



The State Bar *of California*

Random Audit of OCTC Cases Closed 9/1/2022 to 2/28/2023

George Cardona, Chief Trial Counsel

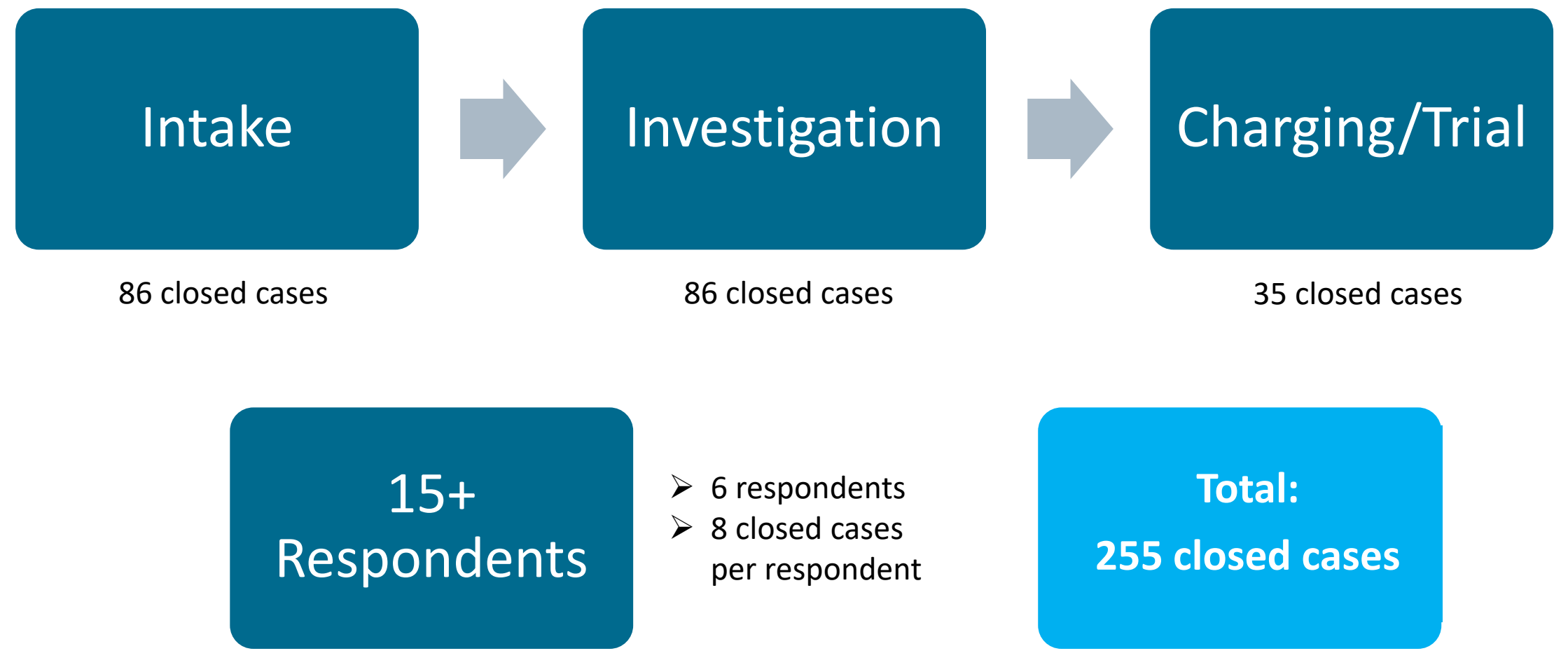
Board of Trustees Meeting, July 18-19, 2024

Twice Yearly Random Audit

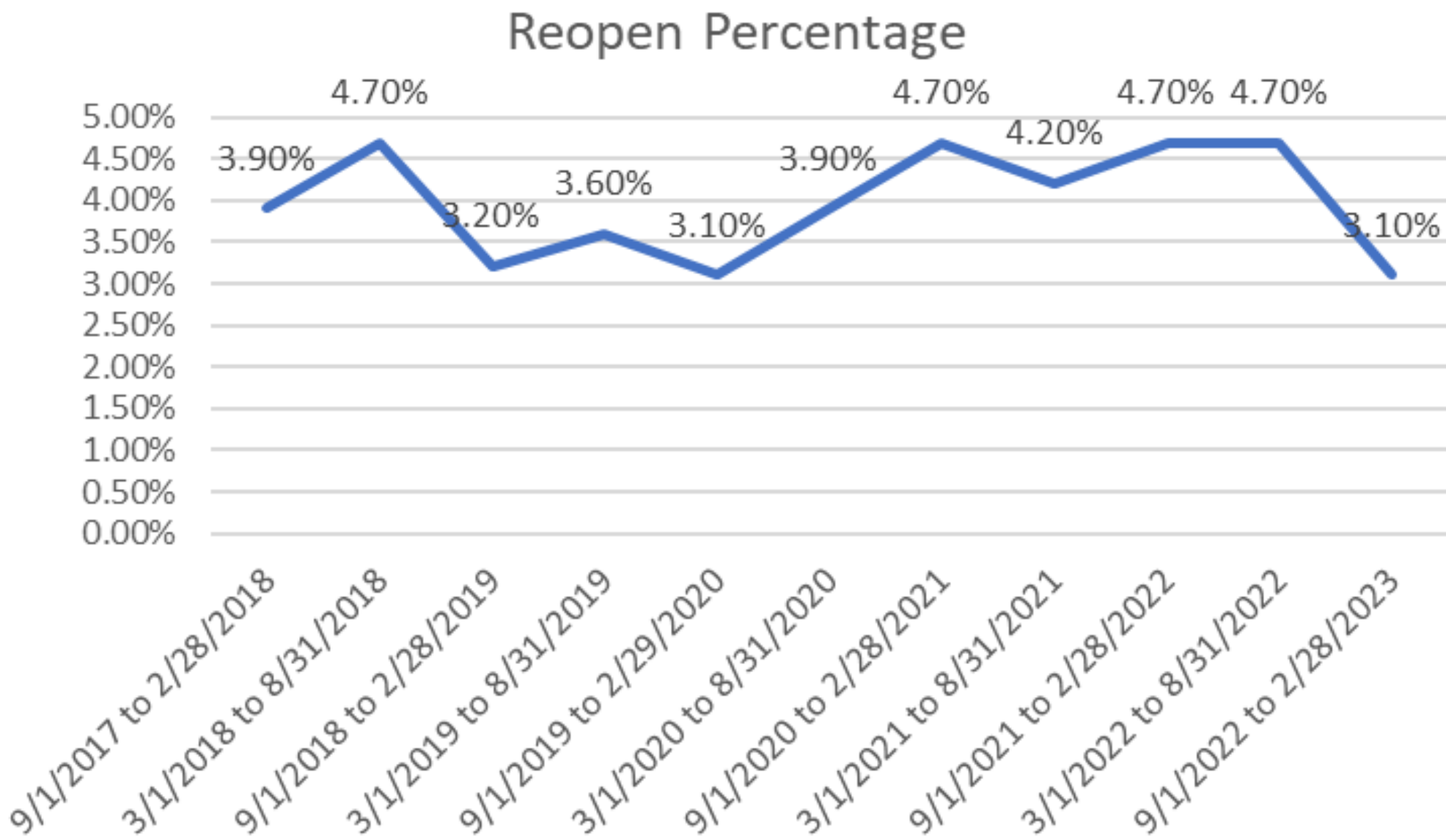
- Random selection of files closed or otherwise resolved within six-month period
- Reviewed by independent outside auditors
 - Actions appropriate and consistent with procedures and policies
 - Substantive decisions comply with statutory provisions and case law precedent
 - Substantive decisions within 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 September 1, 2022, to February 28, 2023
 - Two auditors provide single unified report



Randomly Selected Cases



Reopening Recommendations



- This audit: 8 out of 255 = 3.1%
- Target: \leq 4.3%

Policy/Procedure Recommendations

- Conflict Checks
 - New policy/procedures 6/1/2022
 - Revised to streamline procedures 4/29/2023
 - Annual training 3/9/2023 and 3/6/2024
 - OCTC will modify policy to provide clarity re “stay-closed” letters
- Closing Letters to Complainants
 - Training on CRU review language 2/3/2023
 - Training on communicating with complainants 5/17/2023
 - New sample language for common closing reasons 1/23/2024
 - Area for continued improvement
- Investigation delays
 - OCTC reorganization 7/1/2023, with modifications 1/2/2024
 - Expedited investigation procedures as standard for most investigations 1/2/2024, revised 5/6/2024
 - Area for continued improvement



Policy/Procedure Recommendations

- Conflict Checks
 - New policy/procedures 6/1/2022
 - Revised to streamline procedures 4/29/2023
 - Annual training 3/9/2023 and 3/6/2024
 - OCTC will modify policy to provide clarity re “stay-closed” letters
- Closing Letters to Complainants
 - Training on CRU review language 2/3/2023
 - Training on communicating with complainants 5/17/2023
 - New sample language for common closing reasons 1/23/2024
 - Area for continued improvement
- Investigation delays
 - OCTC reorganization 7/1/2023, with modifications 1/2/2024
 - Expedited investigation procedures as standard for most investigations 1/2/2024, revised 5/6/2024
 - Area for continued improvement



Policy/Procedure Recommendations

- Communications with Respondents/Respondents' Counsel
 - Investigators/attorneys to be reminded of need for inquiry letters to be thorough and accurately summarize all allegations
 - One-page notice re license at risk part of form for inquiry letters 1/20/2023
 - Investigators instructed to also include notice with expedited inquiry emails 1/2/2024
 - Investigators/attorneys to be reminded to include notice with inquiry letters/emails for all disciplinary cases (including reciprocal discipline and rule 9.20 violation matters)
 - Modifying procedures to include notice with notification of charges in criminal conviction and probation/reproval violation cases
- 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 & 5/6/2024



Training Recommendations

- OCTC Policies and Procedures -- TBD
- Odyssey procedures and documentation
 - provided 4/6/2023; follow up TBD
- Requests for translation services – provided 7/17/2024
- BPC 6068(o)/6103 re violations of court orders – provided 7/17/2024
- RPC 1.15(d)(4) re prompt account for held property – provided 7/17/2024



Questions?

