

# Dayton Bar Association

Certified Grievance Committee  
109 N. Main St., Ste. 600  
Dayton, OH 45402-1129  
(937) 222-7902



## Memorandum

TO: Grievant

FROM: The Dayton Bar Association Certified Grievance Committee

RE: Your Grievance Against an Attorney

The Certified Grievance Committee has received your request to investigate the conduct of a local attorney. In order to properly investigate, the Committee needs additional information from you regarding your complaint. Before completing the enclosed form, please read this memo and the attached information. Please keep this memo and attached information for your records.

### INSTRUCTIONS

1. Complete the attached form by typing or legibly printing the information requested.
2. Be sure to provide the complete name, address and telephone number for both yourself and the attorney.
3. Attach to your completed form copies of any documents you feel support your grievance. Do not send original documents as they will not be returned to you.
4. Complete a separate form for each attorney against whom you are complaining.
5. If you wish to file both a grievance and a petition for fee dispute arbitration (information regarding that program is attached), you must file the grievance first. If your fee dispute still exists after a determination is made by the Certified Grievance Committee, you may petition for a fee arbitration according to the rules of this program.
6. You may not file a grievance with the Dayton Bar Associations Certified Grievance Committee and another Committee authorized to investigate allegations of lawyer misconduct. If you have already filed a grievance against the attorney with another agency, please do not file a second grievance with this Association.

### WHAT TO EXPECT NEXT REGARDING YOUR GRIEVANCE

Once you provide to the Dayton Bar Associations Certified Grievance Committee your completed form, the review process will begin. The initial review stage generally takes three to four weeks. After which you will be notified by mail that your complaint is going to be investigated by the Committee. The investigation stage of the process generally takes 30 to 60 days. A more formal investigation will likely take longer but should not exceed one year. You will be contacted by an investigator, who may have additional questions. The investigator will also give you the opportunity to provide additional information regarding your complaint. However if you have questions or wish to know the status of your complaint, you may contact the Grievance Administrator at (937) 222-7902 Monday through Friday during the hours of 8:30 am and 5:00pm.

## **GENERAL DESCRIPTIONS OF THE INVESTIGATION PROCESS**

When a complaint is received it is given to the Bar Counsel of the Dayton Bar Association for review. Once it is determined the attorney may have violated one or more of the Rules of Professional Conduct and there is merit for an investigation the complaint will be assigned to an investigator and you will be notified by letter. All investigators are members of the Dayton Bar Associations Certified Grievance Committee. Once the investigator has completed the investigation he/she will present a report to the entire committee along with a recommendation. If the Committee finds substantial, credible evidence that supports the existence of a rule violation, a formal complaint may be filed with the Board of Commissioners on Grievance and Discipline. If a hearing is held, you may be asked to testify before a panel assigned by the Board. After considering the evidence and recommendations of the Hearing Panel, the Board of Commissioners will make a recommendation to the Ohio Supreme Court as to what sanction should be imposed. The Court can adopt the recommendation of the Board of Commissioners or impose a greater or lesser sanction.

Please be advised the sole function of the Committee is to conduct a disciplinary investigation which may result in a sanction against the attorney. The disciplinary process will not affect or change court decisions made in your case. The Committee cannot give legal advice or provide legal representation for you. The Committee cannot recover or collect monies on your behalf. The Committee cannot make a determination of the merits of your case.

## **CONFIDENTIALITY**

The Rules of the Supreme Court of Ohio require that investigations against attorneys be confidential, and you are asked to keep confidential the fact that you are submitting this grievance. However, the attorney against whom you have complained will be notified that you have filed a complaint and may receive a copy of the information you submit to the Committee. Please note that by filing a grievance against your attorney, you are waiving the attorney-client privilege and your attorney may provide to us any information regarding his or her representation of you which may assist in our investigation.

## **INFORMATION OF FEE DISPUTE ARBITRATION**

If your complaint against your attorney concerns the legal fees paid or owed, you may file a petition for an arbitration hearing which is administered by the Association's Fee Arbitration Committee. If a hearing is held, the arbitration panel determines the reasonable value of service that your attorney provided to you. The panel's decision is binding. If you believe your lawyer may have engaged in ethical misconduct and you dispute the fees paid or owed and wish to file both a grievance and fee dispute petition, you must file the grievance first and wait for a decision to be made regarding the attorney's conduct before filing a fee dispute petition. Fee dispute petitions that raise allegations of ethical misconduct may be referred to the Certified Grievance Committee for review. The Fee Dispute and Arbitration Committee has separate forms that must be filed in order to petition for fee arbitration. Those forms can be obtained on our website at [www.daybar.org](http://www.daybar.org) or by contacting the Dayton Bar Association at (937) 222-7902.

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## COMPLAINANT INFORMATION

Please type or print legibly

Your Name:		
Address:		
City:	State:	Zip:
Daytime Phone Number:		Email:

## ATTORNEY INFORMATION

If filing a complaint against more than one attorney, complete a separate form for each lawyer against whom you are complaining.

Attorney Name:		
Address:		
City:	State:	Zip:
Phone Number:		

Have you filed this grievance with any other agency or bar association: Yes _____ No _____
If yes, with what agency or bar association:
Date filed:
Did you receive a response: Yes _____ No _____ IF YES, PLEASE ATTACH A COPY

Did you hire this attorney? Yes _____ No _____ Date:
Does the attorney still represent you? Yes _____ No _____
Did you pay the attorney a fee or retainer? Yes _____ No _____ IF YES, HOW MUCH? \$
Did you sign a written fee agreement or contract? Yes _____ No _____ IF YES, PLEASE ATTACH A COPY
Has the attorney sued you for fees? Yes _____ No _____ If yes, state case number and date:
If yes, what was the outcome/status of the case?
Have you brought civil or criminal court action against the attorney? Yes _____ No _____ If yes, provide case number and name of court:
Result of the action:

**FACTS OF THE CASE**

On a separate sheet of paper, please explain in detail the facts of your complaint, including dates, describing the attorney's conduct which you believe to be unethical. Please type or print legibly.

**If you include attachments, please send copies, do not send originals.**

By signing this form, I attest that my statements herein and the documents attached are true and accurate to the best of my knowledge. I understand that by filing this form with the Certified Grievance Committee of the Dayton Bar Association, the attorney I have written about may be contacted and provided a copy of this form. I further understand that the Supreme Court Rules for the Government of the Bar of Ohio require that this matter be private and confidential.

Signature: -

Date: