



THE STATE BAR OF CALIFORNIA

OFFICE OF PROFESSIONAL COMPETENCE,
PLANNING & DEVELOPMENT

180 HOWARD STREET, SAN FRANCISCO, CALIFORNIA 94105-1639

TELEPHONE: (415) 538-2167

MEMORANDUM

DATE: April 29, 2008

TO: Members of the Board's Regulation, Admissions & Discipline Oversight Committee

FROM: Randall Difuntorum, Director, Professional Competence Programs

SUBJECT: RAD Meeting on March 15, 2008 – Status of the Professional Competence Unit

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This memorandum provides an update on the activities of the Professional Competence Unit for the first quarter of 2008. In addition to this memorandum, provided are the following: (1) Professional Competence Staff List; (2) Ethics Hotline Activity Statistics; (3) Volume of Ethics Hotline Calls by Paralegal, and (4) Professional Competence Budget Summary – Authorized vs. Actuals. Board members with questions may contact me at (415) 538-2161 or Lauren McCurdy at (415) 538-2107.

1. ETHICS HOTLINE

- As of March 31, 2008, 3,557 member inquiries were received with a completion rate of 82%. This completion rate includes distribution of 152 copies of published ethics opinions and other written materials requested by inquirers and 1,387 referrals to information posted at the Bar's website. (As all of the published State Bar Formal Opinions are posted in the Ethics Information Area of the website, there is a decreasing need for distribution by mail.) Of the total calls, 48 were courtesy follow-up calls to members who placed a call to the Hotline, received a call back from Hotline staff but were not available at that time to take the call from the Hotline staff person. These members receive instructions on how to call-in and receive priority handling when they choose to return the Hotline's call at their convenience. However, sometimes they do not call and in those circumstances the Hotline initiates a courtesy follow-up call.
- For the period of January 1, 2008 through March 31, 2008, 7 voluntary satisfaction surveys were received from members who utilized the Ethics Hotline service. Each survey asks for a rating on several specified categories of service, including: satisfaction with the system for handling the calls; helpfulness of receptionist; helpfulness of paralegal; usefulness of materials sent; whether the inquirer would recommend the Hotline to others; and whether they received the assistance they needed. For the most part, the surveys received gave the Hotline very high marks. One survey response expressed interest in the Hotline program enhancing its service by permitting submission of written questions via e-mail. (Copies of the surveys received are attached.)

2. COPRAC

- Since the last Professional Competence status report submitted for the Board Committee's March 6, 2008 meeting, COPRAC met on April 4, 2008. At this meeting COPRAC completed its annual new member appointments process and COPRAC's nominees are anticipated to be considered by the Board Committee on Volunteer Involvement during the May Board meetings. In addition COPRAC considered a revised draft of proposed formal opinion Interim No. 05-0001 (re modification of fee agreements); and a revised draft of an ethics alert article on rule 3-100, the rule adopted in 2004 that implements a permissive confidentiality exception to prevent criminal acts of death or substantial bodily harm. COPRAC also is continuing its work to reassess its closed session meeting policy and Board liaison Michael Marcus has been a helpful participant on this project.
- COPRAC has finalized its preparations for the 12th Annual Statewide Ethics Symposium to be held on May 3, 2007 at the University of San Francisco School of Law. The theme of the Symposium is "NOTORIETY – When the Spotlight Is on Ethics." The panels to be presented include the following: "Public Lawyers In The Political Maelstrom;" "Ethical Issues in Class Actions and Derivative Litigation;" Prosecutorial Misconduct: Epidemic or Aberration?;" and "[In]Advertent Disclosure: For Whose Eyes Only?"
- On March 17, 2008, COPRAC submitted a second comment letter on the State Bar's proposed new rule on insurance disclosure.
- COPRAC's next meeting is scheduled for May 2, 2008 and will be held at the San Francisco State Bar office.

3. RULES REVISION COMMISSION

- Since the last Professional Competence status report submitted for the Board Committee's March 6, 2008 meeting, the Rules Revision Commission has met twice: on February 29 – March 1, 2008 at the Los Angeles State Bar office; and on April 25, 2008 at the San Francisco State Bar office. Among the rules considered at the February 29 – March 1, 2008 meeting were the following: 5-210 [3.7]¹; 4-100 [1.15]; 5-110 [3.8]; 5-200 [3.3]; 3-100 [1.6]; 3-310(E) [1.9]; 3-310(D) [1.8(g)]; 3-310(F) [1.8(f)]; 4-400 [1.8(c)]; 4-210 [1.8(e)]; 3-320; 4-300; and 2-400 [8.4(d)]. Among the rules considered at the April 25, 2008 meeting were the following: 3-100 [1.6]; 5-210 [3.7]; and 5-200 [3.3]. Visitors to these meetings have included representatives of: the Executive Committee of the State Bar's Trust and Estates Section; the United States Attorney for the Central District of California; and the Bar Association of San Francisco Legal Ethics Committee.

¹ The listed rules are identified by their California Rules of Professional Conduct rule number, followed by bracketed references, where applicable, to the comparable ABA Model Rules of Professional Conduct rule number.

- The Commission is receiving written comment on its third group of draft rules. This group includes thirteen draft rules. The public comment deadline is June 6, 2008. A public hearing on these draft rules is being planned for May 22, 2008 in Sacramento. Thus far, three comment letters have been received. Staff have been informed that comment letters are being prepared by the Bar Association of San Francisco and the Los Angeles County Bar Association. .
- The Commission will present an educational panel at the 12th Annual Statewide Ethics Symposium on May 3, 2008 at the University of San Francisco School of Law. The representatives of the Commission will be Co-Vice Chairs Mark Tuft and Paul Vapnek. Among the topics anticipated to be covered by the panel are the Commission's proposed Rule 1.7 (re current client conflicts of interest) and proposed Rule 4.2 (re communication with a represented person).
- The Commission's next meeting is scheduled for June 13, 2008 and will be held at the Los Angeles State Bar office. Among the items anticipated to be considered at that meeting are ABA Model Rule 6.5 (Nonprofit and Court-Annexed Limited Legal Services Programs) and rule 5-120 [3.6] (Trial Publicity).

4. COMPETENCE PUBLICATIONS

- Handbook on Client Trust Accounting for CA Attorneys:
As of March 31, 2008, 5 copies have been sold. The online version of the handbook posted at the Bar's website was downloaded 45,416 times.
- California Compendium on Professional Responsibility:
As of March 31, 2008, 201 copies of the Compendium updates were sold. The production of the 2008 Compendium update is in progress.
- CA Rules of Professional Conduct & State Bar (a.k.a Publication No. 250):
As of March 31, 2008, 19 copies of the 2007 Publication 250 were sold and an online PDF version of the Rules of Professional Conduct posted at the Bar's website was downloaded 3,189 times. The production of the 2008 Publication 250 is in progress.

5. COMPETENCE RESOURCES AT CALBAR.CA.GOV

- The March, 2008 Discussion Draft presenting proposed amendments to thirteen Rules of Professional Conduct was posted at the Public Comment page of the website
- The meeting materials for the Rules Revision Commission's February 29 – March 1, 2008 and April 25, 2008 meetings were posted at the Commission's Meeting Materials page of the website.
- The 12th Annual Statewide Ethics Symposium program and registration information was posted at the Bar's website.

cc: Marie M. Moffat
Robert A. Hawley
Doug Hull

Professional Competence Staff List

Professional Competence Staff Positions as of March 31, 2008	
Number of Positions Authorized	14.5
Number of Positions Filled	13.5

Professional Competence Employees as of March 31, 2008	
	Grade & Classification
	56EA – Director
VACANT	17A – Sr. Attorney
	16A – Attorney
	40C – Sr. Administrative Specialist
	9 – Program/Court Systems Analyst (P/CSA)
	8 - Sr. Administrative Assistant
	8 – Paralegal
	8 – Paralegal
	8 – Paralegal
	8 – Paralegal
	8 – Paralegal
	8 – Paralegal
	8 – Paralegal
	6 – Administrative Secretary
	4 – Data Analyst III
NOTES: The P/CSA is a shared position between the Office of General Counsel and the Office of Professional Competence. In addition, though not represented in the above chart, casual hourly law clerks are used from time to time.	

ETHICS HOTLINE ACTIVITY STATISTICS - 2008

Month	Work Days	Incoming Calls	Completed Calls	Left Messages	Percentage of Incoming Calls that are Completed Calls	Percentage of Incoming Calls that are Left Messages	Resources Mailed/Faxed	Internet Resource Referrals
January	21	1241	1036	205	83%	17%	51	456
February	19	1092	857	235	78%	22%	33	445
March	20	1224	1041	183	85%	15%	68	486
April			0		#DIV/0!	#DIV/0!		
May			0		#DIV/0!	#DIV/0!		
June			0		#DIV/0!	#DIV/0!		
July			0		#DIV/0!	#DIV/0!		
August			0		#DIV/0!	#DIV/0!		
September			0		#DIV/0!	#DIV/0!		
October			0		#DIV/0!	#DIV/0!		
November			0		#DIV/0!	#DIV/0!		
December			0		#DIV/0!	#DIV/0!		
Cumulative Totals	60	3,557	2,934	623	82%	18%	152	1,387

EXPLANATIONS

Incoming Calls: Total member inquiries to the Hotline received during that month.

Completed Calls: Member inquiries received in that month which were handled and resolved by staff during that month.

Left Messages: Member inquiries received that month where staff left an initial message or courtesy follow-up message, but did not reach the member to resolve the inquiry.

Percentage of Incoming Calls that are Completed Calls: Proportion of Incoming Calls that were Completed Calls handled and resolved by the staff.

Percentage of Incoming Calls that are Left Messages: Proportion of Incoming Calls where staff left a message but the member did not return the call.

Key Hotline Activity Averaged by Day and Month (through March 31, 2008)

Daily: Incoming Calls: 59
Completed Calls: 49

Monthly: Incoming Calls: 296
Completed Calls: 245

Aggregate Outgoing Calls

Current Month: 1,709

Cumulative to Date: 4,896

This figure accounts for all calls placed by staff, including: Completed Calls, Left Messages and courtesy follow-up messages. Due to "telephone tag" with members, staff may place multiple calls and leave multiple messages prior to completing a call.

Ethics Hotline
2008 Monthly and Cumulative
Individual Paralegal Call Statistics

JAN					
Paralegal	Total Calls	Left Msg.	Completed Calls	Return Calls	Call Backs
1	222	100	122	76	0
2	241	98	143	47	0
3	379	151	228	74	0
4	508	240	268	84	0
5	227	55	172	110	0
6	39	18	21	0	30
JAN TOTALS	1,616	662	954	391	30

FEB					
Paralegal	Total Calls	Left Msg.	Completed Calls	Return Calls	Call Backs
1	226	82	144	78	0
2	229	89	140	49	0
3	397	154	243	85	0
4	488	216	272	78	0
5	206	75	131	80	0
6	25	14	11	8	5
FEB TOTALS	1,571	630	941	378	5

MAR					
Paralegal	Total Calls	Left Msg.	Completed Calls	Return Calls	Call Backs
1	316	125	191	111	0
2	0	0	0	0	0
3	546	243	303	94	0
4	530	229	301	94	0
5	304	101	203	131	0
6	13	8	5	0	13
MAR TOTALS	1,709	706	1,003	430	13

Y-T-D					
Paralegal	Total Calls	Left Msg.	Completed Calls	Return Calls	Call Backs
1	764	307	457	265	0
2	470	187	283	96	0
3	1,322	548	774	253	0
4	1,526	685	841	256	0
5	737	231	506	321	0
6	77	40	37	8	48
Y-T-D TOTALS	4,896	1,998	2,898	1,199	48

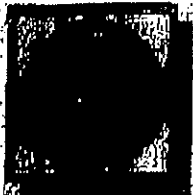
NOTE: The entry for paralegal 6 reflects statistics for Ethics Hotline call work performed by paralegal in training.

Professional Competence Budget Summary Authorized vs. Actual

Year-to-Date as of March 31, 2008	
Budget (Actual)	\$538,812
Budget (Authorized)	\$638,182
Savings	\$99,370

Monthly as of March 31, 2007						
	<u>January</u>	<u>February</u>	<u>March</u>	<u>April</u>	<u>May</u>	<u>June</u>
Budget (Actual)	\$151,353	\$185,468	\$201,991			
Budget (Authorized)	\$204,141	\$205,110	\$228,931			
Savings	\$52,788	\$19,642	\$26,940	\$0	\$0	\$0
	<u>July</u>	<u>August</u>	<u>September</u>	<u>October</u>	<u>November</u>	<u>December</u>
Budget (Actual)						
Budget (Authorized)						
Savings	\$0	\$0	\$0	\$0	\$0	\$0

NOTE: In part, year-to-date savings are attributed to salary savings from vacant budgeted positions that are not filled or have not been approved for filling by the Executive Director.



Ethics Hotline

Customer Satisfaction Survey

Thank you for taking the Customer Satisfaction Survey. Fax completed survey to (415) 538-2171 or click the "Submit by Email" button.

Please rate your satisfaction level with each of the following statements.

- 1 = very dissatisfied
 2 = somewhat dissatisfied
 3 = neutral
 4 = somewhat satisfied
 5 = very satisfied

	1	2	3	4	5
1. Rate your overall satisfaction with the hotline experience.	☐	☐	☐	☐	☒
2. How satisfied are you with the information our staff provided?	☐	☐	☐	☒	☒
3. How helpful was the paralegal?	☐	☐	☐	☐	☒
4. How helpful was the receptionist?	☐	☐	☐	☒	☐
5. How satisfied are you with our system for receiving calls?	☐	☐	☒	☐	☐
6. Rate your overall satisfaction with the Calbar ethics website.	☐	☐	☐	☒	☐
	strongly disagree			strongly agree	
7. I would recommend the Ethics Hotline to others.	☐	☐	☐	☐	☒
8. Comments / Suggestions:					

Name of the paralegal you spoke with (optional)

Lam

Your Name

Telephone

Address

Email

THANK YOU!

Fax completed survey to (415) 538-2171 or click the "Submit by Email" button



Ethics Hotline Customer Satisfaction Survey

Thank you for taking the Customer Satisfaction Survey. Fax completed survey to (415) 538-2171 or click the "Submit by Email" button

Please rate your satisfaction level with each of the following statements.

1 = very dissatisfied

2 = somewhat dissatisfied

3 = neutral

4 = somewhat satisfied

5 = very satisfied

	1	2	3	4	5
1. Rate your overall satisfaction with the hotline experience.	☐	☐	☐	☒	☐
2. How satisfied are you with the information our staff provided?	☐	☐	☐	☒	☐
3. How helpful was the paralegal?	☐	☐	☐	☒	☐
4. How helpful was the receptionist?	☐	☐	☐	☒	☐
5. How satisfied are you with our system for receiving calls?	☐	☐	☐	☒	☐
6. Rate your overall satisfaction with the Calbar ethics website.	☐	☐	☐	☒	☐
	strongly disagree			strongly agree	
7. I would recommend the Ethics Hotline to others.	☐	☐	☐	☒	☐

8. Comments / Suggestions:

Name of the paralegal you spoke with (optional) _____

Your Name _____

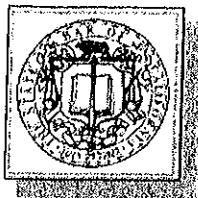
Telephone _____

Address _____

Email _____

THANK YOU!

Fax completed survey to (415) 538-2171 or click the "Submit by Email" button



Ethics Hotline Customer Satisfaction Survey

RECEIVED
By Ethics Hotline at 1:50 pm, Jan 30, 2008

Thank you for taking the Customer Satisfaction Survey. Fax completed survey to (415) 538-2171 or click the "Submit by Email" button

Please rate your satisfaction level with each of the following statements.

- 1 = very dissatisfied
2 = somewhat dissatisfied
3 = neutral
4 = somewhat satisfied
5 = very satisfied

1 2 3 4 5

- | | | | | | |
|---|-----------------------|----------------------------------|----------------------------------|-----------------------|-----------------------|
| 1. Rate your overall satisfaction with the hotline experience. | ☐ | ☒ | ☐ | ☐ | ☐ |
| 2. How satisfied are you with the information our staff provided? | ☐ | ☒ | ☐ | ☐ | ☐ |
| 3. How helpful was the paralegal? | ☐ | ☐ | ☒ | ☐ | ☐ |
| 4. How helpful was the receptionist? | ☐ | ☐ | ☒ | ☐ | ☐ |
| 5. How satisfied are you with our system for receiving calls? | ☐ | ☐ | ☒ | ☐ | ☐ |
| 6. Rate your overall satisfaction with the Calbar ethics website. | ☐ | ☒ | ☐ | ☐ | ☐ |
| | strongly disagree | | | strongly agree | |
| 7. I would recommend the Ethics Hotline to others. | ☐ | ☐ | ☒ | ☐ | ☐ |
| 8. Comments / Suggestions: | | | | | |

I am not satisfied that the telephone format sufficed to provide adequate information to the Hotline staff on a somewhat complicated question with reference to concurrent multiple representation and possible issues with reference to adversity. Because I really want to do the right thing, not just comply with the letter of the law, I have spent considerable time researching the issue. It is my sincere belief that no party involved would (or even could) be adversely affected by the subject representation, but I have not been able to find any clear authority either approving or disapproving such representation. I received a simplistic response from Hotline staff which was correct based on my independent research, but I believe that the staff member did not grasp the subtleties involved. This is not a criticism of the staff member, but the format. Based on my own experience I believe that oral communication is not appropriate for complex issues, and this situation certainly seemed to reflect that. I would very much appreciate an opportunity to provide the facts of my situation by e-mail, which I believe would facilitate understanding of the issues to a much greater extent than telephonic communication. I suspect I am not alone in this.

On a related matter, some of the links in the website are not working and this did not help my research into an area of law with which I normally do not deal on a daily basis.

Name of the paralegal you spoke with (optional) _____

Your Name _____

Address _____

THANK YOU!

Fax completed survey to (415) 538-2171 or click the "Submit by Email" button



Ethics Hotline Customer Satisfaction Survey

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Please rate your satisfaction level with each of the following statements.

- 1 = very dissatisfied
2 = somewhat dissatisfied
3 = neutral
4 = somewhat satisfied
5 = very satisfied

	1	2	3	4	5
1. Rate your overall satisfaction with the hotline experience.	☐	☐	☐	☐	☒
2. How satisfied are you with the information our staff provided?	☐	☐	☐	☐	☒
3. How helpful was the paralegal?	☐	☐	☐	☐	☒
4. How helpful was the receptionist?	☐	☐	☐	☐	☒
5. How satisfied are you with our system for receiving calls?	☐	☐	☐	☐	☒
6. Rate your overall satisfaction with the Calbar ethics website.	☐	☐	☐	☐	☒
	strongly disagree			strongly agree	
7. I would recommend the Ethics Hotline to others.	☐	☐	☐	☐	☒
8. Comments / Suggestions:					

I have used this service many times, and I love it.

Name of the paralegal you spoke with (optional) _____

Your Name _____

Telephone _____

Address _____

Email _____

THANK YOU!

Fax completed survey to (415) 538-2171 or click the "Submit by Email" button



Ethics Hotline Customer Satisfaction Survey

Thank you for taking the Customer Satisfaction Survey. Fax completed survey to (415) 538-2171 or click the "Submit by Email" button

Please rate your satisfaction level with each of the following statements.

- 1 = very dissatisfied
2 = somewhat dissatisfied
3 = neutral
4 = somewhat satisfied
5 = very satisfied

	1	2	3	4	5
1. Rate your overall satisfaction with the hotline experience.	☐	☐	☐	☐	☒
2. How satisfied are you with the information our staff provided?	☐	☐	☐	☐	☒
3. How helpful was the paralegal?	☐	☐	☐	☐	☒
4. How helpful was the receptionist?	☐	☐	☐	☐	☒
5. How satisfied are you with our system for receiving calls?	☐	☐	☐	☐	☒
6. Rate your overall satisfaction with the Calbar ethics website.	☐	☐	☐	☐	☒
	strongly disagree			strongly agree	
7. I would recommend the Ethics Hotline to others.	☐	☐	☐	☐	☒
8. Comments / Suggestions:					

so helpful. Called back right away.
Very knowledgeable.

Name of the paralegal you spoke with (optional)

David - Receptionist
Paralegal

Your Name

Telephone

Address

Email

THANK YOU!

Fax completed survey to (415) 538-2171 or click the "Submit by Email" button

RECEIVED

By Ethics Hotline at 2:34 pm, Feb 21, 2008

Ethics Hotline Customer Satisfaction Survey



We thank you for calling the Ethics Hotline and welcome any comments and suggestions that you may have.
Fax completed surveys to: (415) 538-2171 or click "Submit" at the end of this form.

HOW SATISFIED ARE YOU WITH EACH OF THE FOLLOWING?

Very Dissatisfied Dissatisfied Neutral Satisfied Very Satisfied

Rate your overall satisfaction with the hotline experience.

☐☐☐☐☒

How satisfied are you with the information our staff provided?

☐☐☐☐☒

How helpful was the ethics research paralegal?

☐☐☐☐☒

How helpful was the receptionist?

☐☐☐☐☒

How satisfied are you with our system for receiving calls?

☐☐☐☒☐

Rate your overall satisfaction with the State Bar website.

☐☐☐☐☒

I would recommend this service to others. ☐ Strongly Disagree ☐ Disagree ☐ Neutral ☐ Agree ☒ Strongly Agree

COMMENTS/SUGGESTIONS:

Mimi was very professional and researched. The question/issue presented in detail. Her call back was timely, as promised, followed by written ethics authority on point. Kudos!

Paralegal you spoke with (optional)

Date

Your Name

Street Address

City

We regard feedback as the key to understanding the needs and expectations of our customers. To ensure excellent service and customer satisfaction, feedback received will be reviewed by management and maintained as public record. Surveys may be submitted anonymously.



Ethics Hotline Customer Satisfaction Survey

Thank you for taking the Customer Satisfaction Survey. Fax completed survey to (415) 538-2171 or click the "Submit by Email" button

Please rate your satisfaction level with each of the following statements.

- 1 = very dissatisfied
2 = somewhat dissatisfied
3 = neutral
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5 = very satisfied

	1	2	3	4	5
1. Rate your overall satisfaction with the hotline experience.	☐	☐	☐	☐	☒
2. How satisfied are you with the Information our staff provided?	☐	☐	☐	☐	☒
3. How helpful was the paralegal?	☐	☐	☐	☐	☒
4. How helpful was the receptionist?	☐	☐	☐	☐	☒
5. How satisfied are you with our system for receiving calls?	☐	☐	☐	☐	☒
6. Rate your overall satisfaction with the Calbar ethics website.	☐	☐	☐	☒	☐
	strongly disagree				strongly agree
7. I would recommend the Ethics Hotline to others.	☐	☐	☐	☐	☒
8. Comments / Suggestions:					

Name of the paralegal you spoke with (optional)

Lam

Your Name

Telephone

Address

Email

THANK YOU!

Fax completed survey to (415) 538-2171 or click the "Submit by Email" button