

Your Rights as a Complainant In the Grievance Process

- You have a right to file a grievance complaint against an attorney.
- You may attend, and be accompanied by counsel, at all proceedings at which testimony is given.
- If probable cause is established, all hearings are open to the public. (The attorney complained against may elect to have proceedings opened to the public before probable cause is found.)
- Your complaint will be heard by a panel that will usually consist of two attorneys and one non-attorney. No attorney can serve on a panel if that attorney has an office in the same judicial district as the attorney against whom you have complained.
- You have a right to be informed of decisions made about your complaint.
- If your complaint is assigned to a grievance panel, the panel will inform you whether or not it has found probable cause, ordinarily not later than 140 days after the grievance complaint was referred to such grievance panel.
- You will be informed of the decision of the subcommittee or the Statewide Grievance Committee ordinarily not later than 120 days after your grievance complaint was referred to the subcommittee or the Statewide Grievance Committee.

Filing A Grievance

To file a grievance complaint against an attorney, complete the Complaint Against Attorney form, which is available on-line and in every Clerk's Office of the Superior Court, and send it to:

Statewide Bar Counsel
Suite 2, 2nd Floor, 287 Main Street
East Hartford, Connecticut 06118-1885
Telephone: (860) 568-5157

If you have questions after reading this pamphlet, you may call or write the Office of the Statewide Bar Counsel at the above address and telephone number. You may also review the rules that govern the grievance process. They are found in the *Connecticut Practice Book* at any Superior Court law library. For the address of the nearest court location, consult your telephone directory or contact the Statewide Bar Counsel at (860) 568-5157.

ATTORNEY GRIEVANCE PROCEDURES IN CONNECTICUT

STATE OF CONNECTICUT JUDICIAL BRANCH

TO THE READER:

This pamphlet is designed to help you understand attorney grievance procedures in Connecticut. It explains what a grievance is, how to file a grievance complaint and what will happen procedurally after a grievance complaint is filed. It also provides information about other action that you may want to consider.

Please read this pamphlet carefully. It contains important information that you should know before you decide whether to file a grievance complaint.

1. What is a grievance?

A grievance is a complaint by any person charging an attorney with misconduct related to his or her character, integrity, professional standing or conduct. Grievance procedures pertain to conduct that occurs both within and outside a courtroom.

2. What is the purpose of attorney grievance proceedings?

The purpose of attorney grievance proceedings is to investigate allegations of misconduct and to discipline attorneys who have acted unethically.

3. What standards govern attorney conduct?

The Rules of Professional Conduct provide a framework for the ethical practice of law. The judges of the Superior Court approved these rules to guide attorneys in their professional conduct. If you wish to review them, the rules may be found in the *Connecticut Practice Book* at any Superior Court law library.

4. Should I file a grievance complaint?

Many problems can be resolved through a candid discussion with your attorney. Tell your attorney that you are dissatisfied and ask for a full explanation of the matter involved. If you are unable to resolve your differences and you believe your complaint involves misconduct, you may file a grievance complaint.

5. What if I believe the attorney's fee was excessive?

attorney. Many fee disputes involve a lack of communication between attorneys and clients regarding the basis for the fee or factors that go into charges made by attorneys for their services.

Fee matters are not ordinarily the basis for discipline of a lawyer because they usually do not involve questions of professional misconduct. In cases that do, such as illegal or clearly excessive fees, or failure to have a written fee agreement, an attorney may be disciplined.

If you are unable to reach an understanding with your attorney, the matter, like any other dispute over the value of services, may be resolved by filing a civil law suit. As an alternative, the Connecticut Bar Association, a voluntary association of lawyers, has an Arbitration of Legal Fee Disputes Committee, which may consider complaints concerning allegedly excessive fees. Complainants in these cases should contact the Connecticut Bar Association to obtain a copy of the Rules for Arbitration of a Legal Fee Dispute and the necessary forms. These forms should be submitted directly to the Connecticut Bar Association, 30 Bank Street, P.O. Box 350, New Britain, CT 06050-0350.

6. How do I file a grievance complaint?

Complete and sign under penalties of false statement a Complaint Against Attorney form, which is available on-line at www.jud.state.ct.us or at each Clerk's Office of the Superior Court. Provide enough details (names, dates, addresses, pertinent documentation, etc.) on the form to serve as a basis for investigation. Once you complete the form, mail it to:

Statewide Bar Counsel
Suite 2, 2nd Floor, 287 Main Street
East Hartford, Connecticut 06118-1885

There is no charge for filing a grievance complaint.

7. What will happen after I file my complaint?

The Statewide Bar Counsel reviews your complaint and either: (a) forwards it to a grievance panel for an investigation; or (b) if it meets the following criteria for dismissal of a complaint, refers it to two members of the Statewide Grievance Committee:

(A) the complaint only alleges a fee dispute and

(B) the complaint does not allege facts which, if true, would be a violation of a rule governing attorney conduct.

(C) the complaint does not contain sufficient specific allegations on which to conduct an investigation;

(D) the complaint duplicates a previously dismissed complaint;

(E) with some exceptions, the complaint alleges that the last act or omission constituting the alleged misconduct occurred more than six years prior to the date on which the complaint was filed (if the last act or omission occurred more than six years before the date on which the complaint was filed, you may wish to review Practice

Book § 2-32(a)(E) to see if an exception applies to your case);

(F) the complaint alleges misconduct occurring in a court action and the court has issued a decision finding misconduct or finding that either no misconduct has occurred or that the allegations should not be referred to the statewide grievance committee;

(G) the complaint alleges personal behavior outside the practice of law which does not violate the rules;

(H) the complaint alleges the failure to pay a debt;

(I) the complaint names only a law firm or other entity and not any individual attorney, unless dismissal would result in gross injustice.

(If you would like to review the complete text of the dismissal rules, please refer to Connecticut Practice Book § 2-32(a)(2).)

If the complaint is referred to two members of the Statewide Grievance Committee, they will either dismiss it or forward it to a grievance panel for an investigation. A dismissal at this early stage in the proceedings will allow you to seek relief, if relief is available, in another forum.

attorney of your complaint and advise the attorney that a response is required.

8. What is a grievance panel?

There are one or more grievance panels in each of the state's 13 judicial districts. A grievance panel is composed of one person who is not an attorney and two attorneys whose law offices are in judicial districts outside that in which the panel serves. Each panel also has an alternate member who is an attorney. No attorney member may hear a complaint against an attorney who has a law office in the same judicial district as the member.

9. What actions may be taken if a complaint is forwarded to a grievance panel?

The grievance panel will investigate the complaint. It may hold a hearing as part of its investigation. It will determine whether or not there is probable cause to believe that the attorney is guilty of misconduct.

A copy of the grievance panel's probable cause determination will be sent to you, to the attorney who is the subject of the complaint, and to the Statewide Grievance Committee, ordinarily not more than 140 days from the date of referral to the panel. This determination is a public document.

The Statewide Grievance Committee or a subcommittee of the Statewide Grievance Committee will further review the complaint.

10. What is the Statewide Grievance Committee?

The Statewide Grievance Committee consists of 21 members at least seven of whom are not attorneys. The Committee makes the final decision on your grievance.

11. What actions may be taken by the Statewide Grievance Committee after a grievance panel finds no probable cause that the attorney is guilty of misconduct?

If the grievance panel determines that probable cause does not exist, the Statewide Grievance Committee, or a subcommittee, reviews the determination and either dismisses the complaint or finds probable cause. If the Statewide Grievance Committee, or a subcommittee determines that probable cause exists, it conducts a hearing that is

12. What actions may be taken by the Statewide Grievance Committee after probable cause is found?

If it is determined that probable cause of misconduct exists, the Statewide Grievance Committee or a subcommittee conducts a hearing which is open to the public.

After the hearing, the Statewide Grievance Committee or a subcommittee may decide to dismiss the complaint, to impose sanctions and conditions against the attorney, or to direct that the attorney be brought before the Superior Court for reprimand, suspension or disbarment in a proceeding known as a presentment.

The Statewide Grievance Committee or a subcommittee may impose the following sanctions and conditions:

- (1) reprimand;
- (2) restitution, for example, return of property belonging to the complainant;
- (3) assessment of costs;
- (4) an order that the attorney return a client's file to the client;
- (5) a requirement that the attorney attend continuing legal education courses, at his or her own expense, regarding one or more areas of substantive law or law office management;
- (6) an order to submit to fee arbitration;
- (7) with the attorney's consent, an order to submit to periodic audits and supervision of the attorney's trust accounts;
- (8) with the attorney's consent, a requirement that the attorney undertake treatment, at his or her own expense, for medical, psychological or psychiatric conditions or for problems of alcohol or substance abuse.

The Statewide Grievance Committee may act as a full committee or in subcommittees. After conducting a hearing, the Statewide Grievance Committee or the subcommittee issues a final decision containing one of the orders stated above. A copy of the final decision will be sent to you, the attorney against whom you complained, and to the Statewide Grievance Committee (if the hearing is conducted by a subcommittee) ordinarily not later than 120 days from the date of referral to the subcommittee. The final decision is a public record.

13. What if the attorney is presented to the Superior Court?

A presentment is an action taken to the Superior Court by the Statewide Bar Counsel asking the court to impose appropriate discipline, including suspension or disbarment from the practice of law.

A public trial may be held and the court may dismiss the presentment or may impose discipline (including reprimand, suspension or disbarment).

14. Can I recover financial losses?

The Statewide Grievance Committee may order an attorney to make restitution to a complainant. The committee does not automatically impose this sanction upon a finding of ethical misconduct. Therefore, if you have sustained any financial loss as a result of an attorney's conduct, you may also want to file a lawsuit against the attorney.

In addition, the Connecticut Judicial Branch has established a Client Security Fund, from which payment of a portion of any loss suffered may be made in certain limited types of cases involving professional misconduct. Information about the fund can be obtained from the Client Security Fund, Suite 1, Second Floor, 287 Main Street, East Hartford, Connecticut 06118-1885, Telephone: (860) 568-3450.

15. May I receive legal advice or assistance in the handling of my legal affairs from grievance panels or the Statewide Grievance Committee?

Conclusion

The Statewide Grievance Committee and the grievance panels seek fair and impartial enforcement of the Rules of Professional Conduct. Since this pamphlet cannot possibly cover the entire grievance mechanism, and is not designed as a substantive guide to the law, the Office of the Statewide Bar Counsel is available to answer your procedural questions.

Additional copies of this pamphlet may be obtained at any Superior Court Clerk's office or from the Judicial Branch website. You may visit the Judicial Branch website at www.jud.state.ct.us for additional information.