

# State Bar Entities reporting to Regulation, Admissions and Discipline Oversight (RAD)

## Regulation, Admissions and Discipline Oversight (RAD)

Office of the Chief  
Trial Counsel  
James Towery

Client Security Fund  
Colin Wong

Committees/Commissions  
supported:

Client Security Fund  
Commission

Mandatory Fee  
Arbitration  
Colin Wong

Committees/  
Commissions supported:

Mandatory Fee  
Arbitration Committee

State Bar Court  
Colin Wong

Admissions  
Gayle Murphy

Committees/Commissions  
supported:

Committee of Bar Examiners

Professional Competence  
Randall Difuntorum

Committees/Commissions supported:

Committee on Professional Responsibility  
and Conduct (COPRAC)

Rules Revision Commission

Probation  
Colin Wong

Annual Operating Budget: \$39.7 million  
# of employees: 223

## DISCIPLINE ENFORCEMENT

### OFFICE OF THE CHIEF TRIAL COUNSEL

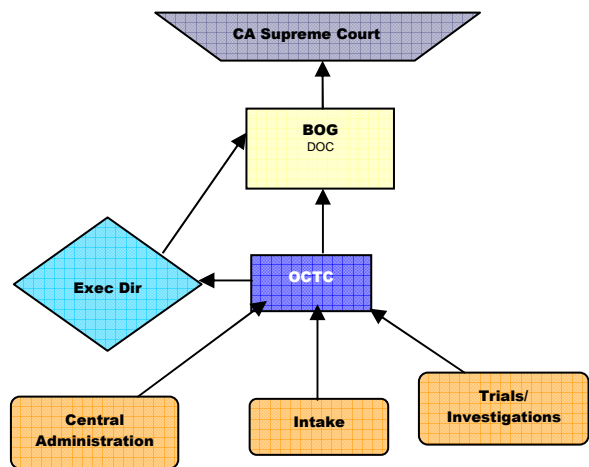
#### James Towery, Chief Trial Counsel

Russell Weiner, Deputy Chief Trial Counsel

Patsy Cobb, Deputy Chief Trial Counsel

The State Bar's attorney discipline system is designed to protect the public, the courts and the profession from attorneys who violate the professional standards that govern attorney conduct in California. The Office of the Chief Trial Counsel (OCTC) is the disciplinary enforcement arm of the system and consists of complaint intake, investigation/trials and central administration. The Chief Trial Counsel (CTC) is, pursuant to statute, selected by the State Bar, confirmed by the State Senate and serves a four-year term. The CTC reports to the Board of Governors'

Discipline Oversight Committee (DOC), pursuant to statute, on substantive policy issues. The CTC is responsible for the overall structure, goals and management of OCTC, subject to the resource allocations of the Executive Director in conformity with Board policy.



The Intake Unit consists of complaint analysts, attorneys and support staff and is the initial contact point for the public to initiate a complaint against an attorney. The unit also provides public license status (membership) information and responds to general questions concerning attorneys and various State Bar programs. The State Bar maintains a toll-free 800 telephone line [1-800-843-9053], which incorporates an extensive "voice tree" to assist callers with common questions or problems. Complaints received by the Intake Unit are evaluated to determine if a violation of California's professional standards is involved. If a formal investigation is warranted, the file is transferred to Investigations. The Intake Unit also attempts to address, through education and informal mediation, matters which do not rise to the level of a formal investigation. The Intake Unit also processes the information that attorneys must self-disclose (Reportable Actions) under Business and Professions Code Section 6068(o).

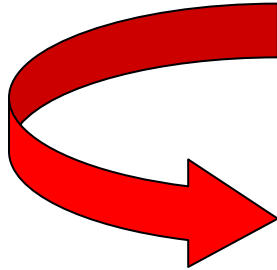
Investigators investigate the matters that are referred from the Intake Unit. If the matter is not resolved at the investigation stage, an attorney prepares a formal Notice of Disciplinary Charges and files it with the State Bar Court. The matter then proceeds to a Trials unit team.

The Trials units are also responsible for the prosecution of conviction referral matters, probation revocation proceedings, and other regulatory proceedings within OCTC's jurisdiction. They also handle proceedings pertaining to reinstatement to the practice of law following disbarment or resignation and moral character admissions proceedings. The Trials teams are also responsible for presenting matters on appeal before the Review Department of the State Bar Court.

OCTC's Central Administration Unit administers the operations of OCTC.

OCTC also administers the State Bar's Ethics School, a minor offense diversion program, and coordinates efforts to address the disposition of client files abandoned by deceased or missing attorneys under Business and Professions Code Sections 6180 and 6190.

## **KEY WORDS**



**Board Discipline Oversight Committee (DOC)**

**Discipline**

**DOC**

**Complaints**

**Complaint hotline [1-800-843-9053]**

**Chief Trial Counsel (CTC)**

**Respondent**

**Consumer protection**

**Investigations**

**Deceased or missing attorneys' files [Business & Professions Code §6180-6190]**

**Insurance fraud**

**UPL [Business & Professions Code §6125 – 6133]**

**Rules of Procedure of the State Bar of California**

**Rules of Professional Conduct**

**Business & Professions Code §6079.5, 6067-6069, 6075 -6118**

**License status (membership) information**

**Rules of Court 9.1 et seq**

**Ethics School**

**Reportable Actions [Business & Professions Code § 6068(o)]**

**Intake**

**Central Administration**

**Enforcement**

**Trials**

**Office of the Chief Trial Counsel (OCTC)**

**CSF**

**Probation**

**Quarterly Report**

**Monitors**

**Rules of Procedure, rules 550-554**

**ALDs**

**9.20 Compliance**

# CLIENT SECURITY FUND

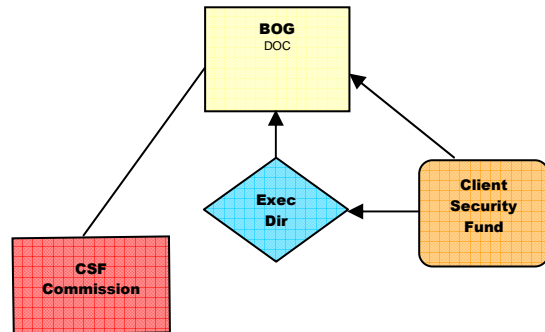
Annual Operating Budget: \$6.2 million Admin. \$1.1 million  
# of employees: 9

## OFFICE OF THE STATE BAR COURT

**Colin Wong, Chief Administrative Officer State Bar Court**

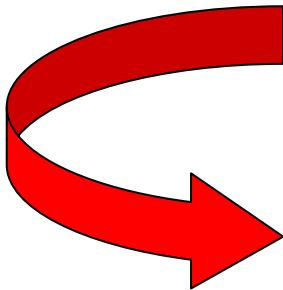
Martha Gonzales, Director, Client Security Fund

The Client Security Fund (CSF), established in 1972, reimburses clients for losses caused by an attorney's dishonest conduct. The discipline system protects the public by disciplining and removing errant lawyers from the practice of law but offers no compensation for losses incurred by clients. CSF adds an additional protection for the public by focusing on victims of attorney fraud and theft. Financed by an annual statutory assessment that is added to the membership dues paid by all California attorneys, the CSF reimburses victims of attorney dishonest conduct (attorney theft or acts equivalent to theft) for up to \$50,000.00. CSF processes over 1000 claims and pays out over \$5 million in reimbursement to victims each year. The Board of Governors administers this program through the Board-appointed CSF Commission.



The Client Security Fund Program reports to Chief Administrative Officer for the State Bar Court, Colin Wong.

## KEY WORDS



**Attorney Fraud**  
**CSF Commission**  
**Reimbursement**  
**Theft**  
**Client Funds**  
**Business & Professions Code 6140.5**  
**Rules of Procedure: Client Security Fund Matters**

Annual Operating Budget: \$930,000  
# of employees: 5

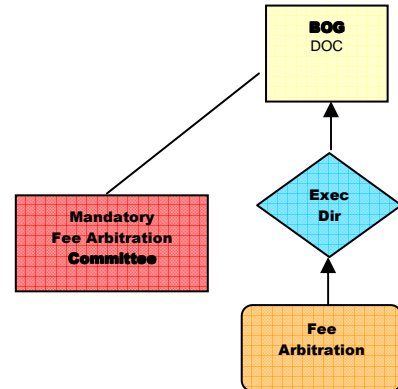
## FEE ARBITRATION

### OFFICE OF FEE ARBITRATION

**Colin Wong, Chief Administrative Officer State Bar Court**

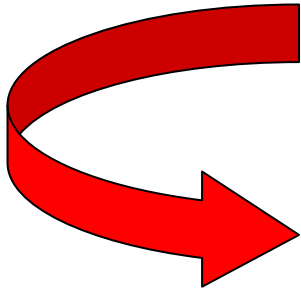
Jill Sperber, Director, Fee Arbitration

Pursuant to Business & Professions Code Sections 6200-6206, and with the assistance of the State Bar's Standing Committee on Mandatory Fee Arbitration, the State Bar administers a statewide program for the arbitration of fee disputes between attorneys and their clients. In addition to processing requests for arbitration through the State Bar's own arbitration program, the State Bar also oversees and provides guidance to over 40 local bar association fee arbitration programs statewide. The office provides information to participating attorneys and clients concerning their respective rights and obligations under the mandatory fee arbitration program. By statute, the State Bar has exclusive jurisdiction to enforce arbitration awards against attorneys after an award has become binding and final. This is accomplished through a State Bar Court proceeding which may assess administrative penalties and compel the involuntary inactive status of attorneys (essentially a non-disciplinary suspension of their license) who fail to respond to a client's enforcement request.



The Mandatory Fee Arbitration Program reports to Chief Administrative Officer for the State Bar Court, Colin Wong.

### KEY WORDS



**Standing Committee on Mandatory Fee Arbitration**

**Fee Arbitration**

**Fee agreement forms**

**Arbitrators**

**Fee dispute**

**Business & Professions Code 6200 et seq**

**Rules of Procedure for Fee Arbitration Hearings**

**Guidelines and Minimum Standards for Mandatory Fee Arbitration Programs**

## STATE BAR COURT

### OFFICE OF THE STATE BAR COURT

#### Colin Wong, Chief Administrative Officer State Bar Court

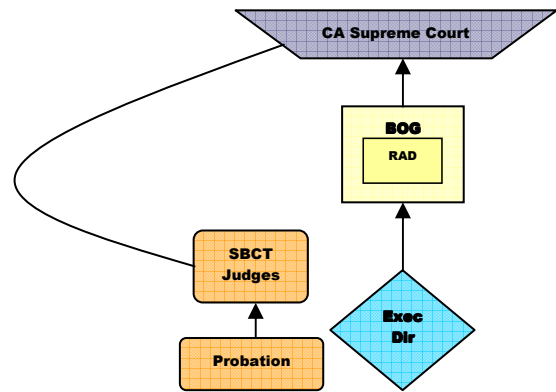
George Scott, Chief Court Counsel

Rebecca Rosenberg, Chief Assistant Court Counsel

Marilyn Tichenor, Court Administrator San Francisco

Michelle Cramton, Court Administrator, Los Angeles

As the Office of the Chief Trial Counsel serves as the enforcement arm of California's attorney discipline system, the State Bar Court serves as the independent adjudicative body in that system under the auspices of the California Supreme Court. State Bar Court judges are appointed by the Supreme Court, the Governor, the Senate Committee on Rules and the Speaker of the Assembly and serve set terms. Through this appointment process, they maintain adjudicatory independence from the State Bar. In 2000, the State Bar entered its second decade as the nation's first (and only) fully professionalized attorney disciplinary and regulatory court. Other systems rely on volunteer adjudicators. The State Bar Court has authority to impose public and private reprovos upon California attorneys who have been found to have violated the governing standards. The State Bar Court may also recommend the imposition of more severe discipline, such as suspension or disbarment, to the California Supreme Court. The Supreme Court either accepts the State Bar Court's recommendation, modifies it or returns the matter to the State Bar Court for further hearing. The State Bar Court handles about 1,000 cases per year.

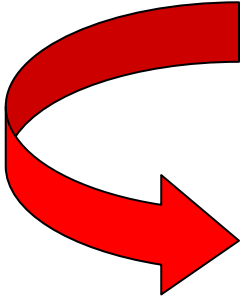


The State Bar Court is composed of two departments - the Hearing Department and the Review Department. The Hearing Department is the trial level of the State Bar Court and is comprised of five full-time judges (three in Los Angeles and two in San Francisco). The Supreme Court appoints two of the judges of the Hearing Department. The Governor, the Speaker of the Assembly and the Senate Committee on Rules each appoint one hearing judge. The Review Department is the appellate level of the State Bar Court. The three-member Review Department consists of the Presiding Judge and two review judges.

The Office of Probation Unit monitors the probationary compliance of disciplined attorneys pursuant to orders issued by the California Supreme Court and the State Bar Court. The Office of Probation initiates all probation revocation motions and probation modification requests pursuant to rules 550-554 of the *Rules of Procedure*, including modification requests of reprovos conditions. The Office of Probation also monitors compliance with rule 9.20 of the California Rules of Court and with Agreements in Lieu of Discipline. While it remains a separate and independent office, the Office of Probation reports to the Chief Administrative Officer of the State Bar Court.

The Mandatory Fee Arbitration Program and Client Security Fund also report to the Chief Administrative Officer of State Bar Court, while being entirely separate from the State Bar Court itself.

## **KEY WORDS**



**Discipline**  
**Adjudication**  
**State Bar Court Judges**  
**Hearings**  
**Probation**  
**Review Department**  
**Rules of Procedure of the State Bar of California**  
**Rules & Regulations Pertaining to State Bar Court Judge**  
**Service**  
**Rules of Practice of the State Bar Court**  
**Business & Professions Code 6075-6118**  
**Rules of Court 9.1 et seq**  
**State Bar Court Executive Committee**  
**Probation**

# ADMISSIONS

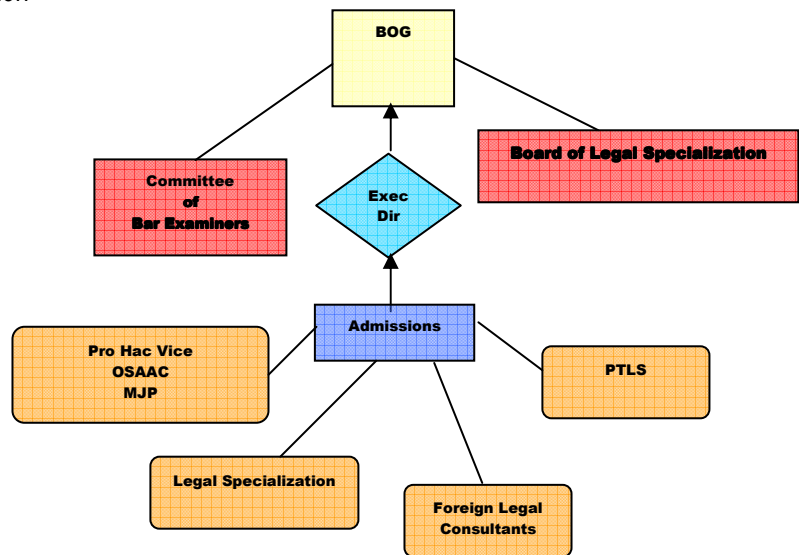
## OFFICE OF ADMISSIONS

### Gayle Murphy, Sr. Executive Admissions

John Rodriguez, Director for Operations & Management  
Debra Lawson, Director for Moral Character Determinations  
Vacant, Director for Examination  
Gina Crawford, Director for Administration  
George Leal, Director for Educational Standards  
Natalie Leonard, Director, Legal Specialization

The Office of Admissions is the “gate-keeper” to the profession developing and administering the bar examination and the First-Year Law Students’ Examination, conducting applicant moral character investigations, accrediting and registering law schools and supporting the Committee of Bar Examiners in carrying out its functions. The Office of Admissions is funded entirely by applicant fees, the sale of study aids, accreditation fees and interest income.

The Office of Admissions determines the moral character of approximately 8,000 applicants for admission to practice law in California per year. It develops, administers and grades the California Bar Examination for approximately 14,500 applicants per year and the First-Year Law Students' Examination for over 1,700 applicants per year. Admissions also accredits 18 law schools in California that are not approved by the American Bar Association and has oversight for an additional 15 unaccredited law schools and 15 correspondence law schools in California. In addition, there are 20 law schools in California approved by the American Bar Association.



In order to practice law in California, applicants must pass the California Bar Examination. The Bar Examination consists of both a General Bar Examination and the Attorneys' Examination for out-of-state attorneys seeking admission in California. To qualify to take the Attorneys' Examination, attorneys must have been admitted to active practice of law in good standing in another United States jurisdiction for four or more years. The General Bar Examination is a three-day test consisting of six one-hour essay questions, two three-hour performance tests and the Multistate Bar Examination, a 200 question multiple-choice test administered in two three-hour blocks. The Attorneys' Examination consists of the essay and performance test questions of the General Bar Examination. Applicants must also pass a separate Multistate Professional Responsibility Examination.

The First-Year Law Students' Examination is a one-day test consisting of four essay questions administered in a four-hour block and 100 multiple-choice questions administered in a three-hour block. The First-Year Law Students' Examination is statutorily required of all students enrolled in residence law schools neither accredited by the State Bar nor approved by the American Bar Association, of students enrolled in correspondence law schools, of students studying in law offices or judges' chambers and of students who do not have two years of college work prior to attending law school. This examination should be taken by those required to do so following the completion of one

year of law study. Students required to pass the examination must pass it within three administrations of becoming eligible to take it in order to receive credit for law study accumulated up to the point of passage. Those who pass it thereafter will receive credit for only one year of law study.

The Office of Admissions is also charged with the responsibility for overseeing the accreditation and registration of law schools in California. The ABA approved law schools are exempt from this oversight. Admissions staff oversees the process of registration of unaccredited and correspondence law schools in California. Admissions staff monitors applications, reviews annual reports, conducts law school visitations and reports findings and recommendations to the Committee of Bar Examiners.

In addition, the Office of Admissions administers the following Special Admissions programs:

### **Multi-Jurisdictional Practice (MJP)**

[mjp@calbar.ca.gov](mailto:mjp@calbar.ca.gov)

Under California Rules of Court and State Bar Rules, non-California attorneys may practice law in California without becoming a member of the State Bar for a limited purpose in four categories: legal services attorneys relocating to California to work for a qualified legal services provider; in-house counsel residing in California to work for a qualified institution; attorneys practicing law temporarily in California as part of litigation; and non-litigating attorneys temporarily in California to provide legal services. 964-967 provide for Legal services attorneys and registered in-house counsel who reside in California must satisfy registration requirements and pass a moral character determination to provide legal services. Registered Legal Services Attorneys and Registered In-House Counsel must file an annual report, demonstrate continuing good standing in the licensing jurisdiction and compliance with MCLE and other registration requirements. The State Bar administers these multi-jurisdictional practice programs.

For more information, visit [www.calbar.ca.gov](http://www.calbar.ca.gov).

### **LEGAL SPECIALIZATION**

[legalspec@calbar.ca.gov](mailto:legalspec@calbar.ca.gov)

Under California Rules of Court and State Bar Rules and Regulation, the State Bar administers a program under which attorneys can become certified as a legal specialist. Specialists, certified by the Board of Legal Specialization or an entity accredited by the State Bar can advertise as a “certified specialist.” Attorneys may be certified to specialize in the following areas of law: appellate; criminal; estate planning, trust and probate; family; immigration and nationality; bankruptcy; taxation; and worker’s compensation. An attorney must pass a written examination, possess special education and experience, and undergo reviews made by their peers and judges in order to be a certified specialist. Certified specialists must recertify every five years. The State Bar accredits entities who certify attorneys in the following areas: accounting malpractice, business bankruptcy, consumer bankruptcy, creditor’s rights, civil trial advocacy, elder law, family trial advocacy, juvenile law (child welfare), legal malpractice and medical malpractice. Currently, there are five accredited certifiers. The Legal Specialization program is entirely self funded through certification, recertification, annual and other fees. Office staff supports the Board of Legal Specialization, the advisory commissions and consulting groups. The program produces several publications including a Legal Specialization Digest, consumer pamphlets in English and Spanish, and photo ads in the California Bar Journal. For more information on the Legal Specialization program, and forms, please visit [www.californiaspecialist.org](http://www.californiaspecialist.org).

### **PRO HAC VICE, OUT-OF-STATE ATTORNEY ARBITRATION COUNSEL & Military Counsel**

[PHV@calbar.ca.gov](mailto:PHV@calbar.ca.gov); [OSAAC@calbar.ca.gov](mailto:OSAAC@calbar.ca.gov)

Under California Rules of Court, non-California licensed attorneys who intend to appear in California courts on particular cases must file a copy of a *pro hac vice* (“for this time only”) application with the State Bar. The Pro Hac Vice Program permits out-of-state attorneys to appear in a California court. The State Bar does not admit the

individual. That is solely within the power of the court. For more information, visit [www.calbar.ca.gov](http://www.calbar.ca.gov). The State Bar merely administers and monitors the process.

Under California Rules of Court, statute and State Bar Rules and Regulations, non-California attorneys who intend to appear in a non-judicial California arbitration must file a copy of an application with the State Bar. The Out-of-State Attorney Arbitration Counsel (OSAAC) Program allows out-of-state attorneys to represent parties in the course of, or in connection with, non-judicial arbitration proceedings in California. The State Bar does not admit the individual. That is solely within the power of the arbitral panel. For more information, visit [www.calbar.ca.gov](http://www.calbar.ca.gov).

Under California Rule of Court, non-California permits attorneys serving in the military to represent military personnel in California courts on a limited basis under special pro hac vice like procedure. For more information, visit [www.calbar.ca.gov](http://www.calbar.ca.gov).

### **MCLE Provider and MCLE Activity Approval** [providers@calbar.ca.gov](mailto:providers@calbar.ca.gov)

Under California Rules of Court, State Bar Rules and statute, the State Bar administers the MCLE Program that requires California attorneys to take 25 hours of continuing legal education every three years. MCLE providers and activities must be approved for members to receive credit. For more information on approved providers, applications and forms visit [www.calbar.ca.gov](http://www.calbar.ca.gov).

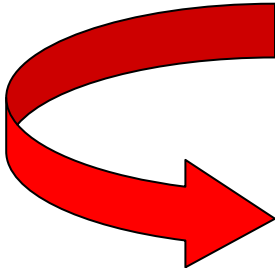
### **PRACTICAL TRAINING OF LAW STUDENTS** [PTLS@calbar.ca.gov](mailto:PTLS@calbar.ca.gov)

Under California Pursuant to Rules of Court and State Bar Rules and Regulation governing regulations, the State Bar administers a program that certifies law students, who have completed their first year of law school, to work under the direct supervision of a qualified California attorney. The program is intended to afford law students the opportunity of gaining first-hand experience in the practice of law in a closely supervised environment. For more information, visit <http://calbar.ca.gov> [www.calbar.ca.gov](http://www.calbar.ca.gov).

### **FOREIGN LEGAL CONSULTANTS** [FLC@calbar.ca.gov](mailto:FLC@calbar.ca.gov)

Under California Rules of Court, and State Bar Rules and Regulations, the State Bar administers a program that certifies attorneys from foreign countries as Registered Foreign Legal Consultant in California. Registration allows the attorney to provide certain legal advice on the law of the foreign country in which the attorney is licensed. The RFLC is prohibited from providing legal advice on the law of California or any United States jurisdiction. R FLCs must file an annual report to demonstrate continuing good standing in the foreign jurisdiction, security for claims coverage and compliance with the governing authorities. For more information, please visit [www.calbar.ca.gov](http://www.calbar.ca.gov).

## **KEY WORDS**



**Admissions**  
**Bar Examination**  
**Committee of Bar Examiners (Bar Ex, CBX)**  
**First-Year Law Students' Examination (FYLSE)**  
**Moral Character investigations**  
**Law school accreditation**  
**Business & Professions Code 6060 et seq; 6040 et seq**  
**Rules Regulating Admission to Practice Law in California**  
**Multistate Professional Responsibility Examination**  
**Attorneys' Examination**  
**Multistate Bar Examination**  
**Foreign Legal Consultant**  
**Rule of Court 9.44**  
**Rule of Court 9.42**  
**Rules Governing the Practical Training of Law Students**  
**Certified or Registered Law Students**  
**PTLS**  
**Pro Hac Vice**  
**Rule of Court 9.40**  
**Rule of Court 9.43**  
**Out-Of-State Attorney Arbitration Counsel Program (OSAAC)**  
**California Code of Civil Procedure Section 1282.4**  
**Pro Hac Vice Program Rules and Regulations**  
**Multi-Jurisdictional Practice (MJP)**  
**In House Counsel**  
**Appearances by Military Counsel**  
**Rule of Court 9.41**  
**Rules of Court 9.45 – 9.48**  
**Registered Legal Service Attorneys**  
**Temporary Practice in California**  
**Specialization**  
**Rule of Court 9.35**  
**Rules Governing The State Bar of California Program for**  
**Certifying Legal Specialists**

Annual Operating Budget: \$2.4 million  
# of employees: 13

## PROFESSIONAL COMPETENCE

### OFFICE OF EXECUTIVE DIRECTOR

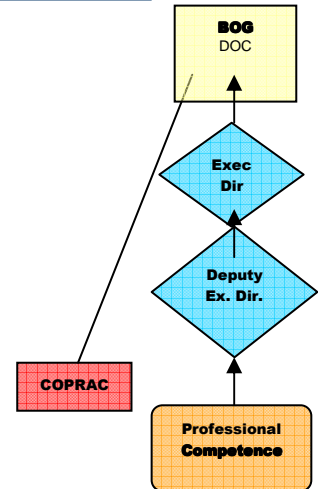
**Robert Hawley, Deputy Executive Director**

Randy Difuntorum, Director, Competence Programs

The Office of Professional Competence, under the Deputy Executive Director, is responsible for administering programs and activities aimed at enhancing lawyer competence and performance and preventing lawyer misconduct. To this end, the office administers the Ethics Hotline [1-800-238-4427], a telephone ethics information and research service responding to approximately 20,000 attorney inquiries annually. It serves as staff to the Board of Governors, its Board Committees, special commissions and task forces involved in the development of proposed amendments to the Rules of Professional Conduct and other lawyer regulatory authorities.

The office staffs the Committee on Professional Responsibility and Conduct (COPRAC), which issues advisory ethics opinions on attorney conduct. It also staffs the Commission on the Revision of the Rules of Professional Conduct which is considering proposed revisions to the Rules of Professional Conduct. It also staffs other studies and specially appointed task forces involving the Rules of Professional Conduct and related authorities.

The Office of Professional Competence is also responsible for producing several publications aimed at enhancing attorney professional conduct including The California Rules of Professional Conduct and State Bar Act booklet; the California Compendium on Professional Responsibility; the Handbook on Client Trust Accounting for California Attorneys; with publications on fees and fee agreements and withdrawal from employment currently under development. The Professional Competence Office develops MCLE and other outreach programs focused on attorney professional responsibility issues and create and maintain the Ethics Information Online page of the State Bar's Website [<http://www.calbar.ca.gov>].



### KEY WORDS

**COPRAC (Committee on Professional Responsibility)**

**Publications**

**Professional responsibility**

**California Compendium on Professional Responsibility**

**Client Trust Accounting for California Attorneys**

**Ethics Hotline [1-800-238-4427]**

**Ethics Information Online [<http://calbar.ca.gov>]**

**Rules of Professional Conduct & State Bar Act [Pub 250]**

**Commission on the Revision of the Rules of Professional Conduct**

**Ethics Opinions**

**Lawyer Competence**