

THE DISCIPLINARY BOARD OF THE SUPREME COURT OF PENNSYLVANIA

FILING A COMPLAINT AGAINST AN ATTORNEY

Enclosed is a *Complaint Form* for your use in filing a formal complaint against an attorney. Also enclosed is the *Expectations* sheet.

COMPLAINT FORM

Complaints may be filed on the Disciplinary Board's website at www.padboard.org or on paper using the enclosed form. Be certain to thoroughly complete all sections of the form. You will receive acknowledgment of the receipt of your complaint from the Office of Disciplinary Counsel and appropriate steps will be taken to determine if a violation of the Rules of Professional Conduct and/or the Rules of Disciplinary Enforcement has occurred.

All paper complaints should be sent to the District Office in which the attorney practices, which can be found on our website at www.padboard.org.

DOCUMENTATION

You should provide copies of ALL documents to support your *Statement of Complaint*, which may include:

- Fee or Retainer Agreement and any payments made to the attorney
- Bank statements, if appropriate
- Correspondence, including letters, emails, and/or text messages
- Notes of conversations
- Court filings, including docket number and the court of jurisdiction

If you are unable to provide copies, please send original documents with a request to have the originals returned.

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COMPLAINT FORM

(Please Type or Print)

Date: _____

YOUR INFORMATION:

Mr./Mrs.
Name: Miss/Ms. Last: _____ First: _____ MI: _____ Suffix: _____

Address: Street: _____ City: _____ State: _____ ZIP: _____

Telephone: _____ Email: _____

ATTORNEY COMPLAINED OF:

Name: Last: _____ First: _____ MI: _____ Suffix: _____

Office Address: Street: _____ City: _____ State: _____ ZIP: _____

Telephone: _____ County: _____

LITIGATION:

If the attorney complained of represented or represents you in litigation (civil or criminal) please provide the caption, court, and docket number of the case.

PRIOR COMPLAINTS CONCERNING THIS MATTER OR THIS ATTORNEY:

Have you previously filed a complaint concerning this matter or this attorney with the Disciplinary Board, a Bar Association or its Fee Dispute Committee, any District Justice, Court, District Attorney, or any other agency or office?

YES _____ NO _____. If so, please identify the agency and specify the date and nature of your complaint and the action taken by the agency:

INSTRUCTIONS:

A written and signed statement of the facts must be filed with the Disciplinary Board before your complaint can be considered. Therefore, under *Statement of Complaint*, please fully and completely set forth the facts and circumstances of your complaint, including relevant dates, contacts you made with the attorney, the fee arrangement, dates and amounts paid to the attorney, services to be performed, the names and addresses of other individuals involved in the legal matter, *exactly what conduct you believe is unethical or illegal*, etc.

Please attach copies of all correspondence and/or documents relating to your case. If you send original documents and wish them returned to you, check here _____. If you have not attached any documentation, please explain why:

STATEMENT OF COMPLAINT: (Note: Attach as many additional pages as necessary to fully set forth all of the relevant facts and circumstances surrounding your complaint.)

CONFIDENTIALITY:

Staff of the Office of Disciplinary Counsel (ODC) and the Board are required to maintain the confidentiality of complaints and related investigations and proceedings unless and until one of the exceptions to confidentiality, as set forth in Enforcement Rule 402, applies. ODC staff may interview the respondent-attorney or other persons who may have information that is relevant to your complaint, and may disclose information when disclosure is permitted or required by Court or Board Rules.

IMMUNITY:

Enforcement Rule 209(a) provides that any person who communicates with Disciplinary Counsel or the Board relating to misconduct by a respondent-attorney or gives testimony before a hearing committee or special master in a proceeding conducted pursuant to the Enforcement Rules, shall be immune from civil suit based upon such communication or testimony.

(Date)

(Your Signature)

EXPECTATIONS

What should you expect?

- An acknowledgment of receipt of the complaint and assignment of a file number for future reference;
- A fair and impartial investigation performed by the Office of Disciplinary Counsel (ODC), wherein staff may communicate with you, the attorney, and in some cases, other parties, to obtain information;
- An efficient disposition of your complaint, being mindful of the complexity of the matter, cooperation of all parties, and availability of documents, among other things, which may affect the duration of the investigation; and
- To receive official notification of the disposition of your complaint.

What should you **NOT** expect?

- Assistance or advice from the Disciplinary Board or ODC with respect to your legal matter;
- Direction from the Disciplinary Board or ODC to your attorney to take or refrain from a particular action;
- Representation by the Disciplinary Board or ODC with respect to your legal matter;
- A referral by the Disciplinary Board or ODC to a new lawyer to handle your matter; or
- Reimbursement or other monetary compensation through the process.*

Fee Disputes

Fee disputes are not normally handled within the attorney disciplinary process. Individuals should pursue fee disputes with the Bar association in the county where the attorney practices.

** If you sustained a financial loss as a result of your attorney's dishonest conduct, you may file a claim with the Pennsylvania Lawyers Fund for Client Security (PaLFCS). Claim forms and additional information may be found on the PaLFCS website at www.palawfund.com.*