

5.2 Discussion Regarding Rule 2201 Program Performance Metrics



The State Bar of California

Special Deputy Trial Counsel Performance Metrics – Q2 2024

Stacia Laguna, Special Deputy Trial Counsel Administrator

Board of Trustees Meeting, September 19–20, 2024

Key Takeaways

- In 2024 Q2, SDTC's Closure Rate jumped from 75% to 149%, exceeding the quarterly target of 100%. As a result, Case Inventory only increased by 2 to 70 from the previous quarter.
- Both Noncomplex and complex case investigation times continue to decrease on average, but average days to close for both groups has risen this quarter.
- Open cases in backlog status has increased by 7 since the end of 2023 to 39. The projected cases closed in backlog status is projected to be slightly lower than 2023.



SPECIAL DEPUTY TRIAL COUNSEL | KEY PERFORMANCE INDICATORS - BASED ON ASSIGNED DATE 2024 Q2

The State Bar
of California



Special
Deputy Trial
Counsel

Main Page

Produced by
Mission
Advancement &
Accountability
Division,
(MAAD)

CASE INVENTORY

70

Previous QTR: 68 (+2)

CASELOAD CLEARANCE RATE

149%

Previous QTR: 75% (+73%)

Target Clearance Rate: 100%

SDTC REOPENS FOR REASONS OTHER THAN NEW EVIDENCE*

0%

RANDOM AUDIT REOPENS FOR SUBSTANTIVE REASONS

0.0%

Target: 4.3% (-4.3%)

Period: June 2022-May 2023

AVERAGE DAYS SPENT IN INVESTIGATION

NON-COMPLEX CASES

338

Previous QTR: 364 (-25)

Target: 120 days

COMPLEX CASES

114

Previous QTR: 144 (-32)

Target: 180 days

AVERAGE DAYS TO CLOSE

NON-COMPLEX CASES

150

Previous QTR: 75 (+75)

Target: 60 days

COMPLEX CASES

464

Previous QTR: 140 (+323)

Target: 233 days

PERCENT CASES CLOSED WITHIN TARGET

NON-COMPLEX CASES CLOSED IN ≤180 DAYS

72%

Previous QTR: 93% (-21%)

Target: 90%

COMPLEX CASES CLOSED IN ≤365 DAYS

56%

Previous QTR: 80% (-24%)

Target: 90%

NOTES:

- Metrics are based on the dates when cases were assigned to the Rule 2201 Program, not their initial opening dates with OCTC.
- Metrics are marked blue when targets are met and red when missed, except for the Case Inventory KPI, which reflects the performance of the previous quarter.
- Metrics shown on this page are for ADR cases only. For ADR case definition, see [Glossary](#).

FILTER BY:

Filter Info

ADR

☒ Yes
☐ No

ABATED

☐ No

COMPLEX

☐ No
☐ Yes

PRIORITY

All



OPEN CASES IN BACKLOG STATUS IN 2024 Q1

39

2023 Backlog: 32 (+7)

56%

2023 Backlog: 59% (-4%)

Target: 10%

PROJECTED CASES CLOSED IN BACKLOG STATUS IN 2024

42

2023 Backlog: 43 (-1)

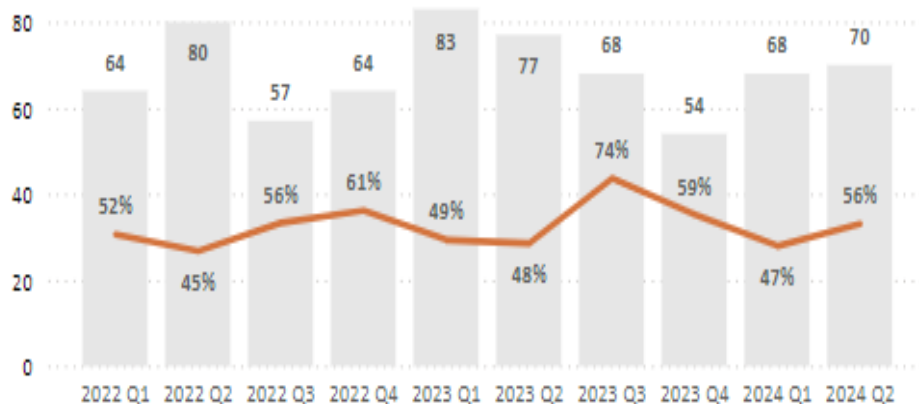
20%

2023 Backlog: 22% (-2%)

Target: 10%

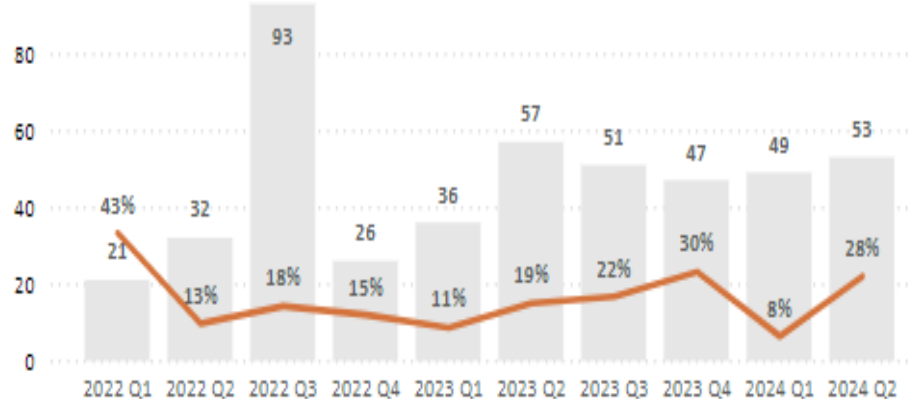
% OF OPEN CASES IN BACKLOG STATUS

● No. of Cases ● % Backlog



% OF CASES CLOSED IN BACKLOG STATUS

● No. of Cases ● % Backlog



FILTER BY:

Filter Info

ADR

☒ Yes
☐ No

ABATED

☐ No

COMPLEX

☐ No
☐ Yes

PERIOD

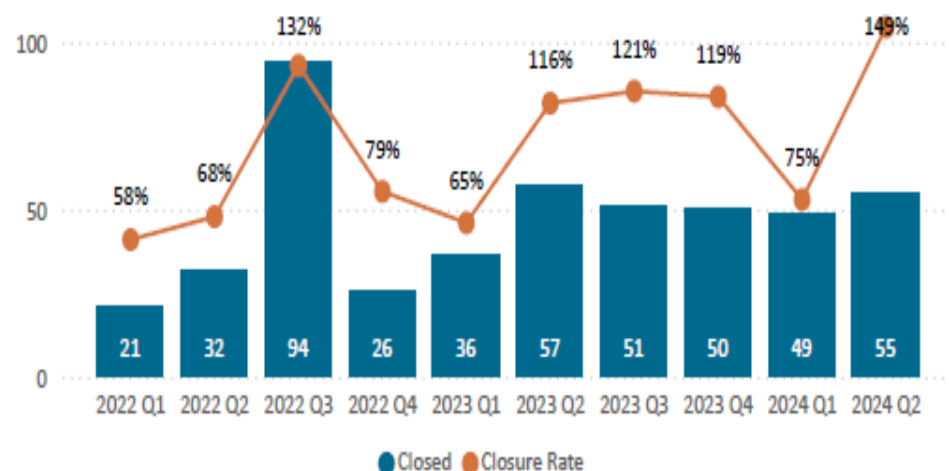
All

PRIORITY

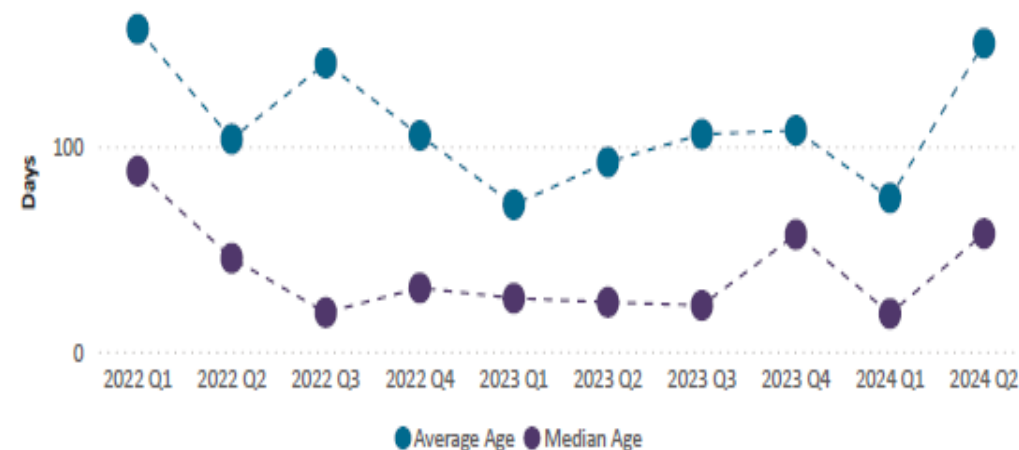
No Priority

Note: Complex filter does not apply to clearance rate due to the nature of its calculation.

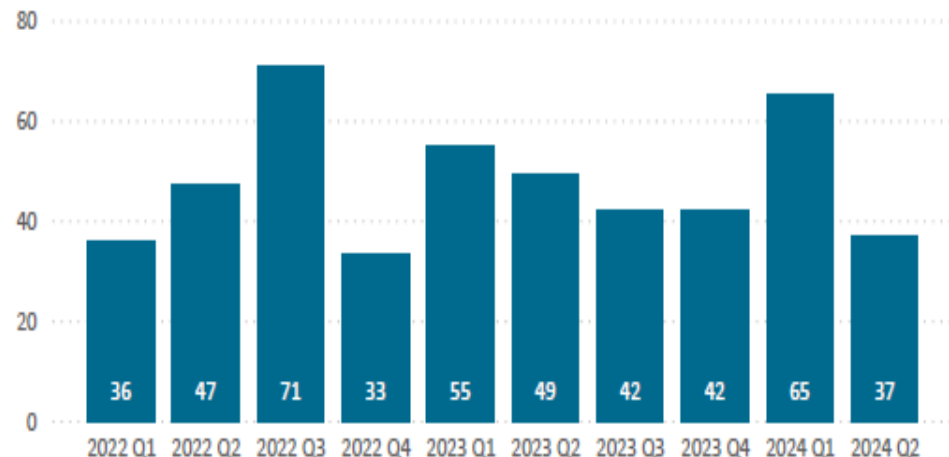
CASES CLOSED AND CLOSURE RATE



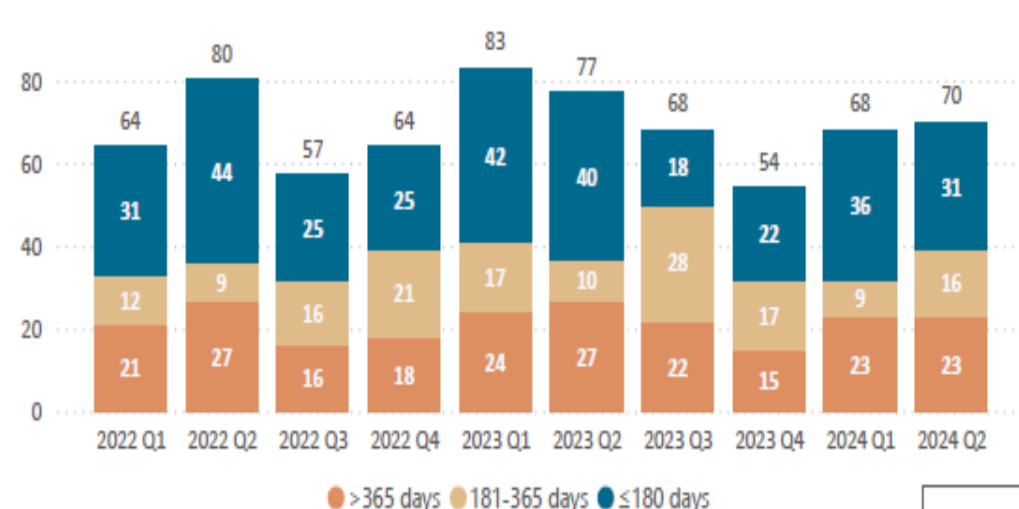
CASE AGE AT CLOSURE



INCOMING CASES



INVENTORY BY CASE AGE



FILTER BY:

Filter Info

ADR

☒ Yes☐ No

ABATED

☐ No☐ Yes

COMPLEX

☐ No☐ Yes

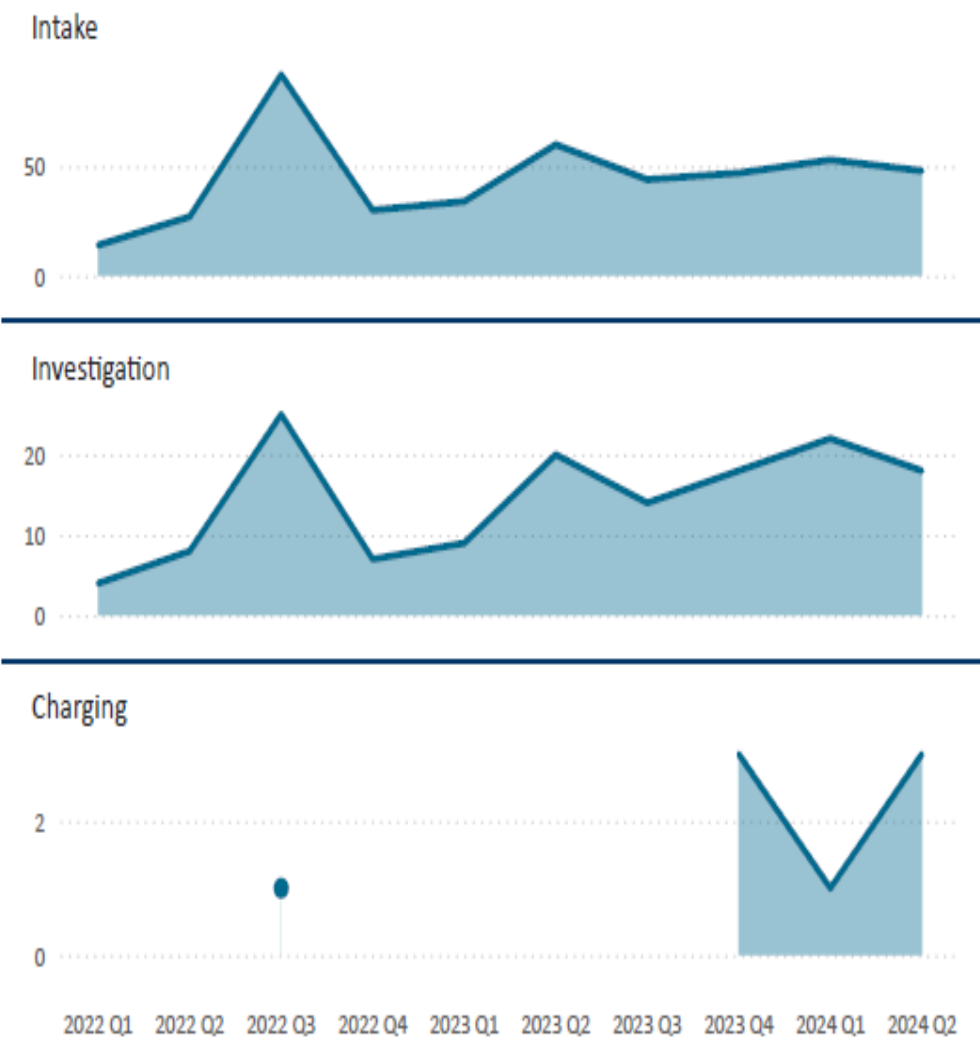
PERIOD

All

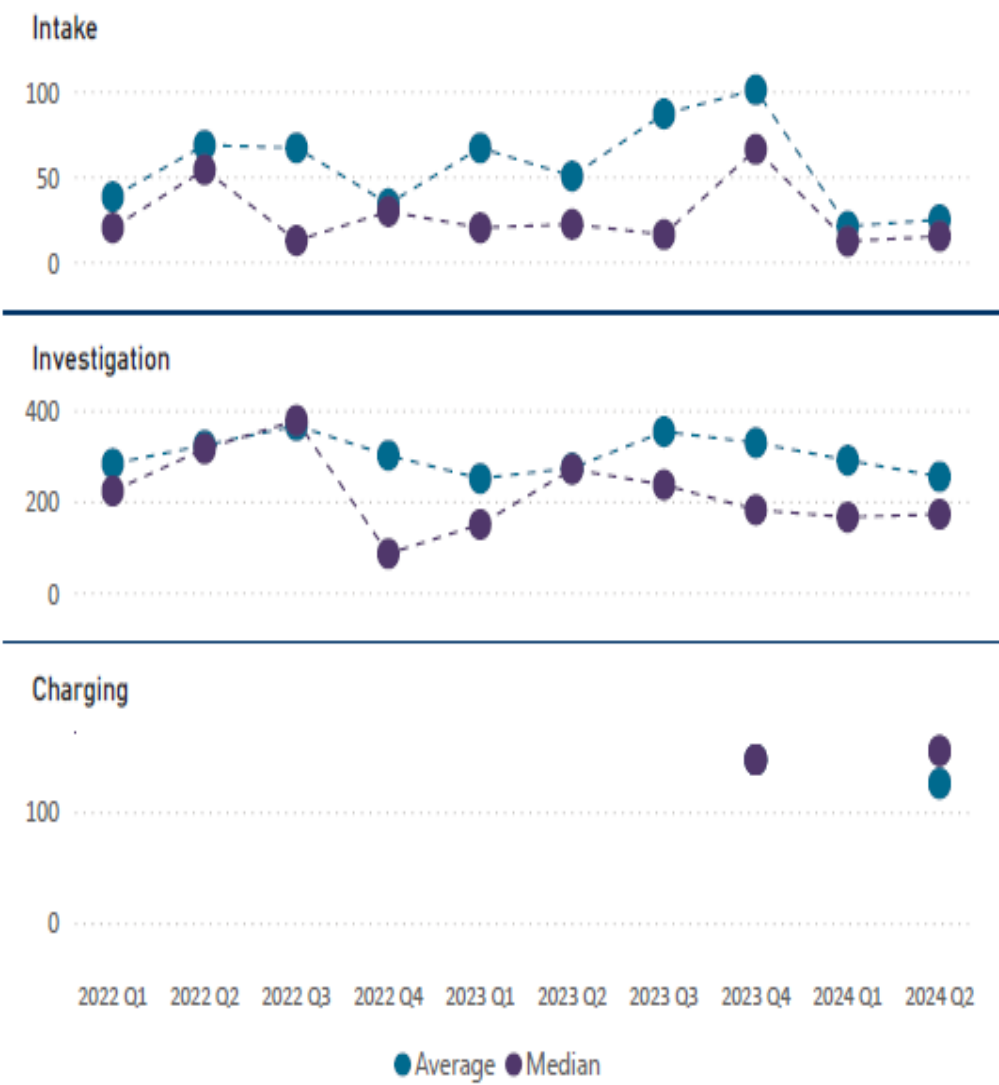
PRIORITY

All

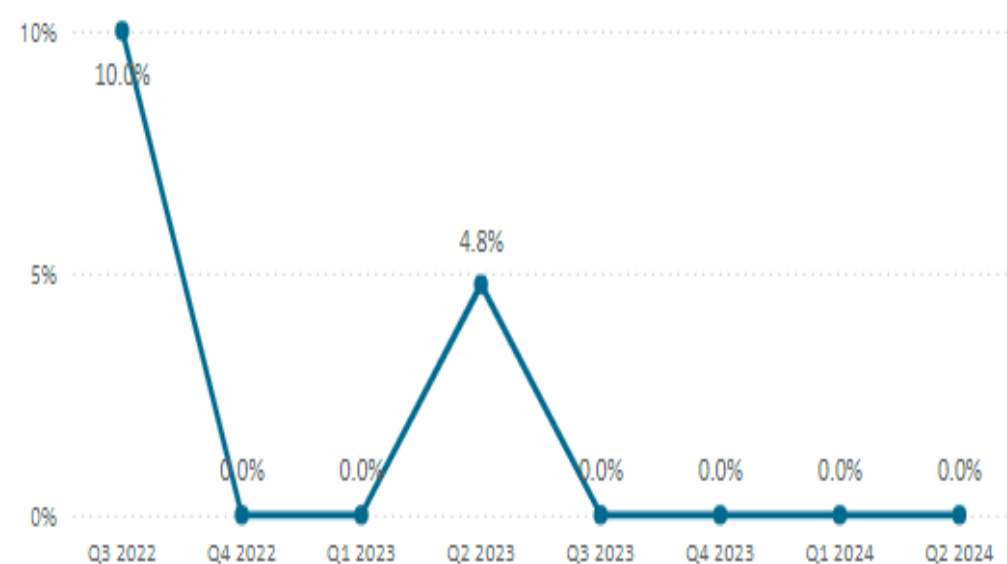
CASES PASSING THROUGH EACH PHASE



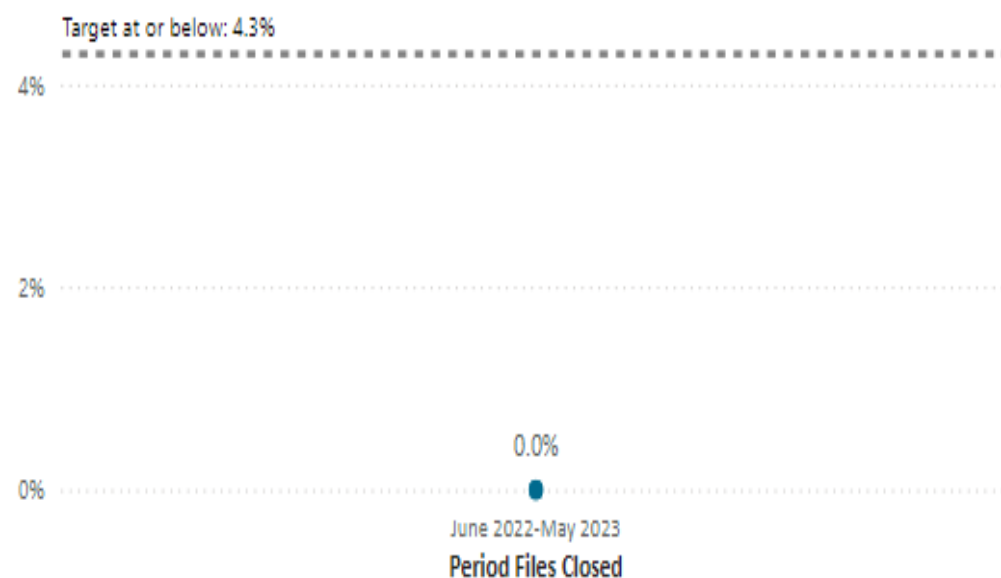
DURATION OF CASES AT EACH PHASE (DAYS)



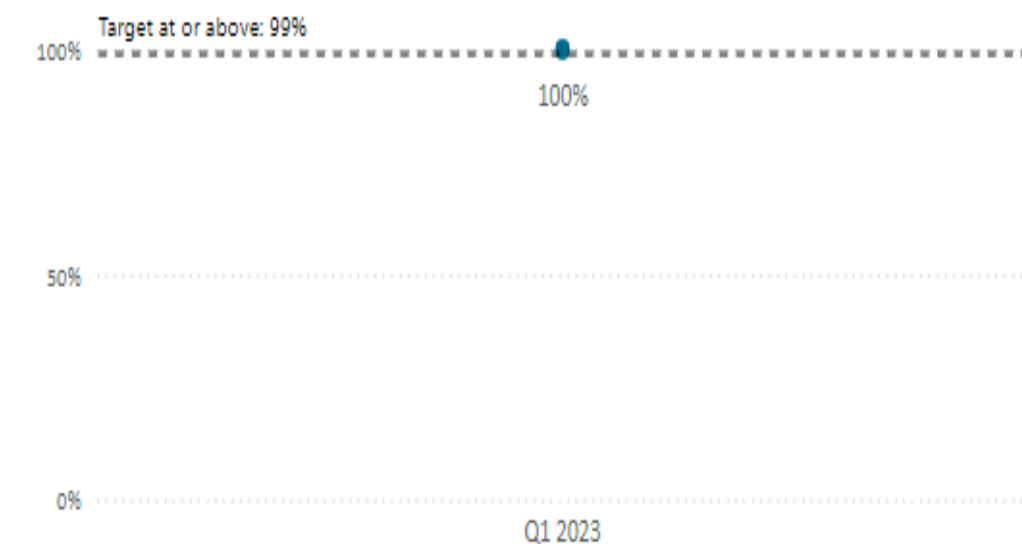
PERCENT OF SDTC REOPENS FOR REASONS OTHER THAN NEW EVIDENCE*



PERCENT OF RANDOM AUDIT REOPENS FOR SUBSTANTIVE REASON



PERCENT OF WALKER PETITIONS DENIED*



SPECIAL DEPUTY TRIAL COUNSEL | GLOSSARY

ADR: Annual Discipline Report (ADR) cases include the following case types:

- 9.20 Violations (State Bar Court Orders & Supreme Court Orders)
- Discipline in Other Jurisdiction
- Original Matters
- Probation Violations
- Repeal Violations
- RA cases (including Contempt Orders, Discipline by Other Licensing Agency, Insufficient Funds, Insurance Claim, Judgment, Multiple Lawsuits, Reversal of Judgment, & Sanction Orders)

Abated: 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.

Backlog: Cases that failed to meet case processing time standards: 180 days for noncomplex cases and 365 days for complex cases. This dashboard provides the following 2 backlog metrics:

- **Closed Backlog Cases** - Cases that were closed during the reporting period that did not meet case processing time standards. This metric is reported in the Table SR-1B of the 2022 Annual Discipline Report (ADR).
- **Pending Backlog Cases** - Number of pending cases at the end of the reporting period that are older than the case processing time standards.

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).

Caseload Clearance Rate: Ratio of the total number of cases closed to the total number of cases opened during the reporting period.

Case Inventory: Number of pending cases at the end of a reporting period. For example, the case inventory metric for 2023 Q1 provides the number of pending cases on 03/31/2023.

Complex: Cases are designated as complex based on the indicators below:

- Major case designation;
- Subpoenas for records to banks, courts, federal immigration officials, or another third-party entity;
- Numerous potential charges (often arising from multiple incidents) or numerous potential parties; or
- Respondent fails to provide information as requested within a reasonable time or at all.

Disciplinary Filings: Cases are filed in State Bar Court (SBC) via a Notice of Disciplinary Charges (NDC), Stipulations to Facts and Discipline, and Transmittal of Criminal Convictions. 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 SBC.

Prior Discipline: See Attorney Discipline Definitions page [here](#).

Priority: Effective 07/01/2023, the case priority designations have been revised as follows:

- **P1 – Higher RPP** (previously P1): Includes cases in which the conduct in the case caused substantial harm, or posed a risk of potential substantial harm, to clients or the public. Higher RPP cases also include those in which the attorney is the subject of multiple pending complaints, or the current complaint is similar to one or more prior closed complaints, suggesting an increased risk that, absent disciplinary action, the attorney may continue to engage in misconduct.
- **P3 – Lower RPP** (previously P3): Cases that do not meet the criteria for higher RPP cases.
- **P2 – No longer in use:** Discontinued. Includes expedited cases opened prior to the recent changes. Now new cases aren't given a separate priority. They are tagged as "expedited" and also fall under "P1- Higher RPP", "P3 - Lower RPP" or "No Priority" categories.

Respondents with 15+ (or 40+) Complaints: Respondents with over 15 (or 40) complaints including all open complaints plus complaints closed during the preceding 5-year period starting from the report ending date. For example, the 2023 Q1 report counts closed cases during the 5-year period, 03/31/2018 - 03/31/2023.

Questions?

