

# **Complaints Against Lawyers and Judges**

## **Warren County Bar Association Certified Grievance Committee**

500 Justice Drive  
Lebanon, Ohio 45036

(513) 695-1309  
(513) 695-2947 FAX

**Please note:** The information contained in this brochure is general in nature and not intended to give specific advice for an individual legal problem. Please contact one of the organizations listed in this brochure if you have a complaint about a judge or lawyer or the legal service you received.

## The Grievance Process

A grievance sent to the Disciplinary Counsel of the Supreme Court of Ohio or to a local bar association's certified grievance committee will be reviewed to determine whether the grievance alleges a violation of the Code of Professional Responsibility or Code of Judicial Conduct. If there is evidence that supports the allegation of a violation, the grievance will be investigated. Following the investigation, if substantial, credible evidence is found that a violation has occurred, a formal complaint will be filed with the Board of Commissioners on Grievances and Discipline. A three-member panel of the Board will review the complaint and determine whether probable cause exists to certify it. If the complaint is certified by the Board, a hearing is then held before a different three-member panel of the Board. The panel considers the evidence and makes a recommendation to the full Board of Commissioners. The full Board then makes a recommendation to the Supreme Court of Ohio. The Court has final say on whether to discipline an attorney or judge and what sanction should be administered. A grievance is confidential until the Board certifies it as a formal complaint. A grievance or complaint can be dismissed at any point in the process.

### What Rules Do Ohio Lawyers and Judges Have to Follow?

All Ohio lawyers take an oath to effectively represent their clients without compromise and conflict. The Supreme Court of Ohio regulates the conduct of lawyers and judges through the *Rules of Professional Conduct* and a *Code of Judicial Conduct*. Ohio lawyers and judges must obey their oaths of office and the rules outlined in the codes. These codes include ethical standards that each lawyer must follow.

For example, an Ohio lawyer is not allowed to:

- knowingly mislead or lie to a client or a court;
- reveal a client's confidence or secret without the client's permission;
- misuse or take money or property that belongs to a client;
- settle, file or dismiss a case without the client's permission; and
- repeatedly neglect a client's legal problems after the lawyer has agreed to represent the client.

### May I File a Complaint?

If you have an ethics complaint against an Ohio lawyer or judge for violating a rule of professional conduct, you may report it for investigation. When you file a written grievance, an investigation is made to determine if the attorney or judge did or did not violate the ethical rules.

### Where Do I File a Complaint?

An ethics complaint against a lawyer or a judge must be in writing and filed with one of the following organizations:

- an approved local bar association\*

- Office of Disciplinary Counsel  
250 Civic Center Drive, Suite 325  
Columbus, OH 43215  
614.461.0256
- Ohio State Bar Association (judges only)  
1700 Lake Shore Drive  
P.O. Box 16562  
Columbus, OH 43216-6562  
614.487.2050 or 800.282.6556

\* For the address and telephone number of an approved local bar association near you, please telephone the Supreme Court of Ohio Board of Professional Conduct at (614) 387-9370.

### **Should I File More Than One Grievance?**

A grievance should be filed with only one office. For grievances against lawyers you may file with either the Office of Disciplinary Counsel or an approved local bar association. For grievances against judges, you may file with the Office of Disciplinary Counsel, an approved local bar association, or the Ohio State Bar Association.

### **What Can I Expect?**

The investigating committee or Disciplinary Counsel will gather evidence about your grievance and decide whether the lawyer or judge violated the ethical rules. If the committee or Disciplinary Counsel finds enough evidence of wrongdoing, it will file a formal complaint charging misconduct against the lawyer or judge. The Board of Professional Conduct, which is an independent Board appointed by the Supreme Court of Ohio, will then hold a public hearing, and you may be required to testify. Based on the results of this hearing, the Supreme Court of Ohio may take action against the lawyer or judge to protect the public by limiting or prohibiting the lawyer from practicing law or serving as a judge. If there is not enough evidence of misconduct after the hearing is held, the charges will be dismissed by the Board.

### **What Is Not Covered By The Grievance Procedure?**

Disputes between you and your lawyer over fees are not ordinarily a basis for an ethics grievance. Several bar associations have fee arbitration services that can help resolve fee disputes. If you believe that you did not receive a proper result in a civil or criminal case, the ethics grievance process will not affect the outcome of your case. The lawyers investigating your ethics grievance cannot represent you or appeal the outcome of any case for you or recover money for you. The recovery of money damages or losses is not the purpose of the ethics grievance procedure.

### **How Do I Recover Money, Damages, or Losses?**

Filing an ethics grievance against a lawyer will not result in a recovery of the money you lost. If you suffer money damages or out of pocket losses as a result of your lawyer's mistakes or negligence, you may have a legal malpractice claim.

Malpractice lawsuits require a client to sue the lawyer within one year. If you wish to file a malpractice claim against a lawyer, you should

immediately consult with a different lawyer about the one year limitation and the damages you believe you have suffered.

### **Can I Recover Money If I Don't Sue My Lawyer?**

If your lawyer has illegally taken or misused your money or property, you may be eligible to recover the loss caused by the dishonest conduct through filing a claim with the Lawyer's Fund for Client Protection, 65 South Front Street, Fifth Floor, Columbus, OH 43215, telephone (614) 387-9390. You do not need the assistance of a lawyer to file this claim: you may file it yourself.

## **Instructions**

The Warren County Bar Association Certified Grievance Committee investigates allegations of ethical misconduct made against Warren County attorneys, as well as the unauthorized practice of law. Enclosed is a form to assist you in filing your grievance. Please print and complete this form in a legible manner and mail it to:

Lisa M. Cook, Secretary to the Bar  
Warren County Bar Association  
500 Justice Drive, Lebanon, OH 45036  
*(please mark "Confidential")*

Also include **copies** of any documents you feel are necessary to support your grievance. Do not send original documents. You may use additional sheets of paper to complete the written complaint portion of this form. You may or may not be contacted to provide additional information. **Be sure to sign and date the form.** Once we receive the completed grievance form, we will review the matter at our monthly grievance committee meeting. The Rules of the Supreme Court of Ohio require that investigations be confidential, and you are asked to keep confidential the fact that you are submitting this grievance. Only the attorney or judge under investigation may waive confidentiality. **The party(ies) you are filing your grievance against will receive notice of your grievance and may receive a copy of your grievance and be asked to respond to your allegations.** The filing of a grievance may result in your attorney withdrawing from your case. We cannot prevent this. Please also be advised that in filing a grievance against your attorney, you are waiving the attorney-client privilege. Additionally, this office has no jurisdiction to become involved in the merits of any case. **The attorney disciplinary process will not affect or change court decisions made in your case.** Please use one form for each attorney or judge against whom you are complaining. You may copy the form if you have more than one grievance, and you may enclose all of your grievances in one envelope.

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REQUEST FOR INVESTIGATION

Your name \_\_\_\_\_ Phone \_\_\_\_\_

Your address \_\_\_\_\_  
Street City State Zip

Name of Lawyer About Whom You Are Complaining \_\_\_\_\_

STATE YOUR COMPLAINT. (Be brief: use plain language, give the facts to the best of your knowledge and truthfulness. Use additional paper of the same size as this sheet, if necessary)

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Date: \_\_\_\_\_

This foregoing statement is true to the best of my knowledge and belief. \_\_\_\_\_  
Signature

When completed, mail to: Warren County Bar Association  
500 Justice Drive  
Lebanon, OH 45036  
\*\*Please mark CONFIDENTIAL