

2024 Attorney Discipline Disparities Study



The State Bar *of California*

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EXECUTIVE SUMMARY

The 2024 Attorney Discipline Disparities Study finds the discipline system moving toward greater equity. Extending the original Farkas analysis¹ through 2023 shows that the large racial gaps in disciplinary outcomes reported in 2019—for complaints, probation, and disbarment—have all narrowed, and in the most recent five-year window, Black– and Latino–white differences in probation and disbarment sit close to zero.

A preliminary look at practice sector and firm size reveals disparities in investigation rates that warrant ongoing monitoring and further study. Complaints against solo practitioners are more than twice as likely to be investigated as those against attorneys in the largest firms.

Recent policy changes have delivered mixed results. The 2020 “At-Risk” notice² did not produce a clear rise in counsel representation—rates continued their gradual pre-policy climb, with most gains accruing to white attorneys and little change for Black, Asian, or Latino attorneys. Even so, counsel remains critical: Across more than 2,000 recent cases, representation lowered the overall likelihood of discipline and the severity of any sanction. The Archived Complaints Policy³ removes from view of investigators closed complaints that are more than five years old and ended without discipline, lowering complaint totals for every group and narrowing some racial gaps. Yet, complaints against Black and Latino men continue to be investigated at higher rates than those against their white counterparts.

These findings demonstrate substantial progress, with structural gaps persisting. Further advances will depend on policies that close those gaps—across demographic groups and practice settings—and sustained monitoring to ensure that reforms translate into durable, equitable outcomes for all California attorneys.

¹ The 2019 Farkas study analyzed disciplinary outcomes between 1990 and 2018 for approximately 116,000 attorneys admitted to the State Bar between 1990 and 2009. Results showed that Black and Latino male attorneys had a higher average number of complaints and had higher rates of probation and disbarment than white male attorneys.

² In November 2020, the State Bar began sending letters to attorneys who were the subjects of disciplinary proceedings about the importance of counsel representation and providing guidance on how to find counsel.

³ In November 2020, the State Bar began archiving prior complaints from an attorney’s record that met several criteria in an attempt to mitigate racial disparities in the number of visible prior complaints.

INTRODUCTION

The State Bar of California licenses attorneys, investigates misconduct complaints, and imposes discipline when warranted.⁴ In 2019 the Bar published a report based on Professor George Farkas's study, examining whether attorneys from historically underrepresented racial or gender groups were disproportionately disciplined. The study confirmed sizeable gaps in disciplinary outcomes: Black and Latino men, in particular, were more likely than white men to receive complaints, see those complaints escalate to investigation, and ultimately face probation or disbarment.⁵ Much of the disparity was linked to four factors—prior discipline history, reportable action submissions, the number of investigations opened, and lack of counsel representation.

In response, the State Bar adopted several policies, including an “At-Risk” notice encouraging respondents to obtain counsel and an Archived Complaints policy that makes older, nonactionable complaints invisible to investigators. This 2024 update revisits attorney discipline five years later to assess whether disparities have narrowed and to evaluate how these policy changes have begun to influence disciplinary outcomes.

2024 ATTORNEY DISCIPLINE DISPARITIES STUDY

The 2024 update, conducted by Dr. Jora Stixrud,⁶ asks whether the disparities flagged in the 2019 Farkas study have persisted, narrowed, or widened. To maintain continuity with the earlier work while capturing new developments, the analysis advances the observation window by five years—examining discipline events from 1995 through 2023 rather than 1990 through 2018—yet keeps the original modelling framework. Because many attorneys appear in both timeframes, this design shows how historical trends have evolved and allows an examination, using the same methodology, of discipline patterns that have emerged since 2018. A second set of analyses then zeroes in on the most recent years.

UPDATE OF THE 2019 FARKAS STUDY

The new cohort comprises 126,572 attorneys admitted between 1995 and 2014 and follows their discipline records through 2023. Shifting the window forward five years—relative to the 1990–2018 span in the 2019 study—keeps the same 30-year time span while bringing the findings up to date.

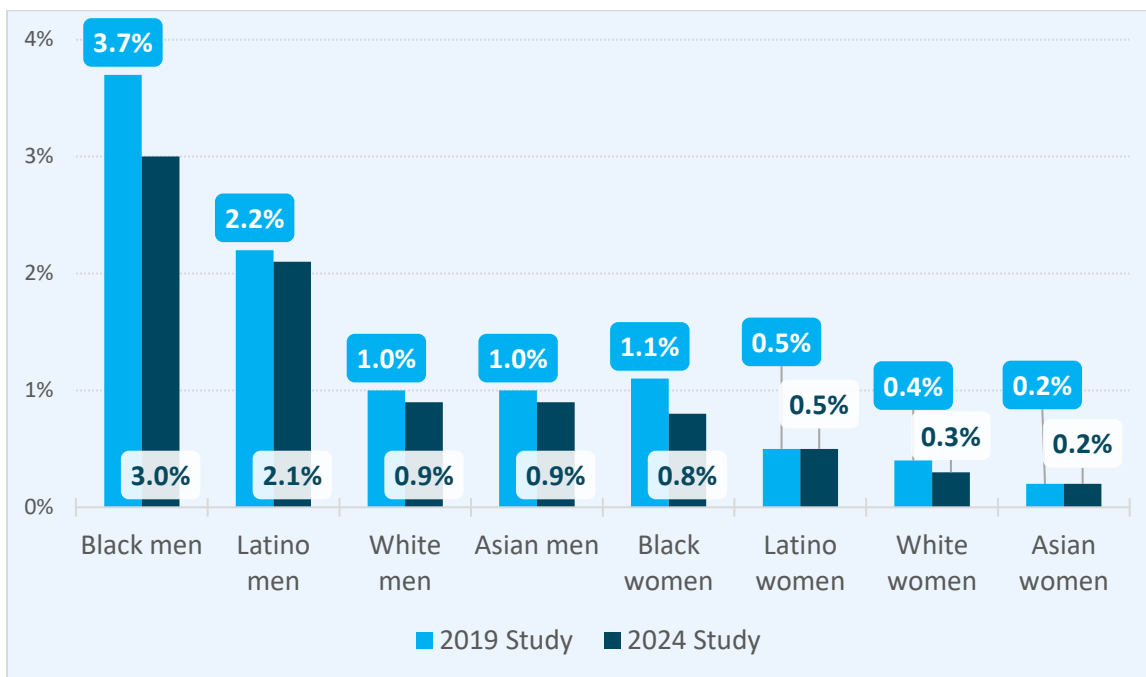
⁴ See [After You File an Attorney Misconduct Complaint](#) for an overview of the discipline process.

⁵ See [Attorney Discipline Definitions](#) for a full description of discipline types.

⁶ Dr. Jora Stixrud is a vice president at Charles River Associates, a consulting firm specializing in economic and statistical research. Dr. Stixrud conducted the research with Dr. Jacqueline Nguyen, a senior associate at Charles River Associates.

Figure 1 shows the probation rates by race/ethnicity and gender identity for the original 2019 cohort and the 2024 cohort.⁷ The probation rates were essentially the same from 2019 to 2024 for most groups, with a nearly one percentage point decrease in the rate for Black men.

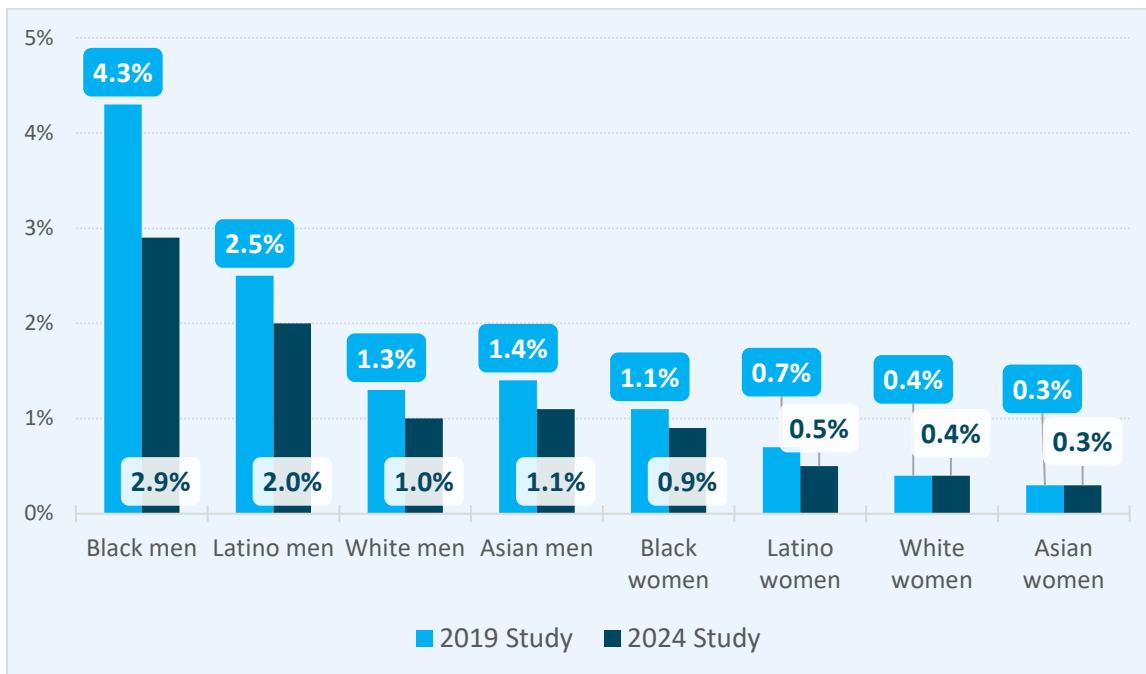
Figure 1. Probation Rate Changes by Race/Ethnicity and Gender Identity Between 2019 and 2024



⁷ All figures account for the changes to race-reporting categories introduced since the 2019 study. In 2019, attorneys could select only Asian, Black, Hispanic, white, or Other. By 2024, the list had expanded to include Multiracial, American Indian/Alaska Native, Middle Eastern/North African, and Native Hawaiian/Pacific Islander. A substantial number of attorneys—especially those who had identified as Hispanic or another non-white group—now classify themselves as Multiracial or Other.

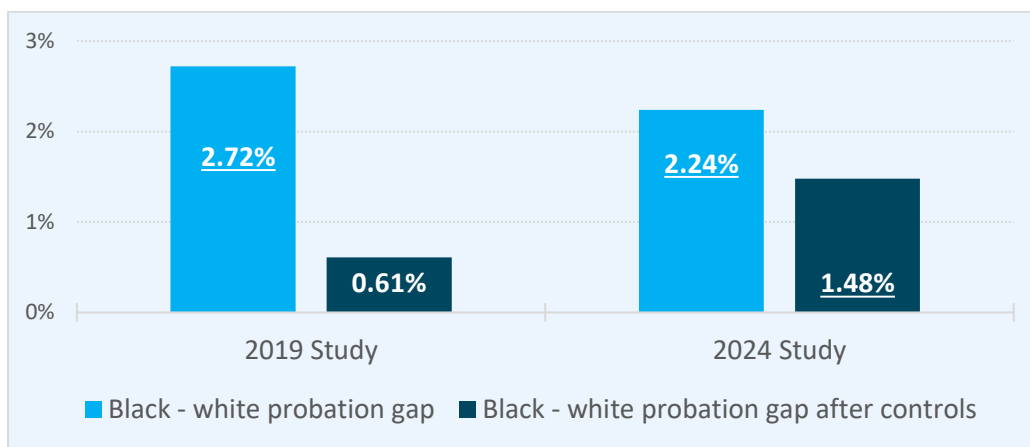
Disbarment rates show a similar stability, with two notable decreases—1.4 percentage points for Black men and 0.5 for Latino men (see figure 2).

Figure 2. Disbarment Rate Changes by Race/Ethnicity and Gender Identity Between 2019 and 2024



The next figures examine racial gaps after adjusting for key explanatory factors. Once the model incorporates gender, years in practice, allegation types, prior record, number of investigations, counsel representation, and firm size, the probation differential narrows but does not disappear. In 2019 the Black–white gap falls from 2.72 to 0.61 percentage points and is no longer statistically significant.⁸ By 2024 the raw gap contracts to 2.24 points, yet after controls remains statistically significant at 1.48 points (see figure 3). This disparity means that even after controlling for the attorney factors that appeared to explain the majority of the disparities observed in the 2019 cohort, Black attorneys in the 2024 cohort still face a higher chance of receiving probation. Furthermore, these numbers suggests that some drivers of the disparity remain unmeasured, or that discipline practices have changed in ways the current model does not capture.

Figure 3. Black–White Gap in Probation Before and After Controls for 2019 and 2024 Studies

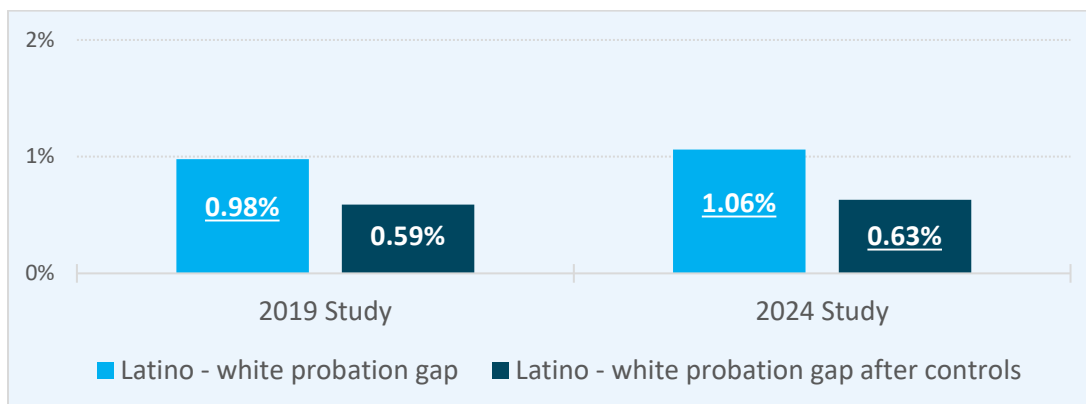


Note: Underlined values indicate statistical significance.

A comparable story holds for Latino attorneys. Figure 4 shows the difference in the chance of Latino attorneys receiving probation relative to white attorneys, before and after controlling for attorney-level factors in 2019 and 2024. In 2019, the Latino–white probation gap dropped from 0.98 percentage points to 0.59 percentage points and was not statistically significant after controlling for the identified attorney-level factors. In 2024, this gap before controls increased slightly to 1.06 percentage points, then narrowed to 0.63 percentage points after controls, but remained statistically significant. This suggests that Latino attorneys still face a higher likelihood of probation than white attorneys and that factors outside the model—or recent shifts in disciplinary practices—continue to influence their probation outcomes.

⁸ A difference is treated as statistically significant when it is large enough that chance alone is an unlikely explanation. Dr. Stixrud re-estimated the 2019 model using a refined data extract—990 rather than 808 probation cases and expanded race/ethnicity categories—and, under these conditions, the Black–white probation gap reached statistical significance. Nevertheless, the main conclusion remains: A modest gap persists even after most controls.

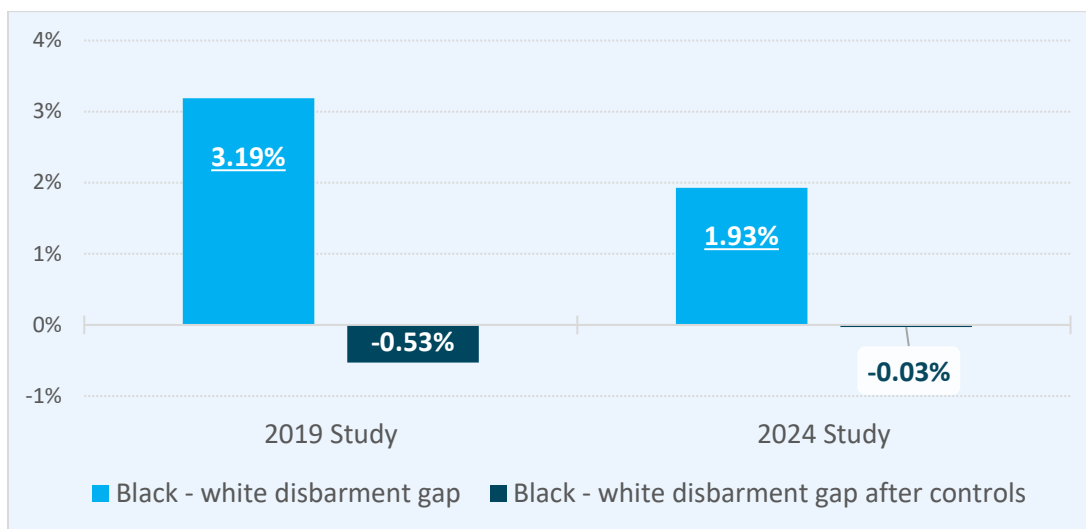
Figure 4. Latino–White Gap in Probation Before and After Controls for 2019 and 2024 Studies



Note: Underlined values indicate statistical significance.

Disbarment gaps have closed more sharply. Figure 5 illustrates the disbarment gap between Black and white attorneys before and after controlling for attorney factors in 2019 and 2024. Black attorneys were 3.19 percentage points more likely than white attorneys to be disbarred in 2019, but after controlling for attorney factors, Black attorneys were less likely than white attorneys—though not by a statistically significant margin. By 2024, the simple Black–white gap in disbarment before controlling decreased to 1.93 percentage points, and after adding controls, there was essentially no difference in the chance of disbarment.

Figure 5. Black–White Gap in Disbarment Before and After Controls for 2019 and 2024 Studies

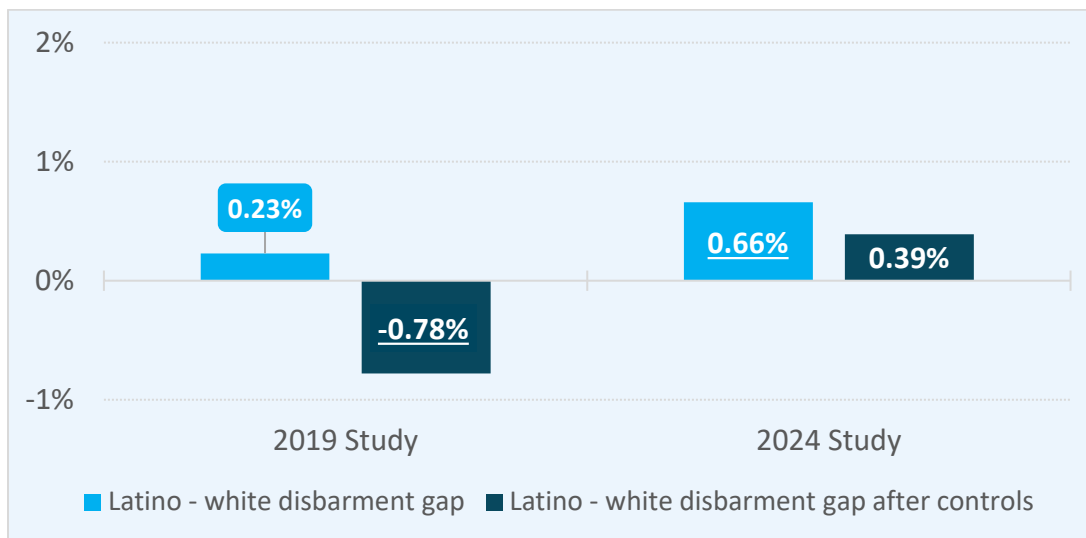


Note: Underlined values indicate statistical significance.

Figure 6 depicts the disbarment gap between Latino and white attorneys before and after controlling for attorney factors in 2019 and 2024. In 2019, the Latino–white gap was 0.23 percentage points, but after controls it reversed to -0.78 percentage points, indicating that Latino attorneys were less likely than white attorneys to be disbarred. By 2024, the gap grew to 0.66 percentage points, then dropped to 0.39 percentage points and was not statistically significant.

Overall, racial gaps in disbarment have nearly disappeared, while smaller—but still noticeable—gaps persist in probation outcomes.

Figure 6. Latino–White Gap in Disbarment Before and After Controls for 2019 and 2024 Studies



Note: Underlined values indicate statistical significance.

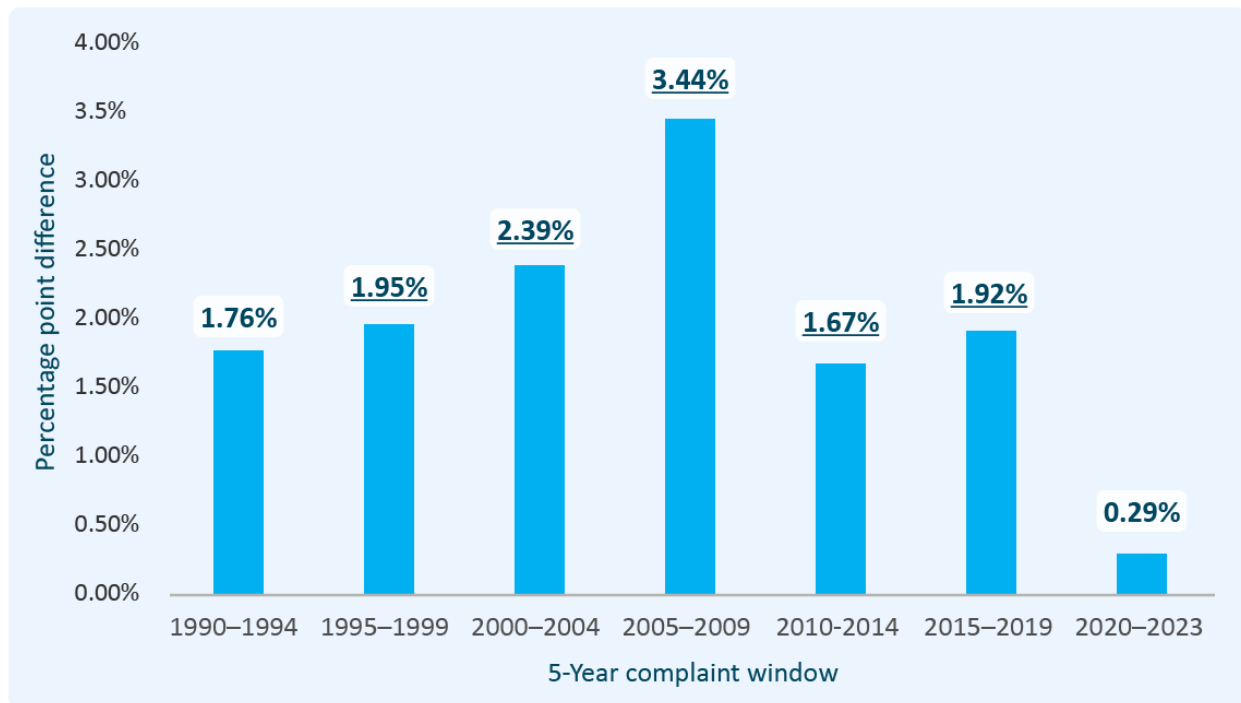
TREND ANALYSIS

Nearly 60 percent of the attorneys who were included in the original cohort were also included in the newer cohort (attorneys admitted to the State Bar between 1995 and 2009, resulting in substantial overlap that may have made it difficult to identify the impact of recent trends in discipline practices when comparing the two cohorts. To detect recent changes in complaint-processing practices, the study tracks outcomes by the year each complaint was received, not by the attorney’s admission year. Complaints are grouped into rolling five-year windows—1990–94, 1995–99, 2000–04, 2005–09, 2010–14, 2015–19, and 2020–23—and disparities were re-estimated for each window, using the same control variables as before and covering all attorneys admitted from 1990 through 2014.

Figure 7 shows the Black–white probation gap across these windows. For each window, the figure plots the difference between the probation rates of Black and white attorneys (e.g., if 5 percent of Black attorneys and 2 percent of white attorneys were placed on probation, the gap is 3 percentage points). A value of zero denotes parity; a negative value indicates the rate for Black attorneys is lower than that for white attorneys. These rates controlled for race/ethnicity, gender, the number of years since admittance to the State Bar, the number of complaints, the number of allegations, the percentage of investigations without counsel representation, the number of investigations opened against an attorney, and the number of prior disciplines an attorney received.

From 1990 to 2009, there was generally a steady increase in the percentage point difference in the probation rate between Black and white attorneys, with a peak of about 3.5 percent in 2005–09. Starting in the 2010–14 window, a decrease in the difference in probation rates between Black and white attorneys was observed, with the difference eventually nearing zero in 2020–23.

Figure 7. Differences in Probation Rates Between Black and White Attorneys



Note: Underlined values indicate a statistically significant difference in the percentage point difference in the probation rate between Black and white attorneys.

Figure 8 presents the Latino–white probation gap over time. The pattern is less linear than the Black–white probation gap. Latino attorneys were significantly less likely than whites to receive probation in 2000–04, significantly more likely (by about 3 percentage points) in 2010–14, and essentially at parity in the two most recent windows. Overall, although gaps surface in specific periods, the long-run trend is toward convergence, with the smallest differences appearing in the latest complaints.

Figure 8. Differences in Probation Rates Between Latino and White Attorneys

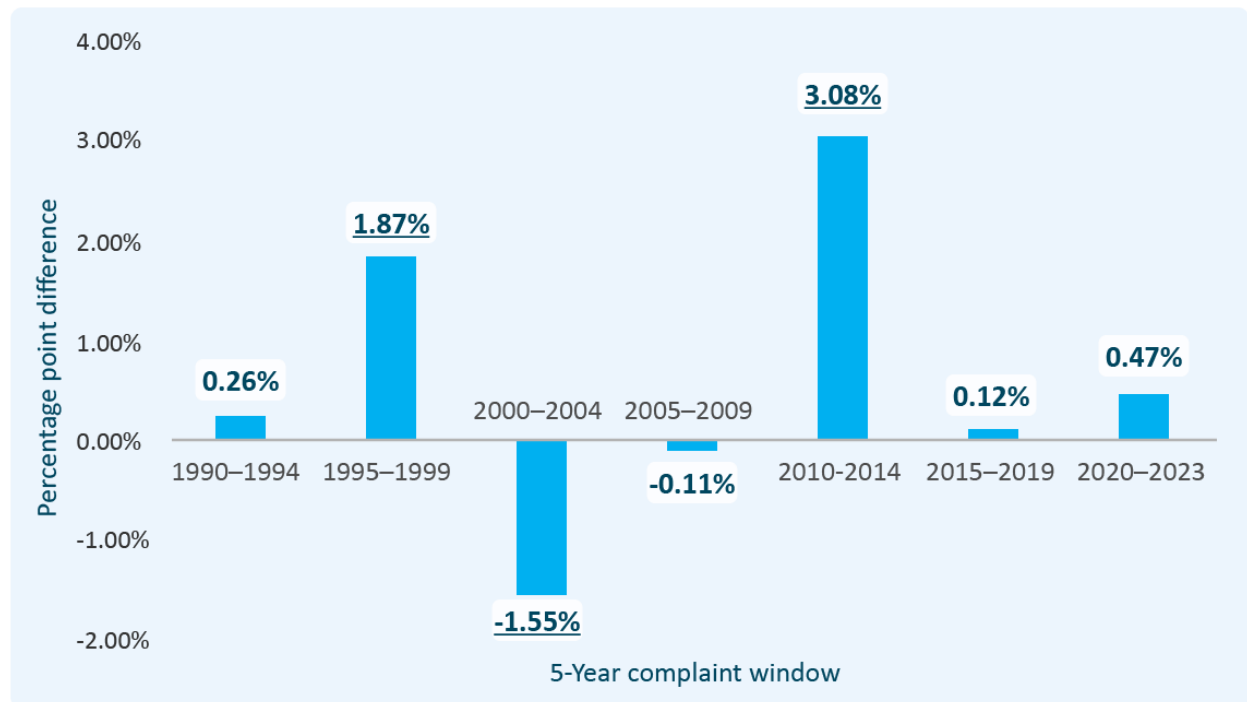
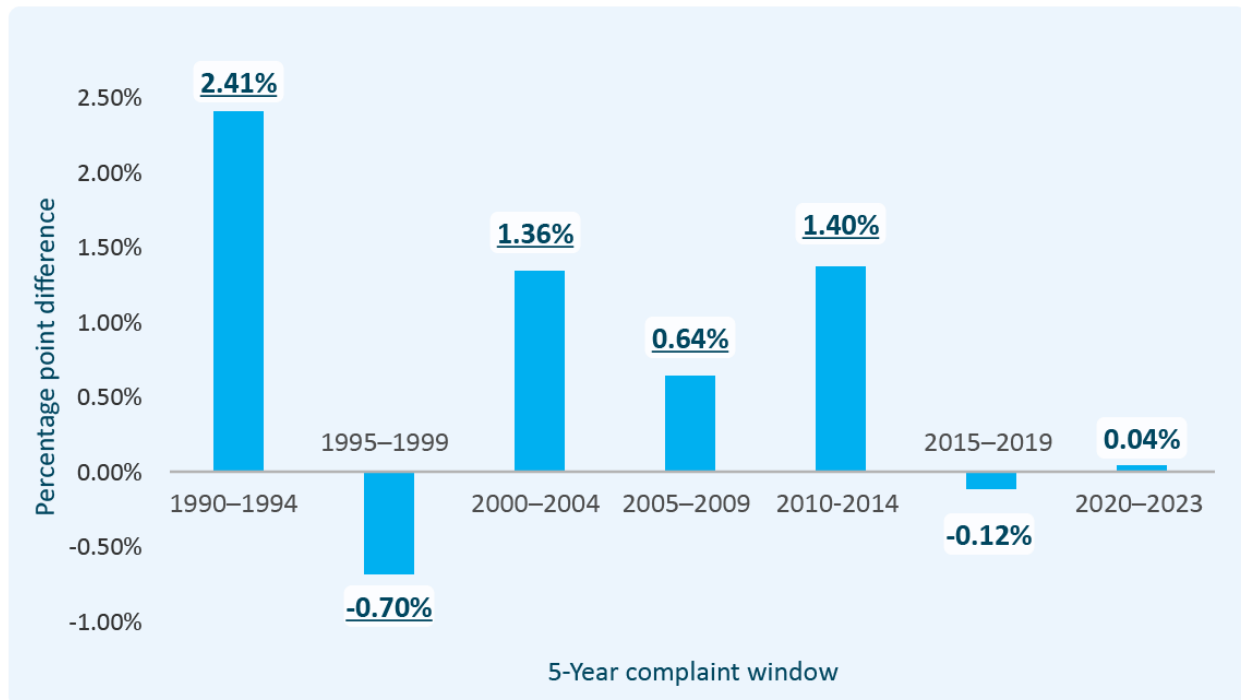


Figure 9 explores the difference in the disbarment rates between Black and white attorneys. The difference hit its peak between 1990 and 1994, at roughly 2.5 percent, before experiencing a notable decrease between 1995 and 1999 that indicated Black attorneys were significantly less likely to be disbarred, but by a very small margin (0.7 percent). After 1999, the difference increased, but did not surpass 1.5 percent and remained steady around zero starting in 2015.

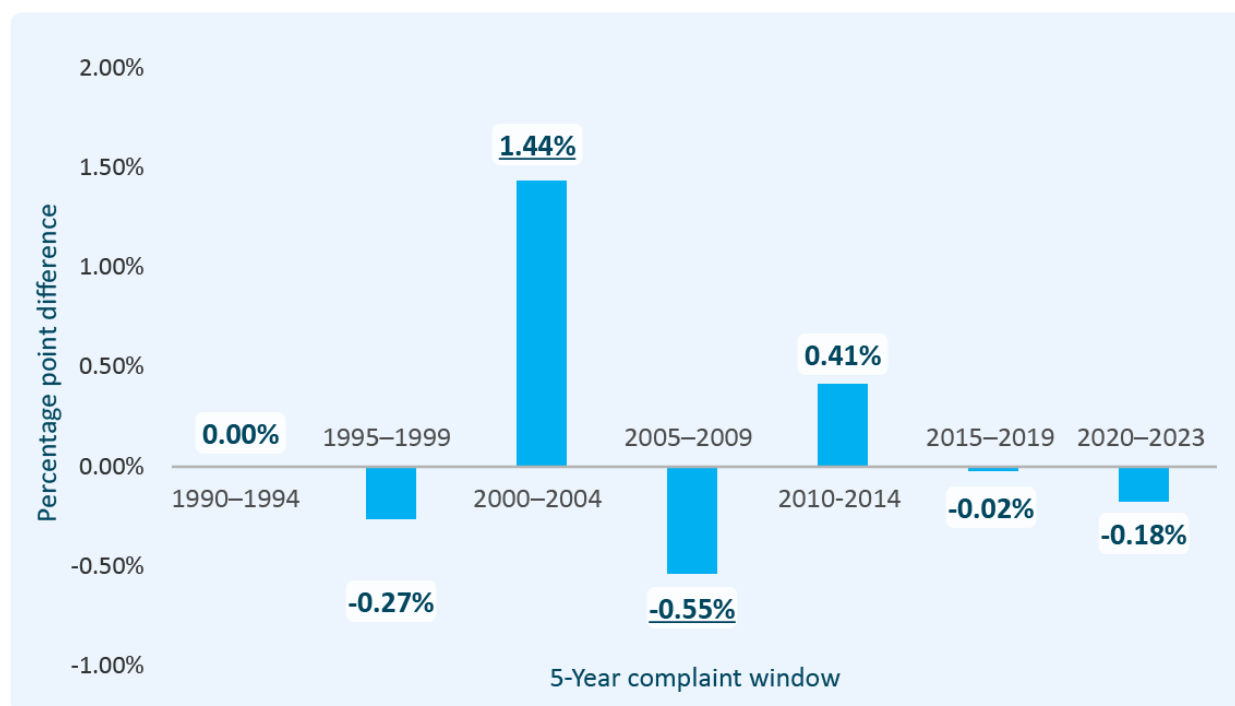
Figure 9. Differences in Disbarment Rates Between Black and White Attorneys



Note: Underlined values indicate a statistically significant difference in the percentage point difference in the disbarment rate between Black and white attorneys.

Figure 10 shows the percentage-point difference in the disbarment rates between Latino and white attorneys. From 1990 to 1999, the difference remained around zero, before experiencing its peak at nearly 1.5 percent between 2000 and 2004. After 2004, the rate difference returned to around zero and remains steady.

Figure 10. Differences in Disbarment Rates Between Latino and White Attorneys



Note: Underlined values indicate a statistically significant difference in the percentage point difference in the disbarment rate between Latino and white attorneys.

Findings from both the 2024 extension of the 2019 study and the new trend analysis suggest the discipline system is moving toward parity. Disbarment outcomes, once uneven, now differ little by race or ethnicity after accounting for control factors, while probation gaps—though still present—have diminished and show a downward trajectory in the most recent complaint window. This progress merits recognition, yet it should be viewed through a measured lens. The discipline system does not operate in a vacuum; it likely mirrors structural inequities—economic shocks, resource gaps, and client vulnerabilities—that shape outcomes across society. The State Bar must continue to explore ways to mitigate disparities rooted in structural factors so that progress endures.

EXPLORING OTHER DRIVERS OF DISCIPLINE DISPARITIES

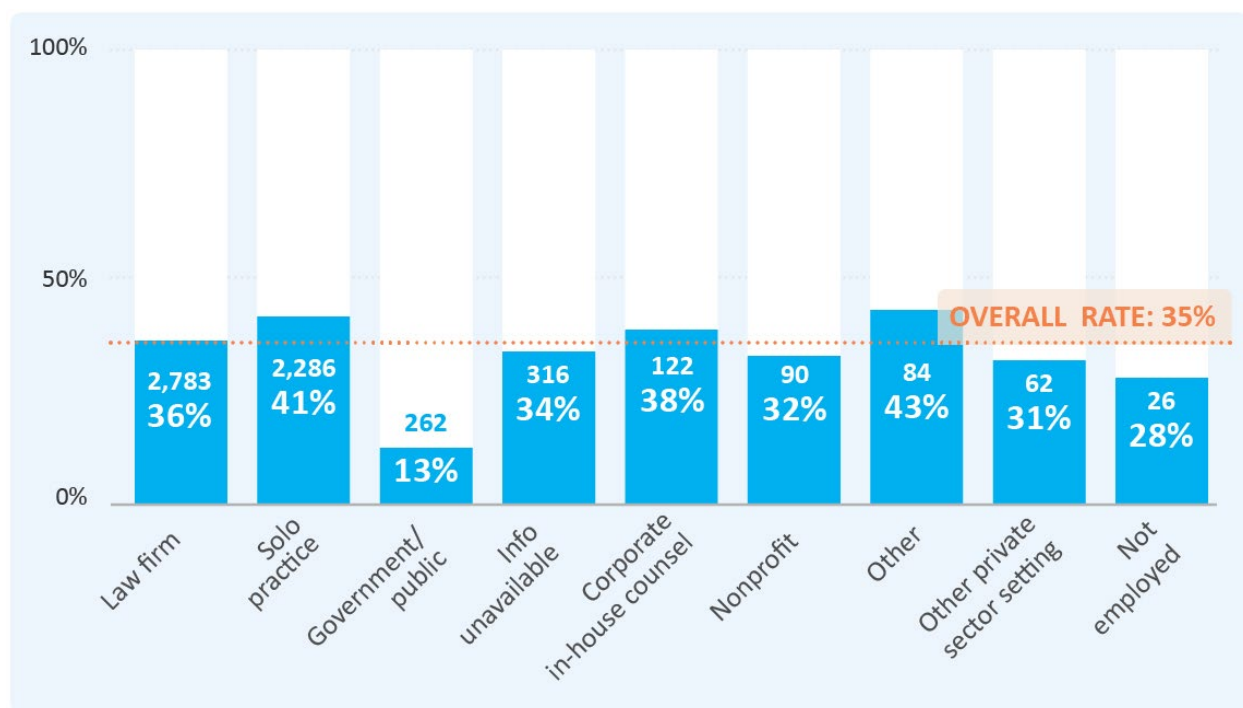
In keeping with the [State Bar of California's Operational Plan](#), the 2024 Attorney Discipline Disparities Study set out to determine whether discipline patterns differ by practice sector, firm size, or practice area. A comprehensive analysis was not feasible because of incomplete data. Data quality is improving, however: Under [Rule 2.2](#), adopted in October 2023, attorneys must now report both practice sector and

firm size. Using the first year of complete data, a preliminary one-year review was conducted to analyze how often complaints moved to investigation across those categories. In this analysis, investigation rate was used as a proxy for discipline, since many of the 2024 cases have not yet reached the discipline stage.

PRACTICE SECTOR

Practice sector refers to the broad categories within the legal profession that group lawyers by the clients they serve and the nature of their legal work. Of the nearly 200,000 active lawyers in California in 2024, most work in law firms (39 percent), followed by solo practitioners (21 percent), government or public sector attorneys (13 percent), and corporate in-house counsel (12 percent). Figure 11 shows the share of cases that were forwarded to investigation by practice sector in 2024. Across all practice sectors, law firms accounted for the most investigations (2,783), and the average investigation rate was 35 percent. Solo practitioners showed a 41 percent investigation rate, followed by corporate in-house counsel (38 percent) and law firms (36 percent). In contrast, government and public sector attorneys showed the lowest investigation rates (13 percent).

Figure 11. Percentage of Cases Forwarded to Investigation by Practice Sector: 2024



FIRM SIZE

Firm size describes the number of lawyers working within a law firm or organization. Of the nearly 200,000 active lawyers in California in 2024, the most common firm size category is solo practice with a firm size of one (23 percent), followed by a firm size of more than 200 lawyers (17 percent), and between two and five lawyers (12 percent). Figure 12 illustrates the percentage of cases that were forwarded to investigation by firm size in 2024. Across all firm sizes, solo practitioners (firm size = 1) accounted for the most investigations (2,186) and showed the highest investigation rate, at 41 percent.

As firm size increased, investigation rates generally decreased, with attorneys working in large firms (firm size > 200) reporting that only 17 percent of their complaints were forwarded to investigation.

Figure 12. Percentage of Cases Forwarded to Investigation by Firm Size: 2024



Despite addressing only investigation rate, a precursor to discipline, these analyses underscore the importance of accounting for attorney practice sector and firm size when exploring disparities in discipline. Forthcoming improvements in the data availability and quality of these workplace factors will promote a more accurate and nuanced understanding of discipline disparities.

MEASURING THE EFFECT OF RECENT POLICIES ON DISCIPLINE DISPARITIES

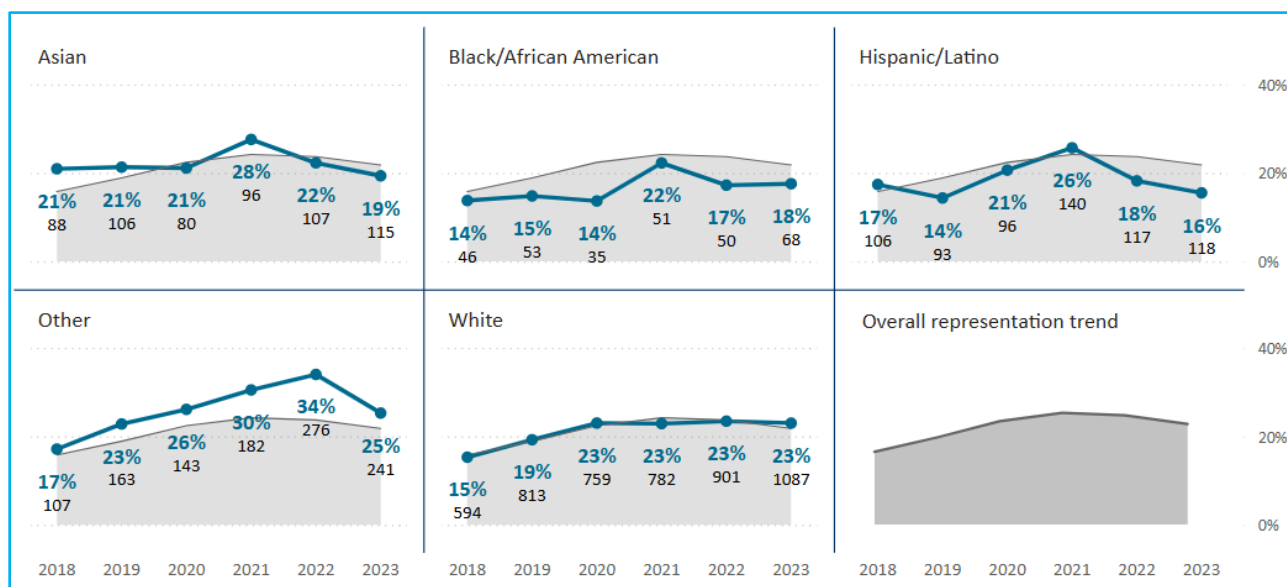
Key findings from the 2019 Farkas study showed that compared to white male attorneys, Black and Latino male attorneys were more likely to receive a complaint, had a higher average number of complaints, and were more likely to receive 10 or more complaints. Because complaints trigger investigations—and the 2019 Farkas study showed a link between investigations and discipline—this imbalance raised equity concerns. The 2019 results also showed that Black male respondents⁹ were only half as likely as white male respondents to be represented during discipline proceedings, and that unrepresented respondents faced markedly higher odds of disbarment. In response, the State Bar adopted the “At-Risk” notice and Archived Complaint policies in 2020, aimed at reducing discipline disparities.

⁹ The attorney/licensee who is the subject of a disciplinary proceeding.

“AT-RISK” NOTICE POLICY

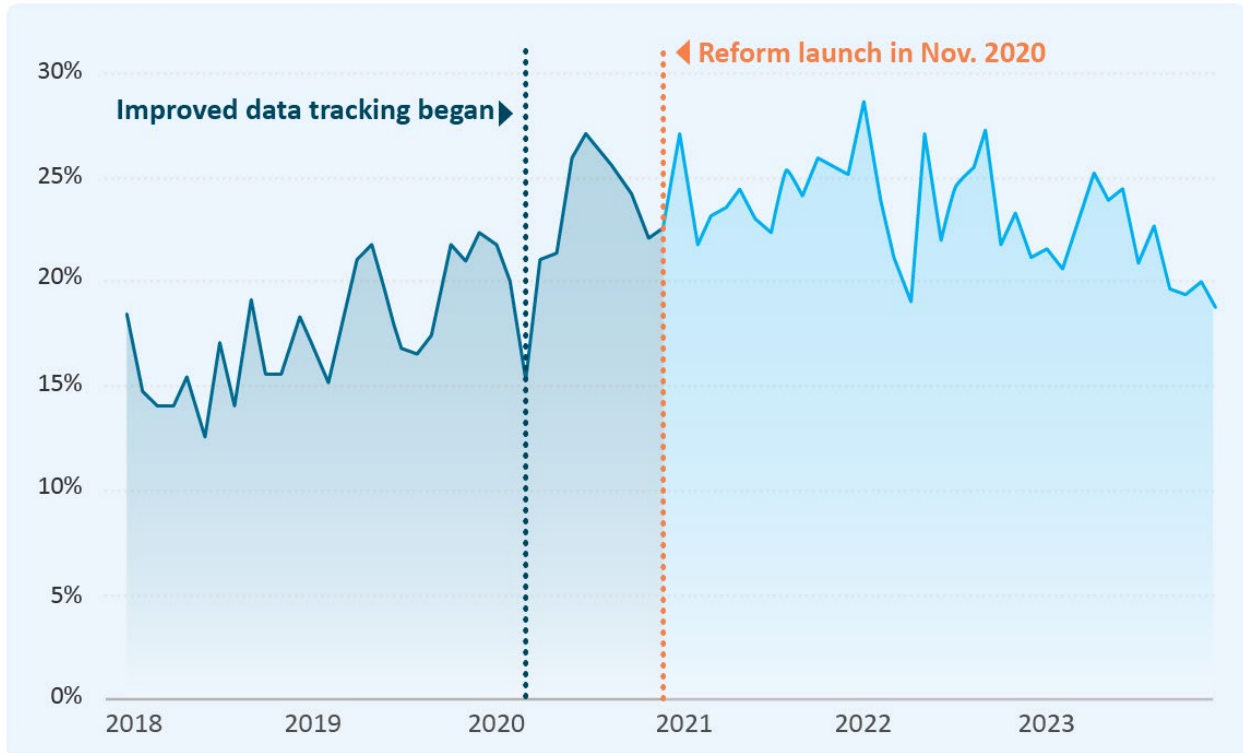
In November 2020, the State Bar began sending “At-Risk” notices advising respondents of the benefits of counsel and providing guidance on finding counsel. The following series of analyses examine trends in counsel representation rates and explore the value of counsel. The first analysis tracks representation trends from 2018 to 2023 to examine the link between representation and outcomes. The overall percentage of cases represented by counsel increased, but the gains were not shared equally among all demographic groups. Figure 13 shows that the representation of white respondents grew by 8 percentage points, from 15 percent in 2018 to 23 percent in 2023. In 2018, Black respondents showed similar representation rates to white respondents (14 percent), but saw only an increase of 4 percentage points in representation rates by 2023. Asian and Latino respondents started in 2018 with higher representation rates than both white and Black respondents. Their representation rates peaked in 2021 at 28 percent and 26 percent of cases with counsel, respectively, but by 2023 had dropped below the rates initially reported in 2018.

Figure 13. Annual Counsel Representation Rates and Race/Ethnicity: 2018–2023



A month-by-month comparison of pre- and post-policy periods shows no statistically significant jump after November 2020 (see figure 14); the upward trend had already begun and actually flattened once the notices went out, suggesting that broader forces—such as pandemic-era disruptions or other economic factors—may be driving the change.

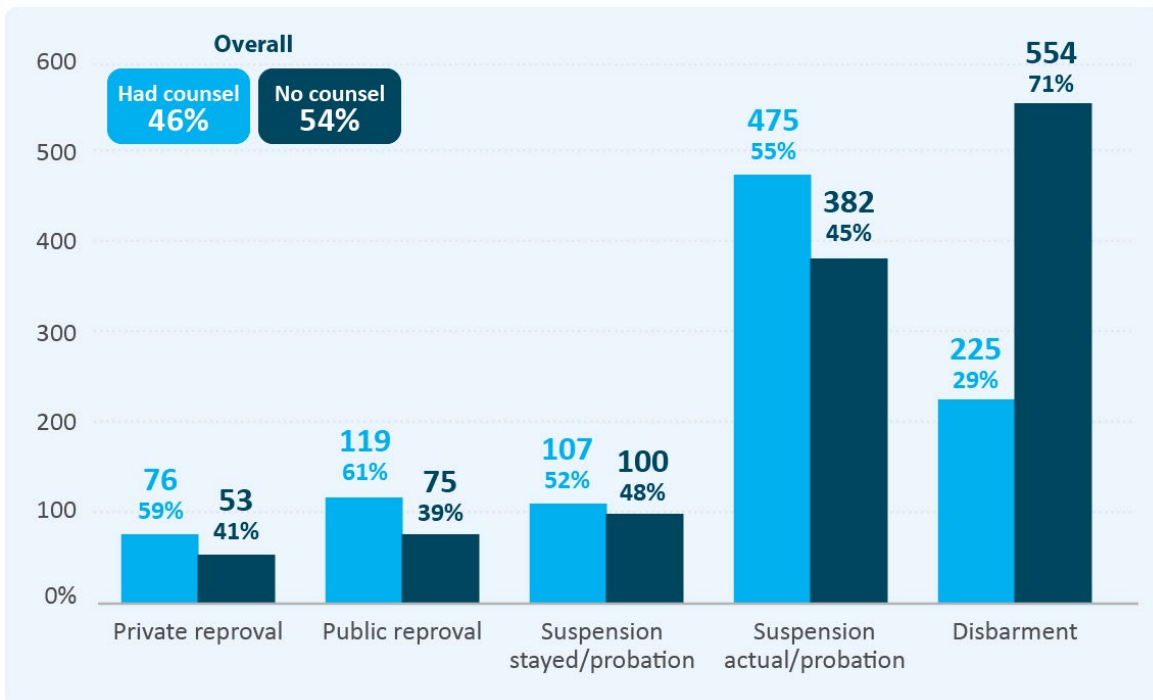
Figure 14. Monthly Counsel Representation Rates: 2018–2023



The second analysis asked whether representation makes it less likely that any discipline will be imposed. Drawing on 2,166 State Bar Court cases closed between 2019 and 2023 and adjusting for age, race/ethnicity, and gender, results found that representation lowered the likelihood of any discipline by roughly 19 percent.

The third analysis explored whether counsel affects discipline severity. Among those with counsel (N = 1,002), only 22 percent (225 cases) were disbarred. In contrast, the disbarment rate was much higher for respondents without counsel: 47 percent (554 cases) of the 1,164 unrepresented respondents were disbarred. Put another way, only 29 percent of the disbarred respondents had counsel, whereas a notable 71 percent were unrepresented (see figure 15). Represented respondents were also more likely to receive milder penalties, such as private reproof. Additional regression tests confirmed that the protective effect of counsel grows as the potential discipline becomes more severe.

Figure 15. Discipline Outcome by Counsel Representation



Taken together, the analyses show that while representation rates have improved, gains have not reached all groups equally, and the 2020 notice has not yet produced a measurable improvement in representation. Even so, having counsel remains associated with better outcomes: Represented respondents were less likely to be disciplined at all and, when discipline was imposed, respondents were more likely to receive milder discipline.

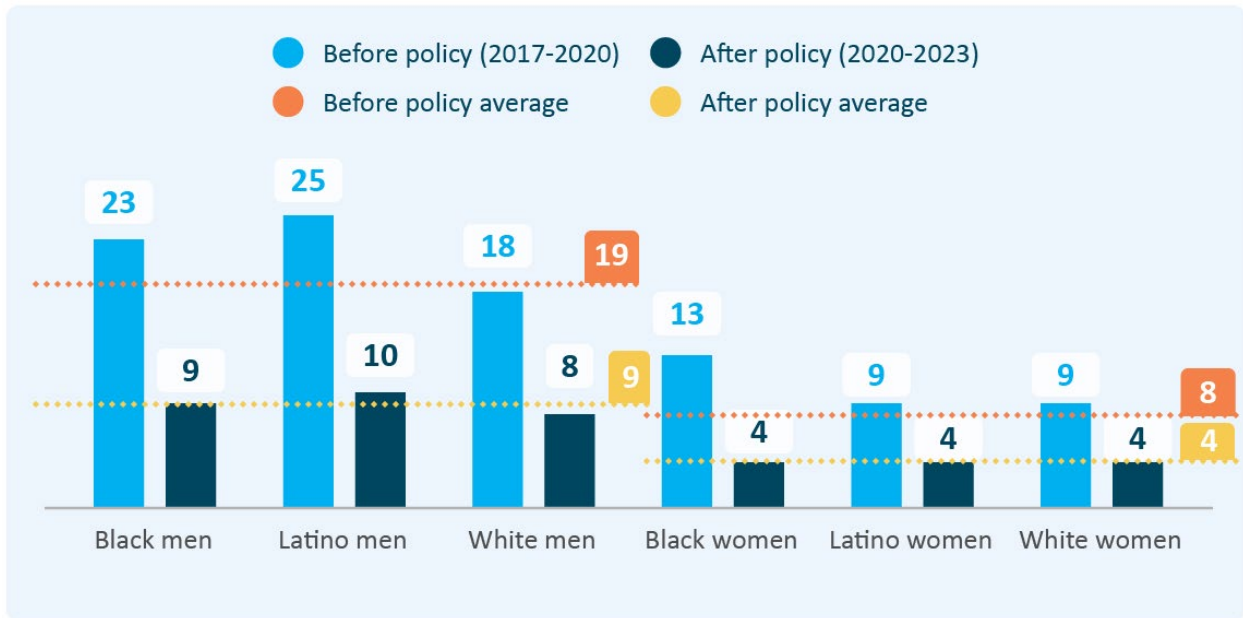
ARCHIVED COMPLAINTS POLICY

In November 2020, the State Bar adopted the Archived Complaints policy that archived (i.e., made invisible to the Office of Chief Trial Counsel staff who make investigation and charging decisions) all closed complaints that met the following criteria:

- The complaint was filed at least five years ago.
- The complaint did not result in formal discipline or any alternatives to discipline (nondisciplinary letters or agreement in lieu of discipline).
- The respondent does not have an open complaint.
- The respondent is not disbarred and has not resigned.

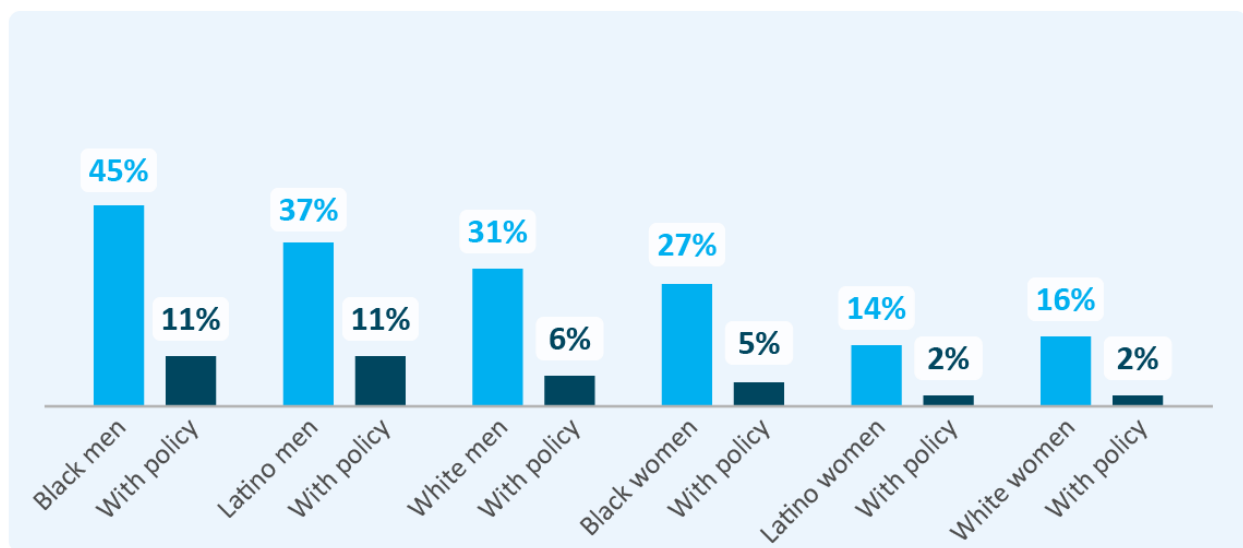
Staff compared data from the pre-policy period (2017–2020) with the post-policy period (2021–2023) to evaluate the effectiveness of the Archived Complaints policy. Before archiving, Black men, Black women, and Latino men all had markedly higher average counts of visible complaints than the gender-specific average, while white men had fewer. After the policy took effect, these gaps narrowed but did not disappear; the three groups of color remained above average, although by smaller margins (see figure 16).

Figure 16. Average Number of Visible Prior Complaints by Race/Ethnicity and Gender



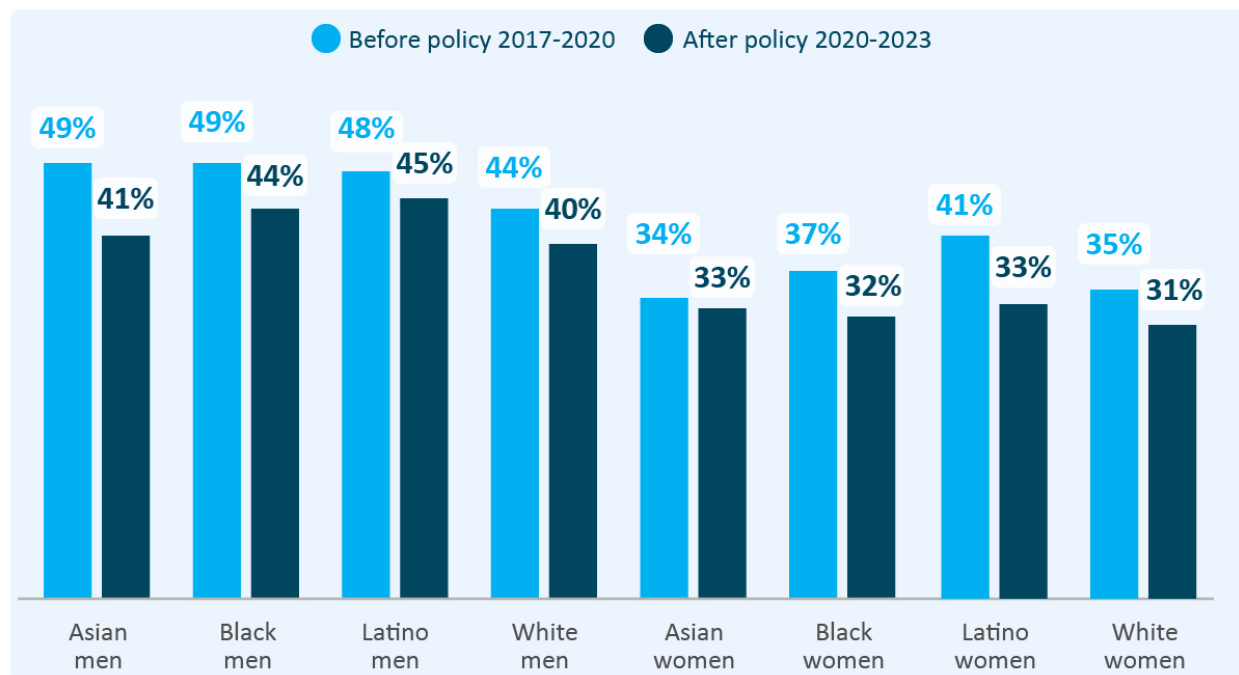
The 2019 study also revealed that Black male attorneys were far more likely than their peers to accumulate 10 or more complaints. To see whether the archiving policy altered that pattern, the share of attorneys in each race-gender group with 10 plus complaints was analyzed. The proportion declined for every group after policy implementation, but the magnitude of the drop varied. Before the policy, 45 percent of Black men and 37 percent of Latino men had 10 or more visible complaints; after the policy, those figures fell to 11 percent for both groups (see figure 17). Even so, disparities persisted: The share of Black and Latino men with 10 or more complaints remained roughly twice the overall average.

Figure 17. Percentage of Attorneys with 10 or More Visible Prior Complaints by Race/Ethnicity and Gender



Because the Archived Complaints policy took effect in November 2020, it is too soon to judge its effect on discipline outcomes. As an early indicator, investigation rates were examined (see figure 18). After the policy’s launch, the proportion of complaints that moved to investigation fell for every demographic group. Asian men saw the largest decline, dropping from 49 percent to 41 percent. Black, Latino, and white men saw smaller decreases of 3 to 5 percentage points, but Black and Latino men still faced investigations more frequently than their white counterparts.

Figure 18. Percentage of Cases Forwarded to Investigation by Race/Ethnicity and Gender



Overall, archiving older complaints has reduced—but not eliminated—racial disparities in complaint visibility and in the likelihood that new complaints lead to investigations.

CONCLUSION

The 2024 Attorney Discipline Disparities Study finds that the discipline system is trending in the right direction. Extending the original Farkas analysis through 2023 shows that the large racial gaps recorded in 2019—in complaints, probation, and disbarment—have narrowed, and a five-year rolling view confirms that Black–white and Latino–white differences in probation and disbarment now hover near zero.

The picture is complex, however, when we look beyond race. Solo practitioners remain the most likely to be investigated, while government and public-sector lawyers are the least likely. Firm size tells a similar story: Complaints filed against solo practitioners are more than twice as likely to advance to investigation as are complaints against attorneys in the largest firms.

Two post-2019 policy interventions show mixed results. The 2020 “At-Risk” notice was meant to boost representation, but it did not produce a distinct jump. Representation kept rising at roughly the pre-policy pace, with most of the gains benefiting white respondents, while Black, Asian, and Latino attorneys saw little progress. This trend is concerning because counsel still matters: In more than 2,000 recent cases, having a lawyer lowered both the likelihood and the severity of discipline. The Archived Complaints policy now removes closed, five-plus-year-old complaints that ended without discipline from an investigator’s view, reducing complaint totals across all racial groups. Even so, Black and Latino men still carry heavier complaint histories and remain more likely than white men to have new complaints advance to investigation.

While recent progress is encouraging, maintaining—and furthering—these gains will require policies that bolster access to resources and address structural gaps. Continued monitoring will be essential to confirm that current reforms yield lasting, equitable benefits and to signal where further adjustments are needed to ensure fairness for all California attorneys.