCTC continued its work to protect vulnerable populations, including immigrants, from abuse by those fraudulently holding themselves out as attorneys. These efforts involved social media, traditional outreach, and targeted services to vulnerable communities. OCTC opened 665 nonattorney unauthorized practice of law (NA/UPL) cases in 2020, and its dedicated NA/UPL team assumed jurisdiction over 3 illegal law practices through court orders, seizing over 1,000 files and returning files to over 300 victims of these illegal law practices.

### **The State Bar Continued Protecting the Public in a Remote Environment**

Finally, as reflected both in this letter and in the report itself, the State Bar discipline system not only survived during an unprecedented year, but in many ways it also thrived. This was made possible by a relatively seamless pivot to remote work. In March 2020, the State Bar moved its 550+ workforce to remote working arrangements. After shelter-in-place orders were lifted in the summer of 2020, the State Bar continued protecting the public and staff by limiting the number of employees working physically in the office and keeping in-person courtrooms closed. The State Bar responded to the COVID-19 crisis by allowing the electronic service of all but initial pleadings, use of electronic signatures, and exchange of electronic copies of documents. These changes not only allowed the State Bar discipline system to continue operating during the COVID-19 pandemic but also laid the foundation for more efficient operations in the future.

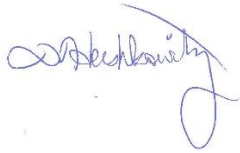
The 2020 fee bill, which was effective January 1, 2020, supported the hiring of 19 of the 58 additional positions needed to meet statutory case processing timelines. While these new positions have provided much-needed support to OCTC, funding to support additional positions will still be needed in the future to ensure full compliance with statutory requirements. The State Bar looks forward to working with key stakeholders to ensure adequate staffing of the discipline system going forward.

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<sup>2</sup> Should CRU decline to recommend reopening a case, it will notify the complainant and inform them of their right to request the California Supreme Court review the complaint pursuant to *In re Walker* (1948) 32 Cal.2d 488 to determine if it should be reopened.

The State Bar is committed to improving processes to ensure that all complaints received are addressed in a timely fashion, regardless of priority status. As noted above, the new positions made possible by the 2020 attorney licensing fee increase will assist us in realizing this aim.

Sincerely,

A handwritten signature in blue ink, appearing to read "D. Hershkowitz". The signature is fluid and cursive, with a large loop at the end.

Donna S. Hershkowitz  
Interim Executive Director



# The State Bar of California

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**Title of Report:** Annual Discipline Report of the State Bar of California  
**Statutory Citation:** Business and Professions Code section 6086.15, 6095 (b), and 6177; Civil Code section 55.32 (f)(1); Insurance Code section 1872.95 (a)  
**Date of Report:** April 27, 2021

The State Bar of California has submitted its Annual Discipline Report to the Chief Justice, the Governor, the Speaker of the Assembly, the President pro Tempore of the Senate, and the Assembly and Senate Judiciary Committees in accordance with Business and Professions Code sections 6086.15, 6095, subdivision (b), and 6177, Civil Code section 55.32, subdivision (f)(1), and Insurance Code section 1872.95, subdivision (a). The Annual Discipline Report describes the performance and condition of the attorney discipline system for calendar year 2020. The following summary is provided pursuant to Government Code section 9795.

The 2020 Annual Discipline Report highlights how the State Bar has continued protecting the public during the COVID-19 pandemic while also making investments in systemic reforms designed to improve the fairness and effectiveness of the attorney discipline system. In 2020 the State Bar rapidly retooled its processes to accommodate entirely remote investigation and adjudication, continued focusing investigative and prosecutorial resources on cases against attorneys whose actions represent the greatest risk of harm to the public, and increased outreach and education efforts to vulnerable communities, including immigrants. At the same time, the State Bar advanced initiatives designed to address racial disparities in the discipline system.

In 2020, the Office of Chief Trial Counsel (OCTC) opened nearly 17,500 cases and filed Notices of Disciplinary Charges against 180 attorneys in State Bar Court. The Supreme Court disbarred 97 attorneys and suspended another 114. In 2020, the backlog of cases—defined as those cases open at year’s end in which OCTC had not filed disciplinary charges or closed within six months after receipt—decreased by 5 percent to 2,547. The highest-priority cases in backlog decreased during this same period by 17 percent, from 518 to 429. Detailed information on the complaints, backlog, time for processing complaints, and disciplinary outcomes is contained in the Annual Discipline Report. In addition, the report presents summaries of the cost of the discipline system and the condition of the Client Security Fund.

The full report is available for download on the State Bar website at:  
<http://www.calbar.ca.gov/About-Us/Our-Mission/Protecting-the-Public/Reports>.

A printed copy of the report may be obtained by calling 415-538-2000.



# The State Bar of California

## **Annual Discipline Report**

**For the Year Ending December 31, 2020**

**April 27, 2021**

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## INTRODUCTION

The Annual Discipline Report (ADR) provides an overview of the State Bar’s attorney discipline system: its workload, operations, initiatives, and performance in fulfilling its statutory obligation to protect the public from attorney misconduct. Although the discipline system is made up of multiple interdependent components of the State Bar, the ADR is primarily focused on the Office of Chief Trial Counsel (OCTC), the Office that receives, investigates, and, where appropriate, prosecutes attorney misconduct.

This report highlights the State Bar’s efforts to effectuate its public protection mandate during a year that was dominated by the impact of the novel coronavirus (COVID-19) pandemic. The pandemic forced all sectors of society to reimagine how business gets done. For the State Bar, this meant prioritizing the health, safety, and well-being of staff, many of whom were personally affected by the pandemic, while at the same time ensuring increased focus on the State Bar’s commitment to protecting the public. Amid this unprecedented public health crisis in 2020, the State Bar’s discipline system protected the public through the following efforts, among others:

- Opened nearly 17,500 cases;
- Continued to focus investigative and prosecutorial resources on cases against attorneys whose actions represent the greatest risk of harm to the public;
- Reduced the backlog of the highest priority cases by 17 percent;
- Filed Notices of Disciplinary Charges in State Bar Court against 180 attorneys, up 28 percent;
- Recommended disbarment for 97 attorneys, suspension for another 114, and issued 50 reprovals;
- Maintained the quality of its work as demonstrated by continued high rates of cases for which OCTC’s decisions were upheld upon a “second look” by the Complaint Review Unit of the State Bar’s Office of General Counsel, and upon further review by the Supreme Court; and
- Conducted social media and traditional outreach and targeted services to vulnerable communities, which included publishing fraud alerts on COVID-19 scams, updating consumer information pamphlets in seven languages about how to avoid and report immigration fraud, and creating a landing webpage for Spanish speakers so that all State Bar web resources available in Spanish are easily accessible.

This activity reflects a continuation of the State Bar’s commitment to prioritizing its public protection mission, even with the disruptions engendered by COVID-19.

## IMPACT OF THE COVID-19 PANDEMIC

While the State Bar adapted to the challenges brought on by COVID-19, the pandemic nonetheless affected the work of the attorney discipline system. The economic crisis caused by the pandemic reduced the amount of legal work being done in the state, a point made most

visible by the near closure of California’s criminal and civil court systems for several months, resulting in an estimated 1.4 million fewer cases resolved from March through August 2020 compared with the same period in 2019.<sup>1</sup> Likewise, travel bans, business closures, and the deferral of major business decisions that require legal advice, all impacted the volume of attorney work in 2020.<sup>2</sup>

### Protecting the Public Remotely

When Californians were told to shelter in place in March 2020, the State Bar moved its 550-plus workforce into remote working arrangements almost overnight. After shelter-in-place orders were lifted in summer 2020, the State Bar continued limiting the number of employees working physically in the office and kept in-person courtrooms closed to protect State Bar staff and the public.

Odyssey, the discipline system case management system implemented in 2019, has been essential to the State Bar’s ability to transition to a remote environment. Before Odyssey’s implementation, the discipline system relied on physical case files. With Odyssey, the additional work involved in imaging of casefiles has paid dividends by allowing OCTC, the Office of Probation, and the State Bar Court to work across a single electronic platform and operate the attorney discipline system remotely. Similarly, investments made in 2018 to enable online complaint filing in multiple languages support an end-to-end remote process that would not have been possible just two years ago.

When the State Bar closed its buildings to the public on March 17, 2020, the court suspended in-person court proceedings and issued abatement orders, which temporarily stayed proceedings, on roughly 150 cases. Five weeks later, the court resumed court proceedings after undergoing extensive training to transition to remote court events.<sup>3</sup> The first remote conference occurred on April 21, the first remote oral argument on June 17, and the first remote trial on July 8, 2020. From April 21 to December 31, 2020, the court conducted 1,309 remote events, including 51 trials in the Hearing Department and 22 oral arguments in the Review Department. The remote appearances program continues today.

The COVID-19 emergency provided an opportunity to update court procedures to better enable remote functioning of the attorney discipline system. In March, the court issued General Order 20-02 allowing the parties to submit pleadings and other court documents electronically, via email. In early April, the court, with the authorization of the Board of Trustees, issued General Order 20-03 authorizing the temporary use of electronic signatures and General Order 20-04 to

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<sup>1</sup> A report on the impact on California’s courts can be found here: <https://www.courts.ca.gov/documents/jbbc-20210105-materials.pdf>.

<sup>2</sup> Examples of public reporting on the impact of COVID-19 on the legal profession can be found here: <https://www.abajournal.com/news/article/law-firm-revenue-takes-nosedive-during-covid-19-data-shows> and <https://abovethelaw.com/2020/03/how-small-firms-are-dealing-with-covid-19/>; <https://www.lawyersofdistinction.com/legal-limbo-the-impact-of-covid-19-on-american-law-firms/>.

<sup>3</sup> The Court relied on California Rules of Court, Emergency Rule 3, as persuasive authority to initiate the conversion from in-person to remote court events.

permit electronic service. Shortly afterward, the Board of Trustees adopted an Interim Rule of Procedure permitting the electronic service of some pleadings. In September 2020, after a period of public comment, the Board of Trustees adopted permanent changes to the Rules of Procedure that, among other things, authorize (1) electronic service of all but initial pleadings; (2) use of electronic signatures, including, in some circumstances, images of an original signature; and (3) exchange of electronic copies of documents, including exhibits, between the parties. The court also issued several other General Orders to address COVID-19 related changes to case processing, as well as General Notices and Frequently Asked Questions to assist court participants in navigating the new remote environment, all of which were posted on the court's website. These changes not only allowed the State Bar discipline system to operate during the COVID-19 pandemic but also laid the foundation for more efficient operations in the future.<sup>4</sup>

### **Total New Cases Declined in 2020 but Remain Higher than Prior Years**

Although the total number of cases OCTC opened declined in 2020 compared with 2019, new cases remain higher than they were in 2017 and 2018 (see table 1). While the statutory mandate under which the Annual Discipline Report is produced requires the State Bar to report on a subset of cases, the analysis below reflects total cases opened.<sup>5</sup>

In 2020, OCTC opened nearly 17,500 cases, a decline of 14 percent from 2019. This decline in the most recent year was driven primarily by the reduction of economic activity associated with the COVID-19 pandemic, seen most clearly in the sharp drop in the number of complaints by complaining witnesses. Fewer complaints were received in 2020 compared with 2019, enabling OCTC to continue to work through the inventory of cases that accumulated in 2018 and 2019, when the number of complaints increased by 4 and 5 percent, respectively.

Despite the decline in total new cases in 2020, the 10-fold increase that the State Bar saw in Criminal Conviction Matters in 2019 fell by only a fraction in 2020. The increase in Criminal Conviction Matters is the result of Rule of Court, rule 9.9.5, requiring all licensed attorneys to be refingerprinted by December 2019 so that the State Bar could enter into a Subsequent Arrest Notification (SAN) agreement with the Department of Justice (DOJ). Where before implementing rule 9.9.5 the State Bar relied primarily on licensee and District Attorney reporting of criminal convictions, the State Bar now regularly receives SANs and Records of Arrest and Prosecution (RAP) sheets from the DOJ. State Bar staff evaluate these RAP sheets to ensure that OCTC is made aware of any criminal charges and convictions against attorneys that had not been previously reported. This routine, ongoing reporting of criminal convictions is an

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<sup>4</sup> OCTC also made several operational changes to facilitate remote working, including acquiring licenses for PDF editing software that facilitated electronic signatures, issuing work email addresses to which staff working from home could send letters that could then be printed and mailed, and developing a process that enabled the small number of staff who worked onsite to process physical mails.

<sup>5</sup> While the principal tables in the ADR focus on cases that could fall into backlog, OCTC's caseload includes other categories of work including Nonattorney/Unauthorized Practice of Law (NA/UPL) and Criminal Conviction Matters. Discussions of total cases opened by OCTC in previous publications of the ADR excluded these two categories.

important public protection measure. By initiating refingerprinting and launching this automated reporting, a significant influx of work was created that OCTC is still working through.<sup>6</sup>

**Table 1. Cases Opened by OCTC**

	2017	2018	2019	2020	Percent Change 2017–2020
Complaints	12,298	12,832	13,458	12,197	-1%
State Bar Initiated Inquiries	352	404	253	270	-23%
Probation Referrals	116	99	120	67	-42%
Reportable Action, Self	151	165	183	146	-3%
Reportable Actions, Other	2,252	2,463	2,186	1,467	-35%
Criminal Conviction Matters	266	261	2,615	2,155	710%
Nonattorney/Unauthorized Practice of Law	703	795	948	665	-5%
Other <sup>7</sup>	173	210	656	521	201%
<b>Total Cases</b>	<b>16,311</b>	<b>17,229</b>	<b>20,419</b>	<b>17,488</b>	<b>7%</b>

## DISCIPLINE TRENDS

While table 1 reflects cases opened by OCTC in 2020, figure 1 represents the other end of case processing; as figure 1 reflects, attorney discipline continued its return to normal levels following the drastic increase of discipline resulting from the loan modification crisis of 2008–2010.

Attorney discipline peaked in 2011 when nearly 700 attorneys were disciplined, 196 of whom were disbarred, and remained high through 2015, coinciding with the bubble of loan modification disciplinary cases.<sup>8</sup> Attorney discipline data from other states reveal similar

<sup>6</sup> Despite the substantial work required by OCTC to process criminal convictions, these cases do not appear in any of the statutorily mandated tables until they are transmitted to State Bar Court. Transmittal of criminal convictions to State Bar Court is reported in table SR-6, beginning with 2019 data.

<sup>7</sup> These cases are regulatory rather than disciplinary in nature, or they are cases other than criminal conviction matters that originate when filed in State Bar Court. Some cases included in this category were not captured before Odyssey was implemented in 2019.

<sup>8</sup> For a description of the State Bar’s efforts to address attorney misconduct during this crisis, see here: [www.calbarjournal.com/January2013/TopHeadlines/TH3.aspx](http://www.calbarjournal.com/January2013/TopHeadlines/TH3.aspx)

declines in discipline over the last 10 years.<sup>9</sup> In 2020, 97 attorneys were disbarred and 114 were suspended, both down 17 percent from 2019.

**Figure 1. Attorney discipline peaked in 2011, coinciding with the dissipation of the loan modification bubble, and the number of attorneys disbarred or suspended continued a downward trend.**

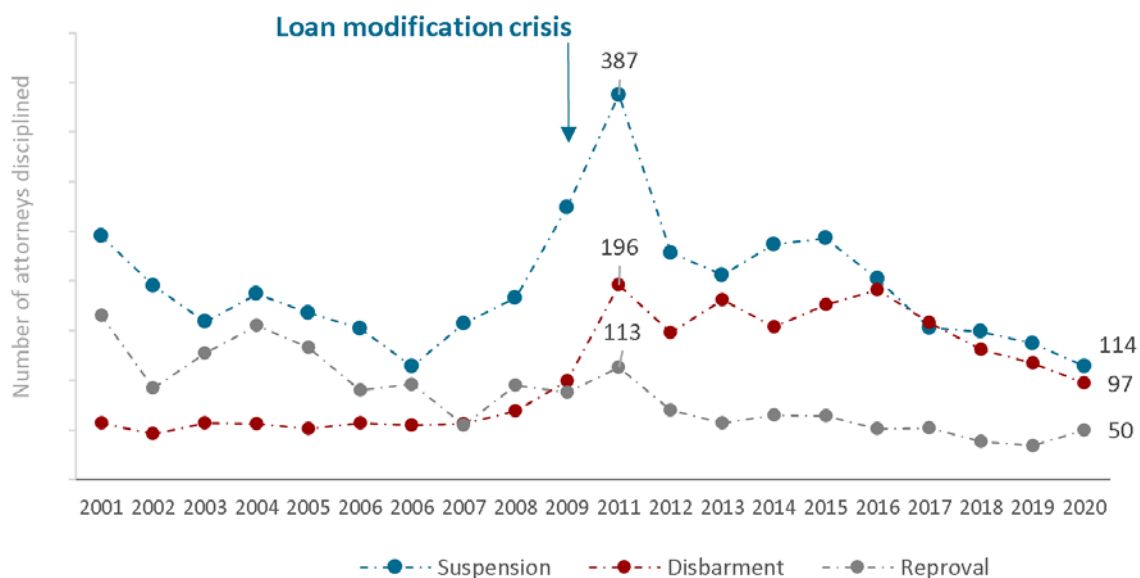


Table 2 offers additional context to this trend in discipline. While the number of active attorneys in California has grown by 37 percent over the last 20 years, this increase is not associated with a higher number of complaints against attorneys or with a higher number of attorneys disciplined. When attorney discipline peaked in 2011, there were 172,173 active attorneys in California, and 693 were disciplined at a rate of 4.0 per 1,000 attorneys. In 2020, there were more active attorneys, yet the discipline rate was 1.4 per 1,000 attorneys.

With the exception of 2018 and 2019, when complaints increased due to expanded access offered by the new online complaint portal, the complaint rate per 1,000 attorneys has fallen steadily since 2011.<sup>10</sup>

<sup>9</sup> For data from Florida, see here: [www.floridabar.org/public/acap/lawyer-discipline-statistics/](http://www.floridabar.org/public/acap/lawyer-discipline-statistics/); Illinois: [www.iardc.org/AnnualReports.html](http://www.iardc.org/AnnualReports.html); Washington: [www.wsba.org/docs/default-source/licensing/discipline/2019-discipline-system-annual-report.pdf?sfvrsn=d5100ef1\\_10](http://www.wsba.org/docs/default-source/licensing/discipline/2019-discipline-system-annual-report.pdf?sfvrsn=d5100ef1_10); Minnesota: <http://lprb.mncourts.gov/AboutUs/Documents/2020%20Annual%20Report.pdf>.

<sup>10</sup> In 2018 and 2019, the complaint rates per 1,000 attorneys were 50.4 and 50.6, respectively.

**Table 2. Attorney discipline peaked in 2011, coinciding with the dissipation of the loan modification bubble.**

	2001	2006	2011	2016	2020
Active Attorneys	138,627	152,002	172,173	187,937	190,553
Attorneys with at least one complaint	8,367	8,751	9,340	8,650	8,426
Attorneys with at least one discipline	466	297	693	440	267
Complaint rate per 1,000 attorneys	60.4	57.6	54.2	46.0	44.2
Discipline rate per 1,000 attorneys	3.4	2.0	4.0	2.3	1.4

### Understanding Long-Term Trends in Complaints and Discipline

Besides the loan modification crisis, long-term trends in complaints about attorney misconduct and attorney discipline can be traced to shifts in the legal profession, the composition of the attorney population, and State Bar’s efforts to prevent attorney misconduct.

A report commissioned by the State Bar found that the sector of the profession serving individuals as opposed to businesses experienced fewer paying clients and declining attorney income starting in the mid–1970s. Between 2007 and 2012, this sector’s revenues shrank by 10 percent while the number of self-represented parties in state court continued to increase.<sup>11</sup> Given that the vast majority of complaints are filed by individual consumers, fewer underlying transactions between individuals (as opposed to businesses) and attorneys have likely led to fewer complaints per attorney being filed with the State Bar.

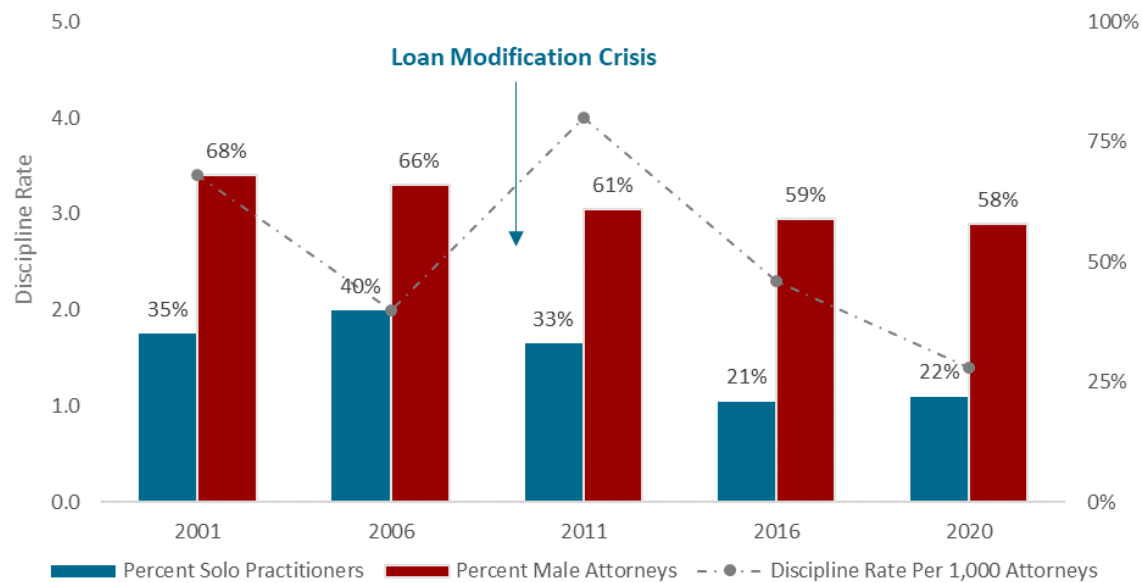
Two other broad changes in the legal profession appear to be contributing to a modest decline in the number of attorneys being disciplined. First, the number of attorneys who are solo practitioners has been declining for the last 15 years, dropping from approximately 40 percent of the attorney population in 2006, only five years prior to the discipline peak, to just over 20 percent in 2020 (see figure 2). As shown in table 2, complaint rates per 1,000 attorneys declined over the 20-year period as the share of solo practitioners also declined. Generally, solo practitioners are at greater risk of having complaints filed against them and of being disciplined than their non-solo counterparts.

A second factor associated with a decline in attorney discipline is the growing proportion of attorneys who are women (and, conversely, the declining share of attorneys who are male) as shown in figure 2. Between 2001 and 2020, the female proportion of the attorney population in

<sup>11</sup> See report here: <https://board.calbar.ca.gov/docs/agendaitem/Public/agendaitem1000022382.pdf>.

California grew from 32 percent to 42 percent.<sup>12</sup> State Bar research has found that while approximately one third of all male attorneys have had at least one complaint filed against them, less than one quarter of female attorneys have been the subject of a complaint. And even when the State Bar receives complaints against female attorneys, they are less likely to be disbarred or placed on probation than their male counterparts. In brief, male attorneys are at higher risk of receiving a complaint and being disciplined than women.<sup>13</sup>

**Figure 2. The share of attorneys at higher risk of discipline has changed over the last 20 years, and this change is associated with the discipline trend.**



Finally, the State Bar has engaged in several attorney misconduct prevention activities. Under the New Attorney Training Program, attorneys admitted after February 1, 2018, are required to complete 10 hours of Minimum Continuing Legal Education training within the first year of admission on issues pertaining to ethics and law practice management. The content covered in this e-Learning program includes legal ethics, basic skills, substance abuse and mental health issues, and recognition and elimination of bias in the legal profession.

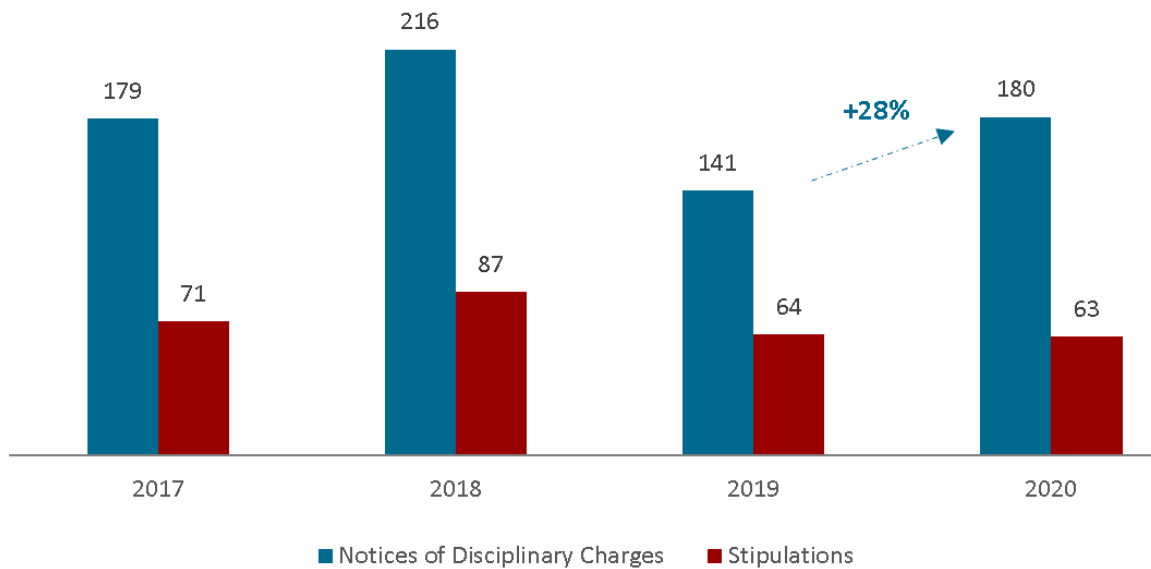
<sup>12</sup> Data for solo practitioners and female attorneys were drawn from historical State Bar demographic reports available here: [www.calbar.ca.gov/About-Us/Who-We-Are/Historic-Demographics](http://www.calbar.ca.gov/About-Us/Who-We-Are/Historic-Demographics). Data reported for 2016 was drawn from the 2017 demographic report. Solo practitioner and gender composition data reported for 2020 was drawn from the State Bar’s first annual report card on diversity of the legal profession in 2019 available here: [www.calbar.ca.gov/Portals/0/documents/reports/State-Bar-Annual-Diversity-Report.pdf](http://www.calbar.ca.gov/Portals/0/documents/reports/State-Bar-Annual-Diversity-Report.pdf).

<sup>13</sup> In 2019, the State Bar initiated a study of more than 100,000 attorneys to determine whether there is disproportionate representation of nonwhite attorneys in the attorney discipline system. The study also explored other attorney characteristics that predict discipline. See full report here: <https://board.calbar.ca.gov/docs/agendaitem/Public/agendaitem1000025090.pdf>.

The State Bar’s Lawyer Assistance Program (LAP) has partnered with OCTC to conduct proactive outreach to attorneys. Starting in January 2020, OCTC sends the names of all disciplined attorneys who received a public discipline to LAP. Staff sends a letter either via email or US mail that describes LAP services and informs attorneys that they are eligible for services regardless of licensure status. Public dialogue about attorney wellness has increased since a 2016 report on the scope of mental health and substance abuse problems among attorneys.<sup>14</sup> In 2020, OCTC continued its public protection mission by efficiently processing cases and filing charges in State Bar Court where appropriate.

As is common with most long-term trends, counterfactuals arise: disciplinary filings *increased* in 2020, as compared with 2019. In 2020, OCTC filed Notices of Disciplinary Charges in State Bar Court against 180 attorneys (representing 385 cases) compared with 141 attorneys the year before, a 28 percent increase (see figure 3).

**Figure 3. OCTC filed Notices of Disciplinary Charges against 180 attorneys in 2020, representing a 28 percent increase.**



<sup>14</sup> See report here:

[https://journals.lww.com/journaladdictionmedicine/Fulltext/2016/02000/The\\_Prevalence\\_of\\_Substance\\_Use\\_and\\_Other\\_Mental.8.aspx](https://journals.lww.com/journaladdictionmedicine/Fulltext/2016/02000/The_Prevalence_of_Substance_Use_and_Other_Mental.8.aspx). Also see 2017 report from the National Task Force on Lawyer Well-Being here: <https://lawyerwellbeing.net/wp-content/uploads/2017/11/Lawyer-Wellbeing-Report.pdf>. The California Lawyers Association has a Health and Wellness Committee that seeks to increase attention to attorney wellness.



## OCTC'S QUALITY CONTROL REMAINED HIGH THROUGHOUT 2020

OCTC continued to maintain exceptionally high standards for case processing in 2020. The quality of case processing can be seen in the data from the Complaint Review Unit (CRU) and in the data on “Walker Petitions” decided by the Supreme Court.

### Complaint Review Unit

When OCTC closes a case without seeking discipline, the office notifies complainants of their right to request a review of that decision, commonly referred to as a “second look” review. The purpose of the second look, a process conducted by the State Bar Office of General Counsel’s Complaint Review Unit (CRU), is to ensure that the case was closed properly and, if not, to refer the complaint back to OCTC with a recommendation to reopen it for investigation. As such, the second look process serves a function similar to an administrative appeal.

Complainants are advised in OCTC’s closing letters that they may request CRU to review the decision to close their complaint by submitting a written request for review within 90 days of the date of OCTC’s closing letter. CRU attorneys review the file in second look cases, as well as any other material submitted by the complainant, and assess the full range of allegations made against the attorney. If significant new evidence or other good cause is provided during the review process, CRU will then recommend that the matter be reopened and refer the case back to OCTC to reopen an investigation.

The recent decline in number of reviews completed by CRU reflects the decline in complaints received in 2020. Of the 966 reviews of OCTC cases completed in 2020, 8 cases, or 1 percent, were reopened based on new information provided by the complaining witness during the second look process, and 21 (2 percent) were reopened due to reasons other than new evidence received. Table 3 provides a summary of the disposition of CRU matters for the past four years.

**Table 3. Only 3 percent of cases reviewed by the Complaint Review Unit were reopened.**

	2017	2018	2019 <sup>15</sup>	2020
Reviews completed	1,138	1,593	1,601	966
Reopened due to new evidence	16 (1%)	11 (1%)	14 (1%)	8 (1%)
Reopened due to reasons other than new evidence	38 (3%)	28 (2%)	22 (1%)	21 (2%)

<sup>15</sup> Data for 2019 includes estimates for February, based on an annual average; February data is incomplete due to the transition to the Odyssey case management system in that month.

## Walker Petitions

Upon determining that a complaint should stay closed, CRU prepares a closing letter to the complainant with an explanation of the reasons for declining to recommend reopening a case. Closing letters also notify complainants of their right to request California Supreme Court review pursuant to *In re Walker* (1948) 32 Cal.2d 488. CRU’s closing letters explain the process for requesting review of the decision by the California Supreme Court.

As with second look cases, Walker Petition disposition data shows that only in the rarest of circumstances is the work of OCTC overturned. Table 4 provides information on the number and disposition of Walker Petitions that reached finality in the Supreme Court in each of the past four years. In 2020, the Supreme Court did not grant any Walker Petitions filed by a complaining witness.

**Table 4. In 2020, the Supreme Court did not grant any Walker Petitions filed by complaining witnesses.**

	2017	2018	2019	2020
Total petitions disposed	130	104	114	109
Granted	0	1	1	0
Denied or stricken <sup>16</sup>	130 (98%)	103 (99%)	113 (99%)	109 (100%)

## CASE PRIORITIZATION AND PUBLIC PROTECTION

OCTC continues to identify and prioritize the cases that represent the greatest danger to the public using a case prioritization system developed in 2018. The purpose of case prioritization is to marshal resources in a way that best protects the public from attorneys who pose the greatest risk of harm to the public.

Highest priority cases include those that present significant, ongoing, or serious potential harm to the public; cases involving vulnerable victims including immigrants and seniors; cases of client abandonment; abusive or frivolous litigants; and cases that involve engaging in or abetting the unauthorized practice of law. OCTC devotes the most investigation and prosecution resources to pursuing these cases.

By definition then, when OCTC prioritizes cases that pose the greatest risk of harm to the public, OCTC de-prioritizes cases that present a lower risk of harm. While OCTC generally de-prioritizes lower-risk cases, those that can be resolved quickly to free up resources for

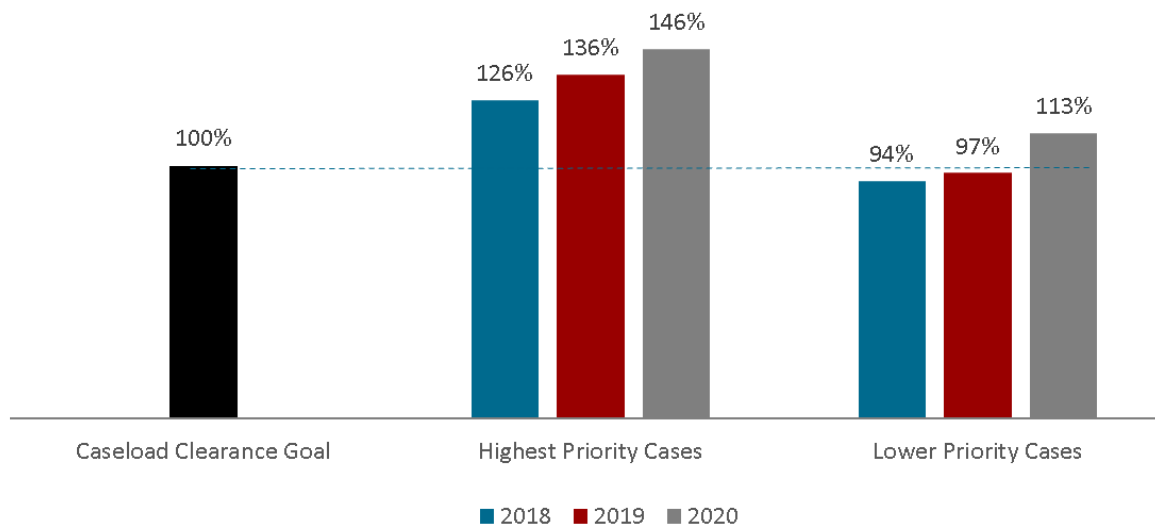
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<sup>16</sup> Five cases were stricken due to untimely filing or failure to present the case to the Complaint Review Unit prior to filing with the Supreme Court: 3 in 2017, 1 in 2018, and 1 in 2019.

prosecuting higher priority matters are expedited. See Appendix D for a full description of the case prioritization system.

OCTC has improved caseload clearance rates for its highest priority cases for the last three years (see Figure 4). For every 100 new highest priority cases received in 2020, OCTC resolved 146, up from 136 per 100 cases in 2019 and 126 per 100 cases in 2018. Figure 4 also shows that OCTC improved its caseload clearance rates for lower priority cases—resolving 113 for every 100 new cases received in 2020 compared with only 97 per 100 in 2019.

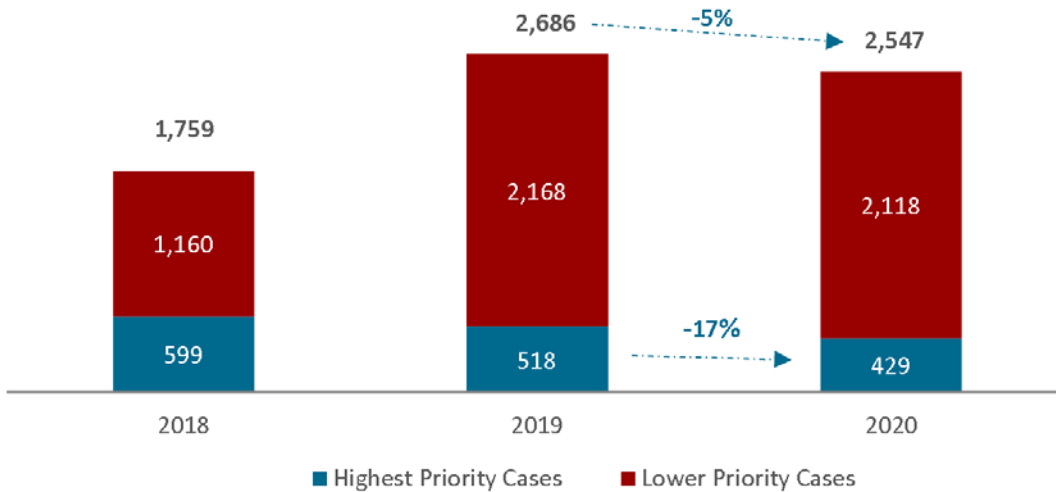
**Figure 4. For every 100 new highest priority cases received in 2020, OCTC resolved 146, reducing its backlog of the most serious cases while improving clearance rates for lower priority cases.<sup>17</sup>**



<sup>17</sup> A clearance rate shows the ratio of the total number of cases that are closed during a period compared with the total number of new cases. Any number above 100 percent indicates that more cases are being closed than received; any number below 100 percent indicates that more cases are being received than closed.

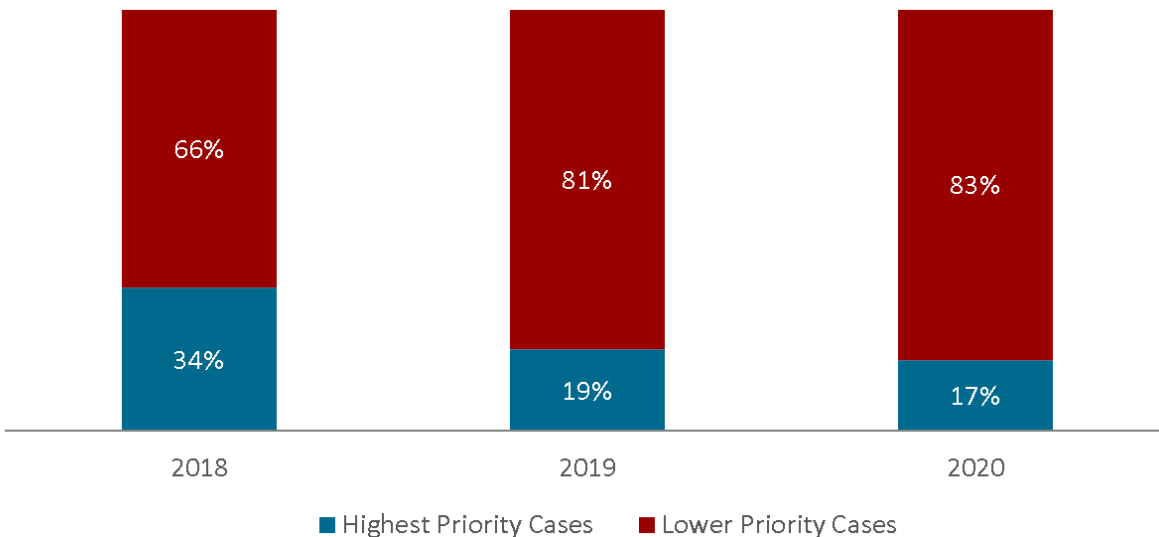
Figure 5 shows that total backlog in OCTC declined by 5 percent in 2020 and highest priority cases in backlog fell by 17 percent.

**Figure 5. The total backlog declined by 5 percent and the number of backlog cases designated as highest priority declined by 17 percent.**



Implementation of the case prioritization system has ensured that OCTC is focused on resolving the highest priority cases first. In just two years, OCTC decreased the share of highest priority cases in the backlog by half, from 34 percent of all backlog cases in 2018 to 17 percent in 2020. The relatively low proportion of total backlog comprised of highest priority cases is one measure of OCTC’s success in this regard (see figure 6).

**Figure 6. The share of highest priority cases in backlog cases has been cut in half in just two years.**



## UNPACKING THE BACKLOG: COUNTS OF ATTORNEYS REMAIN A MORE MEANINGFUL METRIC

The following section shows that the statutory backlog metric—measured, pursuant to statute, at a point in time, on the final day of the calendar year—does not offer an effective method for determining how the State Bar is performing its highest priority mission: public protection.

Business and Professions Code section 6086.15 (a)(1), requires that the State Bar report the backlog of cases within the discipline system, including, but not limited to, the number of cases as of December 31 of the preceding year that were pending beyond six months after receipt.<sup>18</sup> As this section illustrates, this method of calculating backlog is problematic for a number of reasons. To begin, it fails to account for important differences in the potential harm caused by different types of cases, creating an incentive to process older cases first regardless of the cases' underlying characteristics.

Total backlog is also problematic as a measure of public protection because the backlog figure represents the number of *cases*. A new case is opened for each complaint that is lodged against an attorney. Ultimately, however, it is the *attorney* who poses a risk to the public, not the case. When an attorney has received multiple complaints, OCTC directs its attention to the most serious cases and, in some circumstances, suspends the other cases. Not only does this improve the chances of securing discipline against an attorney who has engaged in misconduct, it also frees up resources for other work by placing related or trailing cases against the same attorney in suspended status.

The requirement to include cases in suspended status in the backlog count, however, creates confusion outside of the State Bar about the work of OCTC. Because the attorney who is the subject of these complaints is often already being prosecuted and has been placed on inactive status awaiting disbarment, their cases in suspended status can contribute disproportionately to the number of cases in backlog, even though delay in prosecuting those suspended cases has no impact on public protection. For example, there are currently 69 suspended cases in the backlog attributable to a single attorney who is currently ineligible to practice law; his summary disbarment is expected upon final conviction in a criminal matter at which time those suspended 69 cases will be closed. Another 25 suspended cases in the backlog are attributable to an attorney who is currently incarcerated in another country and is not expected to be released until 2022.

Table 5 shows the circumstances under which cases are suspended so that OCTC can pursue the most serious cases against an attorney while conserving resources for other prosecutions.

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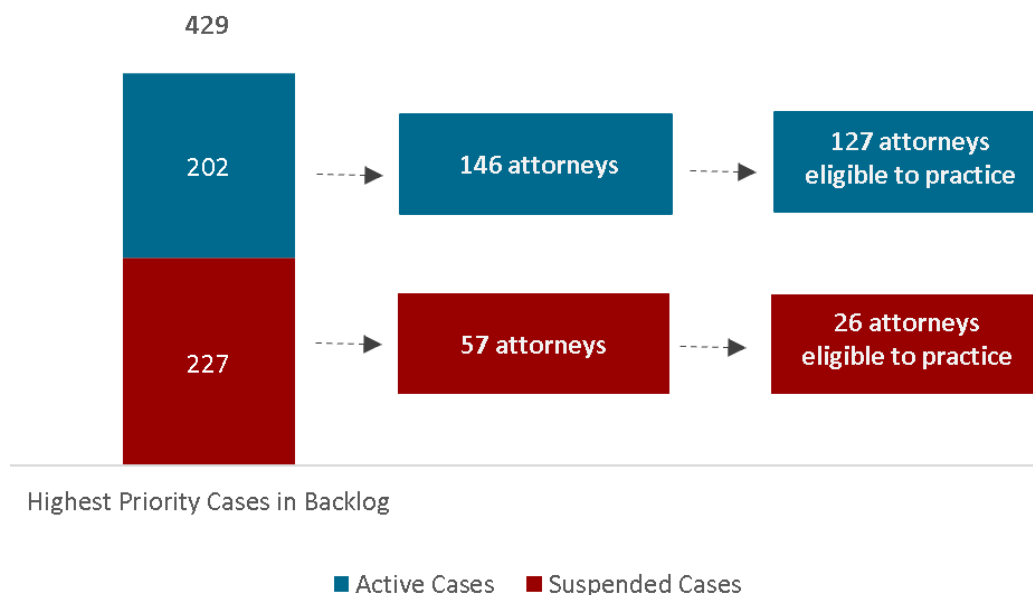
<sup>18</sup> Backlog is defined in California Business and Professions Code sections 6094.5(a) and 6140.2.

**Table 5. Case Suspension and Attorney Status**

Reason for Suspension	Attorney Status	Basis for Status
State Bar Court has recommended disbarment; other cases against same attorney are suspended pending Supreme Court consideration of the disbarment order.	Inactive	Business and Professions Code section 6007(c)(4)
Failure to appear in State Bar Court (Default); other cases against same attorney are suspended upon entry of default.	Inactive	Business and Professions Code section 6007(c)(4) Rule 5.85 of Rules of Procedure of the State Bar
OCTC believes respondent will be disbarred on a lead case; other cases against same attorney are suspended pending the outcome of the lead, active case.	May be Active or Inactive	Awaiting State Bar Court action
Other reasons warranting suspension: <ul style="list-style-type: none"> <li>• Pending outcome of case against attorney in civil court.</li> <li>• Pending outcome of case in criminal court, including case where criminal conviction would result in summary disbarment.</li> </ul>	May be Active or Inactive	Awaiting outcome in other venue

Figure 7 shows how focusing on the number of cases inflates the perception of risk to the public of attorney misconduct. Although there were 2,547 cases in backlog, only 17 percent of those, or 429, are highest priority cases. Over half of these highest priority cases, or 227, are suspended and awaiting action on another case involving the same attorney. Moreover, only 57 attorneys are responsible for these 227 cases, an average of about four cases per attorney. Of those 57 attorneys, 31 have been suspended or have otherwise been ordered inactive pending discipline, leaving only 26 of these attorneys still eligible to practice law.

**Figure 7. Over half of the 429 highest priority cases in backlog were suspended and only 57 attorneys were responsible for these suspended cases, 26 of whom were eligible to practice law at the end of 2020.**



## VULNERABLE POPULATIONS: CONTINUED WORK AND OUTREACH

In 2020, OCTC continued its direct outreach work to vulnerable populations to protect them from predatory actors. In addition to the case prioritization protocol—which directs the prioritization of cases of attorney misconduct with vulnerable victims—the Chief Trial Counsel continued collaborating with law enforcement agencies to encourage the prosecution of fraud by a nonattorney (NA) who targets the immigrant community. This work proceeded while OCTC simultaneously continued direct outreach to vulnerable communities to protect them from predatory actors.

### Outreach and Education Activities

In 2020, the State Bar’s outreach and education activities included participation in the following activities:

- Published fraud alerts on COVID-19 scams and promoted these on social media.
- Published updated consumer information pamphlets in seven languages on the State Bar website, with topics ranging from how to avoid and report immigration fraud to how to find legal help, as well as information for vulnerable populations, including seniors, veterans, and victims of natural disasters.
- Created and promoted a website landing webpage for Spanish speakers so all State Bar web resources available in Spanish can be easily accessed.
- Piloted a paid social media campaign on Facebook and Instagram targeting California Spanish speakers with short video clips and animated graphics regarding the importance

of seeking legal advice from a licensed attorney and how to ascertain whether someone is an attorney licensed in California. In the first four weeks, this campaign reached 500,000 Spanish speakers. This effort is continuing in 2021.<sup>19</sup>

- Published on the State Bar website the names and locations of NAs who were issued cease and desist notices for the unauthorized practice of law.
- Published on the State Bar website updates on attorney discipline and shared via social media alerts on all disbarments.

### Nonattorney Unauthorized Practice of Law

An NA could be someone who has never been a licensed attorney, was formerly a California licensed attorney, or an attorney licensed in another state, but not in California. Complaints regarding these types of respondents are referred to as Nonattorney Unauthorized Practice of Law cases, or NA/UPL.<sup>20</sup> Those who are not authorized to practice law but do so, or hold themselves out as able to do so, can cause significant harm to an unsuspecting public. In 2020, OCTC opened 665 NA/UPL cases.

Because the State Bar's jurisdiction is limited to attorneys and does not extend to persons impersonating attorneys, OCTC cannot prosecute this type of misconduct in State Bar Court.<sup>21</sup> OCTC does, however, have some finite tools at its disposal in this type of case. If the NA/UPL appears limited and has not resulted in harm to clients, OCTC will issue cease and desist letters. In more serious cases (See the sidebar, above) OCTC refers the complaints to local law enforcement for possible criminal prosecution. In the most serious cases, OCTC will seek an order from a state court to assume jurisdiction over the unauthorized law practice.

Although he was disbarred by the District of Columbia and the federal Board of Immigration Appeals (BIA) in 2017 and was never licensed to practice law in California, Toan Quy Thai represented hundreds of vulnerable immigrants, primarily in Orange County's large Vietnamese community, and falsely stated on multiple immigration filings that he was an attorney qualified to practice law and represent them in federal proceedings. This deception subjected his clients not only to fraud but also to the risk of adversely affecting their immigration status and exposing them to deportation.

Federal officials brought Thai's unlawful practice to the State Bar's attention in 2019, and the State Bar initiated an investigation. Federal officials shared dozens of fraudulent filings by Thai in which he misrepresented his eligibility to practice law in immigration proceedings by using his DC bar number despite being disbarred. On August 21, 2020, the Superior Court of Orange County assumed jurisdiction over Thai's unauthorized law practice after granting the State Bar's request for an interim order and injunction. This allowed the State Bar to immediately seize an estimated 400 client files from Thai's unauthorized law practice, freeze business-related bank accounts, disable business-related telephone numbers and websites, and redirect telephone calls and mail to the State Bar.

<sup>19</sup> See examples of Instagram videos here: [www.instagram.com/statebarca/?hl=en](https://www.instagram.com/statebarca/?hl=en).

<sup>20</sup> Section 6125 of the Business and Professions Code provides that "No person shall practice law in California unless the person is an active licensee of the State Bar." Section 22440 makes it unlawful for any person, other than a person authorized to practice law or authorized by federal law, to represent persons before the Board of Immigration Appeals or the United States Citizenship and Immigration Services, to engage in business or act in the capacity of an immigration consultant, except as provided by sections 22440 through 22449 of the Code.

<sup>21</sup> The State Bar cannot criminally prosecute either attorneys or NAs; while OCTC can investigate the unauthorized practice of law by NAs, its investigative tools do not include the authority to execute search warrants, make surreptitious recordings, or conduct other undercover activities that are used in the investigation of criminal activity.



When the court grants an order to assume jurisdiction, OCTC seizes client files, freezes bank accounts, redirects mail and telephone calls, and makes every effort to return files to clients.

The NA/UPL team secured court orders to assume jurisdiction over three practices in 2020, seizing over 1,178 files. OCTC then conducted wide-ranging outreach through traditional and social media to notify the community, locate victims, and return files. As a result, files were returned to 312 victims of these illegal practices. The NA/UPL team also held 12 meetings with individual district attorney's offices to discuss specific cases and describe the NA/UPL team's role in combatting the unauthorized practice of law.

### California's Immigrant Populations

Unfortunately, immigrants are also preyed upon by licensed attorneys. OCTC responds to this type of predatory behavior as well.

Sections 6103.7, 6157.5, and 6242, of the Business and Professions Code prohibit certain conduct specific to attorneys practicing immigration law or interacting with immigrants: advertising of legal services related to immigration, demanding/accepting advance fees for Immigration Reform Act services, and threatening to report the immigration status of a party or witness or their family member in an employment dispute.

The case of attorney Michael P. Rubin illustrates OCTC's success at protecting California's immigrant community. Rubin was charged with, among other things, a violation of 6103.7 of the Business and Professions Code, which prohibits attorneys from threatening to reveal a party's suspected immigration status to a government agency. The threat to report immigration status occurred when Rubin was representing an employer against labor claims by two brothers employed by his client. Rubin sent opposing counsel Nina Baumler, who represented one of the brothers, a letter demanding proof of her client's U.S. citizenship. During the disciplinary trial, Baumler testified that Rubin told her, "You know, we're doing everything in our power to get your client and his brother deported." The State Bar Court Review Department recommended that Rubin be disbarred based on the violation of 6103.7, other misconduct, including, failure to obey a court order, failure to maintain client funds in trust, failure to promptly pay client funds, conflicts of interest, and his prior disciplinary history. Rubin has been ordered inactive pending a decision by the Supreme Court on the imposition of discipline.

In addition to complaints based on these statutes, OCTC received 326 complaints against attorneys providing immigration legal services in 2020 (Immigration Attorney Complaints). OCTC received another 32 immigration-related complaints against attorneys. In 2020, OCTC launched a pilot team to primarily handle cases implicating the practice of immigration law and developed a process for more quickly receiving privacy waivers from clients complaining about immigration attorneys.<sup>22</sup>

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<sup>22</sup> U.S. Citizenship and Immigration Services and the Executive Office for Immigration Review require a privacy waiver from the person whose records are being sought.

## FIRST-EVER STUDY IDENTIFIES RACIAL DISPARITIES IN ATTORNEY DISCIPLINE SYSTEM

In 2019, the State Bar initiated a statistical analysis of complaints and discipline against attorneys admitted to the Bar between 1990 and 2009. Conducted by Professor George Farkas, Distinguished Professor in the School of Education at the University of California, Irvine, the analysis sought to determine whether there is disproportionate representation of nonwhite attorneys in the attorney discipline system and, if so, to understand its origins, and take corrective action. The findings, documented in a report to the Board of Trustees in November 2019, included the following:

- Without controlling for any other factors, there was disproportionate discipline against Black male attorneys, who were three times as likely to be placed on probation, and almost four times as likely to be disbarred as compared with their white male counterparts.<sup>23</sup>
- Using multiple regression analysis to introduce control variables into the evaluation, the study found that the factors that were correlated with race and were statistically significant predictors of discipline included:
  - Number of prior complaints. Discipline disparities between Black and white male attorneys are explained in part by a higher number of complaints against Black attorneys.
  - Rates of counsel representation. Black, male attorneys have a lower likelihood of being represented by defense counsel during the investigation stage and during State Bar Court discipline proceedings.

The State Bar invited Professor Christopher Robertson, N. Neal Pike Scholar and Professor at the School of Law of Boston University, and Visiting Scholar and Special Advisor at the James E. Rogers College of Law of the University of Arizona, to work with the State Bar to explore possible remedies to address these findings. Professor Robertson met with OCTC staff and leadership, conducted focus group interviews, and reviewed documents related to OCTC process and policy. In July 2020, Professor Robertson presented an interim report, which focused on 13 potential reforms across three broad areas: (1) client trust fund accounting, (2) the treatment of prior complaints and discipline history, and (3) securing legal representation for those facing discipline. Since then, the State Bar has implemented several of these reforms, summarized in Table 6.

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<sup>23</sup> The study also identified disparities between Hispanic and white and between Black and Hispanic females and their white counterparts, but the State Bar focused on the disparity between Black and white males as it was the largest.

**Table 6. Racial Disparities Study: Results, Recommendation, and Implementation**

Study Finding	Recommendation	Implementation
<p>The number of prior complaints is a strong predictor of discipline. Almost half (46 percent) of all Black male attorneys had at least one complaint filed against them and 12 percent had 10 or more complaints. In contrast, 32 percent of white male attorneys had at least one complaint filed against them and 4 percent had 10 or more complaints.</p>	<p>Shield decision-makers from complaints more than five years old that were closed without discipline by expunging complaints or, alternatively, archiving complaints closed without discipline after five years.</p>	<p>In late 2020, the State Bar archived nearly 400,000 cases of all types and origins that were more than five years old and were closed without discipline (excluding the issuance of warning, directional, or resource letters). Archiving complaints removes them from the view of Intake staff when they assess the merits of a new complaint.</p>
<p>Among attorneys with a large number of complaints against them, Black male attorneys had, on average, 6.8 Reportable Action Bank cases while white male attorneys had 3.7.<sup>24</sup></p>	<p>Explore proactive, preventive options for attorneys who experience low-level Reportable Action Bank matters that also ensure public protection is not compromised.</p>	<p>OCTC modified the four letters it sends attorneys in response to notices from banks of insufficient funds in a client trust account. The new letters provide a comprehensive list of resources and warning language regarding the risk of discipline. Approximately 800 attorneys will receive this letter annually.</p>

<sup>24</sup> Reportable Action Bank cases are initiated when a bank reports insufficient funds activity in an attorney’s client trust account as required under Business and Professions Code section 6091.1.

**Table 6. Racial Disparities Study: Results, Recommendation, and Implementation (continued)**

Study Finding	Recommendation	Implementation
<p>The proportion of investigations in which attorneys were not represented by counsel is a strong predictor of discipline. Black respondents were less likely to be represented by counsel when facing a disciplinary investigation by the State Bar compared with white attorneys.</p>	<p>(1) Track and report rates of representation in the discipline system as a key performance indicator. (2) Inform attorneys facing discipline about the statistical likelihood of probation or disbarment if they fail to secure counsel.</p>	<p>Staff operationalized a metric “Percent of Respondents that Retain Representation” that will be based on closed cases of all types that reached the investigation stage or a later stage. Staff will report this metric quarterly, beginning in March 2021 with the 2019 value (14 percent) serving as its baseline.</p> <p>Staff developed a one-page flyer for respondents that includes a link to the membership directory of the Association of Discipline Defense Counsel Association (ADDC) and advises them of the importance of securing counsel. To test whether receiving this flyer has an impact on respondents securing counsel, respondents have been randomly assigned to two groups and only one receives the flyer when they are notified that OCTC has opened an investigation. Staff will evaluate the impact of the flyer on counsel retention approximately three to five months following the program’s launch, depending on the sample size available; the flyer may be adjusted accordingly, based on the findings, and distributed to all respondents.</p>

## LOOKING BACK AND LOOKING FORWARD

The COVID-19 pandemic required the State Bar to rethink how business gets done and what really matters. At the time of this writing, the vast majority of staff remain working remotely and will do so through summer, 2021. As the State Bar navigates the still new waters of a remote work environment, it has continued to launch new initiatives as part of its commitment to ongoing improvement.

In 2021, the State Bar will engage in the following discipline-system related initiatives:

- Hire a permanent Chief Trial Counsel.
  - At the time of this writing, interviews are underway.
- Develop an alternative to the current backlog standard that will measure the State Bar's performance in carrying out its mission to protect the public. The State Bar will work with the Legislature to codify the alternative metric on backlog guided by the following principles:
  - Consistent with Standard of Judicial Administration 2.2(b) regarding trial court delay reduction measures, the State Bar will establish goals for case processing and disposition times that encourage the prompt disposition of matters. The goals will vary by case type and will apply to the overall inventory of cases by type; they are not meant to create deadlines for individual cases.
  - Recognizing that there are often multiple cases associated with individual attorney respondents, measures of OCTC's efforts to protect the public should focus on the number of attorneys subject to complaints or disciplinary proceedings rather than the number of individual cases.
  - Measures of OCTC's efforts to protect the public should distinguish between attorneys with pending disciplinary complaints who are eligible to practice law and those who are not, as these two types of statuses reflect different levels of potential harm to the public.
  - Case processing and case disposition goals should not be tied to what has been accomplished as of December 31 of a given year. Case processing and case disposition timelines are important year-round, and the State Bar should move away from a single target and, instead, establish strata for case processing targets.
- Launch an Ad Hoc Commission on the Discipline System.
  - In early 2021, the Board of Trustees appointed 23 members to an Ad Hoc Commission on the Discipline System to review the full catalog of initiatives, policies, and procedures that OCTC has implemented to improve the functioning of the attorney discipline system, improve organizational capacity and effectiveness, and reduce racial disparities in discipline outcomes. The commission will evaluate whether these processes, policies, and procedures had their intended effect and recommend additional or revised reforms.

- Continue developing proactive, preventive approaches to attorney misconduct that will both support attorneys at high risk of being the subject of a complaint and improve public protection.
  - An example of work in development includes a self-assessment program based on interactive e-learning tools on various topics, starting with client trust accounting.
- Collaborate with stakeholders such as the California Attorney General’s Office and the California Housing Finance Authority on a Foreclosure Working Group with the goal of preventing another surge of loan modification scams and associated discipline.
  - OCTC participates in this working group to discuss and share information on mortgage foreclosure issues, including loan modification fraudulent practices and complaint trends in anticipation of a post-pandemic potential housing crisis as eviction and foreclosure moratoriums expire.
- Continue its work to reduce disparities in discipline to improve discipline system fairness. Professor Robertson recommended several additional reforms beyond those discussed in the previous section. The State Bar has recently reviewed these reforms and has developed an action plan to explore and, if appropriate, implement them. These include revising State Bar guidance to prevent trust accounting errors, developing turnkey client trust accounting solutions, working with the Association of Discipline Defense Counsel (ADDC) to provide pro-bono and reduced fee consultation for attorneys under investigation, and creating an office within the State Bar to implement, monitor, and support all reforms related to discipline.
- Conduct a new workload study of OCTC.
  - The study will update a 2018 study of OCTC workload that estimated a need for an additional 58 positions in OCTC, including investigators, attorneys, paralegals, legal secretaries, and administrative support. Given the implementation of case prioritization and deployment of a new case management system since the completion of the last study, a new workload study is warranted.

## **STATUTORILY MANDATED REPORTING**

## BACKLOG<sup>25</sup>

**Section 6086.15, subdivision (a)(1)** The existing backlog of cases within the discipline system, including the number of complaints as of December 31 of the preceding year that were pending beyond six months after receipt without dismissal, admonition, or the filing of a notice of disciplinary charges. In addition to written complaints received by the State Bar, the backlog of cases shall include other matters opened in the Office of the Chief Trial Counsel and pending beyond six months after receipt without the filing of notices of disciplinary charges, or the initiation of other disciplinary proceedings in the State Bar Court for the purpose of seeking the imposition of discipline against a licensee of the State Bar, and tables showing time periods beyond six months and the number in each category and a discussion of the reason for the extended periods.

Table SR-1A. Backlog	2017	2018	2019	2020
Complaints	1,600	1,427	2,270	2,198
State Bar Initiated Inquiries	82	101	116	100
Probation Referrals	23	13	32	15
Reportable Actions, Reported by Self	29	36	44	47
Reportable Actions, Reported by Others	118	182	222	187
Interim Suspensions and Restrictions	1	0	NA	NA
Total	1,853	1,759	2,684	2,547

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<sup>25</sup>Defined by statute as those open complaints and cases at year's end where the State Bar had not filed disciplinary charges or reached other disposition within six months after receipt of the complaints. This report uses 180 days, as opposed to 6 months, to calculate backlog, which allows for more accurate calculations based on the data structure of the State Bar's case management system. The following types of cases are excluded from the backlog count:

**Criminal Conviction Matters:** Criminal charges filed against licensees of the State Bar are reportable actions, but OCTC only files the matter in State Bar Court after the attorney is convicted in the criminal proceeding, a process the State Bar does not control. Upon conviction, OCTC initiates disciplinary proceedings by transmitting the record of conviction to State Bar Court. Information about criminal conviction matters is provided in table 3 and table 4, as well as table 6 and table 10.

**Unauthorized Practice of Law (UPL):** Statutory authority is provided to the State Bar for limited action, including pursuit of civil penalties against nonattorneys and assumption of the nonattorney's practice. Data regarding UPL matters for both former attorneys and nonattorneys is provided in table 8 and table 9, respectively.

**Motions to Enforce Fee Arbitration and Motions to Revoke Probation:** These cases are filed directly in State Bar Court, by the Mandatory Fee Arbitration Program and the Office of Probation, respectively. As such, they are not included in the backlog.



Table SR-1B. Aged Backlog	2017	2018	2019	2020
<b>All Case Types</b>				
181 days–1 year	864	872	1,369	962
Over 1 year–2 years	521	433	889	1,098
Over 2 years–3 years	163	174	191	257
Over 3 years–4 years	98	67	99	78
Over 4 years–5 years	104	67	36	46
Over 5 years	103	146 <sup>26</sup>	100	106
Total	1,853	1,759	2,684	2,547
<b>Complaints</b>				
181 days–1 year	763	678	1,201	850
Over 1 year–2 years	425	342	711	950
Over 2 years–3 years	139	138	151	202
Over 3 years–4 years	75	62	78	58
Over 4 years–5 years	100	62	35	35
Over 5 years	98	145	94	103
Total	1,600	1,427	2,270	2,198
<b>State Bar Initiated Inquiries</b>				
181 days–1 year	29	51	36	30
Over 1 year–2 years	37	34	47	35
Over 2 years–3 years	8	13	17	15
Over 3 years–4 years	7	1	11	15
Over 4 years–5 years	0	2	1	4
Over 5 years	1	0	4	1
Total	82	101	116	100
<b>Probation Referrals</b>				
181 days–1 year	7	4	24	5
Over 1 year–2 years	5	4	5	7
Over 2 years–3 years	3	1	1	0
Over 3 years–4 years	6	1	1	1
Over 4 years–5 years	1	2	0	0
Over 5 years	1	1	1	2
Total	23	13	32	15
<b>Reportable Actions, Reported by Self</b>				
181 days–1 year	14	17	22	16
Over 1 year–2 years	13	12	11	23
Over 2 years–3 years	0	7	7	4
Over 3 years–4 years	1	0	4	1
Over 4 years–5 years	0	0	0	3

<sup>26</sup> All but 4 of these cases were suspended pending resolution of other matters OCTC has pursued against the respondents, which will result in the respondents' disbarment. Twelve individual attorneys are responsible for all 146 cases. One of these attorneys was disbarred early in 2019, and 53 of these cases were closed as a result.

Table SR-1B. Aged Backlog	2017	2018	2019	2020
Over 5 years	1	0	0	0
Total	29	36	44	47
<b>Reportable Actions, Reported by Others</b>				
181 days–1 year	50	122	86	61
Over 1 year–2 years	41	41	115	83
Over 2 years–3 years	13	15	15	36
Over 3 years–4 years	9	3	5	3
Over 4 years–5 years	3	1	0	4
Over 5 years	2	0	1	0
Total	118	182	222	187
<b>Interim Suspensions and Restrictions</b>				
181 days–1 year	1	0	NA	NA
Over 1 year–2 years	0	0	NA	NA
Over 2 years–3 years	0	0	NA	NA
Over 3 years–4 years	0	0	NA	NA
Over 4 years–5 years	0	0	NA	NA
Over 5 years	0	0	NA	NA
Total	1	0	NA	NA
Grand Total	1,853	1,759	2,684	2,547

## CASE INVENTORY AND DISPOSITION<sup>27</sup>

**Section 6086.15, subdivision (a) (2)** The number of inquiries and complaints and their disposition.

Table SR-2. Inquiries and Complaints	2017	2018	2019	2020
<b>Summary: All Case Types</b>				
Cases Received	15,175	15,973	16,200	14,147
Cases Reopened <sup>28</sup>	221	232	474	571
Closed by OCTC with No Action	12,112	13,168	13,936	14,033
Closed by OCTC with Referral	255	225	274	238
Closed by OCTC with Nondisciplinary Action	1,693	1,462	1,307	1,515
Total Cases Closed by OCTC	14,060	14,855	15,517	15,786
Filed in State Bar Court	483	649	435	425
Cases Pending in OCTC at Year End	5,099	5,803	6,535	5,027
Closed by SBC with No Action <sup>29</sup>	99	117	91	8
Closed by SBC with Nondisciplinary Action	6	7	0	0
Closed with Discipline Imposed	571	434	405	309
Total Cases Closed by SBC	676	562	497	317
Cases Pending in SBC at Year End	799	899	747	749
<b>Complaints</b>				
Complaints Received	12,298	12,832	13,458	12,197
Complaints Reopened	210	228	459	560
Closed by OCTC with No Action	9,652	10,633	11,786	12,066
Closed by OCTC with Referral	254	225	273	238
Closed by OCTC with Nondisciplinary Action	1,471	1,251	1,133	1,253
Total Complaints Closed by OCTC	11,377	12,109	13,192	13,557
Filed in State Bar Court	282	387	213	259
Complaints Pending in OCTC at Year End	4,390	4,957	5,480	4,413
Closed by SBC with No Action	58	70	62	5
Closed by SBC with Nondisciplinary Action	0	0	0	0
Closed with Discipline Imposed	343	263	264	181
Total Complaints Closed by SBC	401	337	326	186
Complaints Pending in SBC at Year End	522	581	413	445

<sup>27</sup> Table 2 excludes the same case types as table 1, see related note from table 1 for details.

<sup>28</sup> Counts of reopened cases are higher for 2019 onwards, due to operational changes implemented with the new case management system; Intake staff have greater autonomy in Odyssey to manage data entry for their caseloads, contributing to more timely and accurate recording of reopened cases.

<sup>29</sup> Reasons for cases closed by State Bar Court (acronym "SBC" used in the tables for brevity) with no action include the following: (1) respondent was disbarred in another matter; (2) respondent was ordered inactive pursuant to Business and Professions Code section 6007(b); (3) respondent's death, shortly before or after dismissal; (4) respondent's resignation; (5) dismissal by OCTC; and (6) dismissal by State Bar Court.

**State Bar Initiated Inquiries**

Inquiries Initiated	352	404	253	270
Inquiries Reopened	10	1	10	8
Closed by OCTC with No Action	267	314	214	207
Closed by OCTC with Referral	0	0	1	0
Closed by OCTC with Nondisciplinary Action	37	37	30	84
Total Inquiries Closed by OCTC	304	351	245	291
Filed in State Bar Court	22	36	22	23
Inquiries Pending in OCTC at Year End	190	208	201	164
Closed by SBC with No Action	10	9	6	0
Closed by SBC with Nondisciplinary Action	0	1	0	0
Closed with Discipline Imposed	40	25	21	23
Total Inquiries Closed by SBC	50	35	28	23
Inquiries Pending in SBC at Year End	51	54	47	46

**Probation Referrals**

Probation Referrals Received	116	99	120	67
Probation Referrals Reopened	0	0	3	0
Closed by OCTC with No Action	19	39	30	28
Closed by OCTC with Referral	1	0	0	0
Closed by OCTC with Nondisciplinary Action	1	1	1	1
Total Probation Referrals Closed by OCTC	21	40	31	29
Filed in State Bar Court	82	78	72	72
Probation Referrals Pending in OCTC at Year	61	42	62	27
Closed by SBC with No Action	13	23	11	1
Closed by SBC with Nondisciplinary Action	0	0	0	0
Closed with Discipline Imposed	71	74	51	53
Total Probation Referrals Closed by SBC	84	97	62	54
Probation Referrals Pending in SBC at Year	109	91	92	100

**Reportable Actions, Self-Reported**

Actions Reported	151	165	183	146
Reportable Actions Reopened	0	0	2	0
Closed by OCTC with No Action	128	141	125	101
Closed by OCTC with Referral	0	0	0	0
Closed by OCTC with Nondisciplinary Action	11	11	16	25
Total Reportable Actions Closed by OCTC	139	152	141	126
Filed in State Bar Court	25	12	12	13
Reportable Actions Pending in OCTC at Year	56	57	89	94
Closed by SBC with No Action	2	1	1	1
Closed by SBC with Nondisciplinary Action	0	0	0	0
Closed with Discipline Imposed	21	15	9	10
Total Reportable Actions Closed by SBC	23	16	10	11
Reportable Actions Pending in SBC at Year End	25	21	23	24

**Reportable Actions, Reported by Others**

Actions Reported	2,252	2,463	2,186	1,467
Reportable Actions Reopened	1	3	0	3
Closed by OCTC with No Action	2,045	2,041	1,781	1,631
Closed by OCTC with Referral	0	0	0	0
Closed by OCTC with Nondisciplinary Action	173	162	127	152
Total Reportable Actions Closed by OCTC	2,218	2,203	1,908	1,783
Filed in State Bar Court	67	125	116	58
Reportable Actions Pending in OCTC at Year	401	539	703	329
Closed by SBC with No Action	16	13	11	1
Closed by SBC with Nondisciplinary Action	1	0	0	0
Closed with Discipline Imposed	96	57	60	42
Total Reportable Actions Closed by SBC	113	70	71	43
Reportable Actions Pending in SBC at Year End	92	148	172	134

**Interim Suspensions and Restrictions (Petitions pursuant to Section 6007)<sup>30</sup>**

ISRs Initiated	6	10	NA	NA
ISRs Reopened	0	0	NA	NA
ISRs Closed	1	0	NA	NA
Total ISRs Closed by OCTC	1	0	NA	NA
Filed in State Bar Court	5	11	NA	NA
ISRs Pending in OCTC at Year End	1	0	NA	NA
Petition Denied by SBC	0	1	NA	NA
Petition Granted by SBC	5	6	NA	NA
Total ISRs Closed by SBC	5	7	NA	NA
ISRs Pending in SBC at Year End	0	4	NA	NA

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<sup>30</sup> Although OCTC continues to file Interim Suspensions and Restrictions, they are not included in data 2019 onwards, as they are regulatory in nature rather than disciplinary. Business and Professions Code section 6007 directs the State Bar to enroll a licensee as an inactive licensee under certain specified circumstances; these circumstances do not necessarily involve allegations of attorney misconduct. The involuntary inactive enrollment is generally a temporary condition pending the outcome of a matter and is therefore, not an imposition of discipline.

## SELF-REPORTED REPORTABLE ACTIONS

**Section 6086.15, subdivision (a)(3)** The number, average pending times, and types of matters self-reported by licensees of the State Bar pursuant to subdivision (o) of section 6068 and subdivision (c) of section 6086.8.<sup>31,32</sup>

Table SR-3. Reportable Actions, Reported by Self <sup>33</sup>	2017	2018	2019	2020
<b>Summary: All Reportable Actions, Reported by Self</b>				
Reports Received	210	217	212	152
Cases Reopened	0	0	2	0
Cases Closed by OCTC with No Action	157	158	136	101
Cases Closed by OCTC with Referral	0	0	0	1
Cases Closed by OCTC with Nondisciplinary Action	11	12	23 <sup>34</sup>	25
Total Cases Closed by OCTC	168	170	159	127
Cases Filed in State Bar Court	59	47	32	18
Cases Remaining in OCTC at Year End	118	117	111	123
Cases Closed by SBC with No Action <sup>35</sup>	9	7	5	5
Cases Closed by SBC with Nondisciplinary Action	0	0	0	2
Cases Closed with Discipline Imposed	46	47	32	24
Total Cases Closed by State Bar Court	55	54	36	31
Cases Remaining in SBC at Year End	103	87	62	53
<b>Three or more malpractice lawsuits filed within 12 months (§ 6068, subd. (o)(1))</b>				
Reports Received	2	2	0	5
Cases Reopened	0	0	0	0
Cases Closed by OCTC with No Action	1	2	0	2
Cases Closed by OCTC with Referral	0	0	0	0
Cases Closed by OCTC with Nondisciplinary Action	0	1	0	0
Total Cases Closed by OCTC	1	3	0	2
Average Pendency at Closure <sup>36</sup>	13	63	0	48
Median Pendency at Closure	13	36	0	48
Cases Filed in State Bar Court	0	0	0	0
Cases Remaining in OCTC at Year End	1	0	0	3

<sup>31</sup> The full text of sections 6068 and 6086.8 can be found by clicking on the embedded link found in each relevant header in this table.

<sup>32</sup> The figures in table 3 differ from those in table 2 for this category because table 3 includes reports of criminal conviction matters, which are excluded from table 2.

<sup>33</sup> This table only includes actions brought to the attention of the State Bar through attorneys' self-reporting. It does not include actions taken by the State Bar based on the violations of the duties of an attorney set out in these sections which came to the attention of the State Bar through other means, e.g., prosecutorial misconduct cases that came to the attention of the State Bar through news reports or appellate court cases.

<sup>34</sup> This value and the subsequent total have been adjusted due to an error in reporting that was discovered after the 2019 report was published.

<sup>35</sup> Reasons for cases closed by State Bar Court with no action include the following: (1) respondent was disbarred in another matter; (2) respondent was ordered inactive pursuant to Business and Professions Code section 6007(b); (3) respondent's death, shortly before or after dismissal; (4) respondent's resignation; (5) dismissal by OCTC; and (6) dismissal by State Bar Court.

<sup>36</sup> Pendency is reported in days.

Table SR-3. Reportable Actions, Reported by Self <sup>33</sup>	2017	2018	2019	2020
Average Pendency at Year End	24	0	0	7
Median Pendency at Year End	24	0	0	8
Cases Closed by SBC with No Action	0	0	0	0
Cases Closed by SBC with Nondisciplinary Action	0	0	0	0
Cases Closed with Discipline Imposed	0	0	0	0
Total Cases Closed by State Bar Court	0	0	0	0
Cases Remaining in SBC at Year End	0	0	0	0
<b>Judgment in civil case for fraud, misrepresentation, gross negligence, etc. (§ 6068, subd. (o)(2))</b>				
Reports Received	4	2	10	8
Cases Reopened	0	0	0	0
Cases Closed by OCTC with No Action	4	2	6	5
Cases Closed by OCTC with Referral	0	0	0	0
Cases Closed by OCTC with Nondisciplinary Action	0	1	0	1
Total Cases Closed by OCTC	4	3	6	6
Average Pendency at Closure	211	120	20	150
Median Pendency at Closure	62	169	16	52
Cases Filed in State Bar Court	1	0	1	1
Average Pendency at Filing	385	0	763	1,148
Median Pendency at Filing	385	0	763	1,148
Cases Remaining in OCTC at Year End	3	2	5	6
Average Pendency at Year End	113	484	353	320
Median Pendency at Year End	103	409	223	307
Cases Closed by SBC with No Action	0	0	0	0
Cases Closed by SBC with Nondisciplinary Action	0	0	0	0
Cases Closed with Discipline Imposed	2	0	0	0
Total Cases Closed by State Bar Court	2	0	0	0
Average Pendency at Closure	1,329	0	0	0
Median Pendency at Closure	424	0	0	0
Cases Remaining in SBC at Year End	0	0	1	2
Average Pendency at Year End	0	0	774	1,215
Median Pendency at Year End	0	0	774	1,215
<b>Judicial sanctions imposed (§ 6068, subd. (o)(3))</b>				
Reports Received	113	123	130	110
Cases Reopened	0	0	1	0
Cases Closed by OCTC with No Action	100	107	89	78
Cases Closed by OCTC with Referral	0	0	0	0
Cases Closed by OCTC with Nondisciplinary Action	6	6	14	22
Total Cases Closed by OCTC	106	113	103	100
Average Pendency at Closure	130	99	123	178
Median Pendency at Closure	44	29	49	75
Cases Filed in State Bar Court	7	6	4	4
Average Pendency at Filing	418	590	518	871
Median Pendency at Filing	344	533	359	1,018

Table SR-3. Reportable Actions, Reported by Self <sup>33</sup>	2017	2018	2019	2020
Cases Remaining in OCTC at Year End	35	39	63	69
Average Pendency at Year End	288	331	284	292
Median Pendency at Year End	174	242	145	164
Cases Closed by SBC with No Action	0	0	1	1
Cases Closed by SBC with Nondisciplinary Action	0	0	0	0
Cases Closed with Discipline Imposed	6	4	3	0
Total Cases Closed by State Bar Court	6	4	4	1
Average Pendency at Closure	861	1,307	1,312	1,302
Median Pendency at Closure	717	1,115	974	1,302
Cases Remaining in SBC at Year End	10	12	12	13
Average Pendency at Year End	1,071	1,080	1,145	1,316
Median Pendency at Year End	1,040	950	1,269	1,086
<b>Felony indictment (§ 6068, subd. (o)(4))</b>				
Reports Received	27	19	12	3
Cases Reopened	0	0	0	0
Cases Closed by OCTC with No Action	9	5	5	1
Cases Closed by OCTC with Referral	0	0	0	0
Cases Closed by OCTC with Nondisciplinary Action	0	0	0	0
Total Cases Closed by OCTC	9	5	5	1
Average Pendency at Closure	836	725	405	1,283
Median Pendency at Closure	710	399	407	1,283
Cases Filed in State Bar Court	13	22	10	0
Average Pendency at Filing	537	461	225	0
Median Pendency at Filing	483	272	191	0
Cases Remaining in OCTC at Year End	56	44	18	21
Average Pendency at Year End	544	687	718	936
Median Pendency at Year End	261	550	399	637
Cases Closed by SBC with No Action	2	1	4	2
Cases Closed by SBC with Nondisciplinary Action	0	0	0	1
Cases Closed with Discipline Imposed	10	10	11	5
Total Cases Closed by State Bar Court	12	11	15	8
Average Pendency at Closure	1,081	1,275	848	830
Median Pendency at Closure	845	946	470	688
Cases Remaining in SBC at Year End	34	43	20	13
Average Pendency at Year End	1,463	1,282	891	1,562
Median Pendency at Year End	1,117	1,124	687	1,420
<b>Conviction of felony, or misdemeanor related to practice of law (§ 6068, subd. (o)(5))</b>				
Reports Received	32	33	19	3
Cases Reopened	0	0	0	0
Cases Closed by OCTC with No Action	20	12	7	0
Cases Closed by OCTC with Referral	0	0	0	1



Table SR-3. Reportable Actions, Reported by Self <sup>33</sup>	2017	2018	2019	2020
Cases Closed by OCTC with Nondisciplinary Action	0	1	7 <sup>37</sup>	0
Total Cases Closed by OCTC	20	13	14	1
Average Pendency at Closure	148	101	116	355
Median Pendency at Closure	63	58	84	355
Cases Filed in State Bar Court	21	13	11	2
Average Pendency at Filing	222	183	151	252
Median Pendency at Filing	91	67	130	252
Reports Remaining in OCTC at Year End	6	16	4	8
Average Pendency at Year End	282	70	182	849
Median Pendency at Year End	156	45	183	459
Cases Closed by SBC with No Action	5	5	0	2
Cases Closed by SBC with Nondisciplinary Action	0	0	0	1
Cases Closed with Discipline Imposed	15	22	11	9
Total Cases Closed by State Bar Court	20	27	11	12
Average Pendency at Closure	706	1,005	1,144	685
Median Pendency at Closure	673	641	822	611
Cases Remaining in SBC at Year End	44	23	20	16
Average Pendency at Year End	883	726	728	1,087
Median Pendency at Year End	598	662	517	843
<b>Discipline by professional agency or licensing board (§ 6068, subd. (o)(6))</b>				
Reports Received	15	25	29	16
Cases Reopened	0	0	1	0
Cases Closed by OCTC with No Action	8	18	15	11
Cases Closed by OCTC with Referral	0	0	0	0
Cases Closed by OCTC with Nondisciplinary Action	4	1	1	1
Total Cases Closed by OCTC	12	19	16	12
Average Pendency at Closure	178	238	43	316
Median Pendency at Closure	26	60	22	181
Cases Filed in State Bar Court	17	6	6	11
Average Pendency at Filing	437	331	309	417
Median Pendency at Filing	455	208	245	292
Cases Remaining in OCTC at Year End	13	13	21	14
Average Pendency at Year End	382	330	376	500
Median Pendency at Year End	347	291	223	342
Cases Closed by SBC with No Action	2	1	0	0
Cases Closed by SBC with Nondisciplinary Action	0	0	0	0
Cases Closed with Discipline Imposed	13	11	6	10
Total Cases Closed by State Bar Court	15	12	6	10
Average Pendency at Closure	619	704	769	594
Median Pendency at Closure	613	681	746	480
Cases Remaining in SBC at Year End	15	9	9	9

<sup>37</sup> This value and the subsequent total have been adjusted due to an error in reporting that was discovered after the 2019 report was published.

Table SR-3. Reportable Actions, Reported by Self <sup>33</sup>	2017	2018	2019	2020
Average Pendency at Year End	603	758	763	883
Median Pendency at Year End	551	854	566	658

**Reversal of judgment based on misconduct, gross incompetence, etc. (§ 6068, subd. (o)(7))**

Reports Received	17	13	12	6
Cases Reopened	0	0	0	0
Cases Closed by OCTC with No Action	15	12	14	3
Cases Closed by OCTC with Referral	0	0	0	0
Cases Closed by OCTC with Nondisciplinary Action	1	2	1	1
Total Cases Closed by OCTC	16	14	15	4
Average Pendency at Closure	137	115	113	27
Median Pendency at Closure	91	35	22	22
Cases Filed in State Bar Court	0	0	0	0
Cases Remaining in OCTC at Year End	4	3	0	2
Average Pendency at Year End	208	322	0	80
Median Pendency at Year End	94	216	0	80
Cases Closed by SBC with No Action	0	0	0	0
Cases Closed by SBC with Nondisciplinary Action	0	0	0	0
Cases Closed with Discipline Imposed	0	0	0	0
Total Cases Closed by State Bar Court	0	0	0	0
Cases Remaining in SBC at Year End	0	0	0	0

**Settlement or judgment for civil fraud, misrepresentation, gross negligence, etc. (§ 6086.8, subd. (c))**

Reports Received	0	0	0	1
Cases Reopened	0	0	0	0
Cases Closed by OCTC with No Action	0	0	0	1
Cases Closed by OCTC with Referral	0	0	0	0
Cases Closed by OCTC with Nondisciplinary Action	0	0	0	0
Total Cases Closed by OCTC	0	0	0	1
Average Pendency at Closure	0	0	0	55
Median Pendency at Closure	0	0	0	55
Cases Filed in State Bar Court	0	0	0	0
Cases Remaining in OCTC at Year End	0	0	0	0
Cases Closed by SBC with No Action	0	0	0	0
Cases Closed by SBC with Nondisciplinary Action	0	0	0	0
Cases Closed with Discipline Imposed	0	0	0	0
Total Cases Closed by State Bar Court	0	0	0	0
Cases Remaining in SBC at Year End	0	0	0	0

## REPORTABLE ACTIONS, REPORTED BY OTHERS

**Section 6086.15, subdivision (a)(4)** The number, average pending times, and types of matters reported by other sources pursuant to sections 6086.7, 6086.8, 6091.1, subdivision (b) of section 6101, and section 6175.6.<sup>38</sup>

Table SR-4. Reportable Actions, Reported by Others	2017	2018	2019	2020
<b>Summary: All Reportable Actions, Reported by Others</b>				
Reports Received	2,393	2,580	2,270	1,544
Cases Reopened	1	3	1	3
Cases Closed by OCTC with No Action	2,144	2,115	1,845	1,654
Cases Closed by OCTC with Referral	0	0	0	0
Cases Closed by OCTC with Nondisciplinary Action	173	162	132	153
Total Cases Closed by OCTC	2,317	2,277	1,977	1,807
Cases Filed in State Bar Court	126	156	148	72
Cases Remaining in OCTC at Year End	516	666	821	481
Cases Closed by SBC with No Action <sup>39</sup>	36	26	42	48
Cases Closed by SBC with Nondisciplinary Action	1	1	0	0
Cases Closed with Discipline Imposed	152	97	82	68
Total Cases Closed by State Bar Court	189	124	124	116
Cases Remaining in SBC at Year End	197	227	229	183
<b>Order of Contempt (§ 6086.7, subd. (a) (1))</b>				
Reports Received	1	3	4	2
Cases Reopened	0	0	0	0
Cases Closed by OCTC with No Action	2	1	1	1
Cases Closed by OCTC with Referral	0	0	0	0
Cases Closed by OCTC with Nondisciplinary Action	1	0	1	0
Total Cases Closed by OCTC	3	1	2	1
Average Pendency at Closure	358	4	111	171
Median Pendency at Closure	225	4	111	171
Cases Filed in State Bar Court	0	0	2	1
Average Pendency at Filing	0	0	616	380
Median Pendency at Filing	0	0	616	380
Cases Remaining in OCTC at Year End	1	3	3	3
Average Pendency at Year End	115	259	286	403
Median Pendency at Year End	115	230	286	290
Cases Closed by SBC with No Action	0	0	0	0
Cases Closed by SBC with Nondisciplinary Action	0	0	0	0
Cases Closed with Discipline Imposed	1	0	0	0

<sup>38</sup> The figures in table 4 differ from those in table 2 for this category because table 4 includes reports of criminal conviction matters, which are excluded from table 2.

<sup>39</sup> Reasons for cases closed by State Bar Court with no action include the following: (1) respondent was disbarred in another matter; (2) respondent was ordered inactive pursuant to Business and Professions Code section 6007(b); (3) respondent's death, shortly before or after dismissal; (4) respondent's resignation; (5) dismissal by OCTC; and, (6) dismissal by State Bar Court.

Table SR-4. Reportable Actions, Reported by Others	2017	2018	2019	2020
Total Cases Closed by State Bar Court	1	0	0	0
Average Pendency at Closure	758	0	0	0
Median Pendency at Closure	758	0	0	0
Cases Remaining in SBC at Year End	0	0	2	3
Average Pendency at Year End	0	0	720	965
Median Pendency at Year End	0	0	720	961
<b>Modification or reversal of judgment based on misconduct, etc. (§ 6086.7, subd. (a)(2))</b>				
Reports Received	19	24	14	9
Cases Reopened	0	0	0	0
Cases Closed by OCTC with No Action	16	21	18	7
Cases Closed by OCTC with Referral	0	0	0	0
Cases Closed by OCTC with Nondisciplinary Action	0	3	4	1
Total Cases Closed by OCTC	16	24	22	8
Average Pendency at Closure	140	261	171	266
Median Pendency at Closure	44	36	26	54
Cases Filed in State Bar Court	1	1	0	0
Average Pendency at Filing	446	189	0	0
Median Pendency at Filing	446	189	0	0
Cases Remaining in OCTC at Year End	15	14	6	7
Average Pendency at Year End	386	278	745	653
Median Pendency at Year End	142	138	597	310
Cases Closed by SBC with No Action	1	0	0	0
Cases Closed by SBC with Nondisciplinary Action	0	0	0	0
Cases Closed with Discipline Imposed	1	1	0	0
Total Cases Closed by State Bar Court	2	1	0	0
Average Pendency at Closure	707	348	0	0
Median Pendency at Closure	703	348	0	0
Cases Remaining in SBC at Year End	0	0	0	0
Average Pendency at Year End	0	0	0	0
Median Pendency at Year End	0	0	0	0
<b>Judicial sanctions imposed (§ 6086.7, subd. (a)(3))</b>				
Reports Received	53	84	99	48
Cases Reopened	0	1	0	0
Cases Closed by OCTC with No Action	45	49	30	31
Cases Closed by OCTC with Referral	0	0	0	0
Cases Closed by OCTC with Nondisciplinary Action	7	15	10	34
Total Cases Closed by OCTC	52	64	40	65
Average Pendency at Closure	144	189	158	326
Median Pendency at Closure	90	114	91	230
Cases Filed in State Bar Court	13	5	13	16
Average Pendency at Filing	430	539	505	602
Median Pendency at Filing	423	502	390	372
Cases Remaining in OCTC at Year End	30	46	93	60

Table SR-4. Reportable Actions, Reported by Others	2017	2018	2019	2020
Average Pendency at Year End	356	264	242	392
Median Pendency at Year End	241	157	134	361
Cases Closed by SBC with No Action	2	0	0	1
Cases Closed by SBC with Nondisciplinary Action	1	0	0	0
Cases Closed with Discipline Imposed	15	16	7	5
Total Cases Closed by State Bar Court	18	16	7	6
Average Pendency at Closure	733	878	842	1,119
Median Pendency at Closure	685	801	800	820
Cases Remaining in SBC at Year End	25	14	20	30
Average Pendency at Year End	922	1,301	1,241	1,233
Median Pendency at Year End	810	1,223	1,089	981

**Civil Penalty for providing false information to Indian tribe in adoption case (§ 6086.7, subd. (a)(4))**

Reports Received	0	0	0	0
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**Prosecutorial misconduct (§ 6086.7, subd. (a)(5))**

Reports Received	0	0	0	0
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**Judgment in civil case for fraud, misrepresentation, gross negligence, etc. (§ 6086.8, subd. (a))**

Reports Received	3	12	7	4
Cases Reopened	0	0	0	1
Cases Closed by OCTC with No Action	2	7	1	3
Cases Closed by OCTC with Referral	0	0	0	0
Cases Closed by OCTC with Nondisciplinary Action	1	0	0	2
Total Cases Closed by OCTC	3	7	1	5
Average Pendency at Closure	18	373	32	425
Median Pendency at Closure	6	13	32	602
Cases Filed in State Bar Court	0	2	2	0
Average Pendency at Filing	0	386	313	0
Median Pendency at Filing	0	240	313	0
Cases Remaining in OCTC at Year End	3	6	11	10
Average Pendency at Year End	934	113	465	508
Median Pendency at Year End	1,153	87	392	521
Cases Closed by SBC with No Action	0	0	0	0
Cases Closed by SBC with Nondisciplinary Action	0	0	0	0
Cases Closed with Discipline Imposed	1	1	1	1
Total Cases Closed by State Bar Court	1	1	1	1
Average Pendency at Closure	844	1,233	914	556
Median Pendency at Closure	844	1,233	914	556
Cases Remaining in SBC at Year End	1	2	3	1
Average Pendency at Year End	1,195	594	501	658
Median Pendency at Year End	1,195	327	518	658

**Claim or action for damages for fraud, misrepresentation, etc. (§ 6086.8, subd. (b))**

Reports Received	258	258	282	245
Cases Reopened	0	0	0	0

Table SR-4. Reportable Actions, Reported by Others	2017	2018	2019	2020
Cases Closed by OCTC with No Action	257	257	208	313
Cases Closed by OCTC with Referral	0	0	0	0
Cases Closed by OCTC with Nondisciplinary Action	0	0	0	0
Total Cases Closed by OCTC	257	257	208	313
Average Pendency at Closure	3	3	14	43
Median Pendency at Closure	2	3	14	55
Cases Filed in State Bar Court	0	0	0	0
Cases Remaining in OCTC at Year End	1	2	76	8
Average Pendency at Year End	4	4	25	8
Median Pendency at Year End	4	4	29	3
Cases Closed by SBC with No Action	0	0	0	0
Cases Closed by SBC with Nondisciplinary Action	0	0	0	0
Cases Closed with Discipline Imposed	0	0	0	0
Total Cases Closed by State Bar Court	0	0	0	0
Cases Remaining in SBC at Year End	0	0	0	0
<b>Overdraft of attorney trust accounts (§ 6091.1)</b>				
Reports Received	1,918	2,081	1,780	1,159
Cases Reopened	1	2	0	2
Cases Closed by OCTC with No Action	1,723	1,706	1,523	1,276
Cases Closed by OCTC with Referral	0	0	0	0
Cases Closed by OCTC with Nondisciplinary Action	164	144	112	115
Total Cases Closed by OCTC	1,887	1,850	1,635	1,391
Average Pendency at Closure	67	58	72	82
Median Pendency at Closure	24	33	52	48
Cases Filed in State Bar Court	53	117	99	41
Average Pendency at Filing	433	360	373	526
Median Pendency at Filing	436	342	299	511
Cases Remaining in OCTC at Year End	351	467	514	240
Average Pendency at Year End	180	161	170	298
Median Pendency at Year End	69	90	60	213
Cases Closed by SBC with No Action	13	13	32	44
Cases Closed by SBC with Nondisciplinary Action	0	0	0	0
Cases Closed with Discipline Imposed	78	39	52	36
Total Cases Closed by State Bar Court	91	52	84	80
Average Pendency at Closure	690	672	1,057	779
Median Pendency at Closure	640	603	755	729
Cases Remaining in SBC at Year End	66	132	147	100
Average Pendency at Year End	1,319	972	881	1,135
Median Pendency at Year End	754	482	687	969
<b>Filing of misdemeanor or felony charges (§ 6101, subd. (b))</b>				
Reports Received	141	118	84	77
Cases Reopened	0	0	1	0
Cases Closed by OCTC with No Action	99	74	64	23

Table SR-4. Reportable Actions, Reported by Others	2017	2018	2019	2020
Cases Closed by OCTC with Referral	0	0	0	0
Cases Closed by OCTC with Nondisciplinary Action	0	0	5	1
Total Cases Closed by OCTC	99	74	69	24
Average Pendency at Closure	395	315	452	527
Median Pendency at Closure	235	178	302	303
Cases Filed in State Bar Court	59	31	32	14
Average Pendency at Filing	364	285	324	464
Median Pendency at Filing	162	186	273	312
Cases Remaining in OCTC at Year End	115	128	118	153
Average Pendency at Year End	471	516	623	625
Median Pendency at Year End	254	278	369	426
Cases Closed by SBC with No Action	20	13	10	3
Cases Closed by SBC with Nondisciplinary Action	0	1	0	0
Cases Closed with Discipline Imposed	56	40	22	26
Total Cases Closed by State Bar Court	76	54	32	29
Average Pendency at Closure	983	1,176	926	982
Median Pendency at Closure	922	846	742	987
Cases Remaining in SBC at Year End	105	79	57	49
Average Pendency at Year End	1,020	1,059	1,118	1,368
Median Pendency at Year End	670	833	930	988
<b>Criminal Conviction (§ 6101, subd. (c))</b>				
Reports Received	24	24	18	16
Cases Reopened	0	0	1	0
Cases Closed by OCTC with No Action	10	22	15	10
Cases Closed by OCTC with Referral	0	0	0	0
Cases Closed by OCTC with Nondisciplinary Action	0	0	2	0
Total Cases Closed by OCTC	10	22	17	10
Average Pendency at Closure	543	298	670	137
Median Pendency at Closure	143	107	155	75
Cases Filed in State Bar Court	12	9	2	1
Average Pendency at Filing	357	270	207	139
Median Pendency at Filing	128	158	207	139
Cases Remaining in OCTC at Year End	21	14	14	18
Average Pendency at Year End	724	962	428	511
Median Pendency at Year End	157	412	218	367
Cases Closed by SBC with No Action	9	3	8	0
Cases Closed by SBC with Nondisciplinary Action	0	0	0	0
Cases Closed with Discipline Imposed	17	13	3	2
Total Cases Closed by State Bar Court	26	16	11	2
Average Pendency at Closure	716	830	3,218	709
Median Pendency at Closure	679	885	3,703	709
Cases Remaining in SBC at Year End	30	23	14	15
Average Pendency at Year End	1,588	1,985	1,144	1,444
Median Pendency at Year End	878	1,132	883	1,170

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Table SR-4. Reportable Actions, Reported by Others	2017	2018	2019	2020
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**Elder or dependent adult financial service complaints. (§ 6175.6)<sup>40</sup>**

Reports Received	0	0	0	0
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<sup>40</sup> See table 13 for more background information on this type of reportable action.



## SPEED OF COMPLAINT HANDLING<sup>41</sup>

**Section 6086.15, subdivision (a)(5)** The speed of complaint handling and dispositions by type, measured by the median and the average processing times.

Table SR-5. Speed of Complaint Handling	2017	2018	2019	2020
<b>Complaints</b>				
Pendency at Closure by OCTC without filing				
Average	115	135	145	124
Median	44	57	81	45
Pendency at Filing by OCTC				
Average	450	466	527	577
Median	386	423	474	551
Pendency at Year End in OCTC				
Average	277	242	249	317
Median	128	88	137	175
Pendency at Closure by SBC				
Average	909	1,007	1,252	1,060
Median	688	785	949	1,001
Pendency at Year end in SBC				
Average	1,078	1,038	958	1,002
Median	796	776	847	873
<b>State Bar Initiated Inquiries</b>				
Pendency at Closure by OCTC without filing				
Average	150	177	193	205
Median	35	85	130	90
Pendency at Filing by OCTC				
Average	408	401	482	581
Median	314	283	425	511
Pendency at Year End in OCTC				
Average	287	272	357	421
Median	153	160	214	267
Pendency at Closure by SBC				
Average	915	988	1,270	951
Median	690	760	1,043	751
Pendency at Year end in SBC				
Average	1,167	1,126	1,162	1,286
Median	972	892	849	993

<sup>41</sup> Criminal conviction matters are excluded from the reportable actions included in this section; see footnote 5 for an explanation. Although the pendency issue does not apply to these matters once they are filed in State Bar Court, they are excluded to maintain consistency with case type reporting.

Table SR-5. Speed of Complaint Handling	2017	2018	2019	2020
<b>Reportable Actions, Reported by Self</b>				
Pendency at Closure by OCTC without filing				
Average	136	117	108	182
Median	48	36	34	77
Pendency at Filing by OCTC				
Average	430	461	426	576
Median	412	408	252	392
Pendency at Year End in OCTC				
Average	290	336	308	311
Median	194	245	160	181
Pendency at Closure by SBC				
Average	744	855	986	659
Median	699	793	746	541
Pendency at Year end in SBC				
Average	790	942	972	1,168
Median	653	864	1,075	1,077
<b>Reportable Actions, Reported by Others</b>				
Pendency at Closure by OCTC without filing				
Average	62	58	68	86
Median	22	30	51	49
Pendency at Filing by OCTC				
Average	432	366	391	545
Median	436	342	318	432
Pendency at Year End in OCTC				
Average	206	172	174	325
Median	76	96	60	294
Pendency at Closure by SBC				
Average	699	722	1,039	800
Median	649	667	755	729
Pendency at Year end in SBC				
Average	1,210	998	915	1,208
Median	754	579	693	997
<b>Probation Referrals</b>				
Pendency at Closure by OCTC without filing				
Average	376	454	445	296
Median	238	287	294	256
Pendency at Filing by OCTC				
Average	131	133	113	221
Median	83	86	91	198
Pendency at Year End in OCTC				
Average	337	297	246	352
Median	139	88	194	197
Pendency at Closure by SBC				
Average	565	693	730	594

Table SR-5. Speed of Complaint Handling	2017	2018	2019	2020
Median	471	462	530	500
Pendency at Year end in SBC				
Average	684	622	477	554
Median	353	342	321	438
<b>Interim Suspensions and License Restrictions</b>				
Pendency at Closure by OCTC without filing				
Average	33	0	NA	NA
Median	33	0	NA	NA
Pendency at Filing by OCTC				
Average	18	59	NA	NA
Median	7	0	NA	NA
Pendency at Year End in OCTC				
Average	328	0	NA	NA
Median	328	0	NA	NA
Pendency at Closure by SBC				
Average	72	70	NA	NA
Median	69	71	NA	NA
Pendency at Year end in SBC				
Average	0	231	NA	NA
Median	0	77	NA	NA

## FORMAL DISCIPLINARY FILINGS AND OUTCOMES<sup>42</sup>

**Section 6086.15, subdivision (a)(6)** The number, average pending times, and types of filed notices of disciplinary charges and formal disciplinary outcomes.

Table SR-6A. Formal Filings	2017	2018	2019	2020
<b>Notices of Disciplinary Charges</b>				
Number of Filings	385	533	354	385
Average Pendency at Filing	377	406	412	495
Median Pendency at Filing	337	369	339	427
<b>Stipulations to Facts and Discipline</b>				
Number of Filings	106	128	106	76
Average Pendency at Filing	402	361	477	616
Median Pendency at Filing	344	328	487	588
<b>Criminal Conviction Transmittals<sup>43</sup></b>				
Number of Filings <sup>44</sup>	NA	NA	159	172
Table SR-6B. Formal Disciplinary Outcomes	2017	2018	2019	2020
<b>Disbarments</b>				
Number of Cases	321	229	216	170
Average Pendency	775	818	1,027	955
Median Pendency	691	698	849	845
Number of Attorneys Disbarred	158	131	117	97
<b>Probation with Actual Suspension<sup>45</sup></b>				
Number of Cases	NA	NA	228	193
Average Pendency	NA	NA	810	936
Median Pendency	NA	NA	725	844
Number of Attorneys Suspended	NA	NA	110	83
<b>Probation with Stayed Suspension</b>				
Number of Cases	NA	NA	33	39
Average Pendency	NA	NA	688	773

<sup>42</sup> Cases are filed in State Bar Court via a Notice of Disciplinary Charges (NDC), Stipulations to Facts and Discipline, and Transmittal of Criminal Convictions. This table counts each case only once: cases in which an NDC is filed or information about a criminal conviction is transmitted that are later resolved by stipulation are only counted based on the initial filing in State Bar Court. This table includes all formal disciplinary filings, including criminal conviction matters and reportable actions not included in other sections of this report. It does not include State Bar Court filings included in table 2 that are not formal disciplinary filings (Interim Suspensions and Restrictions); these cases are not included in 2019 data.

<sup>43</sup> Pendency time for Criminal Conviction Transmittals is not applicable since it is dependent on the cases reaching finality in the criminal court, which is outside of the State Bar's control.

<sup>44</sup> These cases are reported separately beginning in 2019.

<sup>45</sup> Beginning in 2019, suspensions are reported in two separate categories: probation with actual suspension and probation with stayed suspension.

Table SR-6B. Formal Disciplinary Outcomes	2017	2018	2019	2020
Median Pendency	NA	NA	544	640
Number of Attorneys Suspended	NA	NA	27	31
<b>Suspensions<sup>46</sup></b>				
Number of Cases	288	273	NA	NA
Average Pendency	784	817	NA	NA
Median Pendency	666	679	NA	NA
Number of Attorneys Suspended	153	149	NA	NA
<b>Public Reprovals</b>				
Number of Cases	33	25	24 <sup>47</sup>	28
Average Pendency	480	734	547	552
Median Pendency	430	599	471	495
Number of Attorneys Publicly Reproved	27	23	24	26
<b>Private Reprovals</b>				
Number of Cases	33	17	22	24
Average Pendency	742	900	674	584
Median Pendency	532	476	704	590
Number of Attorneys Privately Reproved	25	15	14	24

<sup>46</sup> As noted above, beginning in 2019, suspensions are reported in two separate categories: probation with actual suspension and probation with stayed suspension.

<sup>47</sup> The 2019 values for Public and Private Reapproval have been adjusted due to an error in reporting that was discovered after the 2019 report was published.

## OTHER MATTERS AND SPECIFIED DISPOSITIONS

**Section 6086.15, subdivision (a)(7)** The number, average pending times, and types of other matters, including petitions to terminate practice pursuant to section 6180 or 6190, interim suspensions and license restrictions pursuant to section 6007, motions to enforce a binding arbitration award, judgment, or agreement pursuant to subdivision (d) of section 6203, motions to revoke probation, letters of warning, private reprovals, admonitions, and agreements in lieu of discipline.<sup>48</sup>

Table SR-7A. Other Matters	2017	2018	2019	2020
<b>Petitions to Terminate Practice pursuant to section 6180 or section 6190</b>				
Petitions Filed	6	5	9	3
Average Pendency at Filing	1,071	432	214	43
Median Pendency at Filing	70	71	77	31
Cases with Petitions Granted	6	5	9	1
Cases with Petitions Denied	0	0	0	0
Total Cases Disposed by Superior Court	6	5	2	4
Average Pendency at Disposition	1,071	432	2,971	839
Median Pendency at Disposition	70	71	2,971	820
<b>Interim Suspensions and Restrictions pursuant to section 6007</b>				
Cases Opened	6	10	21	16
Cases Reopened	0	0	0	0
Cases Closed without Filing	1	0	1	1
Average Pendency at Closure	33	0	45	48
Median Pendency at Closure	33	0	45	48
Cases Filed	5	11	19	16
Average Pendency at Filing	18	59	10	20
Median Pendency at Filing	7	0	0	1
Cases Remaining in OCTC at Year End	1	0	1	0
Average Pendency at Year End	328	0	328	0
Median Pendency at Year End	328	0	328	0
Cases with Petitions Granted	5	6	13	9
Cases with Petitions Denied	0	1	3	0
Total Cases Disposed by State Bar Court	5	7	16	10
Average Pendency at Disposition	72	70	122	104
Median Pendency at Disposition	69	71	84	72
Cases Remaining in State Bar Court at Year	0	4	7	13
Average Pendency at Year End	0	231	112	174
Median Pendency at Year End	0	77	69	171
<b>Motions to Enforce Fee Arbitration Award</b>				
Cases Opened	4	1	1	3
Cases with Petitions Granted	6	0	1	2

<sup>48</sup> The full text of sections 6180, 6190, 6007, and 6203 can be found by clicking on the embedded link found in each relevant header.

Table SR-7A. Other Matters	2017	2018	2019	2020
Cases with Petitions Denied	1	1	0	0
Total Cases Disposed by State Bar Court	7	1	1	3
Average Pendency at Disposition	92	71	49	83
Median Pendency at Disposition	71	71	49	82
Cases Remaining in State Bar Court at Year End	0	0	0	0
Average Pendency at Year End	0	0	0	0
Median Pendency at Year End	0	0	0	0
<b>Motions to Revoke Probation</b>				
Cases Opened	7	7	0	4
Cases with Petitions Granted	8	9	1	3
Cases with Petitions Denied	0	0	0	0
Total Cases Disposed by State Bar Court	8	9	2	2
Average Pendency at Disposition	169	166	238	372
Median Pendency at Disposition	172	161	238	372
Cases Remaining in State Bar Court at Year End	4	2	1	3
Average Pendency at Year End	131	45	389	116
Median Pendency at Year End	159	24	389	140

Table SR-7B. Specified Dispositions	2017	2018	2019	2020
<b>Admonitions</b>				
Cases	1	3	0	2
Average Pendency at Disposition	816	1,265	0	650
Median Pendency at Disposition	816	1,092	0	650
Attorneys Admonished	1	2	0	2
<b>Agreements in Lieu of Discipline</b>				
Cases	13	5	5	13
Average Pendency at Disposition	602	689	406	655
Median Pendency at Disposition	502	837	420	499
Attorneys Entering into Agreements	11	5	5	10
<b>Warning Letters</b>				
Cases	610	673	542	656
Average Pendency at Disposition	217	273	270	340
Median Pendency at Disposition	184	218	215	266
Attorneys Receiving Warning Letters	562	604	476	537
<b>Private Reprovals</b>				
Cases	33	17	22 <sup>49</sup>	24
Average Pendency at Disposition	742	900	674	584
Median Pendency at Disposition	532	476	704	590
Attorneys Privately Reproved	25	15	14	24

<sup>49</sup> The 2019 values for Private Reapproval have been adjusted due to an error in reporting that was discovered after the 2019 report was published.

## UNAUTHORIZED PRACTICE OF LAW BY FORMER ATTORNEYS<sup>50</sup>

**Section 6086.15, subdivision (a)(8)** The number, average pending times, and outcomes of complaints involving a State Bar licensee who has been disbarred or who has resigned, and is engaged in the unauthorized practice of law, including referrals to district attorneys, city attorneys, or other prosecuting authorities, or petitions to terminate practice pursuant to section 6180.

Table SR-8. UPL by Former Attorneys	2017	2018	2019	2020
Cases Opened	35	61	39	28
Cases Closed without Filing	25	38	53	39
Average Pendency at Closure	153	204	288	243
Median Pendency at Closure	138	195	308	249
Cases Filed in Superior Court	0	0	2	0
Average Pendency at Filing	0	0	326	0
Median Pendency at Filing	0	0	326	0
Cases Remaining in OCTC at Year End	19	43	27	16
Average Pendency at Year End	108	147	124	123
Median Pendency at Year End	142	133	113	113
Cases with Petitions Granted	0	0	2	0
Average Pendency at Petitions Granted	0	0	374	0
Median Pendency at Petitions Granted	0	0	374	0
Cases with Petitions Denied	0	0	0	0
Total Cases Disposed by Superior Court	0	0	2 <sup>51</sup>	0
Average Pendency at Disposition	0	0	374	0
Median Pendency at Disposition	0	0	374	0
Referrals to Law Enforcement	3	70	24	23
Cease and Desist Letters Sent	12	13	18	17

<sup>50</sup> This table does not include attorneys who are disciplined for practicing law during a time that their license is suspended.

<sup>51</sup> The 2019 values for Superior Court dispositions have been adjusted due to an error in reporting that was discovered after the 2019 report was published.



## UNAUTHORIZED PRACTICE OF LAW BY NONATTORNEYS

**Section 6086.15, subdivision (a)(9)** The number, average pending times, and outcomes of complaints against non-attorneys engaged in the unauthorized practice of law, including referrals to district attorneys, city attorneys, or other prosecuting authorities; petitions to terminate practice pursuant to section 6126.3; or referrals to prosecuting authorities or actions by the State Bar pursuant to section 6126.7.

Table SR-9. UPL by Nonattorneys	2017	2018	2019	2020
Cases Opened	668	734	909	637
Cases Closed without Filing	609	598	882	801
Average Pendency at Closure	107	151	182	161
Median Pendency at Closure	86	162	161	163
Cases Filed in Superior Court <sup>52</sup>	1	16	9	9
Average Pendency at Filing	7	189	271	333
Median Pendency at Filing	7	222	285	358
Cases Remaining in OCTC at Year End	243	364	397	232
Average Pendency at Year End	91	142	129	128
Median Pendency at Year End	90	118	111	94
Cases with Petitions Granted	1	16	9	16
Average Pendency at Petitions Granted	7	189	278	458
Median Pendency at Petitions Granted	7	222	292	502
Cases with Petitions Denied	0	0	0	0
Total Cases Disposed by Superior Court	1	16	9 <sup>53</sup>	16
Average Pendency at Disposition	7	189	278	458
Median Pendency at Disposition	7	222	292	502
Civil Remedies pursuant to section 6126.7 <sup>54</sup>	0	0	0	1
Referrals to Law Enforcement	315	492	335	317
Cease and Desist Letters Sent	143	122	146	227

<sup>52</sup> Petition to Terminate filed in superior court, pursuant to section 6126.3, to assume the practice of a person holding himself or herself out as entitled to practice law without being an active licensee of the State Bar.

<sup>53</sup> The 2019 values for Superior Court dispositions have been adjusted due to an error in reporting that was discovered after the 2019 report was published.

<sup>54</sup> The full text of section 6126.7 can be found by clicking on the embedded link found in the relevant header.

## DISPOSITION OF FELONY CONVICTIONS

**Section 6095, subdivision (b)** To the extent the information is known to the State Bar, it shall report annually to the Assembly and Senate Judiciary Committees concerning the judicial or disciplinary disposition of all criminal or disciplinary proceedings involving the allegation of the commission of a felony by an attorney.

Table SR-10. Disposition of Felony Convictions	2017	2018	2019	2020
<b>Felony Convictions</b>	46	38	16	11
Cases filed in State Bar Court	37	22	31	18
Average days from conviction to filing in Court <sup>55</sup>	312	475	514	963
Median days from conviction to filing in Court	167	249	119	139
Cases disposed in State Bar Court	28	37	35	26
Average days from filing to disposition in Court	628	1,010	907	1,065
Median days from filing to disposition in Court	481	451	535	441
<b>State Bar Court Dispositions</b>				
Disbarment	20	26	30	18
Dismissal	0	1	4	3
Probation with Actual Suspension	NA	NA	1	5
Probation with Stayed Suspension	NA	NA	0	0
Suspension <sup>56</sup>	8	10	NA	NA
Termination Due to Resignation	0	0	0	0
Reproval	0	0	0	0
Termination Due to Death	0	0	0	0

<sup>55</sup> Both attorneys and courts are required to report felony convictions, but superior courts may not timely report convictions to the State Bar. Any resultant delays in discovery of felony convictions may lead to the extended pendency between conviction and filing in Court.

<sup>56</sup> Beginning in 2019, suspensions are reported in two separate categories: probation with actual suspension and probation with stayed suspension.

## CONSTRUCTION-RELATED ACCESSIBILITY DEMAND LETTERS

**Civil Code Section 55.32(f)(1)** Notwithstanding section 10231.5 of the Government Code, on or before April 30, 2019, and annually as part of the Annual Discipline Report, no later than April 30 thereafter, the State Bar shall report to the Legislature and the Chairs of the Senate and Assembly Judiciary Committees, both of the following with respect to demand letters received by the State Bar: (A) The number of investigations opened to date on a suspected violation of subdivision (b) or (c) of section 55.31. (B) Whether any disciplinary action resulted from the investigation, and the results of that disciplinary action.

The laws governing construction-related accessibility claims involving a place of public accommodation were revised by the enactment of Senate Bill 1186 (Stats. 2012, Chapter 383). The purpose of SB 1186 is set forth in uncodified sections of the bill. One of these sections states:

The Legislature finds and declares that a very small number of plaintiffs' attorneys have been abusing the right of petition under sections 52 and 54.3 of the Civil Code by issuing a demand for money to a California business owner that demands the owner pay a quick settlement of the attorney's alleged claim under those laws or else incur greater liability and legal costs if a lawsuit is filed. These demands for money allege one or more, but frequently multiple, claims for asserted violations of a construction-related accessibility standard and often demand a quick money settlement based on the alleged multiple claims without seeking and obtaining actual repair or correction of the alleged violations on the site. These "pay me now or pay me more" demands are used to scare businesses into paying quick settlements that only financially enrich the attorney and claimant and do not promote accessibility either for the claimant or the disability community as a whole. These practices, often involving a series of demand for money letters sent to numerous businesses, do not promote compliance with the accessibility requirements and erode public support for and confidence in our laws. (SB 1186 uncodified sec. 24.)

Civil Code section 55.32 contains several requirements and restrictions concerning demand letters and demands for money in construction-related accessibility claims. As of January 1, 2019, the requirement to provide a copy of a demand letter to the State Bar was repealed. The legislative history of this section makes clear that the State Bar retains prosecutorial discretion to determine what, if any, disciplinary action should be taken in a particular case. As the September 1, 2012, Senate Judiciary Committee analysis notes, at pages 22-23:

The author notes that "even though certain acts shall be subject to discipline, the commencement of an actual disciplinary action is at the prosecutorial discretion of the State Bar's Office of Chief Trial Counsel. Nothing in the bill would require the State Bar to bring an action for any offense, and it is certainly possible that the State Bar may just send the lawyer offending the provision an advisory letter for a first violation."

## DEMAND LETTERS RECEIVED,<sup>57</sup> INVESTIGATIONS OPENED, AND DISCIPLINARY ACTION

From January 1, 2020 through December 31, 2020, the State Bar received five copies of demand letters. These letters were carefully reviewed and none of them contained an indication of a possible violation of the prohibition against a demand for money or a specific statement of monetary liability. From January 1, 2013, through December 31, 2019, the State Bar received 1,813 copies of demand letters. Of the 1,813 demand letters received, 51 involved possible violations of the prohibitions against demands for money and/or specific statements of monetary liability, which were investigated by the Office of Chief Trial Counsel. In addition, in 2019, one investigation was initiated based on an attorney’s potential failure to send a copy of the complaint to the California Commission on Disability Access, in violation of Civil Code section 55.32, subd. (b)(1). This case was closed after confirming that the attorney had, in fact, complied with this requirement.<sup>58</sup>

Table SR-11 shows the number of letters received in each 12-month period since the first report, and the number of investigations undertaken.

Table SR-11. Demand Letters	2014	2015	2016	2017	2018	2019	2020	Total
Number of Letters Received <sup>59</sup>	240	347	348	585	45	26	5	1,813
Investigations of Suspected Violations of Civil Code Section 55.31 or 55.32	21	6	3	15	0	1	0	52

<sup>57</sup> As of January 1, 2019, Civil Code section 55.32 no longer requires an attorney who provides a demand letter as defined by Civil Code 55.3 to provide a copy of that demand letter to the State Bar of California’s Office of Professional Competence. However, Civil Code section 55.3(b)(1)(A) continues to require attorneys to provide notices that tell recipients of demand letters that they can send copies to the Office of Professional Competence. In addition, some attorneys voluntarily copy the State Bar and Civil Code section 55.32(f)(1) continues to require the State Bar to report on disciplinary matters involving prohibited demands for money or specific statements of monetary liability. For these reasons, even though plaintiff attorneys were not required to copy the State Bar in 2019, the Office of Professional Competence still received copies that were reviewed and processed. Table SR-11 includes the number of demand letters received by the Office of Professional Competence in 2019.

<sup>58</sup>As noted in the 2019 report, the 51 letters received prior to 2019 were sent by 19 different attorneys. One attorney sent 2 letters on the same date. One attorney sent 6 letters on the same date, and a seventh letter one week later. One attorney sent 6 letters on the same date, and 2 letters relating to matters covered by the original letters, but to different addressees, 22 days later. One attorney sent 3 demand letters in a two-month period. One attorney sent 3 letters over a span of 25 months. One attorney sent 15 letters over the span of six months. The other 13 attorneys each sent 1 letter. The breakdown of the resulting action based on the investigation of these 51 demand letters was set forth in some detail in the 2017 report, which is accessible on the State Bar’s website at [http://www.calbar.ca.gov/Portals/0/documents/reports/Construction-Related\\_%20Accessibility\\_Demand\\_Report\\_2017.pdf](http://www.calbar.ca.gov/Portals/0/documents/reports/Construction-Related_%20Accessibility_Demand_Report_2017.pdf). The investigation based on the letter received in 2019 found that the attorney had complied with statutory requirements, and the matter was closed.

<sup>59</sup> Prior reports were based on a July-July reporting period. The number provided in tables 12 and 13 reflect calendar year numbers, consistent with other reporting provided in the Annual Discipline Report.

## INSURANCE FRAUD

**Insurance Code Section 1872.95** (a) Within existing resources, the Medical Board of California, the Board of Chiropractic Examiners, and the State Bar shall each designate employees to investigate and report on possible fraudulent activities relating to workers' compensation, motor vehicle insurance, or disability insurance by licensees of the board or the bar. Those employees shall actively cooperate with the Fraud Division in the investigation of those activities. (b) The Medical Board of California and the Board of Chiropractic Examiners shall each report annually, on or before March 1, to the committees of the Senate and Assembly having jurisdiction over insurance on their activities established pursuant to subdivision (a) for the previous year. The State Bar shall include this report in its Annual Discipline Report on or before April 30. That report shall specify, at a minimum, the number of cases investigated, the number of cases forwarded to the Fraud Division or other law enforcement agencies, the outcome of all cases listed in the report, and any other relevant information concerning those cases or general activities conducted under subdivision (a) for the previous year. The report shall include information regarding activities conducted in connection with cases of suspected automobile insurance fraud.

In 1999, the Legislature enacted the Organized Crime Prevention and Victim Protection Act (Assembly Bill 1050, Stats. 1999, ch. 885) to provide for a focused, coordinated effort by all appropriate agencies and organizations to deal more effectively with fraudulent activities related to automobile and other specified insurance claims. Among other things, the act requires the Medical Board of California, the Board of Chiropractic Examiners, and the State Bar to report annually to the committees of the Legislature having jurisdiction over insurance about complaints alleging possible fraudulent activities relating to workers' compensation, motor vehicle insurance, or disability insurance by licensees of the board or the State Bar. Table SR-12 provides information about investigation of insurance fraud from 2017 through 2020.

Table SR-12. Insurance Fraud	2017	2018	2019	2020
<b>Workers' Compensation</b>				
Investigations Initiated	1	2	12	0
Suspended Pending Disbarment	9	9	0	1
Suspended Pending Criminal Proceedings	1	1	1	0
Closed by OCTC with No Action	1	1	3	11
Pending in Investigation at Year End	0	1	12	0
Referrals to Fraud Division	0	0	0	0
Referrals to Law Enforcement	0	0	0	0
<b>Motor Vehicle</b>				
Investigations Initiated	2	1	1	0
Closed by OCTC with No Action	2	1	1	1
Referrals to Fraud Division	0	0	0	0
Referrals to Law Enforcement	0	0	0	0
<b>Disability</b>				
Investigations Initiated	0	0	0	0

## PROVISION OF FINANCIAL SERVICES BY LAWYERS

**Business and Professions Code Section 6177** The State Bar by April 30 of each year shall include in its Annual Discipline Report information on the number of complaints filed against California attorneys alleging a violation of this article. The report shall also include the type of charges made in each complaint, the number of resulting investigations initiated, and the number and nature of any disciplinary actions taken by the State Bar for violations of this article.

In 1999, the Legislature enacted Article 10.5 of the State Bar Act regulating the sale of financial products, including long-term care insurance and life insurance, by lawyers to clients who are elders or dependent adults (Bus. & Prof. Code, §§ 6175–6176; added by Senate Bill number 72 (Stats. 1999, Ch. 454)). These sales must be fair and reasonable to the clients, and lawyers must make specific written disclosures.<sup>60</sup>

The State Bar received no complaints alleging violations of Article 10.5 for the period 2015 through 2020. Since 2001, the State Bar has received 20 complaints alleging violations of the financial products statutes. Table SR-13 provides a summary of the resolution of those complaints.

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Table SR-13. Financial Services Complaints	
Closed in Investigation	11
Resignation with Charges Pending	2*
Disbarment	7**

\*2 attorneys

\*\*1 attorney

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<sup>60</sup> The full text of section 6175.3, which governs the provision of legal services by lawyers to elder and dependent adults, can be found by clicking on the embedded link found in the table header.

## CONDITION OF THE CLIENT SECURITY FUND

**Section 6086.15, subdivision (a)(10)** A description of the condition of the Client Security Fund, including an accounting of payouts.

The Client Security Fund (CSF or Fund), established by State Bar-sponsored legislation in 1972, represents one of the State Bar's most important initiatives to achieve its public protection goals. The CSF is designed to compensate legal consumers for monetary losses caused by the dishonest conduct of California attorneys.

In 2020, the CSF reimbursed the largest one-year amount in the history of the Fund—\$11.75 million. This record amount of reimbursement was made possible by an additional \$40 one-time fee on active, licensed attorneys, authorized in 2019 by the California State Legislature. At year end, there were approximately 1,600 open CSF applications, a decline of almost one-third from the approximately 2,370 open applications at the end of 2019. In 2020, the number of new applications decreased substantially, possibly because of social upheaval caused by the COVID-19 pandemic. In 2020, the CSF received only 477 applications, down from 770 applications in 2019.

For more than a decade, the CSF has been working through the effects of a sharp increase in filings that began in 2009. At that time, as a result of loan modification fraud schemes perpetrated by some California attorneys, the annual number of applications to the CSF began to increase. The CSF began 2009 with approximately 700 open applications and by the end of that year had almost 3,000 pending. The number of applications continued to increase through the early 2010s, far out-stripping the capacity of staff or the budget of the CSF to keep up. By 2013, the number of pending applications had reached an all-time high of over 7,800.

With a gradual decline in the number of new applications to the Fund in recent years, the CSF has been able to chip away at its case inventory, ending 2020 with approximately 1,600 open applications. Based on historical experience, the State Bar estimates that reimbursements related to these applications will total approximately \$14.6 million.

The CSF is financed by an annual assessment added to attorney licensing fees, which is used exclusively for purposes of paying reimbursements and administering the CSF. As noted above, in 2020, the CSF received a one-time increase of \$40 per active licensee in addition to the regular assessment of \$40 per active licensee and \$10 per inactive licensee, bringing the CSF's revenue to \$16 million.

Of the \$16 million, \$2.1 million was spent on administrative costs and \$11.75 million was paid in reimbursement of 832 applications filed against 265 attorneys. The balance of approximately \$2 million will be available in 2021 for reimbursements and to maintain the necessary reserve. In 2021, the annual assessment returned to \$40 for active attorneys and \$10 for inactive attorneys.

The CSF has the authority to reimburse victims who have lost money or property due to theft, or an act equivalent to theft, committed by a lawyer acting in a professional capacity. As detailed in the CSF rules, the CSF can reimburse funds received and wrongfully retained by a California lawyer. The maximum reimbursable amount is \$100,000. The CSF Commission, appointed by the State Bar Board of Trustees, administers the CSF and directs policy and decision-making on applications for reimbursement according to the CSF rules.

**Table SR-14. 2020 Client Security Fund Payments**

<b>Attorney<sup>61</sup></b>	<b>Number of CSF Claims Paid</b>	<b>Total Amount Paid</b>
1	2	\$3,300
2	1	\$15,166
3	7	\$21,700
4	1	\$10,000
5	1	\$4,000
6	2	\$25,166
7	1	\$900
8	2	\$82,325
9	1	\$5,113
10	2	\$40,500
11	4	\$8,000
12	1	\$17,260
13	2	\$7,500
14	1	\$2,000
15	1	\$12,600
16	2	\$4,232
17	1	\$3,500
18	1	\$71,834
19	1	\$3,750
20	1	\$10,400
21	1	\$5,000
22	4	\$35,227
23	2	\$1,984
24	5	\$21,838
25	1	\$1,500
26	1	\$700
27	1	\$5,000
28	4	\$45,500
29	3	\$7,323
30	1	\$4,762
31	2	\$76,000
32	2	\$13,737
33	1	\$30,000

<sup>61</sup> Attorney names are not provided, as CSF rules require confidentiality under certain circumstances.



<b>Attorney<sup>61</sup></b>	<b>Number of CSF Claims Paid</b>	<b>Total Amount Paid</b>
34	1	\$6,500
35	1	\$15,166
36	1	\$2,500
37	4	\$163,460
38	4	\$18,358
39	6	\$42,580
40	1	\$21,366
41	3	\$13,281
42	1	\$500
43	1	\$1,800
44	1	\$14,721
45	3	\$6,300
46	1	\$20,000
47	1	\$20,700
48	2	\$31,450
49	1	\$6,500
50	1	\$3,500
51	2	\$43,750
52	2	\$4,520
53	1	\$10,000
54	1	\$13,420
55	24	\$57,196
56	7	\$741,499
57	1	\$2,500
58	1	\$6,035
59	1	\$3,795
60	1	\$100,000
61	2	\$1,750
62	1	\$8,500
63	1	\$2,000
64	1	\$25,000
65	1	\$2,420
66	3	\$9,914
67	5	\$19,800
68	1	\$6,500
69	1	\$10,000
70	1	\$6,200
71	6	\$89,013
72	1	\$5,000
73	3	\$115,402
74	1	\$9,475
75	1	\$1,700
76	2	\$8,450

<b>Attorney<sup>61</sup></b>	<b>Number of CSF Claims Paid</b>	<b>Total Amount Paid</b>
77	1	\$14,350
78	1	\$3,000
79	3	\$73,500
80	2	\$1,885
81	3	\$9,000
82	2	\$74,079
83	6	\$32,125
84	1	\$5,000
85	1	\$7,700
86	11	\$86,120
87	31	\$258,050
88	1	\$30,000
89	1	\$2,180
90	2	\$57,836
91	20	\$245,831
92	1	\$2,500
93	2	\$10,500
94	1	\$105,000
95	1	\$6,000
96	7	\$75,707
97	1	\$5,025
98	2	\$178,548
99	1	\$2,000
100	2	\$5,200
101	1	\$100,000
102	12	\$23,963
103	1	\$8,750
104	1	\$2,500
105	1	\$2,500
106	5	\$16,350
107	2	\$4,375
108	1	\$2,700
109	5	\$50,555
110	1	\$3,700
111	1	\$2,435
112	1	\$8,083
113	6	\$90,525
114	2	\$17,354
115	1	\$2,500
116	1	\$1,740
117	1	\$8,722
118	1	\$2,650
119	1	\$14,975

<b>Attorney<sup>61</sup></b>	<b>Number of CSF Claims Paid</b>	<b>Total Amount Paid</b>
120	9	\$23,935
121	2	\$14,000
122	1	\$2,950
123	1	\$1,500
124	1	\$18,950
125	1	\$860
126	1	\$600
127	1	\$16,850
128	1	\$36,632
129	4	\$287,850
130	1	\$5,000
131	18	\$45,495
132	1	\$1,000
133	1	\$7,500
134	18	\$487,633
135	4	\$99,391
136	4	\$29,101
137	1	\$7,500
138	1	\$3,500
139	1	\$1,106
140	1	\$5,950
141	2	\$6,240
142	1	\$1,000
143	1	\$1,000
144	1	\$14,700
145	1	\$18,000
146	3	\$11,200
147	1	\$1,000
148	26	\$117,097
149	1	\$950
150	1	\$4,333
151	3	\$164,000
152	1	\$87,630
153	2	\$2,550
154	1	\$20,960
155	7	\$28,655
156	1	\$500
157	11	\$54,150
158	2	\$8,265
159	3	\$200,500
160	1	\$30,000
161	2	\$68,233
162	2	\$22,000

<b>Attorney<sup>61</sup></b>	<b>Number of CSF Claims Paid</b>	<b>Total Amount Paid</b>
163	1	\$4,000
164	1	\$100,000
165	1	\$7,000
166	1	\$10,000
167	2	\$22,923
168	1	\$4,208
169	2	\$57,800
170	3	\$4,500
171	2	\$15,000
172	2	\$7,000
173	1	\$7,750
174	1	\$2,000
175	1	\$3,325
176	1	\$72,400
177	1	\$100,000
178	16	\$99,835
179	1	\$215
180	20	\$86,472
181	3	\$3,080
182	1	\$7,500
183	1	\$5,000
184	4	\$6,786
185	1	\$1,000
186	1	\$2,000
187	88	\$2,795,458
188	2	\$3,300
189	1	\$10,000
190	1	\$86,495
191	1	\$10,000
192	1	\$35,000
193	1	\$4,260
194	1	\$6,505
195	3	\$15,200
196	1	\$20,000
197	2	\$3,090
198	1	\$12,500
199	1	\$3,200
200	3	\$88,744
201	1	\$4,509
202	10	\$16,856
203	5	\$28,450
204	11	\$90,708
205	1	\$10,000

<b>Attorney<sup>61</sup></b>	<b>Number of CSF Claims Paid</b>	<b>Total Amount Paid</b>
206	1	\$3,500
207	1	\$2,000
208	1	\$1,500
209	2	\$5,051
210	1	\$16,667
211	1	\$7,500
212	1	\$10,000
213	4	\$15,675
214	1	\$4,193
215	1	\$87,500
216	2	\$4,027
217	43	\$280,148
218	2	\$95,653
219	1	\$4,000
220	1	\$3,000
221	3	\$29,735
222	2	\$6,500
223	1	\$1,685
224	4	\$42,333
225	1	\$2,900
226	1	\$13,000
227	2	\$2,200
228	1	\$14,328
229	1	\$1,200
230	1	\$3,500
231	6	\$53,840
232	1	\$5,000
233	1	\$100,000
234	19	\$183,050
235	1	\$10,000
236	1	\$100,000
237	1	\$10,000
238	1	\$325
239	1	\$1,500
240	7	\$24,960
241	1	\$2,500
242	1	\$3,480
243	1	\$15,000
244	1	\$2,350
245	2	\$97,658
246	2	\$14,820
247	12	\$290,131
248	1	\$8,500

<b>Attorney<sup>61</sup></b>	<b>Number of CSF Claims Paid</b>	<b>Total Amount Paid</b>
249	1	\$650
250	3	\$180,848
251	1	\$26,810
252	1	\$3,000
253	1	\$2,995
254	1	\$25,000
255	4	\$15,081
256	1	\$100,000
257	1	\$1,100
258	1	\$8,377
259	1	\$1,000
260	1	\$4,000
261	1	\$2,500
262	1	\$1,500
263	1	\$1,020
264	3	\$8,750
265	1	\$3,000
<b>TOTAL:</b>	<b>832</b>	<b>\$11,746,722</b>

Table SR-14. 2019 Client Security Fund Payments

<b>Attorney</b>	<b>Number of CSF Claims Paid</b>	<b>Total Amount Paid</b>
1	12	\$575,505
2	52	\$559,865
3	30	\$437,234
4	121	\$272,275
5	9	\$250,077
6	34	\$239,642
7	1	\$200,000
8	1	\$200,000
9	26	\$197,875
10	24	\$181,256
11	10	\$174,371
12	5	\$150,924
13	1	\$137,375
14	1	\$116,000
15	1	\$100,000
16	1	\$100,000
17	1	\$100,000
18	1	\$100,000
19	1	\$100,000
20	1	\$100,000
21	7	\$97,167
22	18	\$88,310
23	4	\$86,286
24	1	\$74,100
25	3	\$72,150
26	20	\$69,300
27	4	\$66,667
28	19	\$65,213
29	3	\$63,225
30	2	\$62,652
31	17	\$61,700
32	1	\$56,653
33	3	\$56,000
34	2	\$55,200
35	2	\$51,995
36	2	\$47,329
37	3	\$44,625
38	1	\$41,125
39	1	\$40,834
40	1	\$39,613
41	2	\$38,000
42	3	\$36,000
43	10	\$30,810

<b>Attorney</b>	<b>Number of CSF Claims Paid</b>	<b>Total Amount Paid</b>
44	8	\$30,525
45	1	\$30,000
46	3	\$28,810
47	5	\$26,940
48	8	\$25,345
49	1	\$24,500
50	2	\$23,000
51	7	\$22,028
52	1	\$22,000
53	2	\$21,333
54	1	\$21,100
55	1	\$21,007
56	1	\$21,000
57	2	\$21,000
58	3	\$20,645
59	1	\$18,713
60	3	\$17,475
61	6	\$17,000
62	1	\$16,500
63	1	\$16,000
64	1	\$15,360
65	1	\$15,000
66	1	\$15,000
67	3	\$15,000
68	1	\$15,000
69	1	\$15,000
70	1	\$14,900
71	1	\$14,774
72	1	\$14,500
73	5	\$14,500
74	3	\$14,500
75	1	\$14,435
76	3	\$13,975
77	1	\$13,430
78	2	\$13,167
79	4	\$12,927
80	1	\$12,767
81	1	\$12,500
82	1	\$12,135
83	1	\$12,083
84	1	\$12,020
85	1	\$12,000
86	2	\$11,400
87	1	\$11,260
88	1	\$10,981
89	1	\$10,800



<b>Attorney</b>	<b>Number of CSF Claims Paid</b>	<b>Total Amount Paid</b>
90	2	\$10,400
91	1	\$10,000
92	1	\$10,000
93	2	\$9,895
94	2	\$9,077
95	3	\$8,985
96	1	\$8,970
97	1	\$8,625
98	5	\$8,535
99	1	\$8,500
100	1	\$8,370
101	4	\$8,328
102	4	\$8,000
103	2	\$7,651
104	1	\$7,500
105	2	\$7,500
106	1	\$7,500
107	2	\$7,500
108	2	\$7,445
109	1	\$7,195
110	1	\$6,945
111	3	\$6,800
112	1	\$6,675
113	2	\$6,500
114	1	\$6,500
115	2	\$6,066
116	1	\$6,000
117	2	\$6,000
118	1	\$6,000
119	2	\$6,000
120	4	\$5,640
121	1	\$5,563
122	1	\$5,400
123	1	\$5,100
124	1	\$5,000
125	1	\$5,000
126	1	\$5,000
127	2	\$5,000
128	1	\$5,000
129	1	\$5,000
130	1	\$5,000
131	1	\$5,000
132	1	\$4,950
133	1	\$4,800
134	1	\$4,500
135	3	\$4,500

<b>Attorney</b>	<b>Number of CSF Claims Paid</b>	<b>Total Amount Paid</b>
136	1	\$4,500
137	3	\$4,449
138	1	\$4,300
139	1	\$4,250
140	4	\$4,156
141	1	\$4,040
142	1	\$4,000
143	1	\$3,825
144	1	\$3,600
145	1	\$3,592
146	1	\$3,500
147	1	\$3,500
148	1	\$3,500
149	1	\$3,500
150	1	\$3,495
151	1	\$3,400
152	1	\$3,400
153	1	\$3,300
154	1	\$3,245
155	1	\$3,000
156	1	\$3,000
157	1	\$3,000
158	1	\$3,000
159	1	\$3,000
160	1	\$3,000
161	1	\$2,995
162	1	\$2,935
163	1	\$2,895
164	1	\$2,850
165	1	\$2,800
166	1	\$2,750
167	1	\$2,575
168	1	\$2,500
169	1	\$2,500
170	2	\$2,500
171	1	\$2,500
172	1	\$2,500
173	1	\$2,500
174	1	\$2,494
175	1	\$2,412
176	2	\$2,400
177	1	\$2,400
178	1	\$2,300
179	2	\$2,235
180	1	\$2,041
181	1	\$2,000

<b>Attorney</b>	<b>Number of CSF Claims Paid</b>	<b>Total Amount Paid</b>
182	2	\$2,000
183	1	\$2,000
184	1	\$2,000
185	1	\$1,920
186	1	\$1,800
187	1	\$1,635
188	1	\$1,500
189	1	\$1,500
190	1	\$1,500
191	1	\$1,500
192	1	\$1,500
193	1	\$1,450
194	1	\$1,396
195	1	\$1,367
196	1	\$1,200
197	1	\$1,200
198	1	\$1,100
199	1	\$1,045
200	1	\$1,000
201	1	\$950
202	1	\$894
203	1	\$877
204	1	\$600
205	1	\$510
206	1	\$500
<b>Total</b>	<b>718</b>	<b>\$6,921,179</b>

Table SR-14 2018 Client Security Fund Payments

<b>Attorney</b>	<b>Number of CSF Claims Paid</b>	<b>Total Amount Paid</b>
1	80	\$579,306
2	9	\$424,465
3	13	\$348,864
4	72	\$335,353
5	2	\$224,000
6	46	\$204,428
7	1	\$183,500
8	3	\$179,157
9	2	\$174,900
10	15	\$167,595
11	12	\$160,341
12	9	\$148,594
13	20	\$148,250
14	3	\$146,763
15	3	\$140,823
16	4	\$138,056
17	19	\$129,731
18	4	\$112,131
19	1	\$112,000
20	2	\$110,000
21	5	\$101,298
22	2	\$100,350
23	1	\$100,000
24	1	\$100,000
25	1	\$100,000
26	1	\$100,000
27	1	\$100,000
28	1	\$100,000
29	2	\$95,300
30	12	\$94,926
31	2	\$90,980
32	2	\$90,300
33	1	\$85,000
34	6	\$81,000
35	3	\$80,066
36	12	\$78,120
37	1	\$75,951
38	1	\$75,856
39	9	\$73,382
40	2	\$72,380
41	8	\$71,500
42	1	\$68,854
43	1	\$66,667

<b>Attorney</b>	<b>Number of CSF Claims Paid</b>	<b>Total Amount Paid</b>
44	1	\$65,000
45	3	\$62,904
46	17	\$60,461
47	1	\$60,000
48	12	\$58,137
49	1	\$56,920
50	14	\$54,913
51	2	\$52,000
52	8	\$51,700
53	13	\$46,881
54	1	\$45,000
55	8	\$44,053
56	1	\$43,852
57	1	\$42,000
58	13	\$41,311
59	1	\$41,180
60	1	\$40,080
61	1	\$40,000
62	1	\$37,500
63	3	\$37,418
64	1	\$35,000
65	2	\$34,835
66	1	\$34,000
67	1	\$32,333
68	6	\$32,066
69	2	\$32,050
70	13	\$31,972
71	1	\$31,000
72	3	\$30,128
73	1	\$30,000
74	3	\$29,531
75	5	\$28,500
76	1	\$28,500
77	2	\$26,500
78	3	\$25,468
79	8	\$25,288
80	3	\$25,178
81	2	\$25,000
82	1	\$25,000
83	1	\$23,550
84	1	\$22,750
85	1	\$22,750
86	7	\$22,000
87	2	\$21,715
88	6	\$20,990
89	5	\$20,000

<b>Attorney</b>	<b>Number of CSF Claims Paid</b>	<b>Total Amount Paid</b>
90	3	\$19,500
91	2	\$19,372
92	3	\$19,000
93	1	\$18,000
94	4	\$18,000
95	1	\$17,994
96	1	\$17,923
97	1	\$17,588
98	5	\$16,500
99	5	\$16,350
100	2	\$16,333
101	7	\$16,150
102	1	\$16,000
103	2	\$15,947
104	3	\$15,900
105	1	\$15,568
106	1	\$15,000
107	1	\$15,000
108	1	\$15,000
109	5	\$14,905
110	1	\$14,500
111	4	\$13,765
112	3	\$13,550
113	1	\$13,000
114	3	\$12,949
115	5	\$12,923
116	2	\$12,718
117	2	\$12,500
118	2	\$12,373
119	2	\$12,045
120	1	\$12,000
121	1	\$12,000
122	2	\$11,990
123	2	\$11,953
124	2	\$11,900
125	4	\$11,895
126	2	\$11,400
127	1	\$11,274
128	2	\$11,200
129	1	\$11,000
130	4	\$10,750
131	1	\$10,645
132	1	\$10,500
133	2	\$10,343
134	1	\$10,000
135	1	\$10,000

<b>Attorney</b>	<b>Number of CSF Claims Paid</b>	<b>Total Amount Paid</b>
136	1	\$10,000
137	3	\$10,000
138	1	\$10,000
139	1	\$10,000
140	1	\$9,800
141	1	\$9,666
142	2	\$9,500
143	3	\$9,395
144	3	\$9,330
145	3	\$8,650
146	3	\$8,650
147	2	\$8,600
148	4	\$8,400
149	2	\$8,300
150	2	\$8,100
151	1	\$8,000
152	2	\$7,992
153	2	\$7,750
154	2	\$7,580
155	1	\$7,500
156	1	\$7,500
157	1	\$7,500
158	1	\$7,500
159	1	\$7,500
160	3	\$7,000
161	1	\$7,000
162	2	\$6,950
163	1	\$6,926
164	2	\$6,917
165	1	\$6,610
166	1	\$6,500
167	1	\$6,500
168	2	\$6,500
169	1	\$6,400
170	1	\$6,400
171	1	\$6,350
172	2	\$6,244
173	2	\$6,116
174	1	\$6,000
175	1	\$6,000
176	1	\$6,000
177	2	\$6,000
178	3	\$5,706
179	1	\$5,692
180	1	\$5,660
181	1	\$5,600

<b>Attorney</b>	<b>Number of CSF Claims Paid</b>	<b>Total Amount Paid</b>
182	1	\$5,500
183	2	\$5,500
184	1	\$5,274
185	3	\$5,200
186	1	\$5,138
187	1	\$5,031
188	1	\$5,000
189	2	\$5,000
190	1	\$5,000
191	1	\$5,000
192	1	\$5,000
193	1	\$5,000
194	1	\$5,000
195	1	\$5,000
196	1	\$4,966
197	2	\$4,860
198	3	\$4,650
199	1	\$4,600
200	1	\$4,500
201	1	\$4,466
202	1	\$4,225
203	1	\$4,221
204	1	\$4,000
205	2	\$4,000
206	1	\$4,000
207	1	\$3,975
208	1	\$3,750
209	1	\$3,646
210	1	\$3,600
211	1	\$3,500
212	1	\$3,500
213	1	\$3,393
214	1	\$3,333
215	1	\$3,300
216	1	\$3,250
217	1	\$3,200
218	2	\$3,100
219	2	\$3,000
220	1	\$3,000
221	1	\$3,000
222	2	\$3,000
223	1	\$3,000
224	1	\$3,000
225	1	\$2,995
226	1	\$2,965
227	1	\$2,890



<b>Attorney</b>	<b>Number of CSF Claims Paid</b>	<b>Total Amount Paid</b>
228	1	\$2,880
229	1	\$2,774
230	1	\$2,765
231	1	\$2,700
232	1	\$2,700
233	1	\$2,685
234	1	\$2,500
235	1	\$2,500
236	1	\$2,500
237	1	\$2,500
238	1	\$2,500
239	1	\$2,495
240	1	\$2,495
241	1	\$2,410
242	1	\$2,333
243	1	\$2,232
244	1	\$2,166
245	2	\$2,085
246	1	\$2,030
247	1	\$2,000
248	1	\$2,000
249	1	\$2,000
250	1	\$2,000
251	1	\$2,000
252	1	\$2,000
253	1	\$2,000
254	1	\$2,000
255	1	\$2,000
256	1	\$1,995
257	2	\$1,987
258	1	\$1,900
259	1	\$1,900
260	1	\$1,800
261	1	\$1,800
262	1	\$1,748
263	1	\$1,585
264	1	\$1,540
265	1	\$1,500
266	1	\$1,500
267	1	\$1,500
268	1	\$1,500
269	1	\$1,500
270	1	\$1,500
271	1	\$1,500
272	1	\$1,200
273	1	\$1,200

<b>Attorney</b>	<b>Number of CSF Claims Paid</b>	<b>Total Amount Paid</b>
274	1	\$1,000
275	1	\$1,000
276	1	\$1,000
277	1	\$995
278	1	\$985
279	1	\$900
280	1	\$667
281	1	\$625
282	1	\$600
283	1	\$500
284	1	\$300
285	1	\$250
<b>Total</b>	<b>877</b>	<b>\$9,150,841</b>

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SR-14: 2017 Client Security Fund Payment

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<b>Attorney</b>	<b>Number of CSF Claims Paid</b>	<b>Total Amount Paid</b>
1	212	\$981,386
2	7	\$482,250
3	114	\$261,444
4	81	\$220,091
5	21	\$213,500
6	53	\$210,619
7	2	\$200,000
8	3	\$187,265
9	7	\$174,817
10	2	\$161,000
11	2	\$156,648
12	16	\$137,778
13	33	\$128,800
14	9	\$127,118
15	5	\$101,925
16	1	\$100,000
17	1	\$100,000
18	1	\$100,000
19	13	\$76,687
20	9	\$76,273
21	5	\$74,955
22	1	\$66,669
23	1	\$65,000
24	19	\$63,952
25	3	\$63,800
26	5	\$62,050
27	8	\$59,803
28	1	\$58,000
29	13	\$57,425
30	9	\$55,901
31	5	\$55,000
32	1	\$50,000
33	1	\$50,000
34	1	\$50,000
35	1	\$50,000
36	1	\$50,000
37	15	\$49,589
38	17	\$49,418
39	1	\$48,790
40	1	\$47,151
41	2	\$44,175
42	3	\$41,207
43	2	\$38,745

<b>Attorney</b>	<b>Number of CSF Claims Paid</b>	<b>Total Amount Paid</b>
44	3	\$36,000
45	8	\$31,345
46	13	\$29,293
47	1	\$29,247
48	5	\$27,455
49	1	\$25,000
50	2	\$24,560
51	11	\$23,700
52	4	\$23,215
53	6	\$23,100
54	1	\$23,000
55	2	\$22,000
56	3	\$21,000
57	2	\$20,356
58	1	\$20,000
59	1	\$20,000
60	2	\$18,668
61	2	\$18,500
62	1	\$17,500
63	4	\$17,000
64	5	\$16,870
65	1	\$16,690
66	1	\$15,588
67	3	\$15,164
68	1	\$15,000
69	5	\$14,111
70	3	\$13,758
71	4	\$12,145
72	1	\$12,000
73	3	\$11,651
74	3	\$11,134
75	7	\$11,010
76	1	\$11,003
77	4	\$10,450
78	1	\$10,000
79	1	\$10,000
80	1	\$8,851
81	3	\$8,850
82	2	\$8,780
83	3	\$8,700
84	1	\$8,650
85	2	\$8,145
86	1	\$8,110
87	1	\$7,800
88	5	\$7,750
89	1	\$7,500

<b>Attorney</b>	<b>Number of CSF Claims Paid</b>	<b>Total Amount Paid</b>
90	1	\$7,500
91	1	\$7,000
92	1	\$7,000
93	1	\$6,500
94	1	\$6,200
95	1	\$5,724
96	1	\$5,669
97	1	\$5,500
98	1	\$5,300
99	1	\$5,000
100	1	\$5,000
101	1	\$5,000
102	1	\$4,730
103	2	\$4,700
104	2	\$4,700
105	1	\$4,609
106	1	\$4,500
107	1	\$4,500
108	1	\$4,227
109	1	\$4,000
110	1	\$4,000
111	1	\$3,900
112	1	\$3,500
113	1	\$3,500
114	1	\$3,500
115	1	\$3,460
116	1	\$3,400
117	3	\$3,154
118	1	\$3,000
119	1	\$3,000
120	1	\$3,000
121	1	\$3,000
122	2	\$2,862
123	1	\$2,800
124	1	\$2,600
125	2	\$2,550
126	1	\$2,529
127	1	\$2,500
128	1	\$2,500
129	1	\$2,333
130	1	\$2,107
131	1	\$2,000
132	1	\$2,000
133	1	\$2,000
134	1	\$1,738
135	1	\$1,650

<b>Attorney</b>	<b>Number of CSF Claims Paid</b>	<b>Total Amount Paid</b>
136	1	\$1,550
137	1	\$1,500
138	1	\$1,400
139	1	\$1,300
140	1	\$1,300
141	1	\$1,000
142	1	\$811
143	1	\$800
144	1	\$750
145	1	\$654
146	1	\$540
147	1	\$500
<b>Grand Total</b>	<b>909</b>	<b>\$6,401,923</b>

## COST OF THE DISCIPLINE SYSTEM

**Section 6086.15, subdivision (a)(11)** An accounting of the cost of the discipline system by function

Table SR-15 reflects the cost of programs included in the Supreme Court’s November 2016 order approving an interim special regulatory assessment, which authorized the State Bar to assess 2017 attorney licensing fees for discipline-related functions.<sup>62</sup>

Table SR-15. Cost of the Discipline System	2017	2018	2019	2020
Chief Trial Counsel	\$45,841,600	\$45,436,400	\$52,023,100	\$61,027,900
Probation	\$1,129,100	\$1,412,300	\$1,675,400	\$1,968,900
Mandatory Fee Arbitration	\$836,900	\$184,400	\$80,900	\$12,300
State Bar Court	\$11,913,800	\$12,005,600	\$13,047,400	\$13,684,000
Professional Competence	\$2,572,800	\$2,508,900	\$3,012,500	\$2,714,800
Attorney Regulation and Consumer Resources	\$4,543,000	\$4,934,200	\$5,698,900	\$5,432,200
Communications (70%) <sup>63</sup>	\$804,860	\$542,500	\$617,500	\$698,500
Licensee Billing (73%) <sup>64</sup>	\$1,010,200	\$480,400	\$450,900	\$375,400
General Counsel (76.3%) <sup>65</sup>	\$3,361,625	\$2,720,300	\$2,953,300	\$3,329,500
<b>Total</b>	<b>\$72,013,885</b>	<b>\$70,225,000</b>	<b>\$79,559,900</b>	<b>\$89,243,500</b>

<sup>62</sup> The Court’s order included funding for activities of the California Young Lawyers Association (CYLA) related to the discipline system. The CYLA is no longer a part of the State Bar, so those costs are not included in table SR-15.

<sup>63</sup> This percent reflects the portion of Office of Communications resources devoted to its principal roles, which are to help Californians understand how to access the resources of the discipline system and to ensure that attorneys understand their professional ethical obligations.

<sup>64</sup> This percent reflects the portion of Office of Finance resources dedicated to collecting licensing fees and discipline costs.

<sup>65</sup> This percent reflects the portion of Office of General Counsel resources dedicated to supporting the State Bar’s discipline programs.

## APPENDIX A

### Glossary of Attorney Discipline Report Terminology

The State Bar Act (section 6000 et seq.) and Rules of Procedure adopted by the State Bar Board of Trustees to govern proceedings in the State Bar Court include definitions of many technical terms used in the State Bar’s discipline system. Definitions of some of those key terms, as well as definitions of data elements used in this report, are presented here.

**BACKLOG:** Cases with pendency in OCTC of more than 180 days on December 31. The backlog includes complaints, State Bar initiated inquiries, Probation referrals, reportable actions (excluding criminal conviction matters). Excluded from the backlog, in addition to criminal conviction matters, are unauthorized practice of law cases, motions to enforce fee arbitration, motions to revoke probation and interim suspension and restrictions (petitions pursuant to section 6007). See related footnote in table 1 for a full discussion of the excluded case types.

**CASE:** An individual complaint, Office of Probation referral, State Bar initiated inquiry, reportable action, motion to enforce fee arbitration, motion to revoke probation, motion to terminate practice,\* or motion to impose interim suspension or license restrictions (petitions pursuant to section 6007).

**CASE INITIATION DATE:**

- **For complaints:** the date on which the written complaint is received in the Intake Unit<sup>66</sup>
- **For probation referrals:** the date on which the referral is received in OCTC
- **For State Bar initiated inquiries:** the date on which the inquiry is received in the Intake Unit
- **For reportable actions:** the date on which the report is received in the Intake Unit
- **For motions to enforce fee arbitration:** the date on which the Mandatory Fee Arbitration Program files the motion in State Bar Court
- **For motions to revoke probation:** the date on which the Office of Probation files the motion in State Bar Court
- **For petition to terminate practice:**\* the date on which the case is opened in the Intake Unit
- **For petition to impose interim suspension or license restrictions pursuant to section 6007:** the date on which the case is opened in the Intake Unit

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\* While section 6086.15 directs the State Bar to report on “motions to terminate practice,” the State Bar refers to these as “motions to assume jurisdiction pursuant to section 6180 or 6190 (for attorneys) or 6126.3 (for nonattorneys).”

<sup>66</sup> Complaints received after 4:30 p.m. or on nonbusiness days are deemed received on the next business day.



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### **COMPLAINT:** A written complaint submitted by a complaining witness to OCTC:

- A single written complaint that lists multiple respondents is counted as a separate complaint against each respondent
- A single written complaint signed by multiple complaining witnesses (e.g. a married couple) against a respondent is counted as one complaint
- Independently submitted written complaints against a single respondent are counted separately.

### **COURT CLOSING DATE:**

- For cases filed in State Bar Court, the date the court records as the closing date of the case
- For initial 6180/6190/6126.3 petitions filed in Superior Court resulting in denial or dismissal of OCTC's petition, the date on which OCTC closes the case
- For initial 6180/6190/6126.3 petitions filed in superior court resulting in superior court jurisdiction (i.e., granting the petition), the case remains open until OCTC closes the case following the superior court granting a petition to terminate superior court jurisdiction<sup>67</sup>

### **DISPOSITIONS (OCTC):**

- **Closed with Nondisciplinary Action:** Closed with a warning letter, directional letter, resource letter, or agreement in lieu of discipline
- **Closed with Referral:** Closed upon referral to other processes or agencies, including mandatory fee arbitration, law enforcement,<sup>68</sup> and alternative dispute resolution
- **Filed in State Bar Court:** Formal filing, including Notice of Disciplinary Charges, Stipulation to Facts and Discipline, transmittal of a criminal conviction case, or petition pursuant to section 6007<sup>69,70</sup>
- **Filed in Superior Court:** Petition pursuant to section 6180, section 6190, or section 6126.3 filed in superior court
- **Closed with No Action:** Closed by OCTC with no further action

### **DISPOSITIONS (STATE BAR COURT):**

- For complaints, State Bar Inquiries, Probation Referrals, and Reportable Actions:
  - **Discipline Imposed:** Disbarment, suspension, probation, reproof, revocation of probation, or extension of probation<sup>71</sup>
  - **Closed with Nondisciplinary Action:** Admonition or the granting of a petition pursuant to section 6007
  - **Closed with No Action:** Closed by the court with dismissal, termination, or denial of petition

### **DISPOSITIONS (SUPERIOR COURT):**

- **Petition Granted:** Initial petition for assumption of jurisdiction pursuant to section 6180, section 6190, or section 6126.3<sup>72</sup> is granted by a superior court.

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<sup>67</sup> This may occur many months or years after the initial assumption of jurisdiction petition is granted.

<sup>68</sup> A referral to a law enforcement agency is not, by itself, a reason for closing a case; this disposition captures the number of closed cases that included a referral to a law enforcement agency.

<sup>69</sup> Transmittals of criminal conviction cases are included only in table 6.

<sup>70</sup> Petitions filed pursuant to section 6007 are not included in 2019 data, as these are regulatory in nature rather than disciplinary.

<sup>71</sup> A case is disposed with "Discipline Imposed" only after a final order of the California Supreme Court imposing discipline becomes effective, or when the State Bar Court issues a reproof.

<sup>72</sup> This is treated as the disposition of the case for the purposes of the Annual Discipline Report. However, the case technically remains open until the seized practice is fully resolved, which often takes years.

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- **Petition Denied/Dismissed:** Closed upon denial or dismissal by the court of an initial petition to assume jurisdiction over a practice pursuant to section 6180, section 6190, or section 6126.3

**INITIAL FILING DATE:** The date on which a case is formally filed in State Bar Court or superior court by OCTC, Probation, or the Mandatory Fee Arbitration Program

**MOTION TO ENFORCE RESULT OF FEE ARBITRATION:** A motion filed in State Bar Court by the State Bar's Mandatory Fee Arbitration Program to enforce the outcome of a binding fee arbitration<sup>73</sup>

**MOTION TO REVOKE PROBATION:** A motion filed by Probation in State Bar Court to revoke probation of a licensed attorney under Probation supervision<sup>74</sup>

**PENDENCY IN STATE BAR COURT:** Number of days from the Case Initiation Date to the Court Closing Date<sup>75</sup>

**PENDENCY IN SUPERIOR COURT:** Number of days from the Case Initiation Date until the date the superior court ruled to either grant or deny the initial petition to assume jurisdiction over a practice pursuant to section 6180, section 6190, or section 6126.3

**PENDENCY:** Number of days between the Case Initiation Date and a specified milestone. Note that Pendency is always calculated from the original Case Initiation Date, regardless of whether the case has been closed and reopened

- **Pendency at Year End in OCTC:** for cases Pending in OCTC at year end, the number of days between the Case Initiation Date and December 31 of that year
- **Pendency at Year End in State Bar Court:** for cases Pending in State Bar Court at year end, the number of days between the Case Initiation Date and December 31 of that year
- **Pendency at OCTC Case Disposition:** the number of days between the Case Initiation Date and the date the case was either closed or filed in State Bar Court
- **Pendency at Closure:** for cases closed during a particular year, the number of days between the Case Initiation Date and the date the case was closed

**PETITION TO IMPOSE INTERIM SUSPENSION OR LICENSE RESTRICTIONS:** petition filed by OCTC in State Bar Court pursuant to section 6007

**PETITION TO TERMINATE PRACTICE:** A petition filed by OCTC in superior court to close down and assume responsibility for the practice of an attorney, former attorney, or nonattorney pursuant to section 6180, section 6190, or section 6126.3

**PROBATION REFERRAL:** Notification from Probation to OCTC of the failure of an attorney under Probation supervision to comply with the terms of probation

**REPORTABLE ACTION:** A report of an event statutorily mandated to be reported to the State Bar:

- **Self-Reported:** Reports received from licensed attorneys regarding themselves pursuant to section 6068, subdivision (o) and section 6086.8, subdivision (c)
- **Other-Reported:** Reports received from specified mandated reporters pursuant to section 6086.7, section 6086.8, subdivisions (a) and (b), section 6091.1, section 6101, subdivision (b), and section 6175.6

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<sup>73</sup> OCTC plays no role in these proceedings.

<sup>74</sup> OCTC plays no role in these proceedings.

<sup>75</sup> Includes any appellate review and time taken to receive the final order from the Supreme Court. as well as any time during which proceedings are abated while a respondent is participating in the Alternative Discipline Program (ADP), which provides monitored support for attorneys receiving substance abuse or mental health treatment who have stipulated to certain facts, conclusions of law, and the level of discipline to be imposed in State Bar Court, prior to entering the ADP.

## APPENDIX A

**STATE BAR INITIATED INQUIRY:** An inquiry into possible misconduct of an attorney initiated by OCTC based on information other than a written complaint, Probation referral, or reportable action

**SUSPENDED MATTERS:** Matters that are abated by OCTC or after filing in State Bar Court. This action is usually taken where there are other investigations or cases pending against a respondent and prosecution of those other complaints is likely to result in disbarment of the lawyer. Suspended matters pending more than six months from receipt without the filing of disciplinary charges are included in the backlog.

**UNAUTHORIZED PRACTICE OF LAW (UPL):** Active State Bar license status is a requirement for practicing law in California. State Bar Rules, as well as state law, provide authority to investigate UPL, seek civil penalties, assume jurisdiction over the practice, and refer violations to law enforcement authority. These activities may be directed toward attorneys licensed in other states but not in California; suspended, disbarred, or otherwise inactive or formerly licensed California attorneys; and those who have never been licensed to practice law

**APPENDIX B**  
**Potential Conflicts of Interest: Rule 2201**

The purpose of State Bar Rule of Procedure 2201 is to ensure impartiality in disciplinary decision-making and to avoid the appearance of bias. Rule of Procedure 2201 requires the recusal of the Office of Chief Trial Counsel in any case involving individuals with close ties to the State Bar. Pursuant to rule 2201, all complaints against attorneys who are identified as falling into a rule 2201 category are automatically referred to a Special Deputy Trial Counsel (SDTC) Administrator, who conducts a preliminary review to determine whether to close the matter or appoint an SDTC to investigate the matter further. The rule allows the administrator and SDTC to be compensated for services rendered and for reimbursement of costs and expenses in all rule 2201 matters. Table B provides information about cases falling under rule 2201.

**Table B. Complaints Subject to Rule 2201<sup>76</sup>**

	<b>2017</b>	<b>2018</b>	<b>2019</b>	<b>2020</b>
Closed without Investigation	66	56	74	85
Closed after Investigation	68	78	31	149
Pending assignment to SDTC	6	16 <sup>77</sup>	0	21
Pending in Investigation	47	73	34	47
<b>Total</b>	<b>187</b>	<b>223</b>	<b>139</b>	<b>302</b>

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<sup>76</sup> These cases are included among the complaints reported in the body of the Annual Discipline report; this data is provided to highlight the number of cases that fall under this rule.

<sup>77</sup> These cases were received in late 2018 during the transition to a new SDTC Administrator. Of the 16 cases received, 9 were closed without investigation and 7 were assigned to SDTCs by the new Administrator, in January 2019.

## APPENDIX C

### California's Attorney Discipline System

In California, an attorney is licensed when admitted to the State Bar; only attorneys with active status may practice law. The State Bar is a constitutional agency established in the judicial branch. In administering the requirements for admission and discipline of California lawyers, the State Bar is an administrative arm of the California Supreme Court. Under its inherent judicial power to regulate admission and discipline, it is the Supreme Court that admits, disbars, or suspends a lawyer from the practice of law.

In California's attorney discipline system, communication and information concerning alleged misconduct of California lawyers is handled by the State Bar's Office of Chief Trial Counsel (OCTC). OCTC investigates those complaints involving allegations of professional misconduct and may initiate and prosecute disciplinary proceedings in State Bar Court. The Hearing Department of the court conducts evidentiary hearings and renders a decision with findings and recommendations of discipline that are reviewable by the court's Review Department. In each case, the court's final decision and accompanying record are then transmitted to the Supreme Court. In cases where the court recommends the suspension or disbarment of a lawyer, the Supreme Court undertakes an independent determination of the discipline to be imposed. Discipline occurs with a final decision and order of the Supreme Court.<sup>78</sup> Following is a more detailed description of the attorney discipline process.

#### INQUIRY

The disciplinary process typically begins with receipt of a written complaint in OCTC. Staff in OCTC receive and review complaints that allege ethical misconduct by an attorney or the unauthorized practice of law by a nonattorney. OCTC conducts the initial review of a complaint to determine whether to close it or forward it for investigation. If a complaint sufficiently alleges misconduct, OCTC assigns it for investigation. If it does not, OCTC closes the complaint.

Some complaints lack sufficient detail to allow OCTC to make an informed decision at the outset as to whether or not to assign a case for investigation. In these cases, OCTC will seek additional information to determine the next steps. This information gathering may involve contacting the complainant, reviewing court records, searching the Internet, or conducting legal research. For example, in evaluating an allegation of failing to perform competently, if it is unclear whether an attorney-client relationship exists, OCTC will contact the complainant to try to secure a fee agreement or other evidence of such a relationship. If a complaint involves a violation of a court order, OCTC will attempt to obtain a copy of the order if it is not included with the complaint. If a complaint alleges failure to return an unearned fee, OCTC may request billing statements or an accounting to determine if there is a plausible claim of misconduct, and may assist the complainant in recovering fees from the respondent.

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<sup>78</sup> Public and private reprimands are also considered formal discipline; issuance of a reprimand by the court does not require Supreme Court action.

## APPENDIX C

### INVESTIGATION

Investigations are carried out by investigators in OCTC, under the guidance and supervision of OCTC attorneys. Investigators may interview witnesses and respondents, subpoena and analyze bank records, obtain court documents, and otherwise evaluate and analyze the case to determine whether there is clear and convincing evidence of attorney misconduct that would allow OCTC to bring disciplinary proceedings in court. After a determination to proceed with disciplinary proceedings, the complaint advances to the prefiling stage.

When multiple complaints are made against the same attorney, OCTC may focus its resources and prosecutorial efforts on those complaints most likely to result in disbarment. In such an event, the investigation of the other complaints may be suspended or “held.” If the Supreme Court orders the attorney's disbarment, prosecution of the suspended cases will no longer be necessary and the remaining complaints will not be investigated further.<sup>79</sup> If the attorney is not disbarred, however, OCTC may reactivate any suspended investigations. If an attorney is the subject of a criminal prosecution or party to civil action for the same misconduct, OCTC may suspend its investigation until the criminal or civil proceedings have concluded.

### PREFILING

Before finalizing formal charges, OCTC evaluates the evidence gathered during the investigation and any subsequent information received from the respondent or other source. Where OCTC has determined there is sufficient evidence to file a Notice of Disciplinary Charges, OCTC will notify the respondent in writing of the intent to file such charges and the attorney's right to request a confidential Early Neutral Evaluation (ENE) conference. Either party may request an ENE before a State Bar Court judge who will orally evaluate the facts, charges, and potential for discipline. Prior to the ENE, OCTC must provide the ENE judge with a draft or summary of the charges and OCTC's settlement position. Regardless of whether either party requests an ENE, OCTC also provides the respondent an opportunity to request informal discovery and to discuss potential settlement. If the parties are unable to reach a resolution or the respondent does not respond to OCTC's written notice, OCTC will proceed to file charges.

After the filing of formal charges, the parties may explore the appropriateness of participation in the Alternative Discipline Program (ADP) for respondents with substance abuse and/or mental health concerns. Participation is contingent upon the following: (1) the court's approval of a stipulation of facts and conclusions of law signed by the parties; (2) evidence that the respondent's substance abuse or mental health issue causally contributed to the misconduct; and (3) respondent's acceptance into the State Bar's Lawyer Assistance Program (LAP). The extent and severity of the respondent's stipulated misconduct, including the degree of harm suffered by their clients, if any, are factors in determining eligibility for the ADP. The stipulation includes the level of discipline that will be imposed if the ADP is completed successfully, and a higher level of discipline that will be imposed if the attorney does not complete the ADP. If the respondent successfully completes the ADP, the disposition may be dismissal of the charges or proceeding or some other level of discipline less than disbarment; if the respondent does not complete the ADP, the higher level of discipline will be imposed.

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<sup>79</sup> Complainants in cases dismissed under these circumstances are eligible for reimbursement through the Client Security Fund.

## APPENDIX C

### HEARING AND REVIEW

After the filing of disciplinary charges, OCTC prosecutes the case in the Hearing Department, which is the trial level of the Court. Five full-time judges hear and decide cases, and make recommendations to the Supreme Court in cases where proposed discipline includes suspension or disbarment. If the discipline is limited to reproof, it is imposed by the court without review by the Supreme Court.

The Review Department is the appellate level of the State Bar Court, consisting of the presiding judge and two other review judges. The three-judge panel acts on a statewide basis to conduct de novo reviews of Hearing Department decisions and orders in cases in which at least one of the parties has sought review. Review judges review and decide cases, and make recommendations to the Supreme Court in cases in which one or both of the parties have sought review of a Hearing judge's decision, exercise temporary suspension and other powers delegated to it by the Supreme Court according to rule 9.10, California Rules of Court; and conduct discretionary interlocutory review on issues materially affecting the outcome of the Hearing Department cases.

### SUPREME COURT

Upon the filing of the court's decision and the record, the Supreme Court conducts its own independent determination and action. Discipline is not imposed until the Supreme Court issues its final order or decision.

Chart C1 on the following page shows the flow of client complaints, as described above. Charts C2 and C3 on the subsequent pages reproduce the brochure published on the State Bar's website in English and Spanish and provided to members of the public who contact the State Bar.

Chart C1: Client Complaint Process



The State Bar of California

# Client Complaint Process

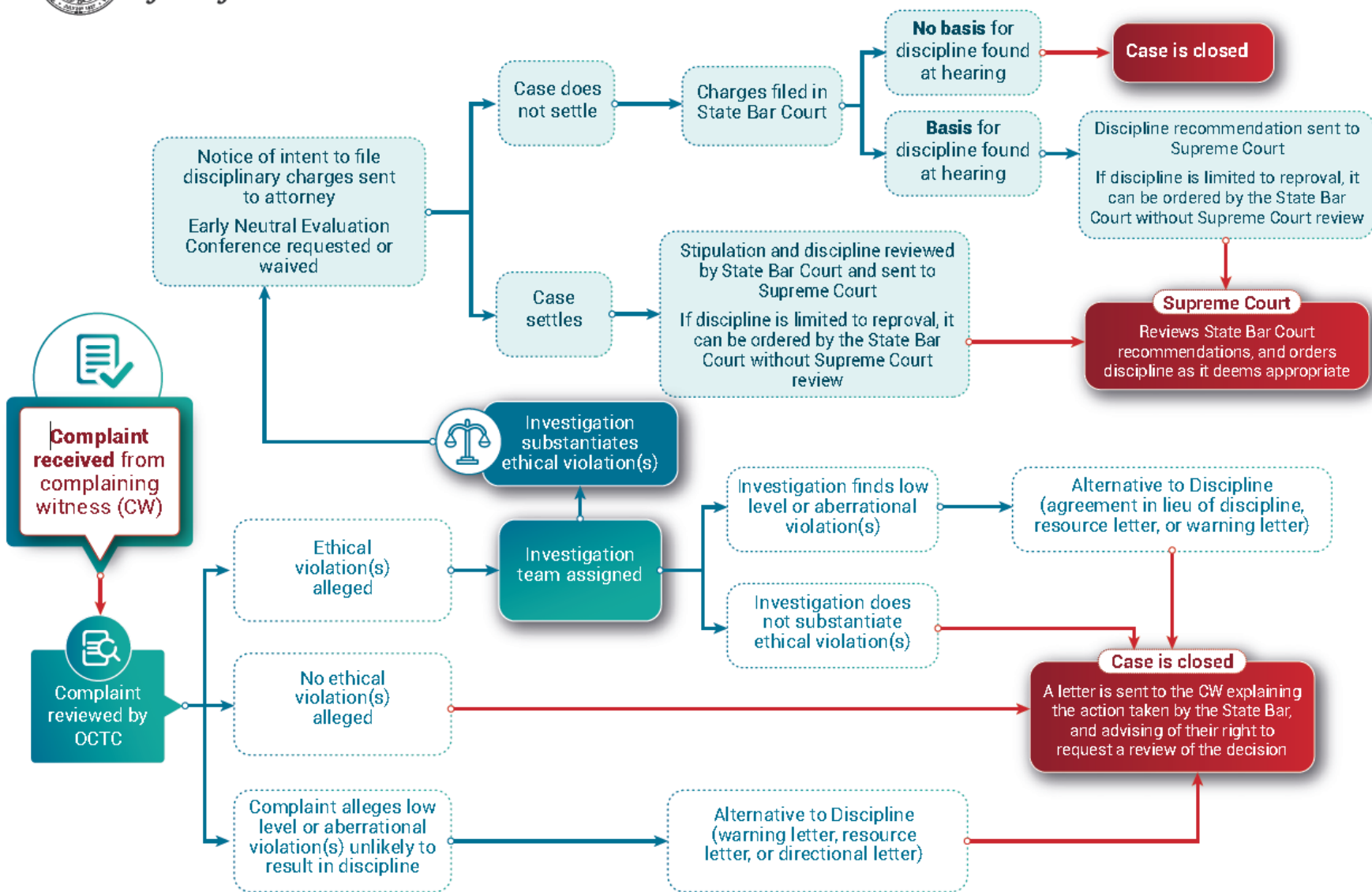




Chart C2: Client Complaint Flow Chart



The State Bar of California

# What Happens After I File a Complaint Against an Attorney?

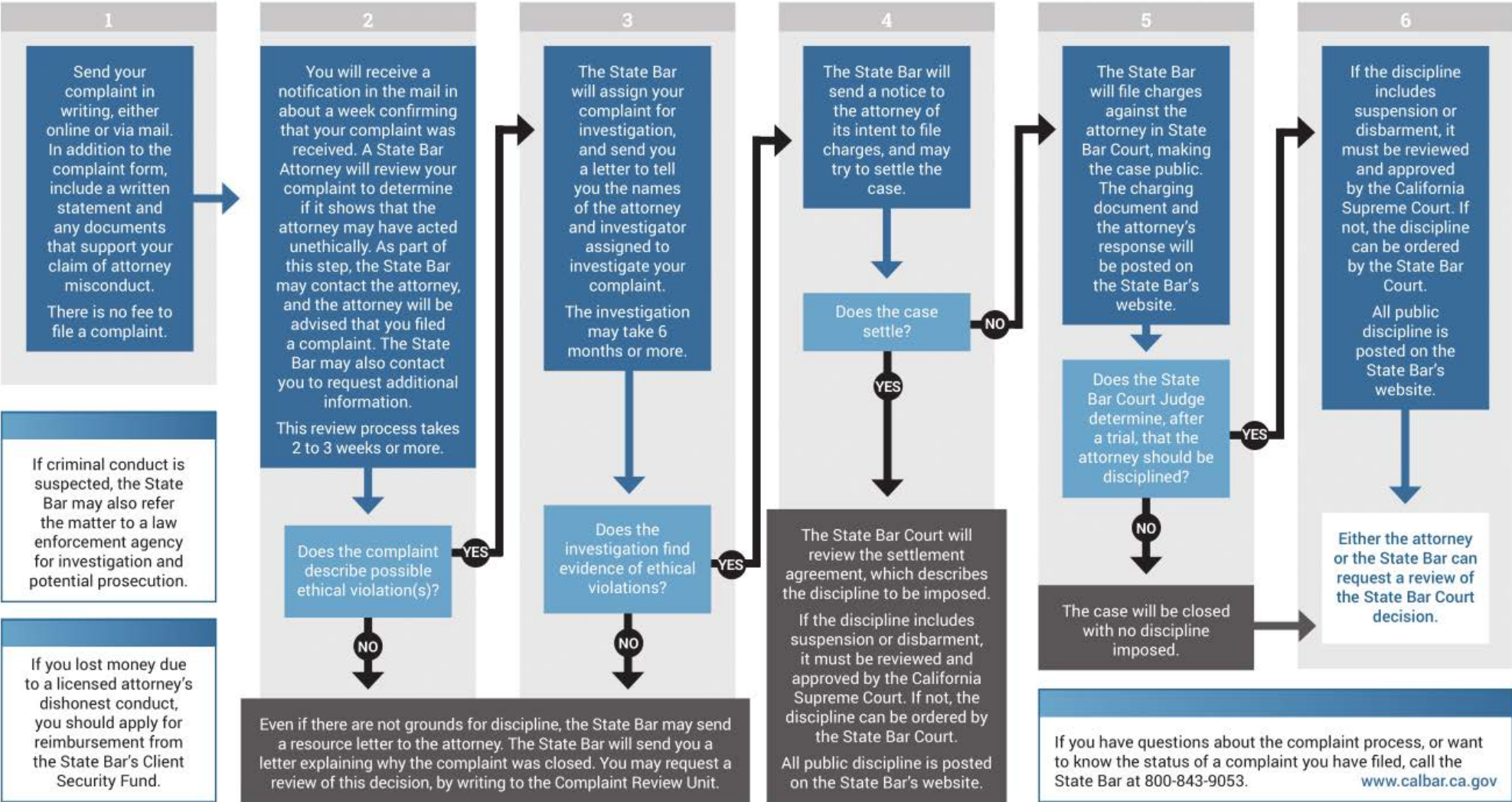
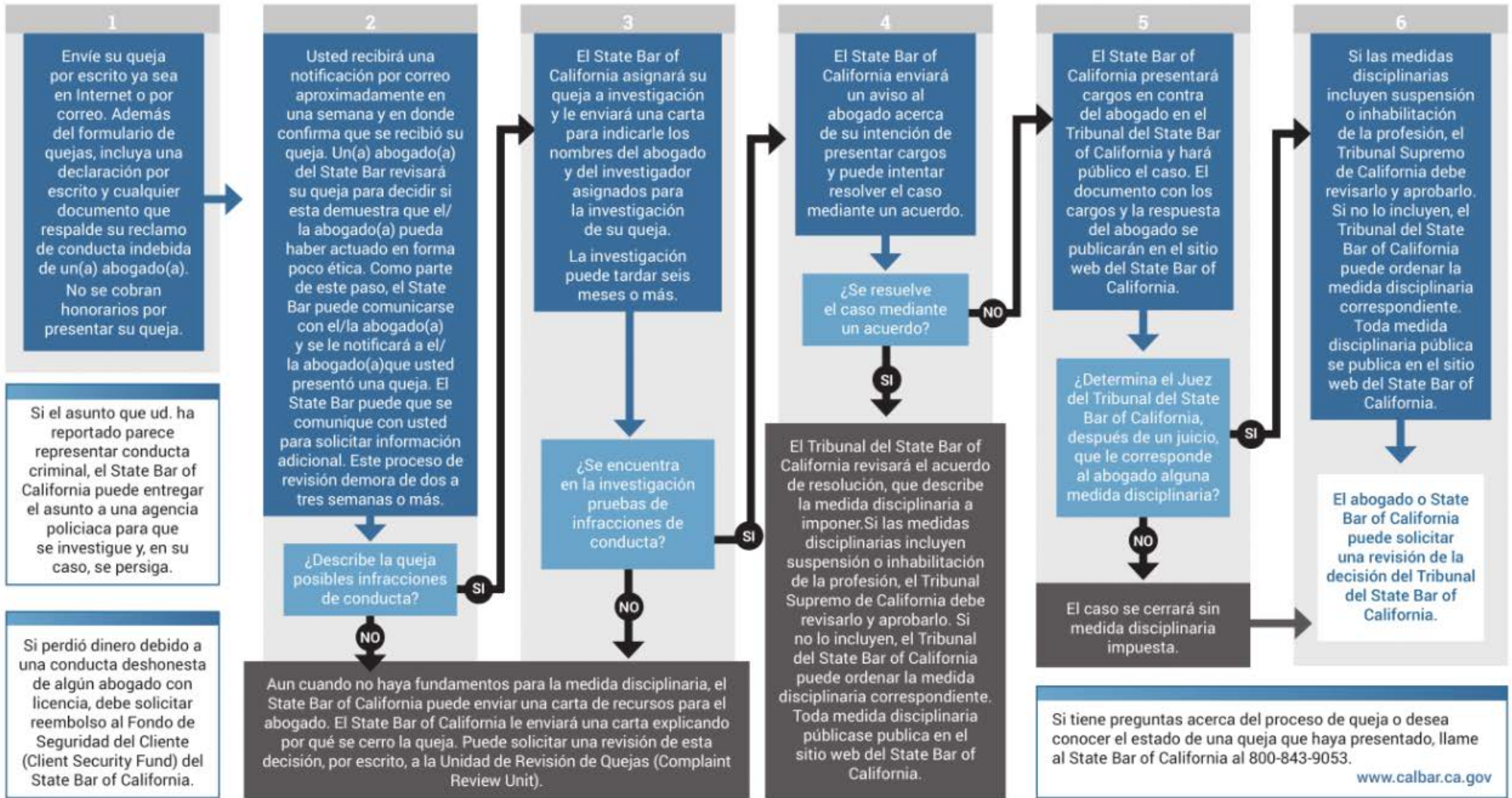


Chart C3: Client Complaint Process (Spanish)



The State Bar of California

## ¿Qué sucede cuando presento una queja contra un abogado?



## APPENDIX D Case Prioritization System

In March 2018, the Board of Trustees approved the following definitions, developed by OCTC, to classify which cases pose the greatest potential harm to the public:

- **Priority One (P1)** includes those cases that present significant, ongoing, or serious potential harm to the public; cases involving vulnerable victims including immigrants and seniors; cases of client abandonment; abusive or frivolous litigants; and, those engaging in or abetting the unauthorized practice of law. OCTC devotes the most investigation and prosecution resources to pursuing P1 cases.
- **Priority Two (P2)** includes those cases that upon initial review do not appear to present significant, ongoing, or serious potential harm but need an expedited assessment to determine whether they do. If, after the initial assessment, a P2 case is determined to pose serious harm to the public, it is reclassified as P1. Cases that remain in the P2 category are handled by Expeditor attorneys and investigators who seek to resolve the cases quickly and with fewer resources than P1 cases require. Other cases that are classified as P2 include cases that are likely to be resolved with Nondisciplinary action; non-P1 cases that are likely to be resolved within 60 days of assignment; and cases in which there are multiple complaints against the same attorney that do not rise to the level of P1 cases.
- **Priority Three (P3)** includes cases that do not represent a serious threat to the public but that are likely to be more time-consuming and labor intensive than P2 cases. For example, an attorney with no prior discipline who fails to perform in one or more client matters (not evidencing abandonment of a practice) or an attorney who, with gross negligence, misappropriates a sum less than \$25K from a client and has since made restitution.
- **Priority Four (P4)** is assigned to all cases that meet the criteria for P2, but for which there are insufficient resources to expedite the matter.

On the following two pages, table D provides detailed information about the case prioritization system.

**Table D: Case Prioritization System Criteria**

Priority	Criteria	Details
<b>1</b>	Significant, Ongoing, or Serious Potential Harm to the Public	<ol style="list-style-type: none"> <li>1. Respondent has prior discipline that includes an actual suspension and the current alleged misconduct has caused either significant or continuing harm, or the misconduct will cause future harm.</li> <li>2. Respondent has been disbarred, has been reinstated, and has committed new disciplinable misconduct (i.e., the current alleged misconduct is more than a low level ethical violation that is not likely to recur or is unlikely to result in discipline).</li> <li>3. Respondent, whether from a Client Trust Account or any other source, has: (a) intentionally misappropriated funds, regardless of the amount, (b) misappropriated \$25,000 or more, or (c) misappropriated funds and has not paid restitution. This criterion does not include mishandling through mere inadvertence (i.e., conduct that does not demonstrate intentional or grossly negligent appropriation).</li> <li>4. Respondent has committed misconduct against a vulnerable victim, including but not limited to aged, incapacitated, infirm, disabled, incarcerated, immigrant persons, or minors, and the misconduct has adversely affected the victim or the outcome of the matter (e.g., loss of rights or remedies), resulted in serious harm, or the misconduct was committed against three or more vulnerable victims.</li> <li>5. Respondent has entered into a business transaction with a client or acquired a pecuniary interest that is adverse to the client, and the client was significantly harmed (e.g., money, equity, or rights belonging to the client improperly came under, and remains under, the control of the respondent, the conflict has led to the abandonment of the client or a failure to abide by the client’s lawful direction, etc.).</li> </ol>
	Abandonment	<ol style="list-style-type: none"> <li>6. Respondent has abandoned three or more unrelated clients and either: (a) is not cooperating with State Bar investigations, (b) has not refunded unearned fees, or (c) has not returned a client file.</li> <li>7. Respondent has failed to return a client file following a request from the State Bar to return the file and the matter is one where time is of the essence, for example, claims may become time-barred by a statute of limitations, the case is currently pending, or there are pending appeal rights.</li> </ol>
	Abusive and/or Frivolous Litigants	<ol style="list-style-type: none"> <li>8. Respondent has abandoned their law practice.</li> <li>9. Respondent has been judicially sanctioned for engaging in abusive or frivolous litigation and either: (a) respondent has engaged in a pattern of misconduct or (b) respondent is continuing to engage in abusive or frivolous litigation.</li> </ol>
	Unauthorized Practice of Law	<ol style="list-style-type: none"> <li>10. Respondent has engaged in the unauthorized practice of law and either: (a) has caused harm to two or more unrelated victims, (b) has not returned illegal or unearned fees to two or more unrelated victims, or (c) has caused harm to a vulnerable victim, including but not limited to aged, incapacitated, infirm, disabled, incarcerated, immigrant persons, or minors.</li> <li>11. Respondent has aided and abetted the unauthorized practice of law by abdicating control of his law practice to nonattorneys, resulting in client harm.</li> </ol>
	Management Discretion	<ol style="list-style-type: none"> <li>12. Other cases wherein management and/or a supervising attorney, in their discretion, concludes that respondent has caused serious harm; concludes that respondent has engaged in intentional ethical violations; or otherwise concludes the matter is appropriate for Priority One treatment.</li> </ol>
	<p>Except for criterion 10, regarding the unauthorized practice of law, cases are not designated Priority One unless the respondent is on active status or will be able to return to active status within one year.</p>	

APPENDIX D

Priority	Matters Included
<b>2</b>	<ol style="list-style-type: none"> <li>1. All matters wherein an Expeditor or Intake Unit attorney, based on their experience, determines will likely close with a response from the respondent attorney.</li> <li>2. All files that an Expeditor or Intake Unit attorney, based on their experience, believes contain insufficient information to determine whether a colorable charge exists and therefore requires further work, such as calling a complaining witness to obtain certain documents, before a trial counsel can make an informed decision about the need for further investigation.</li> <li>3. All matters wherein a colorable charge exists but an Expeditor or Intake Unit attorney, based on their experience, determines that the matter will likely result in nondisciplinary actions, such as the issuance of warning letters or resource letters.</li> <li>4. All non-Priority One matters wherein an Expeditor or Intake Unit attorney, based on their experience, determines that the matter can be resolved within 60 days of assignment.</li> <li>5. All matters wherein the respondent has three or more open grievances or a current grievance and a history that includes five or more closed grievances within the past two years involving similar allegations, but those grievances do not rise to the level of the Priority One category.</li> <li>6. Other matters wherein management and/or a supervising attorney, in their discretion, concludes the matter is appropriate for expedited treatment.</li> </ol>
<b>3</b>	All matters that do not fall into a different priority code.
<b>4</b>	All cases that meet the criteria for Priority 2, but for which there are insufficient resources to expedite the matter.

## APPENDIX E

### Report Methodology

Until 2018, the State Bar used the AS400 database to manage information in the Office of Chief Trial Counsel (OCTC), Probation, and State Bar Court. While the AS400 is a functional database, it is an antiquated system lacking many key features required for a modern case management system, such as paperless handling of cases.

The State Bar identified Odyssey as a replacement for the AS400 for handling discipline cases, and spent several years working with the Odyssey developer, Tyler Technologies, to configure Odyssey to the State Bar’s needs. Beginning in mid-2018, Odyssey was used for case management and tracking of discipline cases. In 2018, cases were entered in both Odyssey and the AS400; the 2018 Annual Discipline Report was based on data drawn from the AS400.

#### PRIOR YEAR DATA

Beginning in 2019, case management transitioned entirely to Odyssey, and information was no longer entered into the AS400. While data from the AS400 was converted into Odyssey, the migration of prior year data was not perfect. Replication of prior year data for the ADR from Odyssey proved challenging, requiring significant staff resources to identify and correct data migration errors. A decision was made to instead “freeze” data reported in the 2018 Annual Discipline Report that were previously obtained from the AS400. As new data is available in Odyssey, it will be reported in future Annual Discipline Reports, as follows:

Data Source	2019 ADR	2020 ADR	2021 ADR	2022 ADR
<b>Odyssey</b>	2019	2019–2020	2019–2021	2019–2022
<b>AS 400</b>	2016–2018	2017–2018	2018	None

In the process of producing the ADR statistical tables, all data since 2019 are refreshed to assess any changes that might have occurred compared to what were previously reported. Where changes are significant, data for the previous year will be updated in the report, with a footnote providing appropriate explanation as needed.

#### Changes to Cases Included in Statutory Tables

The transition to Odyssey, which allows for more detailed case information, provided an opportunity to review details of the cases included in the tables to ensure that they align with the statutory language. As a result of this review, the following changes were made:

- Interim suspensions are no longer being reported at all in SR-1A, SR-1B, SR-2, and SR-5 for 2019, as they are regulatory in nature rather than disciplinary.
- Reportable actions pertaining to “Civil Penalties” and “Discipline by Other Licensing Agency” have been added to both reportable action sections in SR-1A, SR-1B, SR-2, and SR-5 for the first time.
- Suspensions in SR-6B, have now been split into two sections, “Suspension Actual/Probation” and “Suspension Stayed/Probation,” to better define this category.

## APPENDIX E

- For SR-8 and SR-9, a new row showing “Cease and Desist Letters Sent” was added, to better reflect the work that is done in OCTC cases that were closed with no action.
- The sections for cases remaining in superior court at year end have been removed from SR-7A, SR-8, and SR-9, as these are not relevant OCTC measures and are not mandated reporting elements.

### Data Extraction

The data in Odyssey is stored in a series of highly normalized databases, which means there are many tables that need to be reviewed in order to locate the ones that are needed. Using Structured Query Language (SQL) the State Bar currently extracting 38 tables on a regular basis to create 17 datasets. These datasets are then converted to Stata data files; Stata is a statistical analysis software package that allows the State Bar to filter, shape and analyze the data needed for the ADR tables. Stata also allows us to program and automate the conversion of the raw data for the ADR, to give consistent results that are easy to reproduce as time goes on.

The datasets are separated into the different functional areas used when entering the data into Odyssey. For instance, there is a dataset for case summary, showing case number, case type, file date etc., while another dataset is focused on the various events that a case goes through. The common thread between the datasets is an ID number that can be used to link them together. The following describes how each data element of the statutory tables was derived:

#### SR-1A. Backlog

##### Main Categories

Type	Method
Complaints	Original complaints submitted by a complaining witness.
State Bar Initiated Inquiries	Original complaints initiated by the State Bar.
Probation Referrals	A probation violation, reproof violation or a 9.20 violation as per Supreme Court order.
Reportable Actions, Self	A self-reported action concerning an insurance claim, sanction order, judgment, reversal of judgment, multiple lawsuits, civil penalties, discipline by other licensing agency, or discipline in some other jurisdiction.
Reportable Actions, Other	A reported action from a court, bank, or other licensing agency, or insurance company concerning: insufficient funds, order of contempt, insurance claim, sanction order, judgment, reversal of judgment, prosecutor withholding exculpatory evidence, civil penalties, or discipline by other licensing agency.
Interim Suspensions and Restrictions	This category is no longer being reported as it is regulatory in nature rather than disciplinary.

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**SR-1B. Aged Backlog**

Main Categories

Type	Method
Complaints	Original complaints submitted by a complaining witness.
State Bar Initiated Inquiries	Original complaints initiated by the State Bar.
Probation Referrals	A probation violation, reproof violation or a 9.20 violation as per Supreme Court order.
Reportable Actions, Self	A self-reported action concerning an insurance claim, sanction order, judgment, reversal of judgment, multiple lawsuits, civil penalties, or discipline by other licensing agency.
Reportable Actions, Other	A reported action from a court, bank, other licensing agency, or insurance company concerning: insufficient funds, contempt order, insurance claim, sanction order, judgment, reversal of judgment, prosecutor withholding exculpatory evidence, civil penalties, or discipline by other licensing agency.
Interim Suspensions and Restrictions	This category is no longer being reported as it is regulatory rather than disciplinary in nature.

Subcategories

Type	Method
181–360 days	For each type of subcategory, the age of the case is calculated using the case initiation date as the start date and the end of the year as the end date. The case counts are assigned to each subcategory depending on the age.
361–720 days	
721–1080 days	
1081–1440 days	
1441–1800 days	
Total	

**SR-2. Case Inventory and Disposition**

Main Categories

Type	Method
Complaints	Original complaints submitted by a complaining witness.
State Bar Initiated Inquiries	Original complaints initiated by the State Bar.
Probation Referrals	A probation violation, reproof violation or a 9.20 violation as per Supreme Court order.
Reportable Actions, Self	A self-reported action concerning an insurance claim, sanction order, judgment, reversal of judgment, multiple lawsuits, civil penalties, or discipline by other licensing agency.
Reportable Actions, Other	A reported action from a court, bank, other licensing agency or insurance company, concerning insufficient funds, contempt order, insurance claim, sanction order, judgment, reversal of judgment,



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Type	Method
	prosecutor withholding exculpatory evidence, civil penalties or discipline by other licensing agency.
Interim Suspensions and Restrictions	This category is no longer being reported as it is regulatory rather than disciplinary in nature.

Subcategories

Type	Method
Cases Received	The count of cases that were opened.
Cases Reopened	The count of cases that went from a closed status to an open status, and a count of cases with a reopen status.
Closed by OCTC with No Action	The count of all OCTC closed cases that were closed with no referral and/or with no other nondisciplinary action. The cases status is used to determine the type of closure.
Closed by OCTC with Referral	The count of OCTC cases closed with the following type of status: <ul style="list-style-type: none"> <li>• Alternative Dispute Resolution</li> <li>• Fee Arbitration Matter</li> <li>• Family Support Referral</li> <li>• Fee Arbitration Award Referral</li> <li>• Referral</li> </ul>
Closed by OCTC with Nondisciplinary Action	The count of OCTC cases closed with the following type of status: <ul style="list-style-type: none"> <li>• Cease and Desist</li> <li>• Communication</li> <li>• Directional Letter</li> <li>• Return of File Letter Sent</li> <li>• Resource Letter</li> <li>• Warning Letter</li> </ul>
Total Cases Closed by OCTC	The total of the previous three sections.
Filed in State Bar Court	The count of OCTC cases that moved from a pre-filing status to a post-filing status.
Cases Pending in OCTC at Year End	The count of OCTC cases open at the end of the year.
Closed by State Bar Court with No Action	The count of all cases closed by the State Bar Court without nondisciplinary or disciplinary action.
Closed by State Bar Court with Nondisciplinary Action	The count of court cases closed with the following type of status: <ul style="list-style-type: none"> <li>• Admonition</li> </ul>
Closed with Discipline Imposed	The count of State Bar Court cases closed with the following type of status: <ul style="list-style-type: none"> <li>• Public Reprimand</li> <li>• Private Reprimand</li> </ul>

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Type	Method
	<ul style="list-style-type: none"> <li>• Actual Suspension</li> <li>• Stayed Suspension</li> <li>• Disbarment</li> </ul>
Total Cases Closed by State Bar Court	The total of the previous three sections.
Cases Pending in State Bar Court at Year End	The count of court cases open at the end of the year.

**SR-3. Self-Reported Reportable Actions**

Main Categories

Type	Method
§ 6068,subd.(o)(1)	Self-reported multiple lawsuit case
§ 6068,subd.(o)(2)	Self-reported judgment case
§ 6068,subd.(o)(3)	Self-reported sanction order case
§ 6068,subd.(o)(4)	Self-reported conviction matter with a felony charge
§ 6068,subd.(o)(5)	Self-reported conviction matter with a convicted status
§ 6068,subd.(o)(6)	Self-reported discipline in other jurisdiction case
§ 6068,subd.(o)(7)	Self-reported reversal of judgment case
§ 6068.8,subd.(c)	Self-reported insurance claim

Subcategories

Type	Method
Cases Received	The count of cases that were opened.
Cases Reopened	The count of cases that went from a closed status to an open status, and a count of cases with a reopen status.
Closed by OCTC with No Action	The count of all OCTC closed cases that were closed with no referral and/or with no other nondisciplinary action. The case's status is used to determine the type of closure.
Cases Closed by OCTC with Referral	The count of OCTC cases closed with the following type of status: <ul style="list-style-type: none"> <li>• Alternative Dispute Resolution</li> <li>• Fee Arbitration Matter</li> <li>• Family Support Referral</li> <li>• Fee Arbitration Award Referral</li> <li>• Referral</li> </ul>
Cases Closed by OCTC with Nondisciplinary Action	The count of OCTC cases closed with the following type of status: <ul style="list-style-type: none"> <li>• Cease and Desist</li> <li>• Communication</li> <li>• Directional Letter</li> <li>• Return of File Letter Sent</li> </ul>

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Type	Method
	<ul style="list-style-type: none"> <li>• Resource Letter</li> <li>• Warning Letter</li> </ul>
Total Cases Closed by OCTC	The total of the previous three sections.
Average Pendency at Closure	Calculation of the average age of cases that were closed by OCTC.
Median Pendency at Closure	Calculation of the median age of cases that were closed by OCTC.
Cases Filed in State Bar Court	The count of OCTC cases that moved from a pre-filing status to a post-filing status
Average Pendency at Filing	Calculation of the average age of cases at time of filing in State Bar Court.
Median Pendency at Filing	Calculation of the median age of cases at time of filing in State Bar Court.
Cases Remaining in OCTC at Year End	The count of OCTC cases open at the end of the year.
Average Pendency at Year End	Calculation of the average age of cases that were open in OCTC at year end.
Median Pendency at Year End	Calculation of the median age of cases that were open in OCTC at year end.
Cases Closed by State Bar Court with No Action	The count of all cases closed by the State Bar Court without nondisciplinary or disciplinary action.
Cases Closed by State Bar Court with Nondisciplinary Action	The count of State Bar Court cases closed with the following type of status: <ul style="list-style-type: none"> <li>• Admonition</li> </ul>
Cases Closed with Discipline Imposed	The count of State Bar Court cases closed with the following type of status: <ul style="list-style-type: none"> <li>• Public Reprimand</li> <li>• Private Reprimand</li> <li>• Actual Suspension</li> <li>• Stayed Suspension</li> <li>• Disbarment</li> </ul>
Total Cases Closed by State Bar Court	The total of the previous three sections.
Average Pendency at Closure	Calculation of the average age of cases that were closed by State Bar Court.
Median Pendency at Closure	Calculation of the median age of cases that were closed by State Bar Court.
Cases Remaining in State Bar Court at Year End	The count of State Bar Court cases open at the end of the year.
Average Pendency at Year End	Calculation of the average age of cases that were open in State Bar Court at year end.
Median Pendency at Year End	Calculation of the median age of cases that were open in State Bar Court at year end.

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**SR-4. Reportable Actions, Reported by Others**

Main Categories

Type	Method
§ 6068.7,subd.(a)(1)	Court reported contempt order case.
§ 6068.7,subd.(a)(2)	Court reported reversal of judgment case.
§ 6068.7,subd.(a)(3)	Court reported sanction order case.
§ 6068.8,subd.(a)	Court reported judgment case.
§ 6068.8,subd.(b)	Insurance company reported insurance claim case.
§ 6091.1	Bank reported insufficient funds case.
§ 6101,subd.(b)	Prosecuting agency reported conviction matter.
§ 6101,subd.(c)	Court clerk reported conviction matter.

Subcategories

Type	Method
Cases Received	The count of cases that were opened.
Cases Reopened	The count of cases that went from a closed status to an open status, and a count of cases with a reopen status.
Closed by OCTC with No Action	The count of all OCTC closed cases that were not closed with referral or with nondisciplinary action. The cases status is used to determine the type of closure.
Cases Closed by OCTC with Referral	The count of OCTC cases closed with the following type of status: <ul style="list-style-type: none"> <li>• Alternative Dispute Resolution</li> <li>• Fee Arbitration Matter</li> <li>• Family Support Referral</li> <li>• Fee Arbitration Award Referral</li> <li>• Referral</li> </ul>
Cases Closed by OCTC with Nondisciplinary Action	The count of OCTC cases closed with the following type of status: <ul style="list-style-type: none"> <li>• Cease and Desist</li> <li>• Communication</li> <li>• Directional Letter</li> <li>• Return of File Letter Sent</li> <li>• Resource Letter</li> <li>• Warning Letter</li> </ul>
Total Cases Closed by OCTC	The total of the previous three sections.
Average Pendency at Closure	Calculation of the average age of cases that were closed by OCTC.
Median Pendency at Closure	Calculation of the median age of cases that were closed by OCTC.
Cases Filed in State Bar Court	The count of OCTC cases that moved from a pre-filing status to a post-filing status

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Type	Method
Average Pendency at Filing	Calculation of the average age of cases at time of filing in State Bar Court.
Median Pendency at Filing	Calculation of the median age of cases at time of filing in State Bar Court.
Cases Remaining in OCTC at Year End	The count of OCTC cases open at the end of the year.
Average Pendency at Year End	Calculation of the average age of cases that were open in OCTC at year end.
Median Pendency at Year End	Calculation of the median age of cases that were open in OCTC at year end.
Cases Closed by State Bar Court with No Action	The count of all cases closed by the State Bar Court without nondisciplinary or disciplinary action.
Cases Closed by State Bar Court with Nondisciplinary Action	The count of State Bar Court cases closed with the following type of status: <ul style="list-style-type: none"> <li>• Admonition</li> </ul>
Cases Closed with Discipline Imposed	The count of State Bar Court cases closed with the following type of status: <ul style="list-style-type: none"> <li>• Public Reproval</li> <li>• Private Reproval</li> <li>• Actual Suspension</li> <li>• Stayed Suspension</li> <li>• Disbarment</li> </ul>
Total Cases Closed by State Bar Court	The total of the previous three sections.
Average Pendency at Closure	Calculation of the average age of cases that were closed by State Bar Court.
Median Pendency at Closure	Calculation of the median age of cases that were closed by State Bar Court.
Cases Remaining in State Bar Court at Year End	The count of State Bar Court cases open at the end of the year.
Average Pendency at Year End	Calculation of the average age of cases that were open in State Bar Court at year end.
Median Pendency at Year End	Calculation of the median age of cases that were open in State Bar Court at year end.

**SR-5. Speed of Complaint Handling**

Main Categories

Type	Method
Complaints	Original complaints submitted by a complaining witness.
State Bar Initiated Inquiries	Original complaints initiated by the State Bar.
Probation Referrals	A probation violation, reproval violation or a 9.20 violation as per Supreme Court order.
Reportable Actions, Self	A self-reported action concerning an insurance claim, sanction order, judgment, reversal of judgment, multiple

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Type	Method
	lawsuits, civil penalties, or discipline by other licensing agency.
Reportable Actions, Other	A reported action from a court, bank, other licensing agency, or insurance company, concerning insufficient funds, contempt order, insurance claim, sanction order, judgment, reversal of judgment, prosecutor withholding exculpatory evidence, civil penalties, or discipline by other licensing agency.
Interim Suspensions and Restrictions	This category is no longer being reported as it is regulatory rather than disciplinary in nature.

Subcategories

Type	Method
Average Pendency at Closure by OCTC	Calculation of the average age of cases that were closed.
Median Pendency at Closure by OCTC	Calculation of the median age of cases that were closed by OCTC.
Average Pendency at Filing by OCTC	Calculation of the average age of cases at time of filing by OCTC.
Median Pendency at Filing by OCTC	Calculation of the median age of cases at time of filing by OCTC.
Average Pendency at Year End in OCTC	Calculation of the average age of cases that were open in OCTC at year end.
Median Pendency at Year End in OCTC	Calculation of the median age of cases that were open in OCTC at year end.
Average Pendency at Closure by State Bar Court	Calculation of the average age of cases that were closed by State Bar Court.
Median Pendency at Closure by State Bar Court	Calculation of the median age of cases that were closed by State Bar Court.
Average Pendency at Year End in State Bar Court	Calculation of the average age of cases that were open in State Bar Court at year end.
Median Pendency at Year End in State Bar Court	Calculation of the median age of cases that were open in State Bar Court at year end.

**SR-6A. Formal Filings**

Main Categories

Type	Method
Notice of Disciplinary Charges	An event of "Notice of Disciplinary Charges Filed" entered in a case by OCTC.
Stipulations to Facts and Discipline	A status or event entered by State Bar Court indicating that a stipulation has been filed and approved, does not include cases that already had a notice of disciplinary charges filed. State Bar Court cases are linked back to their original OCTC cases in order to get the full case count.

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Type	Method
	<p>Stipulations data are incomplete in OCTC's records. To capture the correct number of stipulations, OCTC filings are matched to State Bar Court filings and stipulations are counted from the State Bar Court filings.</p> <p>If a case has a stipulation and a Notice of Disciplinary Charges or a <b>Criminal Conviction</b>_Transmittal, the case is not counted as a stipulation; the case is counted within Notice of Disciplinary Charges or <b>Criminal Conviction</b> Transmittals.</p>
Criminal Conviction_Transmittals	A status triggered by a case being filed in State Bar Court. Only criminal conviction matters are included.

Subcategories

Type	Method
Number of Filings	Count of cases where a filing occurred.
Average Pendency at Filing	Calculation of the average age of the cases at time of filing.
Median Pendency at Filing	Calculation of the median age of the cases at time of filing.

**SR-6B. Formal Disciplinary Outcomes**

Main Categories

Type	Method
Disbarment	An event entered in State Bar Court, that shows a disposition of disbarment, and has accompanying case close event.
Suspension Actual/Probation	An event entered in State Bar Court, that shows a disposition of suspension actual/probation, and has an accompanying case close event.
Suspension Stayed/Probation	An event entered in State Bar Court, that shows a disposition of suspension stayed/probation, and has an accompanying case close event.
Suspension	A category no longer reported that represented a combination of the previous two sections.
Public Reproval	An event entered in State Bar Court, that shows a disposition of public reproval, and has an accompanying case close event.
Private Reproval	An event entered in State Bar Court, that shows a disposition of private reproval, and has an accompanying case close event.

Subcategories

Type	Method
Number of Cases	Count of cases where the disciplinary outcome occurred.
Average Pendency	Calculation of the average age of the cases at time the disciplinary outcome occurred.

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Type	Method
Median Pendency	Calculation of the median age of the cases at time the disciplinary outcome occurred.
Number of Attorneys	Count of attorneys that received the disciplinary outcome.

**SR-7A. Other Matters**

Main Categories

Type	Method
Petitions to Terminate Practice per § 6180/6190	Cases entered with the case type of “6180/6190”
Interim Suspensions and Restrictions per § 6007	Cases entered with the following case types: <ul style="list-style-type: none"> <li>• Inactive § 6007(b)(1) insanity or mental incompetence.</li> <li>• Inactive § 6007(b)(2) order jurisdiction over practice.</li> <li>• Inactive § 6007(b)(3) mental illness or substance abuse.</li> <li>• Inactive § 6007(c) substantial threat of harm to client/public.</li> <li>• Interim remedies § 6007(h) restricted practice.</li> </ul>
Motions to Enforce Fee Arbitration Award	Cases entered with the case type of “Fee Arbitration”
Motions to Revoke Probation	Cases entered with the case type of “Probation Revocation”

Subcategories

Type	Method
Cases Opened	The count of cases that were opened.
Cases Reopened	The count of cases that went from a closed status to an open status, or has a reopen status.
Closed by OCTC without Filing	The count of cases that were closed by OCTC.
Average Pendency at Closure	Calculation of the average age of cases that were closed by OCTC.
Median Pendency at Closure	Calculation of the median age of cases that were closed by OCTC.
Cases Filed in State Bar Court	The count of OCTC cases that moved from a pre-filing status to a post-filing status.
Average Pendency at Filing	Calculation of the average age of cases at time of filing in State Bar Court.
Median Pendency at Filing	Calculation of the median age of cases at time of filing in State Bar Court.
Cases Remaining in OCTC at Year End	The count of OCTC cases open at the end of the year.



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Type	Method
Average Pendency at Year End	Calculation of the average age of cases that were open in OCTC at year end.
Median Pendency at Year End	Calculation of the median age of cases that were open in OCTC at year end.
Petitions Granted	<p>A count of one of the following events depending on the main category:</p> <ul style="list-style-type: none"> <li>• § 6180/6190               <ul style="list-style-type: none"> <li>○ Order issued by Superior Court granting interim order.</li> <li>○ Order issued by Superior Court granting permanent order.</li> </ul> </li> <li>• § 6007               <ul style="list-style-type: none"> <li>○ Closed – Post-filing – Granted.</li> </ul> </li> <li>• Fee Arbitration               <ul style="list-style-type: none"> <li>○ Disposition transfer inactive arbitration enforcement.</li> <li>○ Disposition retransfer active arbitration enforcement.</li> </ul> </li> <li>• Probation Revocation               <ul style="list-style-type: none"> <li>○ Disposition revoke probation/actual suspension.</li> <li>○ Disposition revoke probation/stayed suspension.</li> </ul> </li> </ul>
Petitions Denied	<p>A count of one of the following events depending on the main category:</p> <ul style="list-style-type: none"> <li>• § 6180/6190               <ul style="list-style-type: none"> <li>○ Order issued by Superior Court denying interim order.</li> <li>○ Order issued by Superior Court denying permanent order.</li> </ul> </li> <li>• § 6007               <ul style="list-style-type: none"> <li>○ Closed – Post-filing – Denied.</li> </ul> </li> <li>• Fee Arbitration               <ul style="list-style-type: none"> <li>○ If no event for petition granted is found, then it will be counted as denied.</li> </ul> </li> <li>• Probation Revocation               <ul style="list-style-type: none"> <li>○ If no event for petition granted is found, then it will be counted as denied</li> </ul> </li> </ul>
Total Cases Disposed by State Bar Court	The total of the petitions granted and denied.
Average Pendency at Disposition	Calculation of the average age of cases that were closed by State Bar Court.

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Type	Method
Median Pendency at Disposition	Calculation of the median age of cases that were closed by State Bar Court.
Cases Remaining in State Bar Court at Year End	The count of State Bar Court cases open at the end of the year.
Average Pendency at Year End	Calculation of the average age of cases that were open in State Bar Court at year end.
Median Pendency at Year End	Calculation of the median age of cases that were open in State Bar Court at year end.

**SR-7B. Specified Dispositions**

Main Categories

Type	Method
Admonitions	An event entered that shows a disposition of admonition.
Agreements in Lieu of Discipline	A status entered by OCTC, that shows an agreement in lieu of discipline.
Warning Letters	An event entered in OCTC, that shows a disposition of a warning letter sent.
Private Reproval	An event entered in State Bar Court, that shows a disposition of private reproval, and has an accompanying case close event.

Subcategories

Type	Method
Number of Cases	Count of cases where the disposition occurred.
Average Pendency	Calculation of the average age of the cases at time the disposition occurred.
Median Pendency	Calculation of the median age of the cases at time the disposition occurred.
Number of Attorneys	Count of attorneys that received the disposition.

**SR-8. Unauthorized Practice of Law by Former Attorneys**

**SR-9. Unauthorized Practice of Law by Nonattorneys**

Main Categories

Type	Method
SR-8 UPL Former Attorneys	Cases entered with case type "6180/6190" and a charge of "Superior Court Assumption of Practice of Former Attorney/UPL"
SR-9 UPL Nonattorneys	Cases entered with case type "Unauthorized Practice of Law – Nonattorney"

Subcategories

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Type	Method
Cases Opened	The count of cases that were opened.
Cases Closed without Filing	The count of cases that were closed by OCTC.
Average Pendency at Closure	Calculation of the average age of cases that were closed by OCTC.
Median Pendency at Closure	Calculation of the median age of cases that were closed by OCTC.
Cases Filed in Superior Court	The count of cases that moved from a pre-filing to status to a post-filing status.
Average Pendency at Filing	Calculation of the average age of cases at time of filing in Superior Court.
Median Pendency at Filing	Calculation of the median age of cases at time of filing in Superior Court.
Cases Remaining in OCTC at Year End	The count of OCTC cases open at the end of the year.
Average Pendency at Year End	Calculation of the average age of cases that were open in OCTC at year end.
Median Pendency at Year End	Calculation of the median age of cases that were open in OCTC at year end.
Petitions Granted	A case with the either one of the following events: <ul style="list-style-type: none"> <li>• Order Issued by Superior Court Granting Interim Order</li> <li>• Order Issued by Superior Court Granting Permanent Order</li> </ul>
Petitions Denied	A case with the either one of the following events: <ul style="list-style-type: none"> <li>• Order Issued by Superior Court Denying Interim Order</li> <li>• Order Issued by Superior Court Denying Permanent Order</li> </ul>
Total Cases Disposed by Superior Court	The total of the petitions granted and denied.
Average Pendency at Disposition	Calculation of the average age of cases that were closed by Superior Court.
Median Pendency at Disposition	Calculation of the median age of cases that were closed by Superior Court.
Law Enforcement Referrals	A count of every instance the event "Law Enforcement Referral Sent" has been entered.
Cease and Desist Letters Sent	A case where the event "Cease and Desist Letter Sent" has been entered.

**SR-10. Disposition of Felony Convictions**

Main Category

Type	Method
Felony Convictions	Cases entered with case type "Criminal Matter" and a charge degree of "Felony" and a charge status of "Conviction".

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Subcategories

Type	Method
Felony Convictions	The count of felony convictions.
Cases filed in State Bar Court	The count of cases that were submitted by OCTC to State Bar Court.
Average pendency to filing in Court	Calculation of the average age of cases that were submitted by OCTC to State Bar Court.
Median pendency to filing in Court	Calculation of the median age of cases that were submitted by OCTC to State Bar Court.
Cases disposed in the State Bar Court	The count of cases that were disposed by State Bar Court.
Average pendency to disposition in Court	Calculation of the average age of cases at time of disposition in State Bar Court.
Median pendency to disposition in Court	Calculation of the median age of cases at time of disposition in State Bar Court.
State Bar Court Dispositions	
Disbarment	An event entered in State Bar Court, that shows a disposition of disbarment, and has accompanying case close event.
Dismissal	An event entered in State Bar Court, that shows a disposition of dismissal, and has an accompanying case close event.
Suspension Actual/Probation	An event entered in State Bar Court, that shows a disposition of suspension actual/probation, and has an accompanying case close event.
Suspension Stayed/Probation	An event entered in State Bar Court, that shows a disposition of suspension stayed/probation, and has an accompanying case close event.
Suspension	A category no longer reported that represented a combination of the previous two sections.
Termination Due to Resignation	An event entered in State Bar Court, that shows a disposition of termination due to resignation, and has an accompanying case close event.
Reproval	An event entered in State Bar Court, that shows a disposition of public or private reproval, and has an accompanying case close event.
Termination Due to Death	An event entered in State Bar Court, that shows a disposition of termination due to death, and has an accompanying case close event.