

# **AKRON BAR ASSOCIATION GRIEVANCE INFORMATION & INSTRUCTIONS**

## **TO FILE A GRIEVANCE**

The Akron Bar Association limits its investigations to attorneys with a **Summit County**, Ohio address. You have the option of filing your grievance with the Akron Bar Association or The Office of Disciplinary Counsel, whose address is listed below.

The Akron Bar Association **does not investigate grievances against judges or magistrates**. You may file a grievance against a magistrate or judge with the [Supreme Court of Ohio's Office of Disciplinary Counsel](#) at:

The Office of Disciplinary Counsel  
250 Civic Center Drive, Ste. 325  
Columbus, Ohio 43215-7411  
Phone: 1.800.589.5256

Website: <http://www.supremecourt.ohio.gov/DisciplinarySys/odc/>

Enclosed is an investigation form for you to complete. Please state in your own words what you think the attorney did that was unethical or unprofessional and indicate how or why you chose this attorney. Your written statement will be reviewed to determine if it contains allegations which, if proven, would constitute professional misconduct under the Ohio Rules of Professional Conduct. Note that the authority of the Akron Bar Association is limited to the investigation of grievances arising under the Ohio Rules of Professional Conduct. The Akron Bar Association has no authority to change any decisions by a court of law or to interfere with ongoing proceedings.

The Rules of the Supreme Court require that investigations be confidential, and you are asked to keep confidential the fact that you are submitting this grievance. Only the attorney under investigation may waive confidentiality.

## **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 in the order it was received to determine whether the grievance alleges a violation of the Ohio Rules of Professional Conduct. You will receive a written response to your grievance within a few weeks. If a possible violation is found, a copy of your grievance will be provided to the attorney who will then be required to respond to the allegations. 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.

## **TO REQUEST ARBITRATION OF AN ATTORNEY'S FEES**

If you have a fee dispute with your attorney, please call the Akron Bar Association at (330) 253-5007 and request a Fee Arbitration Petition. The petition is also available on our website at [www.akronbar.org](http://www.akronbar.org).

## **FOR QUESTIONS OR ASSISTANCE**

If you have additional questions or need assistance, please call the Akron Bar Association's Grievance Department at (330) 253-5007. Thank you for contacting the Akron Bar Association.

## **UNDERSTANDING THE GRIEVANCE PROCESS**

The Certified Grievance Committee of the Akron Bar Association has been given the authority by the Supreme Court of Ohio to investigate grievances against attorneys with a **Summit County mailing address**. Matters which arise in other counties may be directed to the local bar association in that county or to the Office of Disciplinary Counsel, Supreme Court of Ohio, 250 Civic Center Drive, Suite 325, Columbus OH 43215.

The authority of the Grievance Committee is limited to the investigation of attorney misconduct which would be in violation of the specific Disciplinary Rules which are included in the Ohio Rules of Professional Conduct. The Akron Bar Association has no authority to investigate other behavior by an attorney which the public may view as "unethical," but which is not covered by the Disciplinary Rules. A fee dispute between you and your attorney usually cannot be investigated by the Grievance Committee because most fee disputes do not involve professional misconduct. Fees are a matter of contract between the attorney and the client and the Akron Bar Association is not a party to that contract. If you have a fee dispute with your attorney, you may contact the Akron Bar Association and ask for a Fee Arbitration Petition.

There are several important limitations on how and when the Akron Bar Association can take action in response to your allegations against an attorney. **First, neither the Akron Bar Association nor its Grievance Committee can act as a court of appeals.** It cannot overrule any decisions that have been made by a court. The Akron Bar Association cannot change the outcome of your case or redeem your losses, whether monetary or otherwise. The only function of the Grievance Committee is to investigate allegations of attorney misconduct and to either seek sanctions against the attorney with the Supreme Court of Ohio or to exonerate the attorney when no misconduct is found.

**Second, the Grievance Committee cannot interfere with ongoing court proceedings.** The grievance process will not be used on behalf of one party in a lawsuit to put unfair pressure upon the other parties to that suit or upon the attorneys who are involved. The court system is the proper place for the resolution of civil or criminal disputes and the injection of an attorney grievance into court proceedings is disruptive to the court system itself and may unfairly influence an attorney's representation of his or her client.

**Finally, it is important to recognize that the Akron Bar Association and its Grievance Committee cannot give you legal advice or represent you.** The Grievance Committee's function is to investigate and seek discipline for attorney misconduct. A person with a legal problem should consult an attorney and cannot rely on the Akron Bar Association for legal representation. You may pursue a cause of action in court against an attorney at the same time that your grievance against that attorney is being investigated by the Grievance Committee. However, the Grievance Committee will not be representing you and the grievance procedure is separate and distinct from any civil cause of action. The fact that you have filed a grievance with the Akron Bar Association will not affect the time limitations for the proper filing of a civil lawsuit, whether that suit is against your attorney or against anyone else. The investigation of a grievance by the Akron Bar Association will normally take 60-90 days.

The Grievance Committee operates under rules adopted by the Supreme Court of Ohio which are designed to protect the public from attorney misconduct and to uphold the integrity of the Bar. It is the goal of the Grievance Committee members to thoroughly investigate allegations of attorney misconduct in a manner that is fair to both the accused attorney and to the interests of the public.

**AKRON BAR ASSOCIATION**  
**INVESTIGATIVE FORM: STATEMENT OF FACTS**  
**Please return to: 57 South Broadway Street, Akron, OH 44308**

Your Name: \_\_\_\_\_

Address: \_\_\_\_\_  
Street City State Zip

Telephone No. \_\_\_\_\_

Name of the Attorney You Have a Complaint With: \_\_\_\_\_

Address of the Attorney: \_\_\_\_\_  
Street Address  
City State Zip

Did/Does this attorney represent you?  Yes  No

If no, name of the person represented: \_\_\_\_\_

Your relationship: \_\_\_\_\_

Date the attorney was hired: \_\_\_\_\_

Has the attorney withdrawn or been dismissed?  Yes  No

Did you pay the attorney a fee/retainer?  Yes  No If yes, how much? \_\_\_\_\_

Did you sign a written fee agreement/contract?  Yes  No *If yes, please attach a photocopy*

Were you referred to this attorney by the Lawyer Referral Service of the Akron Bar Association?  
 Yes  No

For what legal matter did you consult the attorney? \_\_\_\_\_

Is your legal matter currently pending in a court of law?  Yes  No

If yes, what court? \_\_\_\_\_

County? \_\_\_\_\_ Case #: \_\_\_\_\_

Has the attorney sued you in a court of law for collection of fees?  Yes  No

Have you filed a complaint with any other disciplinary agency?  Yes  No

If yes, which one? \_\_\_\_\_

Did you receive a response?  Yes  No *If yes, please attach a photocopy*

Please state what the attorney did or failed to do that you believe may have been improper. Attach copies of any receipt, fee contract, correspondence, billing statement or additional documents which may support your grievance. Use additional pages if necessary.

This foregoing statement is true to the best of my knowledge and belief. I agree to keep confidential the fact that I submitted this grievance. In addition, I understand that in filing this grievance, I am waiving the attorney-client privilege in my case.

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Signature

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Date

How did you hear about the Akron Bar Association Grievance Committee?

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