

Reporting of Unethical Conduct By Lawyers and Judges Warren County Bar Association Certified Grievance Committee

I. Introduction

The Certified Grievance Committee is a standing committee of the Warren County Bar Association. Its purpose is to investigate claims of misconduct by an attorney who has an office in Warren County and/or the misconduct occurred in Warren County. An Attorney's conduct is governed by the Ohio Rules of Professional Conduct. A violation of the Ohio Rules of Professional Conduct can result in the imposition of sanction(s) against an attorney. The Committee is comprised of attorneys who practice in Warren County and of non-lawyer members. The Committee is not empowered to investigate claims of misconduct by judicial officers. In addition, the Committee may not investigate claims of misconduct against an officer of the Warren County Bar Association nor a member of the Committee. (See Grievance Information for an explanation of where to submit those claims)

There are approximately 31 Certified Grievance Committees in the state. Each with authority to investigate claims within its jurisdiction. The Office of Disciplinary Counsel in Columbus, Ohio has statewide jurisdiction and is also authorized to investigate claims against judicial officers as is the grievance committee of the Ohio State Bar Association.

II. Committee Meetings

The Certified Grievance Committee meets on the fourth Wednesday of each month unless there is nothing pending before the committee. However, the committee is required to meet at least once every three months. Everything discussed in a meeting is confidential and is not shared with anyone who is not a committee member. In fact, each committee member takes a vow of confidentiality at the time of becoming a member.

III. Grievance Investigation Procedure

When a Request for Investigation (Grievance) is received it is reviewed by the Committee Chairman and Bar Counsel. It is presented to the Committee with an explanation of possible Rules of Professional Conduct violations. The Committee votes as to whether an investigation should be initiated or if additional information is needed.

If the Committee votes to proceed with an investigation, Bar Counsel or a Committee member begins the investigation process. The attorney against whom the claims have been asserted is notified, given a copy of the Request for Investigation and is asked to submit a written response.

The person who submitted the Request for Investigation will be interviewed and will be asked to explain in detail the basis for the claims, documents which might support the claims and identify persons who might have information concerning the issues presented.

The attorney will also be interviewed and permitted to explain what transpired and also asked for any documents and to identify persons who might have information concerning the claims.

The complexity of the matter, number of witnesses, documents, etc., will determine how long it takes to complete the investigation. Generally, the Committee has 270 days from the date the Request is received to complete the investigation.

IV. Grievance Committee Review

When the investigation has been completed, the Committee member who completed the investigation presents the findings to the Committee. The information typically includes the names of the persons interviewed, a summary of their statements, documents reviewed, the Rules of Professional Conduct which may have been violated and any applicable case law which may assist in determining whether a violation has occurred and or appropriate sanctions.

The matter is then discussed by the Committee members. Following the discussion a vote is taken as to whether probable cause exists that misconduct has occurred. Probable Cause means there is substantial credible evidence that misconduct has occurred. A majority of the quorum (a quorum is at least half of the Committee in attendance) is required to find the existence of probable cause. If less than half of the quorum believes probable cause exists the matter is dismissed. The person submitting the grievance is notified of the dismissal and advised of the right to seek review of the dismissal by submitting a request to the Board of Professional Conduct. If probable cause is found to exist, a formal complaint is prepared, served on the attorney and submitted to the Board of Professional Conduct. The Board of Professional Conduct submits the complaint and all investigatory materials to a three-person probable cause panel. That panel undertakes an independent review of the matter and determines whether probable cause exists. If it deems probable cause has been established it is submitted to the Board for certification. Upon the certification of a complaint by the Board, the complaint and all subsequent proceedings are public. If probable cause has not been established the matter is dismissed.

V. Hearing

The Board of Professional Conduct will schedule a hearing on the merits of the claims. The matter will be presented to a three-member hearing panel. (Probable cause panel and hearing panel consist of different persons) The hearing is conducted in much the same fashion as a trial. The case is brought in the name of the bar association (Relator) and the attorney against whom the claims have been asserted is the Respondent. The Relator has the burden of

proving each and every element of the alleged misconduct by clear and convincing evidence. The hearing panel prepares a report and recommendation based upon the evidence presented. The report states whether misconduct has been proven and if so an appropriate sanction(s). The full Board ultimately must approve or reject the panel's finding. If approved, either side may file objections with the Supreme Court and oral arguments will be entertained by the Court. If rejected, it goes to the hearing panel for additional proceedings.

VI. Grievance Information

1. There is no fee to file a grievance.
2. The Grievance is confidential until such time as the Board of Professional Conduct certifies the complaint.
3. The person submitting the grievance will in all likelihood be required to testify at the hearing on the merits.
4. Once a grievance has been submitted it cannot be withdrawn by the person submitting it.
5. Persons who believe they are a victim of a dishonest lawyer may file an application for financial reimbursement with:

Lawyers' Fund For Client Protection
Thomas J. Moyer Ohio Judicial Center
65 S. Front Street 5th Floor
Columbus, OH 43215-3431
(800) 231-1680
Website: www.SC.Ohio.Gov/Boards

6. Complaints of misconduct against Judicial Officers should be submitted to:

Office of Disciplinary Counsel
65 East State Street Suite 1510
Columbus, OH 43215
1-800-589-5256

VII. Submitting a Grievance in Warren County

The Request for Investigation form should be completed, signed, dated and returned to:

“Personal and Confidential”

Lisa Zimmer, Secretary, Warren County Bar Association
500 Justice Drive
Lebanon, OH 45036

You may contact Ms. Zimmer:

(P) 513-695-1309

(F) 513-695-2947

REQUEST FOR INVESTIGATION (Grievance)

Your name: _____ Phone number: _____

Address: _____
 Street City State Zip Code

E-mail

Name of Attorney Subject of Your Complaint: _____
 Last First Middle

Address: _____
 Street City State Zip Code

Phone number: _____

Have you submitted a complaint against this attorney with any other agency or bar association? Yes _____ No _____
If yes, please identify with whom you submitted the complaint and the date.

Did you sign a fee agreement/ contract? Yes _____ No _____

Did you pay the attorney a retainer? Yes _____ No _____ If yes, the amount. _____

Does the attorney still represent you? Yes _____ No _____

If no, who terminated the relationship? _____ Date: _____

State the basis for your claim(s) of misconduct against the attorney:

(Attach additional pages if necessary)

Please attach any document(s) which you believe support(s) your claims. (List)

Identify any persons whom you believe might have information which would assist in the investigation. (Name, address, phone number and the information they may possess)

Signature _____ Date: _____

Return the completed form to :

Lisa Zimmer- Personal and Confidential
c/o Warren County Bar Association
500 Justice Drive
Lebanon, OH 45036