



The State Bar *of California*

Random Audit of OCTC Cases Closed March 1, 2023, to August 31, 2023

George Cardona, Chief Trial Counsel

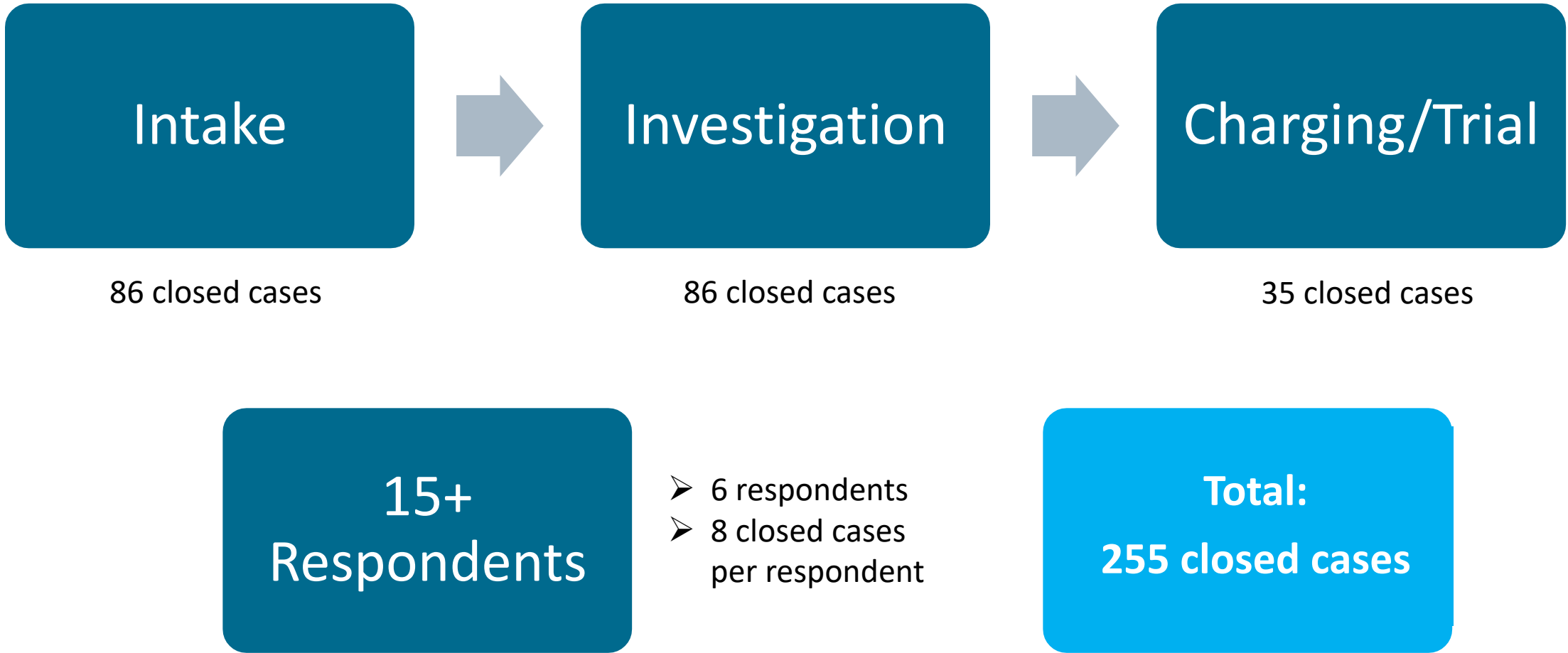
Board of Trustees Meeting, May 22–23, 2025

Twice Yearly Random Audit

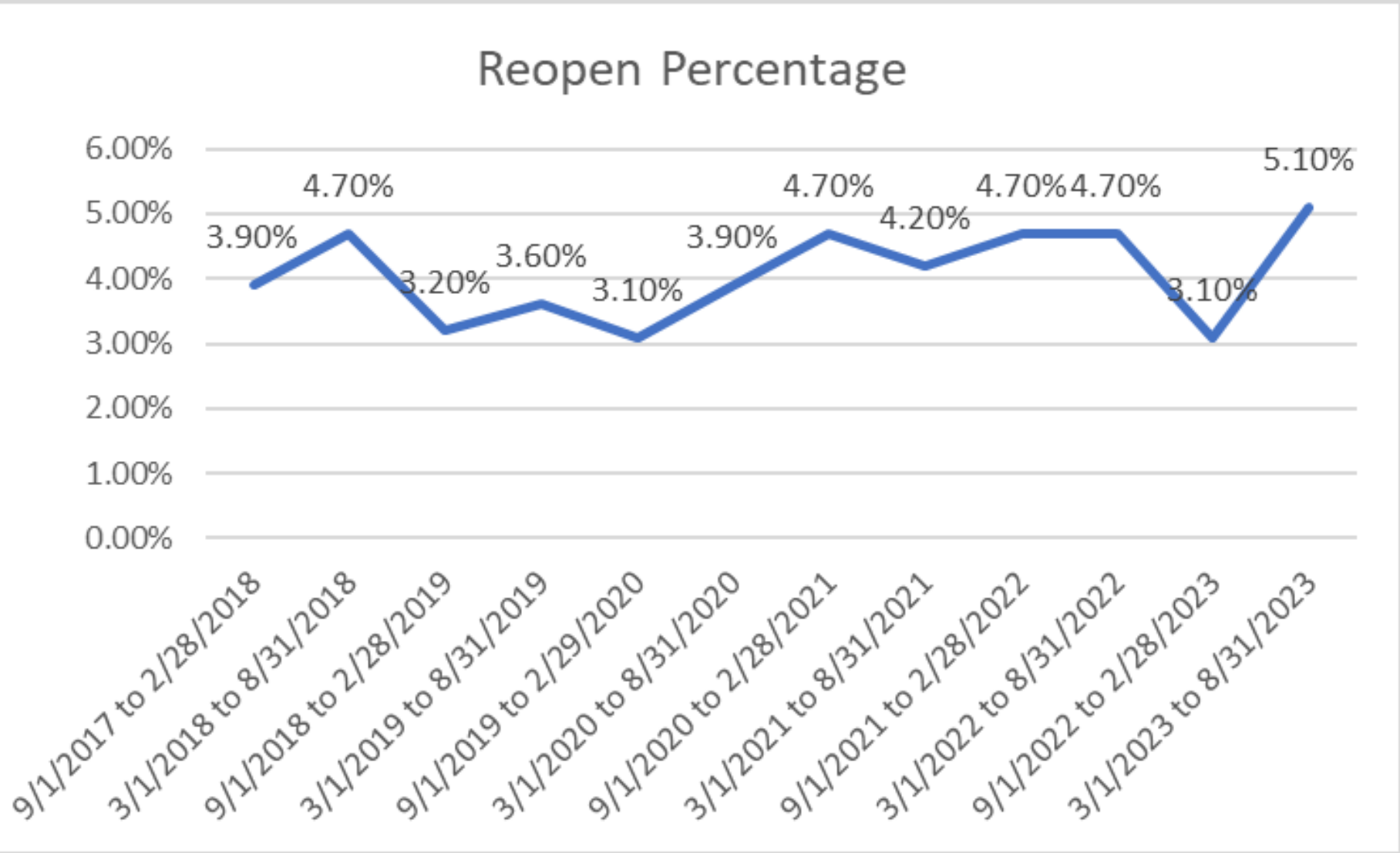
- Random selection of files closed or otherwise resolved within six-month period
- Reviewed by independent outside auditors
 - Actions appropriate and consistent with procedures and policies
 - Substantive decisions comply with statutory provisions and case law precedent
 - Substantive decisions within acceptable range of prosecutorial discretion
 - Identify policy issues, training issues, corrective actions including recommendations to reopen
- Audit procedures updated July 18, 2022, and February 14, 2023
 - April 2022 State Auditor recommendations
 - Lessons learned from Girardi and review of 15+/40+ respondents
 - Updated checklist for efficiency and effectiveness
- Current audit
 - Catch-up audit following delays caused by COVID-19 pandemic (almost caught up)
 - Cases closed or otherwise resolved March 1, 2023, to August 31, 2023
 - Two auditors provide single unified report



Randomly Selected Cases



Reopening Recommendations



- Auditors recommended 13 out of 255 = 5.1%
- Target: $\leq 4.3\%$
- OCTC reopened 6 out of 255 = 2.4%



Policy/Procedure Recommendations

- Rule of Limitations
 - Training 10/26/2022 and 2/3/2023
 - New checkbox in “Legal Advisor’s Instructions to Investigator” 10/28/2024
 - Area for continued improvement
- Conflict Checks (significantly fewer errors in this audit)
 - New policy/procedures 6/1/2022
 - Revised to streamline procedures 4/29/2023
 - Annual training 3/9/2023 and 3/6/2024
 - Area for continued improvement
- Closing Letters to Complainants
 - Training on communicating with complainants 5/17/2023
 - New sample language for common closing reasons 1/23/2024
 - New software tool for generating closing letters (expected rollout Q2/Q3 2025)
 - Area for continued improvement



Policy/Procedure Recommendations

- Investigation delays
 - OCTC reorganization 7/1/2023, with modifications 1/2/2024
 - Expedited investigation procedures as standard for most investigations 1/2/2024, revised 4/28/2025
 - Annual case disposition goals for investigation teams 1/2/2024 and 1/2025
 - Additional investigation benchmarks 10/28/2024
 - Area for continued improvement
- Communications with Respondents/Respondents' Counsel
 - Investigators/attorneys to be reminded of need for inquiry letters to be thorough and accurately summarize all allegations
 - Expedited investigation procedures require attorneys to play role in inquiry letters 1/2/2024
 - One-page notice re license at risk part of form for inquiry letters 1/20/2023; added to inquiry emails 1/2/2024
- Prior Complaint Histories
 - New policy re Intake consideration of prior closed complaints 2/24/2022
 - New policy re nonpublic resolutions – requires consideration of prior closed complaints 10/31/2022
 - New prior complaints pattern dashboard – uses 25 charge categories 12/1/2022
 - Formal procedures for repeat respondents & respondents with 15+ complaints 7/1/2023
 - Expedited investigation procedures – facilitate prior complaint review 1/2/2024
 - Expedited investigation procedures – require legal advisor to confirm review 10/28/2024



Training Provided

- Current audit results – provided 11/21/2024
- De-escalation for investigators – provided 11/2023 (SF), 4/2024 (LA)
- Lawyer Assistance Program – provided 5/15/2024
- Criminal conviction monitoring – provided 7/15/2024
- Expert witnesses and discovery obligations – provided 10/24/2024
- Trusts, estates, probate – provided 11/1/2024
- Civility – provided 1/10/2025



Questions?

